



**S.B. 213**  
126th General Assembly  
(As Introduced)

Sen. Clancy

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**BILL SUMMARY**

- To permit a licensed professional clinical counselor to take a person into custody if the counselor believes the person has a mental illness and poses a substantial threat to self or others.

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**CONTENT AND OPERATION**

**Custody of a mentally ill person**

Current law permits a person to be taken into custody if there is reason to believe that the person in question (a) is a "mentally ill person subject to hospitalization by court order"<sup>1</sup> and (b) represents a substantial risk of physical

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<sup>1</sup> A "mentally ill person subject to hospitalization by court order" is defined in section 5122.01(B) of the Revised Code as a mentally ill person who, because of the person's illness:

(1) Represents a substantial risk of physical harm to self as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm;

(2) Represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that place another in reasonable fear of violent behavior and serious bodily harm, or other evidence of present dangerousness;

(3) Represents a substantial and immediate risk of serious physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's basic physical needs because of the person's mental illness and that appropriate provision for those needs cannot be made immediately available in the community; or

harm to self or others if allowed to remain at liberty pending examination. The person can be taken into custody by any of the following: a psychiatrist; licensed clinical psychologist; licensed physician; health officer; parole officer; police officer; sheriff.

The person taking another into custody must provide a written statement to the hospital stating why that person believes that the person in question is a "mentally ill person subject to hospitalization by court order" and represents a substantial risk to self or others, and stating the circumstances under which the person in question was taken into custody.<sup>2</sup> (R.C. 5122.10.)

The bill would include licensed professional clinical counselors as persons with authority to take into custody a person thought to be mentally ill and posing a threat to the person's self or others.

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## HISTORY

ACTION	DATE
Introduced	10-25-05

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*(4) Would benefit from treatment in a hospital for the person's mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of other persons.*

<sup>2</sup>*Although the current law does not make explicit provisions, the person listed above is assumed to have the authority to transport the person in custody to a hospital. The assumption could be made explicit by an amendment to this bill or by a substitute bill.*

