



**Am. S.B. 53**

127th General Assembly

(As Reported by S. Health, Human Services & Aging)

**Sens. Clancy, D. Miller, Padgett, Spada**

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**BILL SUMMARY**

- Requires any qualified individual taking a person into custody due to a belief that the person is a mentally ill person subject to hospitalization by court order who represents a substantial risk of harm to self or others to transport them to a hospital within one hour of taking them into custody.
- Permits 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 of physical harm to the person's self or others.

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**CONTENT AND OPERATION**

**Current law**

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 physical 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

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; or sheriff.

The person taking another into custody may immediately transport the person in question to a hospital. 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. (R.C. 5122.10.)

### **The bill**

The bill requires any individual with authority to take a person into custody due to a belief that the person is a mentally ill person subject to hospitalization by court order who represents a substantial risk of harm to self or others to transport them to a hospital within one hour of taking them into custody.

The bill also includes licensed professional clinical counselors as persons with authority to take into custody a person thought to be a mentally ill person subject to hospitalization by court order and posing a threat of physical harm to the person's self or others.

The bill also clarifies language permitting a parolee or specified other offender to be taken into custody and transported to a hospital if the chief of the adult parole authority or a parole or probation officer, with the approval of the chief of the authority, believes that the parolee or offender is (1) a mentally ill person subject to hospitalization by court order and (2) represents a substantial risk of physical harm to self or others if allowed to remain at liberty pending examination. (R.C. 5122.10.)

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that appropriate provision for those needs cannot be made immediately available in the community; or

(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 others or the person.

"Mental illness" means a substantial disorder of thought, mood, perception, orientation or memory that grossly impairs judgment, behavior, capacity to recognize reality, or the ability to meet the ordinary demands of life (R.C. 5122.01(A)).

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## HISTORY

ACTION	DATE
Introduced	02-20-07
Reported, S. Health, Human Services, & Aging	03-15-07

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