

IC 12-26-4

Chapter 4. Immediate Detention

IC 12-26-4-1

Law enforcement officers; authority to apprehend, transport, and charge an individual with a mental illness

Sec. 1. A law enforcement officer, having reasonable grounds to believe that an individual has a mental illness, is either dangerous or gravely disabled, and is in immediate need of hospitalization and treatment, may do the following:

- (1) Apprehend and transport the individual to the nearest appropriate facility. The individual may not be transported to a state institution.
- (2) Charge the individual with an offense if applicable.

As added by P.L.2-1992, SEC.20. Amended by P.L.40-1994, SEC.55; P.L.99-2007, SEC.129; P.L.4-2013, SEC.1.

IC 12-26-4-1.5

Court's authority to order an individual transported for psychological evaluation

Sec. 1.5. If a court has reasonable grounds to believe that an individual:

- (1) has a mental illness;
- (2) is either dangerous or gravely disabled; and
- (3) is in immediate need of hospitalization and treatment;

the court may order a law enforcement officer to transport the individual to the nearest appropriate facility for a preliminary medical and psychological evaluation. The individual may not be transported to a state institution.

As added by P.L.62-2012, SEC.1. Amended by P.L.4-2013, SEC.2.

IC 12-26-4-2

Law enforcement officers; written statement of reasonable grounds

Sec. 2. A law enforcement officer who transports an individual to a facility under section 1 of this chapter shall submit to the facility a written statement containing the basis for the officer's conclusion that reasonable grounds exist under this chapter.

As added by P.L.2-1992, SEC.20.

IC 12-26-4-3

Law enforcement officers; written statement of reasonable grounds; filing

Sec. 3. The statement required by section 2 of this chapter shall be filed with both of the following:

- (1) The individual's records at the facility.
- (2) The appropriate court if action relating to any charges filed by the officer against the individual is pursued.

As added by P.L.2-1992, SEC.20.

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Emergency treatment

Sec. 4. The superintendent of the facility or a physician may furnish emergency treatment necessary to preserve the health and safety of the individual detained.

As added by P.L.2-1992, SEC.20.

IC 12-26-4-5**Length of detention**

Sec. 5. Except as provided in section 6 of this chapter, an individual may not be detained under this chapter for more than twenty-four (24) hours from the time of admission to the facility.

As added by P.L.2-1992, SEC.20.

IC 12-26-4-6**Detaining individual for more than 24 hours; emergency detention application**

Sec. 6. If the superintendent or the attending physician believes the individual should be detained for more than twenty-four (24) hours from time of admission to the facility, the superintendent or the physician must have an application filed for emergency detention under IC 12-26-5 immediately upon the earlier of the following:

(1) A judge becomes available.

(2) Within seventy-two (72) hours of admission to the facility.

As added by P.L.2-1992, SEC.20.

IC 12-26-4-7**Discharge**

Sec. 7. An individual detained under this chapter shall be discharged if either the attending physician or superintendent believes detention is no longer necessary.

As added by P.L.2-1992, SEC.20.

IC 12-26-4-8**Detention in addition to detention under IC 12-26-5**

Sec. 8. A period of detention under this chapter is in addition to a period of detention under IC 12-26-5.

As added by P.L.2-1992, SEC.20.

IC 12-26-4-9**County required to pay certain costs if an individual is determined not to be mentally ill**

Sec. 9. If it is determined that there were not reasonable grounds to believe that an individual had a mental illness and was either dangerous or gravely disabled when taken into custody and transported to a facility to be detained under section 1.5 of this chapter, the costs of transportation to the facility and care and maintenance in the facility during the period of detention shall be paid by the county in which the individual was taken into custody.

As added by P.L.62-2012, SEC.2. Amended by P.L.4-2013, SEC.3.