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## VA POLICE; M.H. TREATMENT

House Bills 5161 and 5163

Sponsor: Rep. Robert DeMars

Committee: Military & Veterans' Affairs

Complete to 10-26-93

### A SUMMARY OF HOUSE BILLS 5161 and 5163 AS INTRODUCED 10-26-93

Under the Mental Health Code, a peace officer (an officer of the Department of State Police, a local law enforcement officer, an officer of the U.S. Secret Service, or a VA police officer when acting in the performance of his or her duties on the grounds of a VA medical center reservation) may take an individual into protective custody when the director of a psychiatric hospital notifies the officer that a patient must be returned to a mental health hospital. House Bill 5161 would amend the definition of "peace officer" in the act (MCL 330.1400 et al.) to extend this authority to criminal investigators employed by the U.S. Department of Veterans' Affairs, and to remove the restriction that a VA police officer act only on a VA medical center reservation. Under the bill, a VA criminal investigator or police officer, upon notice from the director of a VA hospital, could take a person into protective custody in any county of the state and return that person to the hospital, unless the hospital director provided different instructions.

House Bill 5161 is tie-barred to House Bill 5163, which would amend the same sections of the Mental Health Code as well as a section allowing peace officers to take people into protective custody for purposes of beginning the process of involuntary commitment for mental health treatment. Under that section of the code, a peace officer may take into protective custody a person whose behavior causes the officer to reasonably believe that the individual is a "person requiring treatment" under the code (the criteria for involuntary commitment). Under House Bill 5163, VA criminal investigators or police officers could exercise the authority of a peace officer under this section of the Mental Health Code only on VA property, or on a public right-of-way traversing or immediately contiguous to VA property.

House Bills 5161 and 5163 (10-26-93)