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## VA POLICE OFFICER AUTHORITY

House Bill 4901

Sponsor: Rep. Eric Bush

Committee: Judiciary and Civil Rights

Complete to 1-30-96

### A SUMMARY OF HOUSE BILL 4901 (SUBSTITUTE H-1)

House Bill 4901 would amend the Mental Health Code (MCL 330.1100 et al.) to eliminate the restriction that a VA officer may take a patient into protective custody only on VA hospital grounds, and instead allow a VA criminal investigator or police officer to, upon receiving notice from the hospital director, go off hospital property to take a patient into protective custody and return the patient to the hospital (unless contrary directions are provided by the hospital's director). Currently, peace officers are permitted to take an individual, who was admitted under judicial order to a hospital or facility for treatment of mental illness and has either left the hospital without permission or has failed to return from an authorized absence, into protective custody and return him or her as ordered by the director of the hospital. The bill would allow a criminal investigator or police officer of the federal Department of Veterans Affairs to perform the same function concerning individuals who had left or failed to return to Veterans Affairs Hospitals.

The bill also would amend a section that allows a peace officer to take into protective custody a person whose behavior causes the officer to believe that the individual is a "person requiring treatment" under the code (which is the standard for involuntary commitment). The bill would allow a peace officer employed by the Department of Veterans Affairs to take into protective custody an individual who was behaving in a manner that caused the officer to reasonably believe that the individual was mentally ill and required treatment (because he or she posed a risk of physical harm to him or herself and/or others or was unable to attend to his or her basic physical needs). However, this authority would only be granted on property owned or leased by the federal government and under the jurisdiction of the federal Department of Veterans Affairs, or on a public right-of-way that traversed or was immediately contiguous to such property.

House Bill 4901 (1-30-96)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.