

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1504 Session of
2015

INTRODUCED BY MURT, CALTAGIRONE, COHEN, D. COSTA, DRISCOLL,
GODSHALL, KINSEY, ROZZI, THOMAS, WARD AND ZIMMERMAN,
AUGUST 14, 2015

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 14, 2015

AN ACT

1 Amending the act of July 9, 1976 (P.L.817, No.143), entitled "An
2 act relating to mental health procedures; providing for the
3 treatment and rights of mentally disabled persons, for
4 voluntary and involuntary examination and treatment and for
5 determinations affecting those charged with crime or under
6 sentence," in involuntary examination and treatment, further
7 providing for persons who may be subject to involuntary
8 emergency examination and treatment.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 301(b) of the act of July 9, 1976
12 (P.L.817, No.143), known as the Mental Health Procedures Act,
13 amended November 26, 1978 (P.L.1362, No.324), is amended to
14 read:

15 Section 301. Persons Who May be Subject to Involuntary
16 Emergency Examination and Treatment.--* * *

17 (b) Determination of Clear and Present Danger.--(1) Clear
18 and present danger to others shall be shown by establishing that
19 within the past 30 days the person has inflicted or attempted to
20 inflict serious bodily harm on another and that there is a

1 reasonable probability that such conduct will be repeated. If,
2 however, the person has been found incompetent to be tried or
3 has been acquitted by reason of lack of criminal responsibility
4 on charges arising from conduct involving infliction of or
5 attempt to inflict substantial bodily harm on another, such 30-
6 day limitation shall not apply so long as an application for
7 examination and treatment is filed within 30 days after the date
8 of such determination or verdict. In such case, a clear and
9 present danger to others may be shown by establishing that the
10 conduct charged in the criminal proceeding did occur, and that
11 there is a reasonable probability that such conduct will be
12 repeated. For the purpose of this section, a clear and present
13 danger of harm to others may be demonstrated by proof that the
14 person has made threats of harm and has committed acts in
15 furtherance of the threat to commit harm.

16 (2) Clear and present danger to himself shall be shown by
17 establishing that within the past 30 days:

18 (i) the person has acted in such manner as to evidence that
19 he would be unable, without care, supervision and the continued
20 assistance of others, to satisfy his need for nourishment,
21 personal or medical care, shelter, or self-protection and
22 safety, and that there is a reasonable probability that death,
23 serious bodily injury or serious physical debilitation would
24 ensue [within 30 days] unless adequate treatment were afforded
25 under this act; or

26 (ii) the person has attempted suicide and that there is the
27 reasonable probability of suicide unless adequate treatment is
28 afforded under this act. For the purposes of this subsection, a
29 clear and present danger may be demonstrated by the proof that
30 the person has made threats to commit suicide and has committed

1 acts which are in furtherance of the threat to commit suicide;

2 or

3 (iii) the person has substantially mutilated himself or
4 attempted to mutilate himself substantially and that there is
5 the reasonable probability of mutilation unless adequate
6 treatment is afforded under this act. For the purposes of this
7 subsection, a clear and present danger shall be established by
8 proof that the person has made threats to commit mutilation and
9 has committed acts which are in furtherance of the threat to
10 commit mutilation.

11 Section 2. This act shall take effect in 60 days.