
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 449 Session of
2017

INTRODUCED BY MURT, CALTAGIRONE, DeLUCA, DRISCOLL, IRVIN,
LONGIETTI, READSHAW, ROZZI AND WHEATLEY, FEBRUARY 13, 2017

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 13, 2017

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, is
13 amended to read:

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

16 (b) Determination of Clear and Present Danger.--(1) Clear
17 and present danger to others shall be shown by establishing that
18 within the past 30 days the person has inflicted or attempted to
19 inflict serious bodily harm on another and that there is a
20 reasonable probability that such conduct will be repeated. If,
21 however, the person has been found incompetent to be tried or

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

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

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

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

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

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