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Act No. 25 (S. 47). An act relating to the transport of individuals requiring psychiatric care

Subjects: Health; mental health; transportation; temporary custody; restraint

Sec. 1 of this act makes multiple amendments to 18 V.S.A. § 7505. It first requires that an application for a warrant for an emergency examination be based on facts personally observed by a mental health professional or a law enforcement officer or be supported by a statement of facts under penalty of perjury by a person who personally observed the facts that form the basis of the application. It further specifies that a law enforcement officer may take a person into temporary custody if the law enforcement officer has probable cause to believe that the person poses a risk of harm to self or others. The law enforcement officer or mental health professional must then apply to the court for the warrant without delay while the person is in temporary custody. The law enforcement officer, or a mental health professional if clinically appropriate, may then transport the person if the law enforcement officer or mental health professional conducting the transport has probable cause to believe that the person poses a risk of harm to self or others. This act allows a judge to order only a law enforcement officer to transport the person to a hospital for an evaluation by a licensed physician to determine if the person should be certified for an emergency examination. This act also requires that transports conducted pursuant to a warrant include the same protections as provided to individuals in the custody of the Commissioner of Mental Health transported pursuant to 18 V.S.A. § 7511.

Sec. 2 of this act amends 18 V.S.A. § 7511 to require law enforcement vehicles to have soft restraints available as a first option and the use of mechanical restraints as a substitute if soft restraints are not deemed adequate for safety.

Sec. 3 of this act requires the Department of Mental Health, in collaboration with specified stakeholders, to submit a report to the General Assembly containing any proposed changes to the warrant process in 18 V.S.A. § 7505, including mechanisms to reduce safety risks and reduce delays in accessing care.

Effective Date: July 1, 2023