

## STATE HOLDING PERIODS FOR EMERGENCY INVOLUNTARY COMMITMENTS

This memorandum provides information regarding the statutorily authorized holding period for emergency involuntary commitments of each state and information regarding detail of laws relating to the holding period for emergency involuntary commitments for selected states. In summary, 3 states allow a holding period that is less than 24 hours, 14 states allow up to a 24-hour holding period, 7 states allow up to a 48-hour holding period, 21 states allow up to a 72-hour holding period, and 5 states allow a holding period that is more than 72 hours. The following schedule provides information regarding a summary of the holding periods for emergency involuntary commitments in each state.

State	State's Statute	Holding Period for Emergency Involuntary Commitments
Alabama	Code of Alabama Section 22-52-91	Up to 7 days from initial date of confinement
Alaska	Alaska Statutes Section 47.30.705	Up to 72 hours
Arizona	Arizona Revised Statutes Section 36-527	Up to 24 hours, excluding weekends and holidays
Arkansas	Arkansas Code Section 20-47-210	Up to 72 hours, excluding weekends and holidays
California	California Welfare and Institutions Code Section 5150	Up to 72 hours
Colorado	Colorado Revised Statutes Section 27-65-105	Up to 72 hours
Connecticut	General Statutes of Connecticut Section 17a-503a	Up to 72 hours
Delaware	Delaware Code Section 5006	Up to 48 hours
Florida	Florida Statutes Section 394.463	Up to 72 hours
Georgia	Official Code of Georgia Annotated Section 37-3-43	Up to 48 hours
Hawaii	Hawaii Revised Statutes Section 334-59	Up to 48 hours
Idaho	Idaho Code Section 66-326	Up to 24 hours
Illinois	405 Illinois Compiled Statutes Section 5/3-604	Up to 24 hours
Indiana	Indiana Code Section 12-26-5-1	Up to 72 hours, excluding weekends and holidays
Iowa	Iowa Code Section 229.22(3)	Up to 48 hours, excluding weekends and holidays
Kansas	Kansas Statutes Section 59-2953	If no physician or psychologist is on duty at the time the person is transported to the treatment facility, the person shall be examined within a reasonable time not to exceed 17 hours.
Kentucky	Kentucky Revised Statutes Section 202A.041	Up to 18 hours
Louisiana	West's Louisiana Statutes Annotated Section 28:53	Up to 72 hours
Maine	Maine Revised Statutes Title 34B Section 3863	Up to 24 hours
Maryland	Annotated Code of Maryland Section 10-624	Up to 30 hours
Massachusetts	Massachusetts General Laws Chapter 123 Section 12	Up to 72 hours
Michigan	Michigan Compiled Laws Section 330.1438	Up to 24 hours
Minnesota	Minnesota Statutes Section 253B.05	Up to 72 hours
Mississippi	Mississippi Code Section 41-21-67	Up to 72 hours
Missouri	Missouri Revised Statutes Section 632.305	Up to 96 hours
Montana	Montana Code Annotated Section 53-21-129	Until the next regular business day
Nebraska	Nebraska Revised Statutes Section 71-919	Up to 36 hours
Nevada	Nevada Revised Statutes Section 433A.150	Up to 72 hours
New Hampshire	New Hampshire Revised Statutes Annotated Section 135-C:31	Up to 72 hours, excluding Sunday and holidays
New Jersey	New Jersey Permanent Statutes Section 30:4-27.5	Up to 24 hours
New Mexico	New Mexico Statutes Annotated Section 43-1-10	Up to 72 hours, excluding weekends and holidays

State	State's Statute	Holding Period for Emergency Involuntary Commitments
New York	New York Mental Hygiene Law Section 9.39	Up to 48 hours
North Carolina	North Carolina General Statutes Section 122C-262	Up to 24 hours, excluding weekends and holidays
North Dakota	North Dakota Century Code Section 25-03.1-25	Up to 23 hours
Ohio	Ohio Revised Code Section 5122.10	Up to 72 hours
Oklahoma	Oklahoma Statutes 43A Section 5-206	Up to 120 hours, excluding weekends and holidays
Oregon	Oregon Revised Statutes Section 426.232	Up to 5 judicial days
Pennsylvania	Pennsylvania Consolidated Statutes Section 7301	Up to 120 hours
Rhode Island	Rhode Island General Laws Section 40.1-5-7(a)(1)	Up to 72 hours
South Carolina	South Carolina Code of Laws Section 44-17-410	Up to 48 hours, excluding weekends and holidays
South Dakota	South Dakota Codified Laws Section 27A-10-1	Within 24 hours of apprehension of the person
Tennessee	Tennessee Code Annotated Section 33-6-414	Up to 24 hours, if judge not available
Texas	Texas Health and Safety Code Section 573.021	Up to 48 hours, excluding weekends and holidays
Utah	Utah Code Annotated Section 62A-15-629	Up to 24 hours, excluding weekends and holidays
Vermont	Vermont Statutes Annotated Title 18 Section 7508	Up to 24 hours
Virginia	Code of Virginia Section 37.2-809	Up to 72 hours
Washington	Revised Code of Washington Section 71.05.153	Up to 72 hours
West Virginia	West Virginia Code Section 27-5-2	Up to 72 hours
Wisconsin	Wisconsin Statutes and Annotations Section 51.15	Up to 72 hours
Wyoming	Wyoming Statutes Annotated Section 25-10-109	Up to 72 hours, excluding weekends and holidays

The following schedule provides additional information regarding the holding period for emergency involuntary commitments for selected states, including North Dakota, Iowa, Minnesota, Montana, South Dakota, and Wyoming.

State	Holding Period for Emergency Involuntary Commitments	Law
<b>North Dakota</b> North Dakota Century Code Section 25-03.1-25	Up to 23 hours	<p>1. When a peace officer, physician either in person or directing an emergency medical services professional, psychiatrist, physician assistant, psychologist, advanced practice registered nurse, or mental health professional has reasonable cause to believe that an individual is a person requiring treatment and there exists a serious risk of harm to that individual, others, or property of an immediate nature that considerations of safety do not allow preliminary intervention by a magistrate, the peace officer, physician either in person or directing an emergency medical services professional, psychiatrist, physician assistant, psychologist, advanced practice registered nurse, or mental health professional, using the screening process set forth in section 25-03.1-04, may cause the individual to be taken into custody and detained at a treatment facility as provided in subsection 3, and subject to section 25-03.1-26, except that if emergency conditions exist that prevent the immediate conveyance of the individual to a public treatment facility, a private facility that has adequate resources and capacity to hold that individual may hold the individual in anticipation of conveyance to a public treatment facility for up to twenty-three hours:</p> <p>a. Without conducting an immediate examination required under section 25-03.1-26; and</p> <p>b. Without following notice and hearing requirements for a transfer.</p>
<b>Iowa</b> Iowa Code Section 229.22(3)	Up to 48 hours, excluding weekends and holidays	The chief medical officer of the hospital shall examine and may detain and care for the person taken into custody under the magistrate's order for a period not to exceed forty-eight hours from the time such order is dated, excluding Saturdays, Sundays and holidays, unless the order is sooner dismissed by a magistrate.

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<p><b>Minnesota</b> Minnesota Statutes Section 253B.05</p> <p><b>Montana</b> Montana Code Annotated Section 53-21-129</p>	<p>Up to 72 hours</p> <p>Until the next regular business day</p>	<p>Every person held pursuant to this section must be informed in writing at the time of admission of the right to leave after 72 hours, to a medical examination within 48 hours, and to request a change to voluntary status. The treatment facility shall, upon request, assist the person in exercising the rights granted in this subdivision.</p> <p>(1) When an emergency situation as defined in 53-21-102 exists, a peace officer may take any person who appears to have a mental disorder and to present an imminent danger of death or bodily harm to the person or to others or who appears to have a mental disorder and to be substantially unable to provide for the person's own basic needs of food, clothing, shelter, health, or safety into custody only for sufficient time to contact a professional person for emergency evaluation. If possible, a professional person should be called prior to taking the person into custody.</p> <p>(2) If the professional person agrees that the person detained is a danger to the person or to others and that an emergency situation as defined in 53-21-102 exists, then the person may be detained and treated until the next regular business day. At that time, the professional person shall release the detained person or file findings with the county attorney who, if the county attorney determines probable cause to exist, shall file the petition provided for in 53-21-121 through 53-21-126 in the county of the respondent's residence. In either case, the professional person shall file a report with the court explaining the professional person's actions.</p> <p>(3) The county attorney of a county may make arrangements with a federal, state, regional, or private mental facility or with a mental health facility in a county for the detention of persons held pursuant to this section. If an arrangement has been made with a facility that does not, at the time of the emergency, have a bed available to detain the person at that facility, the person may be transported to the state hospital or to a behavioral health inpatient facility, subject to 53-21-193 and subsection (4) of this section, for detention and treatment as provided in this part. This determination must be made on an individual basis in each case, and the professional person at the local facility shall certify to the county attorney that the facility does not have adequate room at that time.</p> <p>(4) Before a person may be transferred to the state hospital or to a behavioral health inpatient facility under this section, the state hospital or the behavioral health inpatient facility must be notified prior to transfer and shall state whether a bed is available for the person. If the professional person determines that a behavioral health inpatient facility is the appropriate facility for the emergency detention and a bed is available, the county attorney shall direct the person to the appropriate facility to which the person must be transported for emergency detention.</p>
<p><b>South Dakota</b> South Dakota Codified Laws Section 27A-10-1</p>	<p>Within 24 hours of apprehension of the person</p>	<p>Petition asserting need for immediate intervention of mentally ill person--Contents. If any person is alleged to be severely mentally ill and in such condition that immediate intervention is necessary for the protection from physical harm to self or others, any person, eighteen years of age or older, may complete a petition stating the factual basis for concluding that such person is severely mentally ill and in immediate need of intervention. The petition shall be upon a form and be verified by affidavit. The petition shall include the following:</p> <p>(1) A statement by the petitioner that the petitioner believes, on the basis of personal knowledge, that such person is, as a result of severe mental illness, a danger to self or others;</p> <p>(2) The specific nature of the danger;</p> <p>(3) A summary of the information upon which the statement of danger is based;</p> <p>(4) A statement of facts which caused the person to come to the petitioner's attention;</p>

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<p><b>Wyoming</b> Wyoming Statutes Annotated Section 25-10-109</p>	<p>Up to 72 hours, excluding weekends and holidays</p>	<p>(5) The address and signature of the petitioner and a statement of the petitioner's interest in the case; and</p> <p>(6) The name of the person to be evaluated; the address, age, marital status, and occupation of the person and the name and address of the person's nearest relative.</p> <p>The state's attorney or other person designated by the board of county commissioners shall assist the petitioner in completing the petition. No designee may be a member of the county board of mental illness. Upon completion of the petition, the petition shall be forthwith submitted to the chair of the county board of mental illness where such severely mentally ill person is found. The term, forthwith, means that the petition shall be completed and submitted to the chair at the earliest possible time during normal waking hours. If a petition is not filed with the chair within twenty-four hours of the apprehension of the person, the person shall be released. If the person is released, the referring county shall provide the person with transportation to the county where the person was taken into custody if the person so chooses. If the county where the person was apprehended is served by a board other than the board serving the county where the facility to which the person is transported is located, a copy of the petition shall also be forthwith filed with the chair of such board.</p> <p>(a) When a law enforcement officer or examiner has reasonable cause to believe a person is mentally ill pursuant to W.S. 25-10-101, the person may be detained.</p> <p>(b) Immediately after detaining the person, the officer shall contact an examiner. A preliminary examination of the person shall be conducted by an examiner within twenty-four (24) hours after the detention. If a preliminary examination is not conducted within twenty-four (24) hours the detained person shall be released. If the examiner giving the preliminary examination finds that the person:</p> <ul style="list-style-type: none"> <li>(i) Is not mentally ill, the person shall be released immediately;</li> <li>(ii) Was mentally ill, but is no longer dangerous to himself or others, the person shall be released immediately; or</li> <li>(iii) Is mentally ill, the person may be detained for seventy-two (72) hours excluding Saturdays, Sundays and legal holidays.</li> </ul> <p>(c) No person shall be detained for more than seventy-two (72) hours, excluding Saturdays, Sundays and legal holidays, without a hearing under subsections (h) through (k) of this section.</p>