



**Maine State Legislature
Office of Policy and Legal Analysis**

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OFFICE OF POLICY AND LEGAL ANALYSIS

Date: March 10, 2020

To: Joint Standing Committee on Health & Human Services

From: Erin Dooling, Esq., Legislative Analyst

LD 1295, An Act To Determine the Need To Increase the Number of Forensic Emergency and Crisis Beds

DISPOSITION: LD 1295 was referred to the Criminal Justice and Public Safety Committee during the First Regular Session and the Committee carried it over to the Second Regular Session. It had a public hearing on January 17, 2020. The sponsor proposed an amendment to her bill during the public hearing. The Committee held work sessions on the bill on January 22 and February 12 and voted to re-refer the bill to the Health and Human Services Committee. It was referred to this Committee on March 3.

SUMMARY OF ORIGINAL BILL: This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to direct the Department of Health and Human Services and the Department of Corrections to determine the current need for forensic emergency and crisis beds to ensure the prompt and humane treatment of arrested individuals who are suffering from mental illness and awaiting trial. In making this determination, the departments shall consider:

1. The number of currently available forensic emergency and crisis beds;
2. The number of individuals currently awaiting placement pretrial;
3. The annual average number of individuals needing forensic services pretrial;
4. Proposals to address unmet needs and associated costs; and
5. Other factors that would lessen wait times for placements and provide needed mental health services to individuals pretrial.

SUMMARY OF PROPOSED AMENDMENT FROM SPONSOR: The Sponsor's proposed amendment would create 3 mental health receiving centers (Kennebec County, Cumberland County, Penobscot County) to divert from arrest persons who have come into contact with law enforcement as a result of experiencing a mental health crisis but who are not under arrest. The amendment provides requirements for 24/7 services, including trained peer support, assessment and medication management. The amendment also provides for resource identification and connections to appropriate services and supports, crisis stabilization or inpatient care, as applicable.

The amendment also directs each prosecutorial district to establish a committee of at least one prosecutor and one defense attorney to develop a plan for how criminal or civil cases for persons with immediate mental health needs can move forward without unreasonable delay and in coordination with treatment services. Recommendations must be based on national best practice guidelines for persons with mental illness. The committee may establish a mental health docket within that prosecutorial district.

PROPOSED AMENDMENTS FROM TESTIMONY:

- *Lisa Harvey-McPherson (Northern Light Health):*
 - Provide medical clearance as a standard of care for the receiving centers:
 - In order to determine whether persons have other conditions that can cause psychiatric symptoms; and
 - Medical oversight for persons experiencing withdrawal from substances
 - Planning for the safety of staff and persons at the mental health receiving centers (security plan and security staff).
- *Jenna Mehnert (NAMI):* Incorporate use of Crisis Intervention Teams (CIT).

DRAFTING ISSUES:

- Membership of the committee within each prosecutorial district

FISCAL IMPACT: Not yet determined.