

HB2728



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2728

Introduced 2/16/2023, by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

50 ILCS 754/30

Amends the Community Emergency Services and Support Act. Removes provisions prohibiting responders from assisting in the involuntary commitment of an individual.

LRB103 29726 AWJ 56132 b

A BILL FOR

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Community Emergency Services and Support
5 Act is amended by changing Section 30 as follows:

6 (50 ILCS 754/30)

7 Sec. 30. State prohibitions. 9-1-1 PSAPs, emergency
8 services dispatched through 9-1-1 PSAPs, and the mobile mental
9 and behavioral health service established by the Division of
10 Mental Health must coordinate their services so that, based on
11 the information provided to them, the following State
12 prohibitions are avoided:

13 (a) Law enforcement responsibility for providing mental
14 and behavioral health care. In any area where responders are
15 available for dispatch, law enforcement shall not be
16 dispatched to respond to an individual requiring mental or
17 behavioral health care unless that individual is (i) involved
18 in a suspected violation of the criminal laws of this State, or
19 (ii) presents a threat of physical injury to self or others.
20 Responders are not considered available for dispatch under
21 this Section if 9-8-8 reports that it cannot dispatch
22 appropriate service within the maximum response times
23 established by each Regional Advisory Committee under Section

1 45.

2 (1) Standing on its own or in combination with each
3 other, the fact that an individual is experiencing a
4 mental or behavioral health emergency, or has a mental
5 health, behavioral health, or other diagnosis, is not
6 sufficient to justify an assessment that the individual is
7 a threat of physical injury to self or others, or requires
8 a law enforcement response to a request for emergency
9 response or medical transportation.

10 (2) If, based on its assessment of the threat to
11 public safety, law enforcement would not accompany medical
12 transportation responding to a physical health emergency,
13 unless requested by responders, law enforcement may not
14 accompany emergency response or medical transportation
15 personnel responding to a mental or behavioral health
16 emergency that presents an equivalent level of threat to
17 self or public safety.

18 (3) Without regard to an assessment of threat to self
19 or threat to public safety, law enforcement may station
20 personnel so that they can rapidly respond to requests for
21 assistance from responders if law enforcement does not
22 interfere with the provision of emergency response or
23 transportation services. To the extent practical, not
24 interfering with services includes remaining sufficiently
25 distant from or out of sight of the individual receiving
26 care so that law enforcement presence is unlikely to

1 escalate the emergency.

2 (b) (Blank). ~~Responder involvement in involuntary~~
3 ~~commitment. In order to maintain the appropriate care~~
4 ~~relationship, responders shall not in any way assist in the~~
5 ~~involuntary commitment of an individual beyond (i) reporting~~
6 ~~to their dispatching entity or to law enforcement that they~~
7 ~~believe the situation requires assistance the responders are~~
8 ~~not permitted to provide under this Section; (ii) providing~~
9 ~~witness statements; and (iii) fulfilling reporting~~
10 ~~requirements the responders may have under their professional~~
11 ~~ethical obligations or laws of this state. This prohibition~~
12 ~~shall not interfere with any responder's ability to provide~~
13 ~~physical or mental health care.~~

14 (c) Use of law enforcement for transportation. In any area
15 where responders are available for dispatch, unless requested
16 by responders, law enforcement shall not be used to provide
17 transportation to access mental or behavioral health care, or
18 travel between mental or behavioral health care providers,
19 except where no alternative is available.

20 (d) Reduction of educational institution obligations. The
21 services coordinated under this Act may not be used to replace
22 any service an educational institution is required to provide
23 to a student. It shall not substitute for appropriate special
24 education and related services that schools are required to
25 provide by any law.

26 (Source: P.A. 102-580, eff. 1-1-22.)