

202A.041 Warrantless arrest and subsequent proceedings.

- (1) Any peace officer who has reasonable grounds to believe that an individual is mentally ill and presents a danger or threat of danger to self, family, or others if not restrained may take the individual into custody and transport the individual without unnecessary delay to a hospital or psychiatric facility designated by the cabinet for the purpose of an evaluation to be conducted by a contract mental health evaluator. Upon transport of the person to the hospital or psychiatric facility, the peace officer shall provide written documentation which describes the behavior of the person which caused the peace officer to take the person into custody. If, after evaluation, the contract mental health evaluator finds that the person does not meet the criteria for involuntary hospitalization, the person shall be released immediately and transported back to the person's home county by an appropriate means of transportation as provided in KRS 202A.101. If, after evaluation, the contract mental health evaluator finds that the person meets the criteria for involuntary hospitalization, appropriate proceedings under this chapter shall be initiated. The person may be held pending certification by a contract mental health evaluator and implementation of procedures as provided in KRS 202A.028, 202A.031, or 202A.051 for a period not to exceed eighteen (18) hours.
- (2) When a peace officer has custody of an individual at a post, sheriff's office, or police department pursuant to this section, and is required to maintain custody of the individual for more than three (3) hours after requesting evaluation by a contract mental health evaluator designated by the cabinet to conduct evaluations prior to admission to a hospital or psychiatric facility, state compensation shall be reduced by five percent (5%) for every ten (10) minutes the sheriff or other peace officer with custody over the person is required to remain with the person after first delay of contact as documented by the sheriff or other peace officer.
- (3) If, after the evaluation, the contract mental health evaluator finds that the person does not meet the criteria for involuntary hospitalization and the peace officer has probable cause to believe that the person has committed a criminal offense, the peace officer may swear out a warrant and take the arrested person without unnecessary delay before a judge.

Effective: July 15, 2024

History: Amended 2024 Ky. Acts ch. 68, sec. 9, effective July 15, 2024. -- Amended 1994 Ky. Acts ch. 498, sec. 3, effective July 15, 1994. -- Amended 1988 Ky. Acts ch. 139, sec. 4, effective July 15, 1988. -- Created 1982 Ky. Acts ch. 445, sec. 6, effective July 1, 1982.

Legislative Research Commission Note. This section was enacted in 1982 Acts, Chapter 445, which contains the following language in Section 45 of that Act: "This Act shall become effective on July 1, 1982," The Ky. Constitution, in Section 55, requires that a reason be set forth for the emergency. However, no reason is set forth in this Act. The effective date for 1982 Acts with no emergency provision is July 15, 1982.