

MENTAL HEALTH CODE (EXCERPT)
Act 258 of 1974

***** 330.1427a.amended *THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2022 REGULAR SESSION SINE DIE* *****

330.1427a.amended Protective custody; use of force; protective steps; individual not under arrest; entry.

Sec. 427a. (1) If a peace officer is taking an individual into protective custody, the peace officer may use that kind and degree of force that would be lawful if the peace officer were effecting an arrest for a misdemeanor without a warrant. In taking an individual into custody, a peace officer may take reasonable steps for self-protection. In transporting an individual, a security transport officer may take reasonable steps for self-protection. The protective steps may include a pat down search of the individual in the individual's immediate surroundings, but only to the extent necessary to discover and seize a dangerous weapon that may be used against the peace officer, security transport officer, or other person present. These protective steps must be taken by the peace officer or security transport officer before the individual is transported to a preadmission screening unit or a hospital designated by the community mental health services program.

(2) Taking an individual to a community mental health services program's preadmission screening unit or a hospital under section 427 by a peace officer is not an arrest, but is a taking into protective custody. The peace officer must inform the individual that he or she is being held in protective custody and is not under arrest. An entry must be made indicating the date, time, and place of the taking, but the entry must not be treated for any purpose as an arrest or criminal record.

History: Add. 1978, Act 598, Imd. Eff. Jan. 4, 1979;—Am. 1995, Act 290, Eff. Mar. 28, 1996;—Am. 2022, Act 146, Eff. (sine die).