ESSENTIAL INFORMATION
May 2016

Long-Term Involuntary Commitment Laws
Prepared by the Policy Surveillance Program Staff

SUMMARY
This interactive map focuses on the state laws and regulations that govern the procedures used to place a person into long-term involuntary commitment. It catalogs the circumstances when the state authorities may place a person in a long-term involuntary commitment, who can initiate this process, and what rights are afforded to those held in a long-term involuntary commitment.

ABOUT LONG-TERM INVOLUNTARY COMMITMENT LAWS & THE DATA
Long-term involuntary commitment laws permit psychiatric facilities to accept a patient for an extended amount of time, without the patient’s consent, if they are displaying dangerous symptoms of a mental illness. Generally, long-term involuntary commitment proceedings may be initiated when an individual poses a danger to himself or others as a result of mental illness, is gravely disabled, or is unable to meet their basic needs.

All 50 states and the District of Columbia have laws regulating long-term involuntary commitment. State laws vary on the duration of commitment, the rights that must be provided to a committed patient, and the subsequent limitations, if any, on a patient’s right to possess a firearm under state gun laws long-term involuntary commitment laws authorize the hospitalization of individuals who display dangerous symptoms of mental illness in a health care facility, without their consent, for evaluation and treatment. Long-term involuntary commitment begins with an initial period of commitment that varies in duration from 14 days to one year, depending on state laws. After this period has passed, 43 states and the District of Columbia require a new court order to extend the patient’s commitment period.

Every jurisdiction in the United States has long-term involuntary commitment laws, but they vary on how and when a person may be committed. In O’Connor v. Donaldson, the Supreme Court held that a person may not be involuntarily committed if they are non-dangerous and capable of surviving safely independently or with assistance in the community. Forty-six states require that a person is determined to be both mentally ill and a danger to themselves or others before they may be involuntary committed. In Olmstead v. L.C., the Supreme Court mandated that segregation of persons with disabilities from community-based programs constitutes unlawful discrimination, and persons with disabilities must receive services in integrated community settings, if appropriate to their treatment needs. Forty-nine states and D.C. mandate that a person eligible for long-term involuntary commitment receive treatment in the least restrictive setting possible, in compliance with the Olmstead decision.

Many states provide specific rights for patients within long-term involuntary commitment laws. States provide various due process rights to individuals during initial court hearings to determine the need for commitment, including the right to be present at the hearing, the right to a jury trial.
and the right to present evidence. Because long-term involuntary commitment severely restricts a person’s freedom, states also grant rights to a committed patient to protect the dignity of hospitalized persons. These rights vary from state to state, and can include the right to refuse medication, to work and to vote, among others.

Federal law prohibits any person who has been adjudicated as mentally ill to obtain a firearm or ammunition. Under federal law, commitment results in restriction from purchasing or possessing firearms if there is an adjudicatory process or a determination by a judicial authority that the patient is seriously mentally ill. Some states, however, require that physicians initiate a separate firearm hearing in order to restrict firearm rights. In these states, a person’s involuntary commitment alone is not sufficient to restrict the person’s firearm rights. In 2016, 46 states and D.C. limit the firearm rights of those who have been placed in long-term involuntary commitment.

NAVIGATING THE DATA

There are two ways to navigate the data by clicking the Filter tab or the Explore tab — for each option, the data can be visualized in a map and table format or in jurisdiction profiles.

Filter

The dataset homepage will default to the Filter tab. Here, users may answer a series of questions to learn more about the characteristics of the laws. Answering more than one question will show all the jurisdictions that meet the combined criteria. Criteria selected will be listed above the questions, and can be removed by clicking the white X or by clicking “Reset” above the questions.

Explore

Users can access Explore by clicking the Explore tab in the bar above the questions. Using Explore, users will see the answers to one question across all jurisdictions.

The primary questions in this dataset are:

1. Is there a state law regulating involuntary commitment?
2. What are the criteria for involuntary commitment of an individual?
3. Who can initiate involuntary commitment?
4. Does an individual need to be in emergency commitment before a petition for involuntary commitment can be filed?
5. Who may conduct the prehearing court-ordered evaluation(s)?
6. Does the law explicitly permit the individual to seek an additional independent medical opinion?
7. What rights does an individual have at the commitment hearing?
8. Does state law comply with the Olmstead Decision by specifying less restrictive treatment?
9. What is the initial period of court-ordered commitment?
10. What rights must be provided to a committed patient?
11. Does involuntary commitment limit an individual's right to possess a firearm?
DISPLAYING THE RESULTS

There are two display modes once criteria have been selected by using either the Filter or Explore tab — Map display mode and Profiles display mode.

Map Display
LawAtlas.org dataset homepages default to the map display mode. When querying the data using the Filter tab, all jurisdictions that meet the criteria selected will display in one tone of yellow. Those jurisdictions that do not meet the criteria selected will be colored gray. When querying the data using the Explore tab, the map will illuminate with colors from yellow to red that are associated with the various answer choices (the color-coding is defined by the key to the left of the map).

Below the map, a table will appear. Using the Filter or Explore tab to navigate the questions will change the display:

- Using the Filter tab, you can select an unlimited number of criteria and the applicable jurisdictions that meet the combined criteria will be displayed in the table below.
- Using the Explore tab, you can isolate a single criterion and the applicable jurisdictions will appear in the table below.

Profiles Display
The Profiles display presents the results of the criteria selected in a text-based format for each applicable jurisdiction. Using the Filter tab, jurisdictions that meet the criteria selected will display. Using the Explore tab, jurisdictions that meet the criterion selected will display. If no criteria are selected, the full profiles for each state will appear under both Filter and Explore.

Profile Legend
Within each Profile box, above the questions and answers, there are additional options and information useful in exploring the law:

<table>
<thead>
<tr>
<th>Icon</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>§§</td>
<td>Toggle Legal Text – Selecting this option will show all the legal text used to answer questions for this jurisdiction.</td>
</tr>
<tr>
<td></td>
<td>Toggle Full Place Profile – Selecting this option will show all questions and answers for this jurisdiction, regardless of what was selected using the Filter or Explore tabs.</td>
</tr>
<tr>
<td></td>
<td>Toggle Size – Selecting this option will make the profile larger, but will not change the information displayed.</td>
</tr>
</tbody>
</table>
Legal Text History – This interactive timeline displays when changes in the law have occurred within a jurisdiction. Using the arrows to the left or right, users may explore how the law has changed over time as new amendments to the law have been enacted. The timeline will change from gray to a shade of yellow when the jurisdiction passed its first relevant law. Each change in the law after that is marked by a break in the timeline.

Map and Profile Legend
There are a few symbols to be aware of in both Map and Profiles display modes:

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>§</td>
<td>Section Symbol – Clicking this symbol will open a window that displays excerpts from the law that correspond to the question and answer.</td>
</tr>
<tr>
<td>⚠️</td>
<td>Caution Note – Clicking on this symbol will open a small window that displays text that describes important caveats about the question and answer.</td>
</tr>
</tbody>
</table>

DATASET RESOURCES
Each dataset homepage includes the following resources available for download:

- **Data**: The Data file exports in CSV format and may contain two tabs. The “Statistical Data” tab contains the legal variables coded in the dataset, displayed as values defined in the accompanying Codebook. The “Summary Data” tab contains the legal variables coded in the dataset in text form, as well as the accompanying citations and any caution notes that may be included. Note: if there is only one tab available for download it will be the “Statistical Data” as described above.

- **Codebook**: The Codebook defines all of the coded variables in the dataset. The Codebook lists the question, question type, variable name, variable value and variable label. The Codebook should be used in conjunction with the Statistical Data extract.

- **Research Protocol**: The Research Protocol is a comprehensive document that outlines the entire methodology of the project, including the scope, inclusion and exclusion criteria, data collection methods, definitions, coding scheme decisions, as well as the quality control process.

- **Summary Report**: The Summary Report provides a snapshot of important findings from the dataset.

ADDITIONAL INFORMATION
For more public health law research on how governments deliver treatment to non-consenting individuals, please refer to the following resource:

For more information about mental illness and firearms, please see the scholarship of Jeffrey Swanson, PhD on Firearms Laws, Mental Disorders, and Violence.

This collection of laws does not provide legal advice nor does it address enforcement of laws, administrative policies, case law, or any other sources of law. Should you have a specific question about these laws in your state, please contact an attorney in your jurisdiction.