

PROPOSED AMENDMENT

SB 285 # 9

DIGEST

Emergency detention. Defines "gravely disabled". Provides that a law enforcement officer who has reasonable grounds for an emergency detention of the person shall proceed with the emergency detention and may not arrest the person for street camping. Makes technical corrections.

- 1 Page 1, line 6, delete "Part".
2 Page 1, line 9, delete "Part".
3 Page 2, between lines 2 and 3, begin a new paragraph and insert:
4 "SECTION 3. IC 12-26-1-1, AS AMENDED BY P.L.205-2023,
5 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2026]: Sec. 1. **(a) As used in this section, "gravely
7 disabled" means a condition in which an individual, as a result of
8 mental illness, is in danger of coming to harm because the
9 individual:**
10 **(1) is unable to provide for the individual's food, clothing,
11 shelter, or other essential human needs; or**
12 **(2) has a substantial impairment or an obvious deterioration
13 of judgment, reasoning, or behavior that results in the
14 individual being unable to function independently; or**
15 **(3) lacks a fixed, regular, and adequate shelter, resulting in
16 the individual remaining outdoors in places not designed for
17 or ordinarily used for sleeping during weather conditions that
18 are likely to result in death or serious physical injury, if:**
19 **(A) the individual has refused transportation to a shelter
20 or mental health service provider; and**
21 **(B) a shelter or mental health service provider was
22 reasonably offered and available.**
23 **(b) An individual who is mentally ill and either dangerous or
24 gravely disabled may be involuntarily detained or committed under any
25 of the following statutes:**
26 **(1) IC 12-26-5 (emergency detention).**

1 (2) IC 12-26-6 (temporary commitment).

2 (3) IC 12-26-7 (regular commitment).".

3 Page 2, line 13, delete "camp, sleep," and insert "**camp on, sleep**
4 **on,**".

5 Page 2, delete lines 16 through 39, begin a new paragraph, and
6 insert:

7 "**(b) If a person violates subsection (a), the law enforcement**
8 **officer who discovers the violation shall first determine if there are**
9 **reasonable grounds for an emergency detention of the person. If**
10 **there are reasonable grounds for an emergency detention, the law**
11 **enforcement officer shall proceed under IC 12-26-5 and not this**
12 **chapter.**

13 (c) If:

14 (1) a person violates subsection (a);

15 (2) the person has not previously violated subsection (a); and

16 (3) subsection (b) does not apply;

17 the law enforcement officer who discovers the violation shall first
18 give the person a warning and provide the person with information
19 regarding locations authorized by law to provide services or
20 shelter.

21 (d) A person who knowingly or intentionally violates subsection
22 (a) commits street camping, a Class C misdemeanor, if:

23 (1) subsection (b) does not apply;

24 (2) the person has received a warning under subsection (c);

25 (3) at least forty-eight (48) hours have elapsed since the
26 warning was issued; and

27 (4) the person is camping or sleeping on, or using for long
28 term shelter, land owned by the state or a political subdivision
29 that is located within a three hundred (300) foot radius of the
30 location where the warning under subsection (c) was issued.

31 (e) A person charged with an offense under subsection (d) is
32 eligible to participate in a diversion program, including:

33 (1) a prosecutorial diversion program under IC 33-39-1-8; or

34 (2) a forensic diversion program under IC 11-12-3.7.".

35 Page 3, delete lines 11 through 19.

36 Page 3, line 32, delete "(1)(c)(3)" and insert "**1(c)(3)**".

37 Page 3, line 33, delete "(1)(b)" and insert "**1(b)**".

38 Renumber all SECTIONS consecutively.

(Reference is to SB 285 as reprinted January 27, 2026.)