

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 21.
FIDUCIARY RELATIONS AND PERSONS
WITH MENTAL ILLNESS.

CHAPTER 9.
PERSONS WITH MENTAL ILLNESS FOUND IN
CERTAIN FEDERAL RESERVATIONS.

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CHAPTER 9. PERSONS WITH MENTAL ILLNESS FOUND IN CERTAIN FEDERAL RESERVATIONS.

§ 21-901. DEFINITION.

As used in this chapter, "mental illness" has the same meaning as that given to the term by section 21-501.

(Sept. 14, 1965, 79 Stat. 763, Pub. L. 89-183, § 1; Sept. 26, 2012, D.C. Law 19-169, § 21(d)(2), 59 DCR 5567.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 21-901.

1973 Ed., § 21-901.

Effect of Amendments

D.C. Law 19-169 substituted "mental illness" for "mentally ill person".

Legislative History of Laws

For history of Law 19-169, see notes under § 21-501.

Miscellaneous Notes

Section 35 of D.C. Law 19-169 provides:

"Sec. 35. No provision of this act shall impair any right or obligation existing under law."

§ 21-902. COMMITMENTS BY SPECIAL COMMISSIONERS OF CERTAIN DISTRICT COURTS.

(a) A United States commissioner specially designated by the United States District Court for the Eastern District of Virginia or by the United States District Court for the District of Maryland may commit to Saint Elizabeths Hospital, for observation and diagnosis, a person found in a place over which the United States has exclusive or concurrent jurisdiction in Arlington County, Fairfax County, Loudoun County or the city of Alexandria, in the State of Virginia, or in Montgomery County or Prince Georges County in the State of Maryland, who is alleged, and is believed by the commissioner, to be a person with mental illness. A United States commissioner specially designated by the United States District Court for the District of Columbia has like jurisdiction and authority in the case of any person temporarily detained in Saint Elizabeths Hospital, pursuant to section 21-903.

(b) A commitment provided for by subsection (a) of this section shall be for not more than 30 days and may be made only after a hearing before the commissioner upon:

(1) the testimony under oath of at least two witnesses as to their belief that the person is a person with mental illness; and

(2) the testimony under oath or affidavit of two physicians, at least one of whom is skilled in the treatment and diagnosis of nervous and mental disorders, that they have examined the alleged person with mental illness and believe him to be a person with mental illness and not fit to remain at liberty and go unrestrained, and that he should be in custody in a hospital for the treatment of mental or nervous disorders for his own safety and welfare and for the preservation of the peace and good order.

(c) The head of the agency of the United States in control of the place where a person is apprehended for

a hearing pursuant to this section shall forthwith notify the spouse or a near relative or friend of the person so apprehended whose address is known to him or can by reasonable inquiry be ascertained by him. In the case of a person described by section 21-907, the agency head shall notify the head of the department having jurisdiction over the service to which the person belongs.

(d) The agency of the United States in control of the place where a person is apprehended for a hearing pursuant to this section may employ physicians for the purpose and pay compensation for their services and pay expenses of witnesses in the proceedings out of funds available therefor. Physicians who are officers or employees of the United States or who are members of the armed forces of the United States may render the services without additional compensation.

(Sept. 14, 1965, 79 Stat. 763, Pub. L. 89-183, § 1; Sept. 26, 2012, D.C. Law 19-169, § 21(d)(3), 59 DCR 5567.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 21-902.

1973 Ed., § 21-902.

Effect of Amendments

D.C. Law 19-169 substituted "person with mental illness" for "mentally ill person".

Legislative History of Laws

For history of Law 19-169, see notes under § 21-501.

References in Text

The Act of October 17, 1968, Pub. L. 90-578, terminated the Office of United States commissioner and established in place thereof the Office of United States magistrate. The Act became operative in the District of Columbia on June 27, 1969, when 2 United States magistrates assumed the office pursuant to appointment by order of the District Court dated June 20, 1969.

§ 21-903. APPREHENSION BY CERTAIN OFFICIALS OF PERSONS BELIEVED TO HAVE A MENTAL ILLNESS; PROCEEDINGS.

(a) An officer or employee of the United States authorized to make arrests, and a guard or watchman employed by the United States, may apprehend and detain a person whom he believes to be a person with mental illness and found in a place specified by section 21-902, and, except as provided by section 21-904, bring the person for a hearing before a United States commissioner for the district where the person was apprehended, and designated as provided by section 21-902. When an immediate hearing before a commissioner cannot be had, the officer or employee may take the person to Saint Elizabeths Hospital. The Superintendent of Saint Elizabeths Hospital may detain the person pending a hearing before a United States commissioner for the District of Columbia, designated as provided by section 21-902, for a period not exceeding 72 hours.

(b) The United States commissioner specified by subsection (a) of this section shall hold a hearing as promptly as practicable after the apprehension of a person pursuant to that subsection and in any event not later than 72 hours thereafter. The hearing shall be conducted at Saint Elizabeths Hospital if the Superintendent of the hospital certifies that in his opinion it would be prejudicial to the health of the person or unsafe to produce him at a hearing elsewhere. If, after a hearing at a place other than Saint Elizabeths Hospital, the commissioner commits a person to Saint Elizabeths Hospital, an officer, employee, guard, or watchman specified by subsection (a) of this section may transport the person to Saint Elizabeths Hospital in accordance with the order of the commissioner.

(Sept. 14, 1965, 79 Stat. 764, Pub. L. 89-183, § 1; Sept. 26, 2012, D.C. Law 19-169, § 21(d)(4), 59 DCR 5567.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 21-903.

1973 Ed., § 21-903.

Effect of Amendments

D.C. Law 19-169 substituted "person with mental illness" for "mentally ill person".

Legislative History of Laws

For history of Law 19-169, see notes under § 21-501.

The Act of October 17, 1968, Pub. L. 90-578, terminated the Office of United States commissioner and established in place thereof the Office of United States magistrate. The Act became operative in the District of Columbia on June 27, 1969, when 2 United States magistrates assumed the office pursuant to appointment by order of the District Court dated June 20, 1969.

§ 21-904. ADMISSION UPON WRITTEN APPLICATION; RIGHT OF RELEASE.

A person in a place specified by section 21-902 may, upon his written application, be admitted for observation and diagnosis to Saint Elizabeths Hospital in the discretion of the Superintendent of the hospital for a period not exceeding 30 days. If, after admission to Saint Elizabeths Hospital, he expresses a desire for release from the hospital, he shall be released within 72 hours thereafter, unless proceedings for his adjudication as a person with mental illness have been instituted as provided for by section 21-906.

(Sept. 14, 1965, 79 Stat. 764, Pub. L. 89-183, § 1; Sept. 26, 2012, D.C. Law 19-169, § 21(d)(5), 59 DCR 5567.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 21-904.

1973 Ed., § 21-904.

Effect of Amendments

D.C. Law 19-169 substituted "person with mental illness" for "mentally ill person".

Legislative History of Laws

For history of Law 19-169, see notes under § 21-501.

§ 21-905. SUPERINTENDENT TO RECEIVE PERSONS COMMITTED OR APPREHENDED UNDER SECTIONS 21-902 AND 21-903.

The Superintendent of Saint Elizabeths Hospital shall receive for observation and diagnosis a person apprehended or committed as provided by sections 21- 902 and 21-903 for the periods therein prescribed, unless the person is sooner discharged or returned to his home or to the State of his residence.

(Sept. 14, 1965, 79 Stat. 764, Pub. L. 89-183, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 21-905.

1973 Ed., § 21-905.

§ 21-906. EXAMINATIONS; ADJUDICATIONS; LAWS APPLICABLE; EXPENSE OF CARE AND TREATMENT.

(a) The Superintendent of Saint Elizabeths Hospital shall promptly examine a person committed as provided by sections 21-902 and 21-903, and, if not found to have a mental illness, shall forthwith discharge him, or, if found to have a mental illness, shall return him to the State of his residence or to his relatives, if practicable.

(b) Proceedings for the adjudication of a person referred to by subsection (a) of this section, or of a person admitted to the hospital pursuant to section 21-904, as a person with mental illness, and for the appointment of a committee of his person or property, may be instituted in the Superior Court of the District of Columbia by the Secretary of Health and Human Services or by a party interest. The laws of the District of Columbia apply to the proceedings. This chapter does not impose upon the District of Columbia the expense of care and treatment of a person apprehended, detained, or committed under this chapter, unless the person is a resident of the District of Columbia as defined by subsection (b) of section 21-551.

(Sept. 14, 1965, 79 Stat. 765, Pub. L. 89-183, § 1; July 29, 1970, 84 Stat. 568, Pub. L. 91-358, title I, § 150(f); Apr. 30, 1988, D.C. Law 7-104, § 6(i), 35 DCR 147; Sept. 26, 2012, D.C. Law 19-169, § 21(d)(6), 59 DCR 5567.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 21-906.

1973 Ed., § 21-906.

Effect of Amendments

D.C. Law 19-169, in subsec. (a), substituted "found to have a mental illness" for "found to be mentally ill"; and, in subsec. (b), substituted "person with mental illness" for "mentally ill person".

Legislative History of Laws

Law 7-104, the "Technical Amendments Act of 1987," was introduced in Council and assigned Bill No. 7-346, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 24, 1987, and December 8, 1987, respectively. Signed by the Mayor on December 22, 1987, it was assigned Act No. 7-124 and transmitted to both Houses of Congress for its review.

For history of Law 19-169, see notes under § 21-501.

§ 21-907. TRANSFER OF MILITARY PERSONNEL.

A person belonging to the armed forces arrested, apprehended, detained, or committed pursuant to this chapter shall, upon the request of the head of the department having jurisdiction over the service to which he belongs, be transferred forthwith to the custody of his service.

(Sept. 14, 1965, 79 Stat. 765, Pub. L. 89-183, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 21-907.

1973 Ed., § 21-907.

§ 21-908. CARE IN A VETERANS' ADMINISTRATION FACILITY.

(a) If a person adjudicated to be a person with mental illness under this chapter is entitled to care and treatment in a Veterans' Administration facility, the United States District Court for the District of Columbia may commit him to the custody of the Administrator of Veterans' Affairs for placement in an available facility, or the Superintendent of Saint Elizabeths Hospital may transfer him to such a facility.

(b) This chapter does not limit, restrict, or deprive the courts of a State or the District of Columbia of jurisdiction to commit to the Veterans' Administration a person with mental illness entitled to care and treatment by the Veterans' Administration in accordance with the laws of the State or the District of Columbia.

(Sept. 14, 1965, 79 Stat. 765, Pub. L. 89-183, § 1; Sept. 26, 2012, D.C. Law 19-169, § 21(d)(7), 59 DCR 5567.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 21-908.

1973 Ed., § 21-908.

Effect of Amendments

D.C. Law 19-169 substituted "person with mental illness" for "mentally ill person".

Legislative History of Laws

For history of Law 19-169, see notes under § 21-501.

§ 21-909. PAYMENT OF EXPENSES OF TRANSFERS.

The Superintendent of Saint Elizabeths Hospital may arrange for and pay the expenses of the transfer of a person committed to his custody pursuant to this chapter or admitted to the hospital pursuant to section 21-904 to his relatives or to a hospital in the State of his residence, and, in connection with the transfer, may pay the transportation and expenses of attendants necessary to insure safe travel.

(Sept. 14, 1965, 79 Stat. 765, Pub. L. 89-183, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 21-909.

1973 Ed., § 21-909.