

A BILL

i n t i t u l e d

An Act to amend the Mental Health Act 2001.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Mental Health (Amendment) Act 2023.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Substitution of section 11

2. The Mental Health Act 2001 [*Act 615*] is amended by substituting for section 11 the following section:

“Apprehension of mentally disordered person, etc.

11. (1) Any crisis intervention officer may apprehend—

(a) any person whom he has reason to believe is mentally disordered and is, because of mental disorder, dangerous to himself or to other persons or property; or

(b) any person who attempts to commit suicide.

(2) A crisis intervention officer shall have the power to enter any premises whenever necessary to do so for the purpose of apprehension under this section.

(3) The crisis intervention officer may, when exercising the power under subsection (2)—

- (a) break open any outer or inner door or window of any premises and enter into, or otherwise forcibly enter the premises and any part of the premises; or
- (b) remove by force any obstruction to such entry.

(4) The crisis intervention officer who has apprehended the person under subsection (1) shall, as soon as practicable, but not later than twenty-four hours after the apprehension, bring the person to a medical officer in a government psychiatric hospital or a registered medical practitioner in a gazetted private psychiatric hospital for examination.

(5) For the purposes of this section, “crisis intervention officer” means any—

- (a) police officer;
- (b) officer of the Malaysian Maritime Enforcement Agency with the same meaning as assigned to it in the Malaysian Maritime Enforcement Agency Act 2004 [Act 633];
- (c) Fire Officer and Auxiliary Fire Officer with the same meaning as assigned to it in the Fire Services Act 1988 [Act 341] and Voluntary Fire Officer appointed under section 4A of the Fire Services Act 1988;
- (d) member of the Malaysia Civil Defence Force established under the Malaysia Civil Defence Force Act 1951 [Act 221]; and
- (e) social welfare officer.”.

EXPLANATORY STATEMENT

The Mental Health (Amendment) Bill 2023 (“the proposed Act”) seeks to amend the Mental Health Act 2001 (“Act 615”).

2. *Clause 1* contains the short title and the provision on the commencement of the proposed Act.

3. *Clause 2* seeks to substitute section 11 of Act 615 to empower any crisis intervention officer to apprehend any person whom he has reason to believe is mentally disordered and is, because of mental disorder, dangerous to himself or to other person or property, or any person who attempts to commit suicide. For the purpose of apprehension, any crisis intervention officer is empowered to enter into any premises whenever necessary to do so and in exercising such power, the crisis intervention officer may break open any outer or inner door or window of the premises and enter into, or otherwise forcibly enter the premises and any part of the premises or remove by force any obstruction to such entry. Subsequently, the crisis intervention officer shall bring the apprehended person to a government psychiatric hospital or a gazetted private psychiatric hospital not later than twenty-four hours after the apprehension for examination. This amendment is consequential to the deletion of section 309 of the Penal Code [*Act 574*].

FINANCIAL IMPLICATIONS

This Bill will involve the Government in extra financial expenditure the amount of which cannot at present be ascertained.

[PN(U2)3326]