

DETENTION OF INSANE PERSONS

Subdivision 4 of Section 81 of the Mental Hygiene Law prohibits the commitment of an insane, or apparently insane person not charged with crime, to any jail or lockup for criminals; and the Attorney General has rendered an opinion that such person should not be temporarily incarcerated in a jail or lockup pending a determination as to his or her sanity.

Except in the City of New York and the counties of Albany and Erie, any person apparently insane, and conducting himself in a manner which in a sane person would be disorderly, may be arrested by any peace officer and confined in some safe and comfortable place until the question of his insanity be determined. The officer making such arrest must immediately notify the health officer, who shall forthwith take proper measures for the determination of the question of the insanity of such person and for his proper care and treatment, pending his transfer to an institution for the insane. (See Sec. 72 of Mental Hy-