

013462804

HOUSE JOINT RESOLUTION NO. 522

Offered January 10, 2001

Prefiled December 8, 2000

Directing the Joint Commission on Behavioral Health Care to study the desirability and feasibility of mental health courts for nonviolent offenders with serious mental illnesses.

Patron—Jones, J.C.

Referred to Committee on Rules

WHEREAS, the tightening of state laws regulating involuntary hospitalization and the downsizing of state psychiatric hospitals has led some persons with mental illness to slip through the cracks in the community mental health system, ending up homeless, psychotic and arrested by police; and

WHEREAS, an estimated 283,000 mentally ill offenders were incarcerated in the nation's state and federal prisons and local jails and an additional 547,800 persons with mental illness were on probation in the community according to a report issued in 1999 by the U. S. Department of Justice; and

WHEREAS, the U. S. Department of Justice also found that 16 percent of all inmates in state and federal jails have a severe mental illness; and

WHEREAS, the mission of mental health courts is to increase public safety and deal humanely with individuals with mental disorders who enter the criminal justice system; and

WHEREAS, in 1999, Broward County, Florida, and King County, Washington, instituted Mental Health Courts whose goals are to provide effective cooperation between the mental health treatment system and the criminal justice system, offer faster case processing time, improve access to public mental health treatment services, improve public safety and reduce the rate of return of persons with mental illness through the courts and jail; and

WHEREAS, on November 13, 2000, President Clinton signed into law landmark legislation that establishes a national mental health courts demonstration program for nonviolent offenders with severe mental illnesses that seeks to divert such offenders from jails and place them into appropriate community programs; and

WHEREAS, this law authorizes appropriations of \$10 million a year for fiscal years 2001 through 2004 for grants to states and municipalities to establish up to 100 programs across the nation to hear all cases involving individuals with severe mental illnesses charged with misdemeanors or nonviolent felonies with the purpose of diverting as many of these cases as possible away from criminal incarceration into appropriate mental health treatment services, and funds would also support specialized training for law enforcement and judicial personnel to identify and address the unique needs of people with serious mental illness that come into contact with the criminal just system; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Commission on Behavioral Health Care be directed to study the desirability and feasibility of mental health courts for nonviolent offenders with serious mental illnesses. The study shall make recommendations that link the criminal justice system and the mental health and substance abuse treatment system to respond to the full range of needs of individuals with serious mental illness who are charged with misdemeanor or nonviolent felonies in an integrated and cost-effective manner. Such recommendations shall address, but not be limited to, (i) specialized training of law-enforcement and judicial personnel to identify and address the treatment and support needs of people with serious mental illness, (ii) increased linkages between the criminal justice and mental health treatment systems to assure that nonviolent offenders with serious mental illnesses receive needed treatment services, (iii) the implementation of a program to encourage and assist in the establishment of one or more mental health courts on a pilot basis, and (iv) and statutory changes needed to effect the Commission's recommendations. Technical assistance shall be provided to the Joint Commission on Behavioral Health Care by the Division of Legislative Services.

All agencies of the Commonwealth shall provide assistance to the Joint Commission on Behavioral Health Care for this study, upon request.

The Joint Commission on Behavioral Health Care shall complete its work in time to submit its findings and recommendations to the Governor and the 2003 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

INTRODUCED

HJ522