

VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

CHAPTER 151

An Act to amend and reenact § 37.1-71 of the Code of Virginia, relating to transporting persons with mental illness.

[H 2670]

Approved March 16, 2003

Be it enacted by the General Assembly of Virginia:

1. That § 37.1-71 of the Code of Virginia is amended and reenacted as follows:

§ 37.1-71. Transportation of person in civil commitment process.

A. When a person is the subject of an emergency custody order pursuant to § 37.1-67.01 or a temporary detention order pursuant to § 37.1-67.1, the magistrate shall direct the transportation of that person by a law-enforcement officer from a specified agency and jurisdiction to such other medical facility as may be necessary to obtain emergency medical evaluation or treatment prior to the placement of the individual in the temporary detention facility.

B. When a person has been certified for admission to a hospital under §§ 37.1-67.3, 37.1-67.4 or § 37.1-67.6, a determination shall be made by the judge regarding the transportation of that person to the proper hospital. The judge may consult with the person's treating mental health professional and any involved community services board staff regarding the person's dangerousness and whether the sheriff should transport or whether transportation alternatives as provided in § 37.1-72 may be utilized. If the judge determines that the person requires transportation by the sheriff, such person may be delivered to the care of the sheriff, as specified in this section, who shall transport such person to the proper hospital. In no event shall transport commence later than six hours after notification to the sheriff of such certification.

The sheriff of the jurisdiction where the person is a resident shall be responsible for transporting the person unless the sheriff's office of such jurisdiction is located more than 100 road miles from the nearest boundary of the jurisdiction in which the proceedings took place. In cases where the sheriff of the jurisdiction of which the person is a resident is more than 100 road miles from the nearest boundary of the jurisdiction in which the proceedings took place, it shall be the responsibility of the sheriff of the latter jurisdiction to transport the person. The cost of transportation of any person so applying or certified for admission pursuant to § 37.1-67.3 or § 37.1-67.4 shall be paid by the Commonwealth from the same funds as for care in jail.

If any state hospital has become too crowded to accommodate any such person certified for admission therein, the Commissioner shall give notice of the fact to all sheriffs and shall designate the hospital to which they shall transport such persons.