

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 2670]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 37.1-71 of the Code of Virginia is amended and reenacted as follows:**

8 § 37.1-71. Transportation of person in civil commitment process.

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

14 *B. When a person has been certified for admission to a hospital under §§ 37.1-67.3, 37.1-67.4 or*  
15 *§ 37.1-67.6, a determination shall be made by the judge regarding the transportation of that person to the*  
16 *proper hospital. The judge may consult with the person's treating mental health professional and any*  
17 *involved community services board staff regarding the person's dangerousness and whether the sheriff*  
18 *should transport or whether transportation alternatives as provided in § 37.1-72 may be utilized. If the*  
19 *judge determines that the person requires transportation by the sheriff, such person may be delivered to*  
20 *the care of the sheriff, as specified in this section, who shall transport such person to the proper*  
21 *hospital. In no event shall transport commence later than six hours after notification to the sheriff of*  
22 *such certification.*

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

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

ENROLLED

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