

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 37.1-70.10 of the Code of Virginia, relating to notice of certain facility*
3 *for civil commitment of persons convicted of sexually violent offenses.*

4 [S 556]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 37.1-70.10 of the Code of Virginia is amended and reenacted as follows:**8 § 37.1-70.10. Placement of committed persons; notice to certain elected officials of proposed facility
9 for such commitment; advisory committee to be established.

10 A. Any person committed pursuant to this article shall be placed in the custody of the Department of
11 Mental Health, Mental Retardation and Substance Abuse Services for control, care and treatment until
12 such time as the person's mental abnormality or personality disorder has so changed that the person will
13 not present an undue risk to public safety. The Department of Mental Health, Mental Retardation and
14 Substance Abuse Services shall provide such control, care and treatment at a facility operated by it, or
15 may contract with private or public entities, within or without the Commonwealth, and with other states
16 to provide comparable control, care or treatment. At all times, persons committed for control, care and
17 treatment by the Department of Mental Health, Mental Retardation and Substance Abuse Services
18 pursuant to this article shall be kept in a secure facility. Persons committed under this article shall be
19 segregated by sight and sound at all times from prisoners in the custody of a correctional facility. The
20 Commissioner may make treatment and management decisions regarding committed persons in his
21 custody without obtaining prior approval of or review by the committing court.

22 B. Prior to the siting of a new facility or the designation of an existing facility to be operated by the
23 Department for the control, care and treatment of persons convicted of a sexually violent offense who
24 have been referred for civil commitment, the Commissioner of Mental Health, Mental Retardation and
25 Substance Abuse Services shall notify the state elected officials for and the local governing body of the
26 jurisdiction of the proposed location, designation, or expansion of the facility. Upon receiving such
27 notice, the local governing body of the jurisdiction of the proposed site or where the existing facility is
28 located may publish a descriptive notice concerning the proposed site in a newspaper of general
29 circulation in the jurisdiction.

30 The Commissioner shall also establish an advisory committee relating to any facility for which notice
31 is required by this subsection or any facility being operated for the purpose of the control, care and
32 treatment of persons convicted of a sexually violent offense who have been referred for civil commitment
33 that shall consist of state and local elected officials and community organizations serving the
34 jurisdiction in which the facility is proposed to be or is located. Upon request, the members of the
35 appropriate advisory committee shall be notified whenever the Department increases the number of beds
36 in the relevant facility.