

2004 SESSION

SENATE SUBSTITUTE

044277756

SENATE BILL NO. 556

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on January 29, 2004)

(Patron Prior to Substitute—Senator Marsh)

A BILL to amend and reenact § 37.1-70.10 of the Code of Virginia, relating to placement of committed persons.

Be it enacted by the General Assembly of Virginia:

1. That § 37.1-70.10 of the Code of Virginia is amended and reenacted as follows:

§ 37.1-70.10. Placement of committed persons; notice to community of siting of facility.

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

B. *Prior to the siting of a facility operated by the Department for the control, care and treatment of persons convicted of a sexually violent offense who have been referred for civil commitment as sexual predators or unrestorably incompetent defendants, or the transfer of such persons to a proposed or existing facility in any jurisdiction of the Commonwealth, the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services shall notify the state elected officials and the local governing body of the jurisdiction of the proposed location of or the transfer of such persons to the facility. Upon receiving such notice, the local governing body of the jurisdiction of the proposed site or where the existing facility is located shall publish a descriptive notice once a week for two successive weeks concerning the proposed site in a newspaper of general circulation in the jurisdiction.*

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