

# VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

## CHAPTER 639

*An Act to amend and reenact § 53.1-40.7 of the Code of Virginia, relating to continued hospitalization of involuntarily admitted prisoners.*

[H 2436]

Approved March 23, 2005

**Be it enacted by the General Assembly of Virginia:**

**1. That § 53.1-40.7 of the Code of Virginia is amended and reenacted as follows:**

§ 53.1-40.7. Discharge of prisoner involuntarily admitted.

A. The prisoner shall be discharged from a hospital or facility for the care and treatment of the mentally ill to a state or local correctional facility designated by the Director if there is no further need for involuntary hospitalization or at the expiration of 180 days unless involuntarily committed by further petition and order of a court as provided herein.

B. *Notwithstanding the provisions of subsection A, if there is no further need for involuntary hospitalization, the prisoner may be retained in such hospital or facility if the prisoner (i) is capable of and consents to voluntary admission, and (ii) has been examined by a licensed physician, psychiatrist, or clinical psychologist acting on staff within his area of expertise and is determined to be in need of continued hospitalization.*