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HOUSE BILL NO. 1322

Offered January 11, 2006

Prefiled January 11, 2006

A BILL to amend and reenact § 19.2-182.4 of the Code of Virginia, relating to notice of temporary visit release from commitment of those acquitted because of mental illness.

Patron—Morgan

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-182.4 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-182.4. Confinement and treatment; interfacility transfers; out-of-hospital visits; notice of change in treatment.

A. Upon commitment of an acquittee for inpatient hospitalization, the Commissioner shall determine the appropriate placement for him, based on his clinical needs and security requirements. The Commissioner may make interfacility transfers and treatment and management decisions regarding acquttees in his custody without obtaining prior approval of or review by the committing court. If the Commissioner is of the opinion that a temporary visit from the hospital would be therapeutic for the acquittee and that such visit would pose no substantial danger to others, the Commissioner may grant such visit not to exceed forty-eight hours.

B. The Commissioner shall give notice of any temporary visit of an acquittee at least 48 hours prior to the release, whether the release is for a finite or an unspecified period, and with or without conditions, to any victim of the act resulting in the charges on which the acquittee was acquitted or the next of kin of the victim at the last known address, provided the person seeking notice submits a written request for such notice to the Commissioner.

C. The Commissioner shall notify the attorney for the Commonwealth for the committing jurisdiction, the sheriff for the committing jurisdiction, and the victim or next of kin who have requested notice as described in subsection B, in writing, of changes in an acquittee's course of treatment which will involve authorization for the acquittee to leave the grounds of the hospital in which he is confined.

INTRODUCED

HB1322