

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 19.2-182.6 of the Code of Virginia, relating to petition for release of a*
 3 *person acquitted by reason of insanity.*

4 [S 1134]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 19.2-182.6 of the Code of Virginia is amended and reenacted as follows:**

8 § 19.2-182.6. Petition for release; conditional release hearing; notice; disposition.

9 A. The Commissioner may petition the committing court for conditional or unconditional release of
 10 the acquittee at any time he believes the acquittee no longer needs hospitalization. The petition shall be
 11 accompanied by a report of clinical findings supporting the petition *with respect to the factors set forth*
 12 *in § 19.2-182.3* and by a conditional release or discharge plan, as applicable, prepared jointly by the
 13 hospital and the appropriate community services board. The acquittee may petition the committing court
 14 for release only once in each year in which no annual judicial review is required pursuant to
 15 § 19.2-182.5. The party petitioning for release shall transmit a copy of the petition to the attorney for
 16 the Commonwealth for the committing jurisdiction.

17 ~~B.1. Upon receipt of a petition for release~~ *When a petition for release is made by the acquittee, the*
 18 *court shall order the Commissioner to appoint two persons in the same manner as set forth in*
 19 *§ 19.2-182.2 to assess and report on the acquittee's need for inpatient hospitalization by reviewing his*
 20 *condition with respect to the factors set forth in § 19.2-182.3. The evaluators shall conduct their*
 21 *evaluations and report their finding in accordance with the provisions of § 19.2-182.2, except that the*
 22 *evaluations shall be completed and findings reported within ~~forty-five~~ 45 days of issuance of the court's*
 23 *order for evaluation.*

24 *2. When a petition for release is made by the Commissioner no further evaluations of the acquittee*
 25 *shall be required unless otherwise deemed necessary by the court. If the court determines that further*
 26 *evaluation is necessary, the court shall order the Commissioner to appoint two persons in the same*
 27 *manner as set forth in § 19.2-182.2 to assess and report on the acquittee's need for inpatient*
 28 *hospitalization by reviewing his condition with respect to the factors set forth in § 19.2-182.3. The*
 29 *evaluators shall conduct their evaluations and report their finding in accordance with the provisions of*
 30 *§ 19.2-182.2, except that the evaluations shall be completed and findings reported within 45 days of*
 31 *issuance of the court's order for evaluation.*

32 The Commissioner shall give notice of the hearing to any victim of the act resulting in the charges
 33 on which the acquittee was acquitted or the next of kin of the victim at the last known address,
 34 provided the person submits a written request for such notification to the Commissioner.

35 C. Upon receipt of the reports of evaluation, the court shall conduct a hearing on the petition. The
 36 hearing shall be scheduled on an expedited basis and given priority over other civil matters before the
 37 court. The acquittee shall be provided with adequate notice of the hearing, of the right to be present at
 38 the hearing, the right to the assistance of counsel in preparation for and during the hearing, and the right
 39 to introduce evidence and cross-examine witnesses. Written notice of the hearing shall be provided to
 40 the attorney for the Commonwealth for the committing jurisdiction. The hearing is a civil proceeding.

41 At the conclusion of the hearing, based upon the report and other evidence provided at the hearing,
 42 the court shall order the acquittee (i) released from confinement if he does not need inpatient
 43 hospitalization and does not meet the criteria for conditional release set forth in § 19.2-182.3, provided
 44 the court has approved a discharge plan prepared jointly by the hospital and the appropriate community
 45 services board; (ii) placed on conditional release if he meets the criteria for such release as set forth in
 46 § 19.2-182.7, and the court has approved a conditional release plan prepared jointly by the hospital and
 47 the appropriate community services board; or (iii) retained in the custody of the Commissioner if he
 48 continues to require inpatient hospitalization based on consideration of the factors set forth in
 49 § 19.2-182.3.

50 D. Persons committed pursuant to this chapter shall be released only in accordance with the
 51 procedures set forth governing release and conditional release.