

VIRGINIA ACTS OF ASSEMBLY -- 2008 SESSION

CHAPTER 806

An Act to amend and reenact § 37.2-818 of the Code of Virginia, relating to involuntary commitment hearings; recordings.

[S 142]

Approved April 2, 2008

Be it enacted by the General Assembly of Virginia:

1. That § 37.2-818 of the Code of Virginia is amended and reenacted as follows:

§ 37.2-818. Commitment hearing for involuntary admission; recordings and records.

A. The district court judge or special justice shall make or cause to be made a tape or other audio recording of ~~the~~ every commitment hearing, *with no more than one hearing recorded per tape*, and shall submit the recording to the appropriate district court clerk to be retained in a confidential file. Recordings shall be used only to document and to answer questions concerning the judge's or special justice's conduct of the hearing. These recordings shall be retained for at least three years from the date of the commitment hearing.

B. Except as provided in this section and § 37.2-819, the court shall keep its copies of relevant medical records, reports, and court documents pertaining to the hearing provided for in this section confidential if so requested by the person who was the subject of the hearing or his counsel, with access provided only upon court order for good cause shown. Such records, reports, and documents shall not be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

C. The judge or special justice shall order that copies of the relevant medical records of the person be released to the facility in which he is placed upon the request of the treating physician or director of the facility.