

091454248

SENATE BILL NO. 1080

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 4, 2009)

(Patron Prior to Substitute—Senator Howell)

A BILL to amend and reenact § 37.2-820 of the Code of Virginia, relating to involuntary commitment, place of hearing.

Be it enacted by the General Assembly of Virginia:

1. That § 37.2-820 of the Code of Virginia is amended and reenacted as follows:

§ 37.2-820. Place of hearing.

A. ~~The~~ Subject to the requirements of subsection B, the hearing provided for pursuant to §§ 37.2-814 through 37.2-819 may be conducted by the district court judge or a special justice at the convenient facility or other place open to the public provided for in § 37.2-809, if he deems it advisable, even though the facility or place is located in a county or city other than his own. In conducting such hearings in a county or city other than his own, the judge or special justice shall have all of the authority and power that he would have in his own county or city. A district court judge or special justice of the county or city in which the facility or place is located may conduct the hearing provided for in §§ 37.2-814 through 37.2-819.

B. Upon request of the respondent or his attorney, the district court judge or a special justice may restrict attendance at all or part of the hearing to persons whose participation is required for proper conduct of the hearing and those whose presence is requested by the respondent upon a finding based upon clear and convincing evidence that (i) such restriction is necessary to protect the health or safety of the respondent, or the privacy of the respondent's health information and (ii) the respondent's interest in the restriction outweighs the public's interest in attendance by any person who would be excluded. If attendance is restricted at all or part of the hearing, the presiding district court judge or special justice shall state the reasons in writing in the dispositional order which shall become part of the record as provided in subsection B of § 37.2-818.