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SENATE BILL NO. 820

Offered January 12, 2011

Prefiled January 6, 2011

A *BILL to amend the Code of Virginia by adding a section numbered 19.2-180.1, relating to specialized court dockets; mental health courts.*

Patron—Edwards

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-180.1 as follows:

§ 19.2-180.1. Mental health courts.

A. As used in this section, unless the context requires a different meaning:

"Mental health court" means a separate court docket within the existing calendar of a district or circuit court offering judicial monitoring of the treatment and supervision of certain individuals with mental illness who are under the jurisdiction of the criminal court. Any such court shall be required to (i) identify eligible individuals; (ii) obtain services from a willing local community services board or behavioral health authority serving the territorial jurisdiction of the court and which can provide, or contract for, appropriate treatment and services for the offender or, from a program offered to any eligible veteran by the U.S. Department of Veterans Affairs; (iii) maintain court-established treatment and compliance terms of participation; and (iv) monitor adherence to court requirements.

"Offender" means an individual with mental illness who is under the jurisdiction of the criminal court and is capable of making, and is provided the opportunity to make, an informed decision as to his participation in the mental health court.

B. Any district court or circuit court may establish a mental health court. Nothing contained in this section shall confer a right or an expectation of a right to the establishment of a mental health court in any jurisdiction or to treatment for an offender; neither shall it be construed as requiring a mental health court to accept for participation every offender.

Any community services board or behavioral health authority, agency, or organization serving the territorial jurisdiction of the court, or any locality sharing, in whole or in part, territorial limits with such court, may apply for and accept any grants or funding available to establish or operate a mental health court.

INTRODUCED

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