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SENATE BILL NO. 1299

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 13, 2023)

(Patron Prior to Substitute—Senator Deeds)

A BILL to amend and reenact § 37.2-813 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 37.2-809.2, relating to involuntary admission; temporary detention; release of detained individual.

Be it enacted by the General Assembly of Virginia:

1. That § 37.2-813 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 37.2-809.2 as follows:

§ 37.2-809.2. Release of person no longer meeting criteria as determined by community services board.

Where a temporary detention order has been issued pursuant to § 37.2-809 and the person has not yet been transported to the facility of temporary detention, the director, or his designee, of the facility where such person is housed may:

1. Request a psychiatrist or clinical psychologist, in consultation with the treating physician and the community services board, to perform a new assessment of such person. If, after the new assessment, the psychiatrist or clinical psychologist, in consultation with the treating physician and the community services board, concludes that such person no longer meets the commitment criteria specified in subsection C of § 37.2-817, the community services board shall then conduct an evaluation of such person; or

2. Request the community services board or its designee, in consultation with the treating physician, to conduct an evaluation to determine if the person no longer meets the criteria specified in § 37.2-817.

If the community services board or its designee determines, after its evaluation, that such person no longer meets the commitment criteria specified in § 37.2-817, the community services board or its designee may authorize the release of such person and may include a discharge plan.

§ 37.2-813. Release of person prior to commitment hearing for involuntary admission.

Prior to a hearing as authorized in §§ 37.2-814 through 37.2-819, the district court judge or special justice may release the person on his personal recognizance or bond set by the district court judge or special justice if it appears from all evidence readily available that the person does not meet the commitment criteria specified in subsection C of § 37.2-817. The director of any facility in which the person is detained or where the person is present and has not yet been transported to the facility of temporary detention pursuant to a temporary detention order entered as authorized in § 37.2-809.2 may release the person prior to a hearing as authorized in §§ 37.2-814 through 37.2-819 if it appears, based on an evaluation conducted by the psychiatrist or clinical psychologist treating the person, and in consultation with the person's treating physician, that the person would not meet the commitment criteria specified in subsection C of § 37.2-817 if released.