

2003 SESSION

INTRODUCED

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HOUSE BILL NO. 2698

Offered January 15, 2003

A BILL to amend the Code of Virginia by adding a section numbered 17.1-703.1, relating to civil commitment procedures.

Patrons—Hamilton and Scott

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 17.1-703.1 as follows:

§ 17.1-703.1. Civil commitment procedures.

A. In order to assist the courts and other participating parties in the uniform and effective operation of the Commonwealth's civil commitment statutes, the Council shall appoint a committee on civil commitment procedures to establish statewide policies and guidelines that identify the party or parties responsible for the safety and security of individuals who are the subject of or who participate in involuntary detention and admission activities. These activities include transportation; custody of persons under judicial orders; medical evaluation, screening and treatment; and detention services. Such policies and guidelines shall recognize the varying conditions and needs of individuals subject to temporary detention orders and protect their security; protect the security of patients, staff and employees of facilities providing emergency medical evaluation, treatment or detention services; and be consistent with the requirements of the Emergency Medical Treatment and Active Labor Act, 42 U.S.C. 1395dd, as amended, and its implementing regulations.

B. The committee shall include representatives of the Secretaries of Health and Human Resources and Public Safety and agencies in the secretariats that are involved in these activities; community services boards; general district courts, including magistrates and special justices; law-enforcement agencies, including police and sheriff departments; facilities and practitioners providing emergency medical evaluations, treatment or temporary detention; state mental health facilities; local governments; and other entities as necessary.

C. The committee shall report these policies and guidelines to the Council by November 1, 2003, and include recommendations for any legislative actions needed to implement the policies and guidelines. The committee shall continue to oversee the operation of the Commonwealth's civil commitment statutes and the implementation of the policies and guidelines and report annually to the Council by November 1 of each year, including any recommended changes in the statutes or policies and guidelines. These policies and guidelines shall be used by the applicable local representatives or counterparts of the agencies and organizations represented on the committee to develop local procedures to implement such policies and guidelines. Such representatives or counterparts shall review the local procedures annually and revise them as necessary.

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