

2003 SESSION

HOUSE SUBSTITUTE

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HOUSE BILL NO. 2698

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on January 31, 2003)

(Patron Prior to Substitute—Delegate Hamilton)

A BILL to review the procedures for implementation of temporary detention orders.

Be it enacted by the General Assembly of Virginia:

1. § 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 involuntary civil commitment statutes, except those statutes governing the civil commitment of sexually violent predators, the Secretary of Public Safety, in consultation with the Secretary of Health and Human Resources and the Executive Secretary of the Supreme Court, 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 resources of localities and 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 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 sheriffs' 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 Secretaries by October 1, 2003, and include recommendations for any legislative actions needed to implement the 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. Such representatives or counterparts shall review the local procedures at least annually and revise them as necessary.

2. That the provisions of this act shall expire on July 1, 2004.

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