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## SENATE BILL NO. 96

Offered January 9, 2008

Prefiled January 2, 2008

A BILL to amend and reenact § 37.2-818 of the Code of Virginia, relating to confidentiality of involuntary commitment records.

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Patron—Lucas

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Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:****1. That § 37.2-818 of the Code of Virginia is amended and reenacted as follows:**

§ 37.2-818. Commitment hearing for involuntary admission; recordings and records.

A. The district court judge or special justice shall make or cause to be made a tape or other audio recording of the commitment hearing any hearings held under this chapter and shall submit the recording to the appropriate district court clerk of the general district court in the locality in which the hearing is held to be retained in a confidential file. The person who was the subject of the hearing shall be entitled, upon request, to obtain a copy of the tape or other audio recording of such hearing. Recordings shall be used only to document and to answer questions concerning the judge's or special justice's conduct of the hearing. These recordings shall be retained for at least three years from the date of the commitment hearing.

B. Except as provided in this section and § 37.2-819, the court shall keep its copies of recordings made pursuant to this section, relevant medical records, reports, and court documents pertaining to the hearing hearings provided for in this section chapter confidential if so requested by the person who was the subject of the hearing or his counsel, with. The person who is the subject of the hearing may, in writing, waive the confidentiality provided herein. In the absence of such waiver, access to the dispositional order only may be provided only upon court order for good cause shown. Any person seeking access to the dispositional order may file a written motion setting forth why such access is needed. The court may issue an order to disclose the dispositional order if it finds that such disclosure is in the best interest of the person who is the subject of the hearing or of the public. The Executive Secretary of the Supreme Court and anyone acting on his behalf shall be provided access to the court's records upon request. Such recordings, records, reports, and documents shall not be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

C. After entering an order for involuntary admission or outpatient treatment, the judge or special justice shall order that copies of the relevant medical records of the person be released to (i) the facility in which he is placed upon the request of the treating physician or director of the facility; (ii) the community services board or behavioral health authority of the jurisdiction where the person resides or which is ordered to monitor any mandatory outpatient treatment order; (iii) any treatment providers identified in a treatment plan incorporated into any mandatory outpatient treatment order; and (iv) any other treatment providers or entities.

INTRODUCED

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