

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2650 Session of  
2012

INTRODUCED BY MILLARD, BENNINGHOFF, CAUSER, DALEY, JAMES, MILNE,  
MUNDY, MURT, PICKETT, QUINN AND SCHMOTZER, OCTOBER 1, 2012

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 1, 2012

AN ACT

1 Amending the act of July 9, 1976 (P.L.817, No.143), entitled "An  
2 act relating to mental health procedures; providing for the  
3 treatment and rights of mentally disabled persons, for  
4 voluntary and involuntary examination and treatment and for  
5 determinations affecting those charged with crime or under  
6 sentence," in involuntary examination and treatment, further  
7 providing for court-ordered involuntary treatment not to  
8 exceed ninety days.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Section 304(b)(2), (c)(2) and (d) of the act of  
12 July 9, 1976 (P.L.817, No.143), known as the Mental Health  
13 Procedures Act, amended November 26, 1978 (P.L.1362, No.324),  
14 are amended to read:

15 Section 304. Court-ordered Involuntary Treatment Not to  
16 Exceed Ninety Days.--\* \* \*

17 (b) Procedures for Initiating Court-ordered Involuntary  
18 Treatment for Persons Already Subject to Involuntary  
19 Treatment.--\* \* \*

20 (2) The petition shall be in writing upon a form adopted by  
21 the department and shall include a statement of the facts

1 constituting reasonable grounds to believe that the person is  
2 severely mentally disabled and in need of treatment. The  
3 petition shall state the name of any examining physician or  
4 certified registered nurse practitioner and the substance of his  
5 opinion regarding the mental condition of the person. It shall  
6 also state that the person has been given the information  
7 required by subsection (b)(3).

8 \* \* \*

9 (c) Procedures for Initiating Court-ordered Involuntary  
10 Treatment for Persons not in Involuntary Treatment.--\* \* \*

11 (2) The petition shall be in writing upon a form adopted by  
12 the department and shall set forth facts constituting reasonable  
13 grounds to believe that the person is within the criteria for  
14 court-ordered treatment set forth in subsection (a). The  
15 petition shall state the name of any examining physician or  
16 certified registered nurse practitioner and the substance of his  
17 opinion regarding the mental condition of the person.

18 \* \* \*

19 (d) Professional Assistance.--A person with respect to whom  
20 a hearing has been ordered under this section shall have and be  
21 informed of a right to employ a physician, clinical  
22 psychologist, certified registered nurse practitioner or other  
23 expert in mental health of his choice to assist him in  
24 connection with the hearing and to testify on his behalf. If the  
25 person cannot afford to engage such a professional, the court  
26 shall, on application, allow a reasonable fee for such purpose.  
27 The fee shall be a charge against the mental health and mental  
28 retardation program of the locality.

29 \* \* \*

30 Section 2. This act shall take effect in 60 days.