

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1599 Session of  
1977

INTRODUCED BY BERSON, SCIRICA, RAPPAPORT, O'DONNELL AND YOHN,  
AUGUST 12, 1977

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, AUGUST 12, 1977

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," further providing for certain persons undergoing  
7 involuntary treatment.

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

10 Section 1. Paragraph (2) of subsection (g) of section 304,  
11 act of July 9, 1976 (P.L.817, No.143), known as the "Mental  
12 Health Procedures Act," is amended to read:

13 Section 304. Court-ordered Involuntary Treatment Not to  
14 Exceed Ninety Days.--\* \* \*

15 (g) Duration of Court-ordered Involuntary Treatment.--\* \* \*

16 (2) If at any time the director of a facility concludes that  
17 the person is not severely mentally disabled or in need of  
18 treatment pursuant to subsection (a), he shall discharge the  
19 person. However, where the defendant has been acquitted by  
20 reason of insanity or has been found incompetent to stand trial,

1 the defendant shall not be discharged from the facility until an  
2 adversary hearing has been held before the committing court. At  
3 the hearing, the court will hear evidence concerning the  
4 defendant's mental condition and will determine whether the  
5 defendant shall be released from the facility. If the court,  
6 after hearing the evidence, determines that the defendant is  
7 severely mentally disabled as set forth in section 301, the  
8 court shall retain jurisdiction of the defendant and shall order  
9 his disposition. Further application may be made by the facility  
10 or by the defendant to secure a discharge.

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