

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2661 Session of
2010

INTRODUCED BY WATERS, BROWN, CALTAGIRONE, JOSEPHS, CUTLER,
DEASY, M. O'BRIEN, O'NEILL, PASHINSKI AND SWANGER,
AUGUST 16, 2010

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 16, 2010

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for a mental
3 health court division.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 951 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 951. Court divisions.

9 (a) Philadelphia County.--The Court of Common Pleas of
10 Philadelphia County shall have the following divisions:

11 (1) Trial division.

12 (2) Orphans' court division.

13 (3) Family court division.

14 (b) Allegheny County.--The Court of Common Pleas of
15 Allegheny County shall have the following divisions:

16 (1) Civil division.

17 (2) Criminal division.

18 (3) Orphans' court division.

1 (4) Family division.

2 (c) Other separate orphans' court divisions.--The courts of
3 common pleas of Beaver, Berks, Bucks, Cambria, Chester, Dauphin,
4 Delaware, Erie, Fayette, Lackawanna, Lancaster, Lehigh, Luzerne,
5 Montgomery, Schuylkill, Washington, Westmoreland and York
6 counties shall each have a separate orphans' court division.

7 (d) Judicial districts having no separate orphans' court
8 division.--In each judicial district having no separate orphans'
9 court division, there shall be an orphans' court division
10 composed of the court of common pleas of that judicial district.

11 (e) Change in size of divisions.--The number of judges
12 constituting a division may be increased or reduced by order of
13 the governing authority.

14 (f) Mental health court division.--The court of common pleas
15 of any county or judicial district may establish a separate
16 mental health court division.

17 Section 2. Title 42 is amended by adding a section to read:
18 § 954. Mental health court divisions.

19 (a) Mental health court division.--The court of common pleas
20 of any county or judicial district may apply for a grant to
21 establish a mental health court division.

22 (b) Objectives.--The mental health court division shall have
23 the following objectives:

24 (1) Increased cooperation between the criminal justice
25 and mental health systems.

26 (2) Faster case processing time.

27 (3) Improved access to necessary services and support.

28 (4) Increased services for offenders with mental
29 illness.

30 (5) Reduced recidivism.

1 (6) Continued judicial supervision, including periodic
2 review of preliminarily qualified offenders with mental
3 illness who are charged with misdemeanors or nonviolent
4 offenses.

5 (7) Coordinated delivery of services, including:

6 (i) Specialized training of law enforcement and
7 judicial personnel to identify and address the needs of a
8 mentally ill offender.

9 (ii) Voluntary outpatient or inpatient treatment, in
10 the least restrictive manner appropriate, as determined
11 by the court, that carries with it the possibility of
12 dismissal of charges or reduced sentencing upon
13 successful completion of treatment.

14 (iii) Centralized case management involving the
15 consolidation of all of a mentally ill person's cases,
16 including violations of probation, and the coordination
17 of all mental health treatment plans and social services,
18 including life skills training, such as housing
19 placement, vocational training, education, job placement,
20 health care and relapse prevention for each participant
21 who requires such services.

22 (iv) Continuing supervision of treatment plan
23 compliance for a term not to exceed the maximum allowable
24 sentence or probation for the charged relevant offense
25 and, to the extent practicable, continuity of psychiatric
26 care at the end of the supervised period.

27 (c) Contact.--The mental health court division shall provide
28 a single point of contact where a defendant with a mental
29 illness may receive court-ordered treatment and support services
30 in connection with a diversion from prosecution, a sentencing

alternative or a term of probation or parole.

(d) Criteria.--A court of common pleas that establishes a mental health court pursuant to this section may provide the following through the adoption of local rules:

(1) Referral to the mental health division.

(2) Acceptance, participation and completion of mental health court programs.

(3) Utilization of designated staff, including, but not limited to, a judge of the court of common pleas, mental health review officer, prosecutor, public defender, county mental health liaison and probation officer.

(4) Initial and ongoing training for designated staff, as needed, on the nature of mental illness and on the treatment and supportive services available in the community.

(5) Utilization of community mental health providers and other agencies to offer defendants access to individualized treatment services.

(e) Application of law.--Proceedings conducted by a judge of the court of common pleas or a mental health review officer pursuant to Article IV of the act of July 9, 1976 (P.L.817, No. 143), known as the Mental Health Procedures Act, shall be conducted by the mental health court division.

(f) Grants.--The Administrative Office, in consultation with the Department of Public Welfare Office of Mental Health and Substance Abuse Services, the Department of Corrections and the Pennsylvania Board of Probation and Parole, shall establish minimum standards, funding schedules and procedures for awarding grants for the establishment of mental health court divisions, which shall take into consideration, but not be limited to, the following:

1 (1) Percentage of the incarcerated or supervised
2 population with mental illness.

3 (2) Demonstrated ability to administer the program.

4 (3) Demonstrated ability to develop effective responses
5 to provide treatment and stability for persons with mental
6 illness.

7 (4) Demonstrated history of maximizing Federal, State,
8 local and private funding sources.

9 (5) Likelihood that the program will continue to operate
10 after State grant funding ends.

11 (g) Definitions.--As used in this section, the following
12 words and phrases shall have the meanings given to them in this
13 subsection:

14 "Mental illness." A diagnosable mental, behavioral or
15 emotional disorder that:

16 (1) is of sufficient duration to meet diagnostic
17 criteria within the most recent edition of the Diagnostic and
18 Statistical Manual of Mental Disorders published by the
19 American Psychiatric Association; and

20 (2) has resulted in functional impairment that
21 substantially interferes with or limits one or more major
22 life activities.

23 "Preliminarily qualified offender with mental illness." A
24 person who:

25 (1) previously or currently has been diagnosed by a
26 qualified mental health professional as having a mental
27 illness; or

28 (2) is deemed eligible by a designated judge.

29 Section 3. This act shall take effect in 60 days.