

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 917 Session of  
2001

---

INTRODUCED BY ORIE, COSTA, BODACK, BELL AND THOMPSON,  
JUNE 4, 2001

---

REFERRED TO JUDICIARY, JUNE 4, 2001

---

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 courts of common  
15 pleas of any county or judicial district may establish a  
16 separate 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 disability may receive court-ordered treatment and support  
30 services in connection with a diversion from prosecution, a

1 sentencing alternative or a term of probation or parole.

2 (d) Criteria.--The mental health court division shall meet  
3 the following criteria:

4 (1) Defendants may be referred to the mental health  
5 court from various sources, including, but not limited to,  
6 police, attorneys, family members, probation officers, the  
7 district attorney, the public defender, jail personnel or  
8 another court.

9 (2) The court shall develop standards for acceptance  
10 into, continuing participation in, and graduation from the  
11 mental health court program.

12 (3) The mental health court shall utilize designated  
13 staff which include, but is not limited to, a judge of the  
14 court of common pleas, mental health review officer,  
15 prosecutor, public defender, county mental health liaison and  
16 probation officer.

17 (4) The county mental health department shall provide  
18 initial and ongoing training for designated staff, as needed,  
19 on the nature of mental illness and on the treatment and  
20 supportive services available in the community.

21 (5) A mental health court shall utilize community mental  
22 health providers and other agencies to offer defendants  
23 access to individualized treatment services.

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

29 (f) Grants.--The Administrative Office, in consultation with  
30 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) Percentage of the jail population with mental illness.

(2) Demonstrated ability to administer the program.

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

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

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

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

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

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

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

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

1        (1) previously or currently has been diagnosed by a  
2        qualified mental health professional as having a mental  
3        illness; or

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

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