
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 917 Session of
2001

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

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, APRIL 9, 2002

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 of 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 ILLNESS may receive court-ordered treatment and
30 support services in connection with a diversion from

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1 prosecution, a sentencing alternative or a term of probation or
2 parole.

3 ~~(d) Criteria. The mental health court division shall meet~~ <—
4 ~~the following criteria:~~

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

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

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

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

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

25 (D) CRITERIA.--A COURT OF COMMON PLEAS THAT ESTABLISHES A <—
26 MENTAL HEALTH COURT PURSUANT TO THIS SECTION MAY PROVIDE THE
27 FOLLOWING THROUGH THE ADOPTION OF LOCAL RULES:

28 (1) REFERRAL TO THE MENTAL HEALTH DIVISION.

29 (2) ACCEPTANCE, PARTICIPATION AND COMPLETION OF MENTAL
30 HEALTH COURT PROGRAMS.

1 (3) UTILIZATION OF DESIGNATED STAFF, INCLUDING, BUT NOT
2 LIMITED TO, A JUDGE OF THE COURT OF COMMON PLEAS, MENTAL
3 HEALTH REVIEW OFFICER, PROSECUTOR, PUBLIC DEFENDER, COUNTY
4 MENTAL HEALTH LIAISON AND PROBATION OFFICER.

5 (4) INITIAL AND ONGOING TRAINING FOR DESIGNATED STAFF,
6 AS NEEDED, ON THE NATURE OF MENTAL ILLNESS AND ON THE
7 TREATMENT AND SUPPORTIVE SERVICES AVAILABLE IN THE COMMUNITY.

8 (5) UTILIZATION OF COMMUNITY MENTAL HEALTH PROVIDERS AND
9 OTHER AGENCIES TO OFFER DEFENDANTS ACCESS TO INDIVIDUALIZED
10 TREATMENT SERVICES.

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

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

24 (1) Percentage of the ~~jail~~ INCARCERATED OR SUPERVISED <—
25 population with mental illness.

26 (2) Demonstrated ability to administer the program.

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

30 (4) Demonstrated history of maximizing Federal, State,

1 local and private funding sources.

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

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

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

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

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

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

18 (1) previously or currently has been diagnosed by a
19 qualified mental health professional as having a mental
20 illness; or

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

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