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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 80

Session of  
2007

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INTRODUCED BY LEACH, BOYD, COHEN, DALEY, DeLUCA, FABRIZIO,  
FRANKEL, FREEMAN, GEORGE, HENNESSEY, JOSEPHS, MACKERETH,  
MANN, PETRONE, ROSS, RUBLEY, SIPTROTH, WALKO, WHEATLEY,  
YOUNGBLOOD AND JAMES, JANUARY 30, 2007

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REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 30, 2007

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### 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.

1 (3) Orphans' court division.

2 (4) Family division.

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

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

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

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

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

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

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

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

27 (2) Faster case processing time.

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

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

1       (5) Reduced recidivism.

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

6       (7) Coordinated delivery of services, including:

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

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

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

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

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

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

1 following:

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

4 (2) Demonstrated ability to administer the program.

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

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

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

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

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

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

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

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

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

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

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