

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1217 Session of
2011

INTRODUCED BY WATERS, DEASY, GROVE AND SWANGER, MARCH 28, 2011

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 28, 2011

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.

19 (4) Family division.

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

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

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

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

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

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

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

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

25 (2) Faster case processing time.

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

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

29 (5) Reduced recidivism.

30 (6) Continued judicial supervision, including periodic

1 review of preliminarily qualified offenders with mental
2 illness who are charged with misdemeanors or nonviolent
3 offenses.

4 (7) Coordinated delivery of services, including:

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

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

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

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

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

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

4 (1) Referral to the mental health court division.

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

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

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

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

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

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

30 (1) Percentage of the incarcerated or supervised

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

(2) is deemed eligible by a designated judge.

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