

By: Moody

To: Public Health and
Welfare

HOUSE BILL NO. 847

1 AN ACT TO AMEND SECTION 41-7-73, MISSISSIPPI CODE OF 1972, TO
2 UPDATE THE LIST OF STATE MENTAL INSTITUTIONS THAT MAY ASSESS AND
3 COLLECT CHARGES FOR PROVIDING CARE TO PATIENTS; TO AMEND SECTION
4 41-17-1, MISSISSIPPI CODE OF 1972, TO UPDATE THE LIST OF STATE
5 MENTAL INSTITUTIONS THAT PROVIDE TREATMENT OF PERSONS WITH MENTAL
6 ILLNESS; TO AMEND SECTIONS 41-17-3 AND 41-17-11, MISSISSIPPI CODE
7 OF 1972, TO CONFORM TO THE PRECEDING PROVISION; TO AMEND SECTION
8 41-19-103, MISSISSIPPI CODE OF 1972, TO UPDATE THE PROVISION
9 ESTABLISHING ELLISVILLE STATE SCHOOL; TO CREATE NEW SECTIONS
10 41-19-108, 41-19-112, 41-19-114, 41-19-116 AND 41-19-118,
11 MISSISSIPPI CODE OF 1972, AND TO AMEND SECTION 41-19-121,
12 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISION;
13 TO AMEND SECTION 41-21-35, MISSISSIPPI CODE OF 1972, TO UPDATE
14 LANGUAGE IN THE PROVISION REGARDING THE LEGAL SETTLEMENT OF
15 MENTALLY ILL AND MENTALLY RETARDED PERSONS; TO AMEND SECTION
16 41-21-63, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THE CIVIL
17 COMMITMENT LAWS APPLY TO CHILDREN AND ADULTS; TO PROVIDE THAT NO
18 PERSON WITH UNRESOLVED CRIMINAL CHARGES PENDING SHALL BE COMMITTED
19 UNDER THE CIVIL COMMITMENT LAWS; TO AMEND SECTION 41-21-73,
20 MISSISSIPPI CODE OF 1972, TO DELETE THE PROVISION OF HOME HEALTH
21 SERVICES FROM THE ALTERNATIVES TO COMMITMENT TO INPATIENT CARE; TO
22 AMEND SECTION 41-21-77, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
23 WHEN A PERSON IS ORDERED COMMITTED, THE DIRECTOR OF THE ADMITTING
24 INSTITUTION SHALL BE PROVIDED WITH A CERTIFIED COPY OF THE
25 PRE-EVALUATION SCREENING FORM; TO AMEND SECTIONS 41-21-81 AND
26 41-21-83, MISSISSIPPI CODE OF 1972, TO SPECIFY THE COURTS IN WHICH
27 HEARINGS WILL BE HELD ON THE QUESTION OF A PATIENT'S COMMITMENT
28 FOR FURTHER TREATMENT; TO AMEND SECTION 41-21-82, MISSISSIPPI CODE
29 OF 1972, TO PROVIDE THAT BEFORE THE TERMINATION OF THE INITIAL
30 COMMITMENT, IF THE TREATMENT FACILITY DIRECTOR DETERMINES THAT A
31 PATIENT CONTINUES TO BE MENTALLY ILL AND NEEDS CONTINUED INPATIENT
32 TREATMENT, THE COURT SHALL ORDER THAT COMMITMENT BE CONTINUED; TO
33 AMEND SECTION 41-21-87, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
34 A COMMITTING COURT SHALL NOT ENJOIN OR RESTRAIN ANY TREATMENT
35 FACILITY DIRECTOR FROM DISCHARGING A PATIENT WHOSE TREATING
36 PROFESSIONALS HAVE DETERMINED THAT THE PATIENT MEETS THE STATUTORY
37 CRITERIA FOR DISCHARGE; TO AMEND SECTION 41-21-109, MISSISSIPPI
38 CODE OF 1972, TO PROVIDE THAT REHABILITATION FACILITIES FOR
39 MENTALLY ILL OR MENTALLY RETARDED JUVENILE OFFENDERS MAY ACCEPT
40 PERSONS WHO HAVE BEEN TRANSFERRED FROM ANOTHER DEPARTMENT OF
41 MENTAL HEALTH FACILITY; TO REPEAL SECTIONS 41-5-55, 41-5-81,
42 41-17-5, 41-17-7, 41-17-9, 41-17-13, 41-19-105, 41-19-107,
43 41-19-109, 41-19-115, 41-19-117, 41-19-119, 41-21-43, 41-21-45 AND
44 41-45-1 THROUGH 41-45-19, MISSISSIPPI CODE OF 1972, WHICH PROHIBIT
45 THE APPRENTICING OF MENTAL PATIENTS, PROVIDE CERTAIN CRIMINAL
46 PENALTIES, PROVIDE CERTAIN VISITATION DUTIES FOR DIRECTORS OF
47 MENTAL HOSPITALS, EXEMPT RESIDENT MENTAL HOSPITAL OFFICERS FROM
48 JURY SERVICE, REQUIRE A DRUG STORE TO BE KEPT AT EACH MENTAL
49 HOSPITAL, REQUIRE SEPARATE ACCOMMODATIONS AT WHITFIELD FOR
50 ALCOHOLIC AND DRUG ADDICTS, PROVIDE FOR THE PLAN OF ELLISVILLE

51 STATE SCHOOL, REQUIRE ELLISVILLE'S DIRECTOR TO KEEP CERTAIN
52 RECORDS, AUTHORIZE ELLISVILLE'S DIRECTOR TO SELL CERTAIN PRODUCTS
53 OF THE SCHOOL, PROVIDE DISCHARGE PROCEDURES FOR ELLISVILLE
54 PATIENTS, PROVIDE FOR HABEAS CORPUS PROCEEDINGS FOR ELLISVILLE
55 PATIENTS, AUTHORIZE THE RECEIPT OF GIFTS FOR THE SUPPORT OF
56 ELLISVILLE, REQUIRE COUNTIES TO TEMPORARILY PROVIDE FOR THE
57 MAINTENANCE OF INDIGENT MENTALLY RETARDED PERSONS, PROHIBIT
58 COHABITATION WITH MENTALLY RETARDED PERSONS, AND AUTHORIZE THE
59 STERILIZATION OF MENTALLY ILL AND MENTALLY RETARDED PATIENTS; AND
60 FOR RELATED PURPOSES.

61
62 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

63 SECTION 1. Section 41-7-73, Mississippi Code of 1972, is
64 amended as follows:[RF1]

65 41-7-73. The term "state institution" or "state
66 institutions" as used in Sections 41-7-71 through 41-7-95 shall
67 include the following: Mississippi State Hospital at Whitfield,
68 Ellisville State School, East Mississippi State Hospital at
69 Meridian, Mississippi Children's Rehabilitation Center, North
70 Mississippi Regional Center, Hudspeth Regional Center, South
71 Mississippi Regional Center, North Mississippi State Hospital at
72 Tupelo, South Mississippi State Hospital at Purvis, the University
73 of Mississippi Hospital, * * * Boswell Regional Center, the
74 Juvenile Rehabilitation Center at Brookhaven, the Juvenile
75 Rehabilitation Center in Harrison County, and the Central
76 Mississippi Residential Center at Newton.

77 SECTION 2. Section 41-17-1, Mississippi Code of 1972, is
78 amended as follows:[RF2]

79 41-17-1. Mississippi State * * * Hospital at
80 Whitfield, * * * East Mississippi State Hospital at Meridian,
81 North Mississippi State Hospital at Tupelo, South Mississippi
82 State Hospital at Purvis, the Juvenile Rehabilitation Center in
83 Harrison County, and the Central Mississippi Residential Center at
84 Newton are established for the care and treatment of * * * persons
85 with mental illness, free of charge, except as otherwise provided.

86 SECTION 3. Section 41-17-3, Mississippi Code of 1972, is
87 amended as follows:[RF3]

88 41-17-3. The treatment facility for persons with mental
89 illness established at Meridian by the Act of March 8, 1882, shall
90 continue to exist as a body politic and corporate, under the name
91 of the "East Mississippi State Hospital," with all the privileges
92 conferred and the duties enjoined by law. It may hold and use, as
93 required by law, all the property, real and personal, belonging or
94 which may be given to it for the purposes of its establishment.

95 SECTION 4. Section 41-17-11, Mississippi Code of 1972, is
96 amended as follows:[RF4]

97 41-17-11. The directors of Mississippi State * * * Hospital
98 at Whitfield, * * * East Mississippi State Hospital at Meridian,
99 North Mississippi State Hospital at Tupelo, South Mississippi
100 State Hospital at Purvis, the Juvenile Rehabilitation Center in
101 Harrison County, and the Central Mississippi Residential Center at
102 Newton each are authorized to receive any moneys that the United
103 States government may offer as federal aid in taking care of and
104 giving special attention to those persons who served with the
105 armed forces of the United States during time of war * * *, and
106 who are now in, or may hereafter be in any of those treatment
107 facilities. Each of those directors is * * * authorized to expend
108 that part of the money paid to him or his treatment facility as
109 aforesaid, according to his best judgment and the requirements of
110 the United States government under which the money is received.

111 SECTION 5. Section 41-19-103, Mississippi Code of 1972, is
112 amended as follows:[RF5]

113 41-19-103. The Ellisville State School for persons with
114 mental retardation, established by Chapter 210 Laws of Mississippi
115 1920, is recognized as now existing and shall hereafter be known
116 under the name of Ellisville State School for the care and
117 treatment of * * * persons with mental retardation. The school
118 shall have the power to receive and hold property, real, personal
119 and mixed, as a body corporate. The school shall be under the
120 direction and control of the State Board of * * * Mental Health.

121 SECTION 6. The following shall be codified as Section
122 41-19-108, Mississippi Code of 1972:

123 41-19-108. With funds provided by the Legislature, by direct
124 appropriation or authorized bond issue, with federal matching
125 funds, or with any other available funds, the Bureau of Building,
126 Grounds and Real Property Management may construct and equip the
127 necessary residential and service buildings and other facilities
128 to care for the residents of Ellisville State School. The general
129 design of the school and all construction plans shall be approved
130 and recommended by the State Department of Mental Health.

131 SECTION 7. The following shall be codified as Section
132 41-19-112, Mississippi Code of 1972:

133 41-19-112. Ellisville State School shall be administered by
134 the State Board of Mental Health. Provisions relating to the
135 admission and care of residents at the school shall be promulgated
136 by the board.

137 SECTION 8. The following shall be codified as Section
138 41-19-114, Mississippi Code of 1972:

139 41-19-114. Persons admitted to Ellisville State School shall
140 be assessed support and maintenance costs in accordance with the
141 provisions of the state reimbursement laws as they apply to other
142 state institutions.

143 SECTION 9. The following shall be codified as Section
144 41-19-116, Mississippi Code of 1972:

145 41-19-116. Any person who (a) knowingly and unlawfully or
146 improperly causes a person to be adjudged mentally retarded, (b)
147 procures the escape of a legally committed resident or knowingly
148 conceals an escaped legally committed resident of the school, or
149 (c) unlawfully brings any firearm, deadly weapon or explosive into
150 the school or its grounds, or passes any thereof to a resident,
151 employee or officer of the school, is guilty of a misdemeanor and,
152 upon conviction, shall be punished by a fine of not less than
153 Fifty Dollars (\$50.00), nor more than Two Hundred Dollars

154 (\$200.00), imprisonment for not less than six months, or both.

155 SECTION 10. The following shall be codified as Section
156 41-19-118, Mississippi Code of 1972:

157 41-19-118. The Ellisville State School is designated as a
158 state agency for carrying out the purposes of any act of the
159 Congress of the United States, now existing or at any time
160 hereafter enacted, pertaining to mental retardation.

161 SECTION 11. Section 41-19-121, Mississippi Code of 1972, is
162 amended as follows:[RF6]

163 41-19-121. The director of the Ellisville State School may
164 receive free lodging in his institution for himself and his
165 family, but not free board, nor free supplies from the school.

166 SECTION 12. Section 41-21-35, Mississippi Code of 1972, is
167 amended as follows:[RF7]

168 41-21-35. The rule as to the legal settlement of paupers
169 shall apply in cases of mentally ill and mentally retarded
170 persons.

171 SECTION 13. Section 41-21-63, Mississippi Code of 1972, is
172 amended as follows:[RF8]

173 41-21-63. (1) No person, whether a child or adult, shall be
174 committed to a public treatment facility except under the
175 provisions of Sections 41-21-61 through 41-21-107 or 43-21-611 or
176 43-21-315. However, nothing herein shall be construed to repeal,
177 alter or otherwise affect the provisions of Section 35-5-31 or to
178 affect or prevent the commitment of persons to the Veterans
179 Administration or other agency of the United States under the
180 provisions of and in the manner specified in those sections.

181 (2) The chancery court, or the chancellor in vacation shall
182 have jurisdiction under Sections 41-21-61 through 41-21-107 * * *.

183 (3) The circuit court shall have jurisdiction over persons
184 ordered evaluated under Sections 99-13-7, 99-13-9 and 99-13-11._
185 No person with unresolved criminal charges pending shall be
186 civilly committed under Section 41-21-61 through 41-21-107.

187 SECTION 14. Section 41-21-73, Mississippi Code of 1972, is
188 amended as follows:[RF9]

189 41-21-73. (1) The hearing shall be conducted before the
190 chancellor. Within a reasonable period of time before the
191 hearing, notice of same shall be provided the respondent and his
192 attorney which shall include: (a) notice of the date, time and
193 place of the hearing; (b) a clear statement of the purpose of the
194 hearing; (c) the possible consequences or outcome of the hearing;
195 (d) the facts which have been alleged in support of the need for
196 commitment; (e) the names, addresses and telephone numbers of the
197 examiner(s); and (f) other witnesses expected to testify.

198 (2) The respondent must be present at the hearing unless the
199 chancellor determines that the respondent is unable to attend and
200 makes that determination and the reasons therefor part of the
201 record. At the time of the hearing the respondent shall not be so
202 under the influence or suffering from the effects of drugs,
203 medication or other treatment so as to be hampered in
204 participating in the proceedings. The court, at the time of the
205 hearing, shall be presented a record of all drugs, medication or
206 other treatment which the respondent has received pending the
207 hearing, unless the court determines that such a record would be
208 impractical and documents the reasons for that determination.

209 (3) The respondent shall have the right to offer evidence,
210 to be confronted with the witnesses against him and to
211 cross-examine them and shall have the privilege against
212 self-incrimination. The rules of evidence applicable in other
213 judicial proceedings in this state shall be followed.

214 (4) If the court finds by clear and convincing evidence that
215 the proposed patient is a mentally ill or mentally retarded person
216 and, if after careful consideration of reasonable alternative
217 dispositions, including, but not limited to, dismissal of the
218 proceedings, the court finds that there is no suitable alternative
219 to judicial commitment, the court shall commit the patient for

220 treatment in the least restrictive treatment facility which can
221 meet the patient's treatment needs.

222 Alternatives to commitment to inpatient care may include, but
223 shall not be limited to: voluntary or court-ordered outpatient
224 commitment for treatment with specific reference to a treatment
225 regimen, day treatment in a hospital, night treatment in a
226 hospital or placement in the custody of a friend or relative
227 * * *.

228 For persons committed as mentally ill or mentally retarded,
229 the initial commitment shall not exceed three (3) months.

230 (5) No person shall be committed to a treatment facility
231 whose primary problems are the physical disabilities associated
232 with old age or birth defects of infancy.

233 (6) The court shall state the findings of fact and
234 conclusions of law which constitute the basis for the order of
235 commitment. The findings shall include a listing of less
236 restrictive alternatives considered by the court and the reasons
237 that each was found not suitable.

238 (7) A stenographic transcription shall be recorded by a
239 stenographer or electronic recording device and retained by the
240 court.

241 SECTION 15. Section 41-21-77, Mississippi Code of 1972, is
242 amended as follows:[RF10]

243 41-21-77. If admission is ordered at a treatment facility,
244 the sheriff, his deputy or any other person appointed or
245 authorized by the court shall immediately deliver the respondent
246 to the director of the appropriate institution; * * *
247 however, * * * no person shall be so delivered or admitted until
248 the director of the admitting institution determines that
249 facilities and services are available. Persons who have been
250 ordered committed and are awaiting admission may be given any such
251 treatment in the facility by a licensed physician as is indicated
252 by standard medical practice. The clerk shall provide the

253 director of the admitting institution with a certified copy of the
254 court order, a certified copy of the physicians' and any
255 psychologist's certificate, a certified copy of the pre-evaluation
256 screening form, a certified copy of the affidavit, and any other
257 information available concerning the physical and mental condition
258 of the respondent; however, upon notification from the United
259 States Veterans Administration or other agency of the United
260 States government, that facilities are available and the
261 respondent is eligible for care and treatment therein, the court
262 may enter an order for delivery of the respondent to or retention
263 by the Veterans Administration or other agency of the United
264 States government, and, in such cases such chief officer to whom
265 the respondent is so delivered or by whom he is retained shall,
266 with respect to the respondent, be vested with the same powers as
267 the directors of * * * Mississippi State Hospital at
268 Whitfield, * * * East Mississippi State Hospital at Meridian,
269 North Mississippi State Hospital at Tupelo, South Mississippi
270 State Hospital at Purvis, and Central Mississippi Residential
271 Center at Newton, with respect to retention and discharge of the
272 respondent.

273 SECTION 16. Section 41-21-81, Mississippi Code of 1972, is
274 amended as follows:[RF11]

275 41-21-81. If at any time within twenty (20) days after
276 admission of a patient to a treatment facility the director
277 determines that the patient is in need of continued
278 hospitalization, he shall give written notice of his findings,
279 together with his reasons for such findings, to the respondent,
280 the patient's attorney, the clerk of the admitting court and the
281 two (2) nearest relatives or guardian of the patient, if the
282 addresses of such relatives or guardian are known. The patient,
283 or any aggrieved relative or friend or guardian shall have sixty
284 (60) days from the date of such notice to request a hearing on the
285 question of the patient's commitment for further treatment. The

286 patient, or any aggrieved relative or guardian or friend, may
287 request a hearing by filing a written notice of request within
288 such sixty (60) days with the clerk of the county within which the
289 facility is located; * * * however, * * * the patient may request
290 such a hearing in writing to any member of the professional staff,
291 which shall be forwarded to the director and promptly filed with
292 the clerk and provided further that if the patient is confined
293 at * * * Mississippi State Hospital at Whitfield, the notice of
294 request shall be filed with the Chancery Clerk of the First
295 Judicial District of Hinds County, Mississippi. A copy of the
296 notice of request must be filed by the patient or on his behalf
297 with the director and the chancery clerk of the admitting court.
298 The notice of the need for continued hospitalization shall be
299 explained to the patient by a member of the professional staff and
300 the explanation documented in the clinical record. At the same
301 time the patient shall be advised of his right to request a
302 hearing and of his right to consult a lawyer prior to deciding
303 whether to request the hearing, and the fact that the patient has
304 been so advised shall be documented in the clinical record.

305 Hearings held under this section shall be in the chancery
306 court of the county where the facility is located; however, if the
307 patient is confined at Mississippi State Hospital at Whitfield,
308 the hearing shall be conducted by the chancery court of the First
309 Judicial District of Hinds County, Mississippi.

310 SECTION 17. Section 41-21-82, Mississippi Code of 1972, is
311 amended as follows:[RF12]

312 41-21-82. Prior to the termination of the initial commitment
313 order, the director of the facility shall cause an impartial
314 evaluation of the patient to be made in order to assess the extent
315 to which the grounds for initial commitment persist, the patient
316 continues to be mentally ill, and alternatives to involuntary
317 commitment are available. If the results of this impartial
318 evaluation do not support the need for continued commitment, the

319 patient shall be discharged under Section 41-21-87 without further
320 hearing being required.

321 If the impartial evaluation determines that the patient
322 continues to be mentally ill and needs continued inpatient
323 treatment, the director shall file a written report with the
324 committing court setting forth in detail the results of this
325 evaluation and other facts indicating that the patient satisfies
326 the statutory requirement for continued commitment and the
327 findings of the examiner to support this conclusion. The court
328 shall order that the commitment be continued until the director
329 and treating professionals determine that the patient may be
330 discharged under Section 41-21-87 without further hearing being
331 required. If, after reviewing the director's report, the court
332 finds that the patient continues to be mentally ill and that there
333 is no alternative to involuntary commitment, the commitment may be
334 continued.

335 Nothing in this section shall preclude the patient, his
336 counsel or another person acting in his behalf from requesting a
337 hearing under Sections 41-21-81 or 41-21-99.

338 SECTION 18. Section 41-21-83, Mississippi Code of 1972, is
339 amended as follows:[RF13]

340 41-21-83. If a hearing is requested as provided in Section
341 41-21-74, 41-21-81 or 41-21-99, the court shall not make a
342 determination of the need for continued commitment unless a
343 hearing is held and the court finds by clear and convincing
344 evidence that (a) the person continues to be mentally ill or
345 mentally retarded; and (b) involuntary commitment is necessary for
346 the protection of the patient or others; and (c) there is no
347 alternative to involuntary commitment. Hearings held under this
348 section shall be in the chancery court of the county where the
349 facility is located; however, if the patient is confined at
350 Mississippi State Hospital at Whitfield, the hearing shall be
351 conducted by the chancery court of the First Judicial District of

352 Hinds County, Mississippi.

353 The hearing shall be held within fourteen (14) days after
354 receipt by the court of the request for a hearing. The court may
355 continue the hearing for good cause shown. The clerk shall
356 ascertain whether the patient is represented by counsel, and, if
357 the patient is not represented, shall notify the chancellor who
358 shall appoint counsel for him if the chancellor determines that
359 the patient for any reason does not have the services of an
360 attorney; however, the patient may waive the appointment of
361 counsel subject to the approval of the court. Notice of the time
362 and place of the hearing shall be served at least seventy-two (72)
363 hours before the time of the hearing upon the patient, his
364 attorney, the director, and the person requesting the hearing, if
365 other than the patient, and any witnesses requested by the patient
366 or his attorney, or any witnesses the court may deem necessary or
367 desirable.

368 The patient must be present at the hearing unless the
369 chancellor determines that the patient is unable to attend and
370 makes that determination and the reasons therefor part of the
371 record.

372 The court shall put its findings and the reasons supporting
373 its findings in writing and shall have copies delivered to the
374 patient, his attorney, and the director of the treatment facility.
375 An appeal from the final commitment order by either party may be
376 had on the terms prescribed for appeals in civil cases; however,
377 such appeal shall be without supersedeas. The record on appeal
378 shall include the transcript of the commitment hearing.

379 SECTION 19. Section 41-21-87, Mississippi Code of 1972, is
380 amended as follows:[RF14]

381 41-21-87. (1) The director of the treatment facility may
382 discharge any civilly committed patient upon filing his
383 certificate of discharge with the clerk of the committing court,
384 certifying that the patient, in his judgment, no longer poses a

385 substantial threat of physical harm to himself or others.

386 (2) The director of the treatment facility may return any
387 patient to the custody of the committing court upon providing
388 seven (7) days' notice and upon filing his certificate of same as
389 follows:

390 (a) When, in the judgment of the director, the patient
391 may be treated in a less restrictive environment; * * * however,
392 * * * treatment in such less restrictive environment shall be
393 implemented within seven (7) days after notification of the court;
394 or

395 (b) When, in the judgment of the director, adequate
396 facilities or treatment are not available at the treatment
397 facility.

398 (3) No committing court shall enjoin or restrain any
399 director from discharging a patient under this section whose
400 treating professionals have determined that the patient meets one
401 (1) of the criteria for discharge as outlined in subsection (1) or
402 (2) of this section.

403 (4) The director may transfer any civilly committed patient
404 from one (1) facility operated directly by the Department of
405 Mental Health to another as necessary for the welfare of that or
406 other patients. Upon receiving the director's certificate of
407 transfer, the court shall enter an order accordingly.

408 (5) Within twenty-four (24) hours prior to the release or
409 discharge of any civilly committed patient, other than a temporary
410 pass due to sickness or death in the patient's family, the
411 director shall give or cause to be given notice of such release or
412 discharge to one (1) member of the patient's immediate family,
413 provided the member of the patient's immediate family has signed
414 the consent to release form provided under subsection (6) and has
415 furnished in writing a current address and telephone number, if
416 applicable, to the director for such purpose. The notice to the
417 family member shall include the psychiatric diagnosis of any

418 chronic mental disorder incurred by the civilly committed patient
419 and any medications provided or prescribed to the patient for such
420 conditions.

421 (6) All providers of service, whether in a community mental
422 health/retardation center, region or state psychiatric hospital,
423 are authorized and directed to request a consent to release
424 information from all patients which will allow that entity to
425 involve the family in the patient's treatment. Such release form
426 shall be developed by the Department of Mental Health and provided
427 to all community mental health/retardation centers and state
428 facilities. All such facilities shall request such a release of
429 information upon the date of admission of the patient to the
430 facility or at least by the time the patient is discharged.

431 SECTION 20. Section 41-21-109, Mississippi Code of 1972, is
432 amended as follows:[RF15]

433 41-21-109. (1) The purpose of this section is to provide
434 modern and efficient rehabilitation facilities for mentally ill or
435 mentally retarded juvenile offenders in Mississippi, who have been
436 committed for treatment by a court of competent jurisdiction
437 under Section 41-21-61 et seq. or transferred from another
438 Department of Mental Health facility under regulations established
439 by the State Board of Mental Health.

440 (2) The Department of Finance and Administration, acting
441 through the Bureau of Building, Grounds and Real Property
442 Management, using funds from bonds, monies appropriated by the
443 Legislature for such purposes, federal matching or other federal
444 funds, federal grants or other available funds from whatever
445 source, shall provide for by construction, lease, lease-purchase
446 or otherwise and equip the following juvenile rehabilitation
447 facilities under the jurisdiction and responsibility of the
448 Mississippi Department of Mental Health: Construction and
449 equipping of two (2) separate facilities each of which could serve
450 up to fifty (50) adolescents, and each of which will be located at

451 sites approved by the Department of Mental Health that would be
452 specifically designed to serve adolescents who have come into
453 contact with the judicial system after committing a crime and who
454 are mentally ill or mentally retarded to the extent that it is not
455 acceptable to house them with non-handicapped inmates and who meet
456 commitment criteria as defined by Section 41-21-61. One (1)
457 50-bed facility shall house mentally ill adolescent offenders.
458 The other shall house mentally retarded adolescent offenders.
459 These facilities shall be self-contained and offer a secure but
460 therapeutic environment allowing persons to be habilitated apart
461 from persons who are more vulnerable and who have disabilities
462 that are more disabling. The number of persons admitted to these
463 facilities shall not exceed the number of beds authorized under
464 Section 41-21-109 or the number of beds licensed or authorized by
465 the licensure and certification agency, whichever is less.

466 The handicapped juvenile offender rehabilitation facility
467 location shall be on property owned by the Department of Mental
468 Health, or its successor, at one or more sites selected by the
469 Department of Mental Health on land that is either donated to the
470 state or purchased by the state specifically for the location of
471 such facilities.

472 SECTION 21. Sections 41-5-55, 41-5-81, 41-17-5, 41-17-7,
473 41-17-9, 41-17-13, 41-19-105, 41-19-107, 41-19-109, 41-19-115,
474 41-19-117, 41-19-119, 41-21-43, 41-21-45, 41-45-1, 41-45-3,
475 41-45-5, 41-45-7, 41-45-9, 41-45-11, 41-45-13, 41-45-15, 41-45-17
476 and 41-45-19, Mississippi Code of 1972, which prohibit the
477 apprenticing of mental patients, provide certain criminal
478 penalties, provide certain visitation duties for directors of
479 mental hospitals, exempt resident mental hospital officers from
480 jury service, require a drug store to be kept at each mental
481 hospital, require separate accommodations at Whitfield for
482 alcoholic and drug addicts, provide for the plan of Ellisville
483 state school, require Ellisville's director to keep certain

484 records, authorize Ellisville's director to sell certain products
485 of the school, provide discharge procedures for Ellisville
486 patients, provide for habeas corpus proceedings for Ellisville
487 patients, authorize the receipt of gifts for the support of
488 Ellisville, require counties to temporarily provide for the
489 maintenance of indigent mentally retarded persons, prohibit
490 cohabitation with mentally retarded persons, and authorize the
491 sterilization of mentally ill and mentally retarded patients, are
492 repealed.

493 SECTION 22. This act shall take effect and be in force from
494 and after July 1, 2000.