

By: Moody

To: Public Health and  
WelfareHOUSE BILL NO. 847  
(As Passed the House)

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 CLARIFY CERTAIN PROVISIONS; TO AMEND SECTION 41-21-109,  
34 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT REHABILITATION  
35 FACILITIES FOR MENTALLY ILL OR MENTALLY RETARDED JUVENILE  
36 OFFENDERS MAY ACCEPT PERSONS WHO HAVE BEEN TRANSFERRED FROM  
37 ANOTHER DEPARTMENT OF MENTAL HEALTH FACILITY; TO REPEAL SECTIONS  
38 41-5-55, 41-5-81, 41-17-5, 41-17-7, 41-17-9, 41-17-13, 41-19-105,  
39 41-19-107, 41-19-109, 41-19-115, 41-19-117, 41-19-119, 41-21-43,  
40 41-21-45 AND 41-45-1 THROUGH 41-45-19, MISSISSIPPI CODE OF 1972,  
41 WHICH PROHIBIT THE APPRENTICING OF MENTAL PATIENTS, PROVIDE  
42 CERTAIN CRIMINAL PENALTIES, PROVIDE CERTAIN VISITATION DUTIES FOR  
43 DIRECTORS OF MENTAL HOSPITALS, EXEMPT RESIDENT MENTAL HOSPITAL  
44 OFFICERS FROM JURY SERVICE, REQUIRE A DRUG STORE TO BE KEPT AT  
45 EACH MENTAL HOSPITAL, REQUIRE SEPARATE ACCOMMODATIONS AT WHITFIELD  
46 FOR ALCOHOLIC AND DRUG ADDICTS, PROVIDE FOR THE PLAN OF ELLISVILLE  
47 STATE SCHOOL, REQUIRE ELLISVILLE'S DIRECTOR TO KEEP CERTAIN  
48 RECORDS, AUTHORIZE ELLISVILLE'S DIRECTOR TO SELL CERTAIN PRODUCTS  
49 OF THE SCHOOL, PROVIDE DISCHARGE PROCEDURES FOR ELLISVILLE  
50 PATIENTS, PROVIDE FOR HABEAS CORPUS PROCEEDINGS FOR ELLISVILLE

51 PATIENTS, AUTHORIZE THE RECEIPT OF GIFTS FOR THE SUPPORT OF  
52 ELLISVILLE, REQUIRE COUNTIES TO TEMPORARILY PROVIDE FOR THE  
53 MAINTENANCE OF INDIGENT MENTALLY RETARDED PERSONS, PROHIBIT  
54 COHABITATION WITH MENTALLY RETARDED PERSONS, AND AUTHORIZE THE  
55 STERILIZATION OF MENTALLY ILL AND MENTALLY RETARDED PATIENTS; AND  
56 FOR RELATED PURPOSES.

57

58 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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

61 41-7-73. The term "state institution" or "state  
62 institutions" as used in Sections 41-7-71 through 41-7-95 shall  
63 include the following: Mississippi State Hospital at Whitfield,  
64 Ellisville State School, East Mississippi State Hospital at  
65 Meridian, Mississippi Children's Rehabilitation Center, North  
66 Mississippi Regional Center, Hudspeth Regional Center, South  
67 Mississippi Regional Center, North Mississippi State Hospital at  
68 Tupelo, South Mississippi State Hospital at Purvis, the University  
69 of Mississippi Hospital, \* \* \* Boswell Regional Center, the  
70 Juvenile Rehabilitation Center at Brookhaven, the Juvenile  
71 Rehabilitation Center in Harrison County, and the Central  
72 Mississippi Residential Center at Newton.

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

75 41-17-1. Mississippi State \* \* \* Hospital at  
76 Whitfield, \* \* \* East Mississippi State Hospital at Meridian,  
77 North Mississippi State Hospital at Tupelo, South Mississippi  
78 State Hospital at Purvis, the Juvenile Rehabilitation Center in  
79 Harrison County, and the Central Mississippi Residential Center at  
80 Newton are established for the care and treatment of \* \* \* persons  
81 with mental illness, free of charge, except as otherwise provided.

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

84 41-17-3. The treatment facility for persons with mental  
85 illness established at Meridian by the Act of March 8, 1882, shall

86 continue to exist as a body politic and corporate, under the name  
87 of the "East Mississippi State Hospital," with all the privileges  
88 conferred and the duties enjoined by law. It may hold and use, as  
89 required by law, all the property, real and personal, belonging or  
90 which may be given to it for the purposes of its establishment.

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

93 41-17-11. The directors of Mississippi State \* \* \* Hospital  
94 at Whitfield, \* \* \* East Mississippi State Hospital at Meridian,  
95 North Mississippi State Hospital at Tupelo, South Mississippi  
96 State Hospital at Purvis, the Juvenile Rehabilitation Center in  
97 Harrison County, and the Central Mississippi Residential Center at  
98 Newton each are authorized to receive any moneys that the United  
99 States government may offer as federal aid in taking care of and  
100 giving special attention to those persons who served with the  
101 armed forces of the United States during time of war \* \* \*, and  
102 who are now in, or may hereafter be in any of those treatment  
103 facilities. Each of those directors is \* \* \* authorized to expend  
104 that part of the money paid to him or his treatment facility as  
105 aforesaid, according to his best judgment and the requirements of  
106 the United States government under which the money is received.

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

109 41-19-103. The Ellisville State School for persons with  
110 mental retardation, established by Chapter 210 Laws of Mississippi  
111 1920, is recognized as now existing and shall hereafter be known  
112 under the name of Ellisville State School for the care and  
113 treatment of \* \* \* persons with mental retardation. The school  
114 shall have the power to receive and hold property, real, personal  
115 and mixed, as a body corporate. The school shall be under the  
116 direction and control of the State Board of \* \* \* Mental Health.

117 SECTION 6. The following shall be codified as Section  
118 41-19-108, Mississippi Code of 1972:

119       41-19-108. With funds provided by the Legislature, by direct  
120 appropriation or authorized bond issue, with federal matching  
121 funds, or with any other available funds, the Bureau of Building,  
122 Grounds and Real Property Management may construct and equip the  
123 necessary residential and service buildings and other facilities  
124 to care for the residents of Ellisville State School. The general  
125 design of the school and all construction plans shall be approved  
126 and recommended by the State Department of Mental Health.

127       SECTION 7. The following shall be codified as Section  
128 41-19-112, Mississippi Code of 1972:

129       41-19-112. Ellisville State School shall be administered by  
130 the State Board of Mental Health. Provisions relating to the  
131 admission and care of residents at the school shall be promulgated  
132 by the board.

133       SECTION 8. The following shall be codified as Section  
134 41-19-114, Mississippi Code of 1972:

135       41-19-114. Persons admitted to Ellisville State School shall  
136 be assessed support and maintenance costs in accordance with the  
137 provisions of the state reimbursement laws as they apply to other  
138 state institutions.

139       SECTION 9. The following shall be codified as Section  
140 41-19-116, Mississippi Code of 1972:

141       41-19-116. Any person who (a) knowingly and unlawfully or  
142 improperly causes a person to be adjudged mentally retarded, (b)  
143 procures the escape of a legally committed resident or knowingly  
144 conceals an escaped legally committed resident of the school, or  
145 (c) unlawfully brings any firearm, deadly weapon or explosive into  
146 the school or its grounds, or passes any thereof to a resident,  
147 employee or officer of the school, is guilty of a misdemeanor and,  
148 upon conviction, shall be punished by a fine of not less than  
149 Fifty Dollars (\$50.00), nor more than Two Hundred Dollars  
150 (\$200.00), imprisonment for not less than six months, or both.

151       SECTION 10. The following shall be codified as Section

152 41-19-118, Mississippi Code of 1972:

153 41-19-118. The Ellisville State School is designated as a  
154 state agency for carrying out the purposes of any act of the  
155 Congress of the United States, now existing or at any time  
156 hereafter enacted, pertaining to mental retardation.

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

159 41-19-121. The director of the Ellisville State School may  
160 receive free lodging in his institution for himself and his  
161 family, but not free board, nor free supplies from the school.

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

164 41-21-35. The rule as to the legal settlement of paupers  
165 shall apply in cases of mentally ill and mentally retarded  
166 persons.

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

169 41-21-63. (1) No person, whether a child or adult, shall be  
170 committed to a public treatment facility except under the  
171 provisions of Sections 41-21-61 through 41-21-107 or 43-21-611 or  
172 43-21-315. However, nothing herein shall be construed to repeal,  
173 alter or otherwise affect the provisions of Section 35-5-31 or to  
174 affect or prevent the commitment of persons to the Veterans  
175 Administration or other agency of the United States under the  
176 provisions of and in the manner specified in those sections.

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

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

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

185           41-21-73. (1) The hearing shall be conducted before the  
186 chancellor. Within a reasonable period of time before the  
187 hearing, notice of same shall be provided the respondent and his  
188 attorney which shall include: (a) notice of the date, time and  
189 place of the hearing; (b) a clear statement of the purpose of the  
190 hearing; (c) the possible consequences or outcome of the hearing;  
191 (d) the facts which have been alleged in support of the need for  
192 commitment; (e) the names, addresses and telephone numbers of the  
193 examiner(s); and (f) other witnesses expected to testify.

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

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

210           (4) If the court finds by clear and convincing evidence that  
211 the proposed patient is a mentally ill or mentally retarded person  
212 and, if after careful consideration of reasonable alternative  
213 dispositions, including, but not limited to, dismissal of the  
214 proceedings, the court finds that there is no suitable alternative  
215 to judicial commitment, the court shall commit the patient for  
216 treatment in the least restrictive treatment facility which can  
217 meet the patient's treatment needs.

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

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

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

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

234 (7) A stenographic transcription shall be recorded by a  
235 stenographer or electronic recording device and retained by the  
236 court.

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

239 41-21-77. If admission is ordered at a treatment facility,  
240 the sheriff, his deputy or any other person appointed or  
241 authorized by the court shall immediately deliver the respondent  
242 to the director of the appropriate institution; \* \* \*  
243 however, \* \* \* no person shall be so delivered or admitted until  
244 the director of the admitting institution determines that  
245 facilities and services are available. Persons who have been  
246 ordered committed and are awaiting admission may be given any such  
247 treatment in the facility by a licensed physician as is indicated  
248 by standard medical practice. The clerk shall provide the  
249 director of the admitting institution with a certified copy of the  
250 court order, a certified copy of the physicians' and any

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

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

271 41-21-81. If at any time within twenty (20) days after  
272 admission of a patient to a treatment facility the director  
273 determines that the patient is in need of continued  
274 hospitalization, he shall give written notice of his findings,  
275 together with his reasons for such findings, to the respondent,  
276 the patient's attorney, the clerk of the admitting court and the  
277 two (2) nearest relatives or guardian of the patient, if the  
278 addresses of such relatives or guardian are known. The patient,  
279 or any aggrieved relative or friend or guardian shall have sixty  
280 (60) days from the date of such notice to request a hearing on the  
281 question of the patient's commitment for further treatment. The  
282 patient, or any aggrieved relative or guardian or friend, may  
283 request a hearing by filing a written notice of request within



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

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

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

308 41-21-82. Prior to the termination of the initial commitment  
309 order, the director of the facility shall cause an impartial  
310 evaluation of the patient to be made in order to assess the extent  
311 to which the grounds for initial commitment persist, the patient  
312 continues to be mentally ill, and alternatives to involuntary  
313 commitment are available. If the results of this impartial  
314 evaluation do not support the need for continued commitment, the  
315 patient shall be discharged under Section 41-21-87 without further  
316 hearing being required.

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

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

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

336       41-21-83. If a hearing is requested as provided in Section  
337 41-21-74, 41-21-81 or 41-21-99, the court shall not make a  
338 determination of the need for continued commitment unless a  
339 hearing is held and the court finds by clear and convincing  
340 evidence that (a) the person continues to be mentally ill or  
341 mentally retarded; and (b) involuntary commitment is necessary for  
342 the protection of the patient or others; and (c) there is no  
343 alternative to involuntary commitment. Hearings held under this  
344 section shall be in the chancery court of the county where the  
345 facility is located; however, if the patient is confined at  
346 Mississippi State Hospital at Whitfield, the hearing shall be  
347 conducted by the chancery court of the First Judicial District of  
348 Hinds County, Mississippi.

349       The hearing shall be held within fourteen (14) days after

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

364         The patient must be present at the hearing unless the  
365 chancellor determines that the patient is unable to attend and  
366 makes that determination and the reasons therefor part of the  
367 record.

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

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

377         41-21-87. (1) The director of the treatment facility may  
378 discharge any civilly committed patient upon filing his  
379 certificate of discharge with the clerk of the committing court,  
380 certifying that the patient, in his judgment, no longer poses a  
381 substantial threat of physical harm to himself or others.

382         (2) The director of the treatment facility may return any

383 patient to the custody of the committing court upon providing  
384 seven (7) days' notice and upon filing his certificate of same as  
385 follows:

386 (a) When, in the judgment of the director, the patient  
387 may be treated in a less restrictive environment; \* \* \* however,  
388 \* \* \* treatment in such less restrictive environment shall be  
389 implemented within seven (7) days after notification of the court;  
390 or

391 (b) When, in the judgment of the director, adequate  
392 facilities or treatment are not available at the treatment  
393 facility.

394 (3) The director may transfer any civilly committed patient  
395 from one (1) facility operated directly by the Department of  
396 Mental Health to another as necessary for the welfare of that or  
397 other patients. Upon receiving the director's certificate of  
398 transfer, the court shall enter an order accordingly.

399 (4) Within twenty-four (24) hours prior to the release or  
400 discharge of any civilly committed patient, other than a temporary  
401 pass due to sickness or death in the patient's family, the  
402 director shall give or cause to be given notice of such release or  
403 discharge to one (1) member of the patient's immediate family,  
404 provided the member of the patient's immediate family has signed  
405 the consent to release form provided under subsection (5) and has  
406 furnished in writing a current address and telephone number, if  
407 applicable, to the director for such purpose. The notice to the  
408 family member shall include the psychiatric diagnosis of any  
409 chronic mental disorder incurred by the civilly committed patient  
410 and any medications provided or prescribed to the patient for such  
411 conditions.

412 (5) All providers of service, whether in a community mental  
413 health/retardation center, region or state psychiatric hospital,  
414 are authorized and directed to request a consent to release  
415 information from all patients which will allow that entity to

416 involve the family in the patient's treatment. Such release form  
417 shall be developed by the Department of Mental Health and provided  
418 to all community mental health/retardation centers and state  
419 facilities. All such facilities shall request such a release of  
420 information upon the date of admission of the patient to the  
421 facility or at least by the time the patient is discharged.

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

424 41-21-109. (1) The purpose of this section is to provide  
425 modern and efficient rehabilitation facilities for mentally ill or  
426 mentally retarded juvenile offenders in Mississippi, who have been  
427 committed for treatment by a court of competent jurisdiction  
428 under Section 41-21-61 et seq. or transferred from another  
429 Department of Mental Health facility under regulations established  
430 by the State Board of Mental Health.

431 (2) The Department of Finance and Administration, acting  
432 through the Bureau of Building, Grounds and Real Property  
433 Management, using funds from bonds, monies appropriated by the  
434 Legislature for such purposes, federal matching or other federal  
435 funds, federal grants or other available funds from whatever  
436 source, shall provide for by construction, lease, lease-purchase  
437 or otherwise and equip the following juvenile rehabilitation  
438 facilities under the jurisdiction and responsibility of the  
439 Mississippi Department of Mental Health: Construction and  
440 equipping of two (2) separate facilities each of which could serve  
441 up to fifty (50) adolescents, and each of which will be located at  
442 sites approved by the Department of Mental Health that would be  
443 specifically designed to serve adolescents who have come into  
444 contact with the judicial system after committing a crime and who  
445 are mentally ill or mentally retarded to the extent that it is not  
446 acceptable to house them with non-handicapped inmates and who meet  
447 commitment criteria as defined by Section 41-21-61. One (1)  
448 50-bed facility shall house mentally ill adolescent offenders.

449 The other shall house mentally retarded adolescent offenders.  
450 These facilities shall be self-contained and offer a secure but  
451 therapeutic environment allowing persons to be habilitated apart  
452 from persons who are more vulnerable and who have disabilities  
453 that are more disabling. The number of persons admitted to these  
454 facilities shall not exceed the number of beds authorized under  
455 Section 41-21-109 or the number of beds licensed or authorized by  
456 the licensure and certification agency, whichever is less.

457 The handicapped juvenile offender rehabilitation facility  
458 location shall be on property owned by the Department of Mental  
459 Health, or its successor, at one or more sites selected by the  
460 Department of Mental Health on land that is either donated to the  
461 state or purchased by the state specifically for the location of  
462 such facilities.

463 SECTION 21. Sections 41-5-55, 41-5-81, 41-17-5, 41-17-7,  
464 41-17-9, 41-17-13, 41-19-105, 41-19-107, 41-19-109, 41-19-115,  
465 41-19-117, 41-19-119, 41-21-43, 41-21-45, 41-45-1, 41-45-3,  
466 41-45-5, 41-45-7, 41-45-9, 41-45-11, 41-45-13, 41-45-15, 41-45-17  
467 and 41-45-19, Mississippi Code of 1972, which prohibit the  
468 apprenticing of mental patients, provide certain criminal  
469 penalties, provide certain visitation duties for directors of  
470 mental hospitals, exempt resident mental hospital officers from  
471 jury service, require a drug store to be kept at each mental  
472 hospital, require separate accommodations at Whitfield for  
473 alcoholic and drug addicts, provide for the plan of Ellisville  
474 state school, require Ellisville's director to keep certain  
475 records, authorize Ellisville's director to sell certain products  
476 of the school, provide discharge procedures for Ellisville  
477 patients, provide for habeas corpus proceedings for Ellisville  
478 patients, authorize the receipt of gifts for the support of  
479 Ellisville, require counties to temporarily provide for the  
480 maintenance of indigent mentally retarded persons, prohibit  
481 cohabitation with mentally retarded persons, and authorize the

482 sterilization of mentally ill and mentally retarded patients, are  
483 repealed.

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