

By: Representative Moody

To: Public Health and
Welfare; Judiciary A

HOUSE BILL NO. 1333

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, CLARIFY CERTAIN
34 PROVISIONS; TO AMEND SECTION 41-21-109, MISSISSIPPI CODE OF 1972,
35 TO PROVIDE THAT THE REHABILITATION FACILITIES FOR MENTALLY ILL OR
36 MENTALLY RETARDED JUVENILE OFFENDERS ARE FOR PERSONS WHO MEET
37 COMMITMENT CRITERIA UNDER THE CIVIL COMMITMENT LAWS; TO REPEAL
38 SECTIONS 41-5-55, 41-5-81, 41-17-5, 41-17-7, 41-17-9, 41-17-13,
39 41-19-105, 41-19-107, 41-19-109, 41-19-115, 41-19-117, 41-19-119,
40 41-21-43, 41-21-45 AND 41-45-1 THROUGH 41-45-19, MISSISSIPPI CODE
41 OF 1972, WHICH PROHIBIT THE APPRENTICING OF MENTAL PATIENTS,
42 PROVIDE CERTAIN CRIMINAL PENALTIES, PROVIDE CERTAIN VISITATION
43 DUTIES FOR DIRECTORS OF MENTAL HOSPITALS, EXEMPT RESIDENT MENTAL
44 HOSPITAL OFFICERS FROM JURY SERVICE, REQUIRE A DRUG STORE TO BE
45 KEPT AT EACH MENTAL HOSPITAL, REQUIRE SEPARATE ACCOMMODATIONS AT

46 WHITFIELD FOR ALCOHOLIC AND DRUG ADDICTS, PROVIDE FOR THE PLAN OF
47 ELLISVILLE STATE SCHOOL, REQUIRE ELLISVILLE'S DIRECTOR TO KEEP
48 CERTAIN RECORDS, AUTHORIZE ELLISVILLE'S DIRECTOR TO SELL CERTAIN
49 PRODUCTS OF THE SCHOOL, PROVIDE DISCHARGE PROCEDURES FOR
50 ELLISVILLE PATIENTS, PROVIDE FOR HABEAS CORPUS PROCEEDINGS FOR
51 ELLISVILLE PATIENTS, AUTHORIZE THE RECEIPT OF GIFTS FOR THE
52 SUPPORT OF ELLISVILLE, REQUIRE COUNTIES TO TEMPORARILY PROVIDE FOR
53 THE 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 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

58 SECTION 1. Section 41-7-73, Mississippi Code of 1972, is
59 amended as follows:

60 41-7-73. The term "state institution" or "state
61 institutions" as used in Sections 41-7-71 through 41-7-95 shall
62 include the following: Mississippi State Hospital at Whitfield,
63 Ellisville State School, East Mississippi State Hospital at
64 Meridian, Mississippi Children's Rehabilitation Center, North
65 Mississippi Regional Center, Hudspeth Regional Center, South
66 Mississippi Regional Center, North Mississippi State Hospital at
67 Tupelo, South Mississippi State Hospital at Purvis, the University
68 of Mississippi Hospital, * * * Boswell Regional Center, the
69 Juvenile Rehabilitation Center at Brookhaven, the Specialized
70 Treatment Facility for the Emotionally Disturbed in Harrison
71 County, and the Central Mississippi Residential Center at Newton.

72 SECTION 2. Section 41-17-1, Mississippi Code of 1972, is
73 amended as follows:

74 41-17-1. Mississippi State * * * Hospital at
75 Whitfield, * * * East Mississippi State Hospital at Meridian,
76 North Mississippi State Hospital at Tupelo, South Mississippi
77 State Hospital at Purvis, the Specialized Treatment Facility for
78 the Emotionally Disturbed in Harrison County, and the Central
79 Mississippi Residential Center at Newton are established for the
80 care and treatment of * * * persons with mental illness, free of
81 charge, except as otherwise provided.

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

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:

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 Specialized Treatment Facility for
97 the Emotionally Disturbed in Harrison County, and the Central
98 Mississippi Residential Center at Newton each are authorized to
99 receive any moneys that the United States government may offer as
100 federal aid in taking care of and giving special attention to
101 those persons who served with the armed forces of the United
102 States during time of war * * *, and who are now in, or may
103 hereafter be in any of those treatment facilities. Each of those
104 directors is * * * authorized to expend that part of the money
105 paid to him or his treatment facility as aforesaid, according to
106 his best judgment and the requirements of the United States
107 government under which the money is received.

108 SECTION 5. Section 41-19-103, Mississippi Code of 1972, is
109 amended as follows:

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

116 and mixed, as a body corporate. The school shall be under the
117 direction and control of the State Board of * * * Mental Health.

118 SECTION 6. The following shall be codified as Section
119 41-19-108, Mississippi Code of 1972:

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

128 SECTION 7. The following shall be codified as Section
129 41-19-112, Mississippi Code of 1972:

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

134 SECTION 8. The following shall be codified as Section
135 41-19-114, Mississippi Code of 1972:

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

140 SECTION 9. The following shall be codified as Section
141 41-19-116, Mississippi Code of 1972:

142 41-19-116. Any person who (a) knowingly and unlawfully or
143 improperly causes a person to be adjudged mentally retarded, (b)
144 procures the escape of a legally committed resident or knowingly
145 conceals an escaped legally committed resident of the school, or
146 (c) unlawfully brings any firearm, deadly weapon or explosive into
147 the school or its grounds, or passes any thereof to a resident,
148 employee or officer of the school, is guilty of a misdemeanor and,

149 upon conviction, shall be punished by a fine of not less than
150 Fifty Dollars (\$50.00), nor more than Two Hundred Dollars
151 (\$200.00), imprisonment for not less than six (6) months, or both.

152 SECTION 10. The following shall be codified as Section
153 41-19-118, Mississippi Code of 1972:

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

158 SECTION 11. Section 41-19-121, Mississippi Code of 1972, is
159 amended as follows:

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

163 SECTION 12. Section 41-21-35, Mississippi Code of 1972, is
164 amended as follows:

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

168 SECTION 13. Section 41-21-63, Mississippi Code of 1972, is
169 amended as follows:

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

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

180 (3) The circuit court shall have jurisdiction over persons
181 ordered evaluated under Sections 99-13-7, 99-13-9 and 99-13-11.

182 No person with unresolved criminal charges pending shall be
183 civilly committed under Section 41-21-61 through 41-21-107.

184 SECTION 14. Section 41-21-73, Mississippi Code of 1972, is
185 amended as follows:

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

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

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

211 (4) If the court finds by clear and convincing evidence that
212 the proposed patient is a mentally ill or mentally retarded person
213 and, if after careful consideration of reasonable alternative
214 dispositions, including, but not limited to, dismissal of the

215 proceedings, the court finds that there is no suitable alternative
216 to judicial commitment, the court shall commit the patient for
217 treatment in the least restrictive treatment facility which can
218 meet the patient's treatment needs.

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

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

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

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

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

238 SECTION 15. Section 41-21-77, Mississippi Code of 1972, is
239 amended as follows:

240 41-21-77. If admission is ordered at a treatment facility,
241 the sheriff, his deputy or any other person appointed or
242 authorized by the court shall immediately deliver the respondent
243 to the director of the appropriate institution; * * *
244 however, * * * no person shall be so delivered or admitted until
245 the director of the admitting institution determines that
246 facilities and services are available. Persons who have been
247 ordered committed and are awaiting admission may be given any such

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

270 SECTION 16. Section 41-21-81, Mississippi Code of 1972, is
271 amended as follows:

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

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

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

308 SECTION 17. Section 41-21-82, Mississippi Code of 1972, is
309 amended as follows:

310 41-21-82. Prior to the termination of the initial commitment
311 order, the director of the facility shall cause an impartial
312 evaluation of the patient to be made in order to assess the extent
313 to which the grounds for initial commitment persist, the patient

314 continues to be mentally ill, and alternatives to involuntary
315 commitment are available. If the results of this impartial
316 evaluation do not support the need for continued commitment, the
317 patient shall be discharged under Section 41-21-87 without further
318 hearing being required.

319 If the impartial evaluation determines that the patient
320 continues to be mentally ill and needs continued inpatient
321 treatment, the director shall file a written report with the
322 committing court setting forth in detail the results of this
323 evaluation and other facts indicating that the patient satisfies
324 the statutory requirement for continued commitment and the
325 findings of the examiner to support this conclusion. The court
326 shall order that the commitment be continued until the director
327 and treating professionals determine that the patient may be
328 discharged under Section 41-21-87. If, after reviewing the
329 director's report, the court finds that the patient continues to
330 be mentally ill and that there is no alternative to involuntary
331 commitment, the commitment may be continued.

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

335 SECTION 18. Section 41-21-83, Mississippi Code of 1972, is
336 amended as follows:

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

347 Mississippi State Hospital at Whitfield, the hearing shall be
348 conducted by the chancery court of the First Judicial District of
349 Hinds County, Mississippi.

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

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

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

376 SECTION 19. Section 41-21-87, Mississippi Code of 1972, is
377 amended as follows:

378 41-21-87. (1) The director of the treatment facility may
379 discharge any civilly committed patient upon filing his

380 certificate of discharge with the clerk of the committing court,
381 certifying that the patient, in his judgment, no longer poses a
382 substantial threat of physical harm to himself or others.

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

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

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

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

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

413 (5) All providers of service, whether in a community mental
414 health/retardation center, region or state psychiatric hospital,
415 are authorized and directed to request a consent to release
416 information from all patients which will allow that entity to
417 involve the family in the patient's treatment. Such release form
418 shall be developed by the Department of Mental Health and provided
419 to all community mental health/retardation centers and state
420 facilities. All such facilities shall request such a release of
421 information upon the date of admission of the patient to the
422 facility or at least by the time the patient is discharged.

423 SECTION 20. Section 41-21-109, Mississippi Code of 1972, is
424 amended as follows:

425 41-21-109. (1) The purpose of this section is to provide
426 modern and efficient rehabilitation facilities for mentally ill or
427 mentally retarded juvenile offenders in Mississippi, who meet
428 commitment criteria under Section 41-21-61 et seq.

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

446 50-bed facility shall house mentally ill adolescent offenders.
447 The other shall house mentally retarded adolescent offenders.
448 These facilities shall be self-contained and offer a secure but
449 therapeutic environment allowing persons to be habilitated apart
450 from persons who are more vulnerable and who have disabilities
451 that are more disabling. The number of persons admitted to these
452 facilities shall not exceed the number of beds authorized under
453 Section 41-21-109 or the number of beds licensed or authorized by
454 the licensure and certification agency, whichever is less.

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

461 SECTION 21. Sections 41-5-55, 41-5-81, 41-17-5, 41-17-7,
462 41-17-9, 41-17-13, 41-19-105, 41-19-107, 41-19-109, 41-19-115,
463 41-19-117, 41-19-119, 41-21-43, 41-21-45, 41-45-1, 41-45-3,
464 41-45-5, 41-45-7, 41-45-9, 41-45-11, 41-45-13, 41-45-15, 41-45-17
465 and 41-45-19, Mississippi Code of 1972, which prohibit the
466 apprenticing of mental patients, provide certain criminal
467 penalties, provide certain visitation duties for directors of
468 mental hospitals, exempt resident mental hospital officers from
469 jury service, require a drug store to be kept at each mental
470 hospital, require separate accommodations at Whitfield for
471 alcoholic and drug addicts, provide for the plan of Ellisville
472 state school, require Ellisville's director to keep certain
473 records, authorize Ellisville's director to sell certain products
474 of the school, provide discharge procedures for Ellisville
475 patients, provide for habeas corpus proceedings for Ellisville
476 patients, authorize the receipt of gifts for the support of
477 Ellisville, require counties to temporarily provide for the
478 maintenance of indigent mentally retarded persons, prohibit

479 cohabitation with mentally retarded persons, and authorize the
480 sterilization of mentally ill and mentally retarded patients, are
481 repealed.

482 SECTION 22. This act shall take effect and be in force from
483 and after July 1, 2001.