

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.