

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1333: Mental health facilities and procedures; revise and update various laws regarding.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

74 41-7-73. The term "state institution" or "state
75 institutions" as used in Sections 41-7-71 through 41-7-95 shall
76 include the following: Mississippi State Hospital at Whitfield,
77 Ellisville State School, East Mississippi State Hospital at
78 Meridian, Mississippi Children's Rehabilitation Center, North
79 Mississippi Regional Center, Hudspeth Regional Center, South
80 Mississippi Regional Center, North Mississippi State Hospital at
81 Tupelo, South Mississippi State Hospital at Purvis, the University
82 of Mississippi Hospital, * * * Boswell Regional Center, the
83 Juvenile Rehabilitation Center at Brookhaven, the Specialized
84 Treatment Facility for the Emotionally Disturbed in Harrison
85 County, and the Central Mississippi Residential Center at Newton.

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

88 41-17-1. Mississippi State * * * Hospital at
89 Whitfield, * * * East Mississippi State Hospital at Meridian,
90 North Mississippi State Hospital at Tupelo, South Mississippi
91 State Hospital at Purvis, the Specialized Treatment Facility for
92 the Emotionally Disturbed in Harrison County, and the Central
93 Mississippi Residential Center at Newton are established for the
94 care and treatment of * * * persons with mental illness, free of
95 charge, except as otherwise provided.

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

98 41-17-3. The treatment facility for persons with mental
99 illness established at Meridian by the Act of March 8, 1882, shall
100 continue to exist as a body politic and corporate, under the name
101 of the "East Mississippi State Hospital," with all the privileges
102 conferred and the duties enjoined by law. It may hold and use, as
103 required by law, all the property, real and personal, belonging or
104 which may be given to it for the purposes of its establishment.

105 SECTION 4. Section 41-17-11, Mississippi Code of 1972, is
106 amended as follows:

107 41-17-11. The directors of Mississippi State * * * Hospital
108 at Whitfield, * * * East Mississippi State Hospital at Meridian,
109 North Mississippi State Hospital at Tupelo, South Mississippi
110 State Hospital at Purvis, the Specialized Treatment Facility for
111 the Emotionally Disturbed in Harrison County, and the Central
112 Mississippi Residential Center at Newton each are authorized to
113 receive any monies that the United States government may offer as
114 federal aid in taking care of and giving special attention to
115 those persons who served with the armed forces of the United
116 States during time of war * * *, and who are now in, or may
117 hereafter be in any of those treatment facilities. Each of those
118 directors is * * * authorized to expend that part of the money

119 paid to him or his treatment facility as aforesaid, according to
120 his best judgment and the requirements of the United States
121 government under which the money is received.

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

124 41-19-103. The Ellisville State School for persons with
125 mental retardation, established by Chapter 210 Laws of Mississippi
126 1920, is recognized as now existing and shall hereafter be known
127 under the name of Ellisville State School for the care and
128 treatment of * * * persons with mental retardation. The school
129 shall have the power to receive and hold property, real, personal
130 and mixed, as a body corporate. The school shall be under the
131 direction and control of the State Board of * * * Mental Health.

132 SECTION 6. The following shall be codified as Section
133 41-19-108, Mississippi Code of 1972:

134 41-19-108. With funds provided by the Legislature, by direct
135 appropriation or authorized bond issue, with federal matching
136 funds, or with any other available funds, the Bureau of Building,
137 Grounds and Real Property Management may construct and equip the
138 necessary residential and service buildings and other facilities
139 to care for the residents of Ellisville State School. The general
140 design of the school and all construction plans shall be approved
141 and recommended by the State Department of Mental Health.

142 SECTION 7. The following shall be codified as Section
143 41-19-112, Mississippi Code of 1972:

144 41-19-112. Ellisville State School shall be administered by
145 the State Board of Mental Health. Provisions relating to the
146 admission and care of residents at the school shall be promulgated
147 by the board.

148 SECTION 8. The following shall be codified as Section
149 41-19-114, Mississippi Code of 1972:

150 41-19-114. Persons admitted to Ellisville State School shall
151 be assessed support and maintenance costs in accordance with the
152 provisions of the state reimbursement laws as they apply to other
153 state institutions.

154 SECTION 9. The following shall be codified as Section
155 41-19-116, Mississippi Code of 1972:

156 41-19-116. Any person who (a) knowingly and unlawfully or
157 improperly causes a person to be adjudged mentally retarded, (b)
158 procures the escape of a legally committed resident or knowingly
159 conceals an escaped legally committed resident of the school, or
160 (c) unlawfully brings any firearm, deadly weapon or explosive into
161 the school or its grounds, or passes any thereof to a resident,
162 employee or officer of the school, is guilty of a misdemeanor and,
163 upon conviction, shall be punished by a fine of not less than
164 Fifty Dollars (\$50.00), nor more than Two Hundred Dollars
165 (\$200.00), imprisonment for not less than six (6) months, or both.

166 SECTION 10. The following shall be codified as Section
167 41-19-118, Mississippi Code of 1972:

168 41-19-118. The Ellisville State School is designated as a
169 state agency for carrying out the purposes of any act of the
170 Congress of the United States, now existing or at any time
171 hereafter enacted, pertaining to mental retardation.

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

174 41-19-121. The director of the Ellisville State School may
175 receive free lodging in his institution for himself and his
176 family, but not free board, nor free supplies from the school.

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

179 41-21-35. The rule as to the legal settlement of paupers
180 shall apply in cases of persons with mental illness and persons

181 with mental retardation.

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

184 41-21-63. (1) No person, whether a child or adult, shall be
185 committed to a public treatment facility except under the
186 provisions of Sections 41-21-61 through 41-21-107 or 43-21-611 or
187 43-21-315. However, nothing herein shall be construed to repeal,
188 alter or otherwise affect the provisions of Section 35-5-31 or to
189 affect or prevent the commitment of persons to the Veterans
190 Administration or other agency of the United States under the
191 provisions of and in the manner specified in those sections.

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

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

198 SECTION 14. Section 41-21-73, Mississippi Code of 1972, as
199 amended by Senate Bill No. 2760, 2001 Regular Session, is amended
200 as follows:

201 41-21-73. (1) The hearing shall be conducted before the
202 chancellor. Within a reasonable period of time before the
203 hearing, notice of same shall be provided the respondent and his
204 attorney which shall include: (a) notice of the date, time and
205 place of the hearing; (b) a clear statement of the purpose of the
206 hearing; (c) the possible consequences or outcome of the hearing;
207 (d) the facts which have been alleged in support of the need for
208 commitment; (e) the names, addresses and telephone numbers of the
209 examiner(s); and (f) other witnesses expected to testify.

210 (2) The respondent must be present at the hearing unless the
211 chancellor determines that the respondent is unable to attend and

212 makes that determination and the reasons therefor part of the
213 record. At the time of the hearing the respondent shall not be so
214 under the influence or suffering from the effects of drugs,
215 medication or other treatment so as to be hampered in
216 participating in the proceedings. The court, at the time of the
217 hearing, shall be presented a record of all drugs, medication or
218 other treatment which the respondent has received pending the
219 hearing, unless the court determines that such a record would be
220 impractical and documents the reasons for that determination.

221 (3) The respondent shall have the right to offer evidence,
222 to be confronted with the witnesses against him and to
223 cross-examine them and shall have the privilege against
224 self-incrimination. The rules of evidence applicable in other
225 judicial proceedings in this state shall be followed.

226 (4) If the court finds by clear and convincing evidence that
227 the proposed patient is a person with mental illness or mental
228 retardation and, if after careful consideration of reasonable
229 alternative dispositions, including, but not limited to, dismissal
230 of the proceedings, the court finds that there is no suitable
231 alternative to judicial commitment, the court shall commit the
232 patient for treatment in the least restrictive treatment facility
233 which can meet the patient's treatment needs.

234 Alternatives to commitment to inpatient care may include, but
235 shall not be limited to: voluntary or court-ordered outpatient
236 commitment for treatment with specific reference to a treatment
237 regimen, day treatment in a hospital, night treatment in a
238 hospital or placement in the custody of a friend or relative

239 * * * _

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

242 (5) No person shall be committed to a treatment facility

243 whose primary problems are the physical disabilities associated
244 with old age or birth defects of infancy.

245 (6) The court shall state the findings of fact and
246 conclusions of law which constitute the basis for the order of
247 commitment. The findings shall include a listing of less
248 restrictive alternatives considered by the court and the reasons
249 that each was found not suitable.

250 (7) A stenographic transcription shall be recorded by a
251 stenographer or electronic recording device and retained by the
252 court.

253 (8) Notwithstanding any other provision of law to the
254 contrary, neither the Board of Mental Health or its members, nor
255 the Department of Mental Health or its related facilities, nor any
256 employee of the Department of Mental Health or its related
257 facilities, unless related to the respondent by blood or marriage,
258 shall be assigned or adjudicated custody, guardianship, or
259 conservatorship of the respondent.

260 SECTION 15. Section 41-21-77, Mississippi Code of 1972, as
261 amended by Senate Bill No. 2760, 2001 Regular Session, is amended
262 as follows:

263 41-21-77. If admission is ordered at a treatment facility,
264 the sheriff, his deputy or any other person appointed or
265 authorized by the court shall immediately deliver the respondent
266 to the director of the appropriate facility. Neither the Board of
267 Mental Health or its members, nor the Department of Mental Health
268 or its related facilities, nor any employee of the Department of
269 Mental Health or its related facilities, shall be appointed,
270 authorized or ordered to deliver the respondent for treatment, and
271 no person shall be so delivered or admitted until the director of
272 the admitting institution determines that facilities and services
273 are available. Persons * * * committed and * * * awaiting

274 admission to a Department of Mental Health facility may be
275 retained and treated in any non-Department of Mental Health
276 facility or location determined and approved by the committing
277 court. Neither the Board of Mental Health, the Department of
278 Mental Health, nor any Department of Mental Health facility or its
279 employees shall be responsible for costs relating to preadmission
280 care. However, if the respondent is not indigent, those costs
281 shall be taxed against the respondent or his estate. The clerk
282 shall provide the director of the admitting institution with a
283 certified copy of the court order, a certified copy of the
284 physicians' and any psychologist's certificate, a certified copy
285 of the pre-evaluation screening form, a certified copy of the
286 affidavit, and any other information available concerning the
287 physical and mental condition of the respondent; however, upon
288 notification from the United States Veterans Administration or
289 other agency of the United States government, that facilities are
290 available and the respondent is eligible for care and treatment
291 therein, the court may enter an order for delivery of the
292 respondent to or retention by the Veterans Administration or other
293 agency of the United States government, and, in such cases such
294 chief officer to whom the respondent is so delivered or by whom he
295 is retained shall, with respect to the respondent, be vested with
296 the same powers as the directors of * * * Mississippi State
297 Hospital at Whitfield, * * * East Mississippi State Hospital at
298 Meridian, North Mississippi State Hospital at Tupelo, South
299 Mississippi State Hospital at Purvis, and Central Mississippi
300 Residential Center at Newton, with respect to retention and
301 discharge of the respondent.

302 SECTION 16. Section 41-21-81, Mississippi Code of 1972, as
303 amended by Senate Bill No. 2760, 2001 Regular Session, is amended
304 as follows:

305 41-21-81. If at any time within twenty (20) days after
306 admission of a patient to a treatment facility the director
307 determines that the patient is in need of continued
308 hospitalization, he shall give written notice of his findings,
309 together with his reasons for such findings, to the respondent,
310 the patient's attorney, the clerk of the admitting court and the
311 two (2) nearest relatives or guardian of the patient, if the
312 addresses of such relatives or guardian are known. The patient,
313 or any aggrieved relative or friend or guardian shall have sixty
314 (60) days from the date of such notice to request a hearing on the
315 question of the patient's commitment for further treatment. The
316 patient, or any aggrieved relative or guardian or friend, may
317 request a hearing by filing a written notice of request within
318 such sixty (60) days with the clerk of the county within which the
319 facility is located; * * * however, * * * the patient may request
320 such a hearing in writing to any member of the professional staff,
321 which shall be forwarded to the director and promptly filed with
322 the clerk of the county within which the facility is located, but
323 if the patient is confined at * * * Mississippi State Hospital at
324 Whitfield, the notice of request shall be filed with the Chancery
325 Clerk of the First Judicial District of Hinds County, Mississippi.

326 A copy of the notice of request must be filed by the patient or
327 on his behalf with the director and the chancery clerk of the
328 admitting court. The notice of the need for continued
329 hospitalization shall be explained to the patient by a member of
330 the professional staff and the explanation documented in the
331 clinical record. At the same time the patient shall be advised of
332 his right to request a hearing and of his right to consult a
333 lawyer prior to deciding whether to request the hearing, and the
334 fact that the patient has been so advised shall be documented in
335 the clinical record.

336 Hearings held under this section shall be held in the
337 chancery court of the county where the facility is located;
338 however, if the patient is confined at Mississippi State Hospital
339 at Whitfield, the hearing shall be conducted by the chancery court
340 of the First Judicial District of Hinds County, Mississippi.

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

343 41-21-82. Prior to the termination of the initial commitment
344 order, the director of the facility shall cause an impartial
345 evaluation of the patient to be made in order to assess the extent
346 to which the grounds for initial commitment persist, the patient
347 continues to be mentally ill, and alternatives to involuntary
348 commitment are available. If the results of this impartial
349 evaluation do not support the need for continued commitment, the
350 patient shall be discharged under Section 41-21-87 without further
351 hearing being required.

352 If the impartial evaluation determines that the patient
353 continues to be mentally ill and needs continued inpatient
354 treatment, the director shall file a written report with the
355 committing court setting forth in detail the results of this
356 evaluation and other facts indicating that the patient satisfies
357 the statutory requirement for continued commitment and the
358 findings of the examiner to support this conclusion. The court
359 shall order that the commitment be continued until the director
360 and treating professionals determine that the patient may be
361 discharged under Section 41-21-87. If, after reviewing the
362 director's report, the court finds that the patient continues to
363 be mentally ill and that there is no alternative to involuntary
364 commitment, the commitment may be continued.

365 Nothing in this section shall preclude the patient, his
366 counsel or another person acting in his behalf from requesting a

367 hearing under Sections 41-21-81 or 41-21-99.

368 SECTION 18. Section 41-21-83, Mississippi Code of 1972, as
369 amended by Senate Bill No. 2760, 2001 Regular Session, is amended
370 as follows:

371 41-21-83. If a hearing is requested as provided in Section
372 41-21-74, 41-21-81 or 41-21-99, the court shall not make a
373 determination of the need for continued commitment unless a
374 hearing is held and the court finds by clear and convincing
375 evidence that (a) the person continues to be mentally ill or
376 mentally retarded; and (b) involuntary commitment is necessary for
377 the protection of the patient or others; and (c) there is no
378 alternative to involuntary commitment. Hearings held under this
379 section shall be held in the chancery court of the county where
380 the facility is located; however, if the patient is confined at
381 Mississippi State Hospital at Whitfield, the hearing shall be
382 conducted by the chancery court of the First Judicial District of
383 Hinds County, Mississippi.

384 The hearing shall be held within fourteen (14) days after
385 receipt by the court of the request for a hearing. The court may
386 continue the hearing for good cause shown. The clerk shall
387 ascertain whether the patient is represented by counsel, and, if
388 the patient is not represented, shall notify the chancellor who
389 shall appoint counsel for him if the chancellor determines that
390 the patient for any reason does not have the services of an
391 attorney; however, the patient may waive the appointment of
392 counsel subject to the approval of the court. Notice of the time
393 and place of the hearing shall be served at least seventy-two (72)
394 hours before the time of the hearing upon the patient, his
395 attorney, the director, and the person requesting the hearing, if
396 other than the patient, and any witnesses requested by the patient
397 or his attorney, or any witnesses the court may deem necessary or

398 desirable.

399 The patient must be present at the hearing unless the
400 chancellor determines that the patient is unable to attend and
401 makes that determination and the reasons therefor part of the
402 record.

403 The court shall put its findings and the reasons supporting
404 its findings in writing and shall have copies delivered to the
405 patient, his attorney, and the director of the treatment facility.
406 An appeal from the final commitment order by either party may be
407 had on the terms prescribed for appeals in civil cases; however,
408 such appeal shall be without supersedeas. The record on appeal
409 shall include the transcript of the commitment hearing.

410 SECTION 19. Section 41-21-87, Mississippi Code of 1972, as
411 amended by Senate Bill No. 2760, 2001 Regular Session, is amended
412 as follows:

413 41-21-87. (1) The director of the treatment facility may
414 discharge any civilly committed patient upon filing his
415 certificate of discharge with the clerk of the committing court,
416 certifying that the patient, in his judgment, no longer poses a
417 substantial threat of physical harm to himself or others.

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

422 (a) When, in the judgment of the director, the patient
423 may be treated in a less restrictive environment; * * *; or

424 (b) When, in the judgment of the director, adequate
425 facilities or treatment are not available at the treatment
426 facility.

427 (3) No committing court shall enjoin or restrain any
428 director from discharging a patient under this section whose

429 treating professionals have determined that the patient meets one
430 (1) of the criteria for discharge as outlined in subsection (1) or
431 (2) of this section. The director may transfer any * * * patient
432 from one (1) facility operated directly by the Department of
433 Mental Health to another as necessary for the welfare of that or
434 other patients. Upon receiving the director's certificate of
435 transfer, the court shall enter an order accordingly.

436 (4) Within twenty-four (24) hours prior to the release or
437 discharge of any civilly committed patient, other than a temporary
438 pass due to sickness or death in the patient's family, the
439 director shall give or cause to be given notice of such release or
440 discharge to one (1) member of the patient's immediate family,
441 provided the member of the patient's immediate family has signed
442 the consent to release form provided under subsection (5) and has
443 furnished in writing a current address and telephone number, if
444 applicable, to the director for such purpose. The notice to the
445 family member shall include the psychiatric diagnosis of any
446 chronic mental disorder incurred by the civilly committed patient
447 and any medications provided or prescribed to the patient for such
448 conditions.

449 (5) All providers of service, whether in a community mental
450 health/retardation center, region or state psychiatric hospital,
451 are authorized and directed to request a consent to release
452 information from all patients which will allow that entity to
453 involve the family in the patient's treatment. Such release form
454 shall be developed by the Department of Mental Health and provided
455 to all community mental health/retardation centers and state
456 facilities. All such facilities shall request such a release of
457 information upon the date of admission of the patient to the
458 facility or at least by the time the patient is discharged.

459 SECTION 20. Section 41-21-109, Mississippi Code of 1972, is

460 amended as follows:

461 41-21-109. (1) The purpose of this section is to provide
462 modern and efficient rehabilitation facilities for mentally ill or
463 mentally retarded juvenile offenders in Mississippi, who meet
464 commitment criteria under Section 41-21-61 et seq.

465 (2) The Department of Finance and Administration, acting
466 through the Bureau of Building, Grounds and Real Property
467 Management, using funds from bonds, monies appropriated by the
468 Legislature for such purposes, federal matching or other federal
469 funds, federal grants or other available funds from whatever
470 source, shall provide for by construction, lease, lease-purchase
471 or otherwise and equip the following juvenile rehabilitation
472 facilities under the jurisdiction and responsibility of the
473 Mississippi Department of Mental Health: Construction and
474 equipping of two (2) separate facilities each of which could serve
475 up to fifty (50) adolescents, and each of which will be located at
476 sites approved by the Department of Mental Health that would be
477 specifically designed to serve adolescents who have come into
478 contact with the judicial system after committing a crime and who
479 are mentally ill or mentally retarded to the extent that it is not
480 acceptable to house them with non-handicapped inmates and who meet
481 commitment criteria as defined by Section 41-21-61. One (1)
482 50-bed facility shall house mentally ill adolescent offenders.
483 The other shall house mentally retarded adolescent offenders.
484 These facilities shall be self-contained and offer a secure but
485 therapeutic environment allowing persons to be habilitated apart
486 from persons who are more vulnerable and who have disabilities
487 that are more disabling. The number of persons admitted to these
488 facilities shall not exceed the number of beds authorized under
489 Section 41-21-109 or the number of beds licensed or authorized by
490 the licensure and certification agency, whichever is less.

491 The handicapped juvenile offender rehabilitation facility
492 location shall be on property owned by the Department of Mental
493 Health, or its successor, at one or more sites selected by the
494 Department of Mental Health on land that is either donated to the
495 state or purchased by the state specifically for the location of
496 such facilities.

497 SECTION 21. Sections 41-5-55, 41-5-81, 41-17-5, 41-17-7,
498 41-17-9, 41-17-13, 41-19-105, 41-19-107, 41-19-109, 41-19-115,
499 41-19-117, 41-19-119, 41-21-43, 41-21-45, 41-45-1, 41-45-3,
500 41-45-5, 41-45-7, 41-45-9, 41-45-11, 41-45-13, 41-45-15, 41-45-17
501 and 41-45-19, Mississippi Code of 1972, which prohibit the
502 apprenticing of mental patients, provide certain criminal
503 penalties, provide certain visitation duties for directors of
504 mental hospitals, exempt resident mental hospital officers from
505 jury service, require a drug store to be kept at each mental
506 hospital, require separate accommodations at Whitfield for
507 alcoholic and drug addicts, provide for the plan of Ellisville
508 state school, require Ellisville's director to keep certain
509 records, authorize Ellisville's director to sell certain products
510 of the school, provide discharge procedures for Ellisville
511 patients, provide for habeas corpus proceedings for Ellisville
512 patients, authorize the receipt of gifts for the support of
513 Ellisville, require counties to temporarily provide for the
514 maintenance of indigent mentally retarded persons, prohibit
515 cohabitation with mentally retarded persons, and authorize the
516 sterilization of mentally ill and mentally retarded patients, are
517 repealed.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 PERSONS WITH MENTAL ILLNESS AND PERSONS WITH MENTAL RETARDATION;
16 TO AMEND SECTION 41-21-63, MISSISSIPPI CODE OF 1972, TO CLARIFY
17 THAT THE CIVIL COMMITMENT LAWS APPLY TO CHILDREN AND ADULTS; TO
18 PROVIDE THAT NO PERSON WITH UNRESOLVED CRIMINAL CHARGES PENDING
19 SHALL BE COMMITTED UNDER THE CIVIL COMMITMENT LAWS; TO AMEND
20 SECTION 41-21-73, MISSISSIPPI CODE OF 1972, TO DELETE THE
21 PROVISION OF HOME HEALTH SERVICES FROM THE ALTERNATIVES TO
22 COMMITMENT TO INPATIENT CARE; TO PROHIBIT THE ASSIGNMENT OR
23 ADJUDICATION OF CUSTODY OF A RESPONDENT TO THE BOARD OR DEPARTMENT
24 OF MENTAL HEALTH OR THEIR RELATED FACILITIES; TO AMEND SECTION
25 41-21-77, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE APPOINTMENT OR
26 ORDERING OF THE BOARD OR DEPARTMENT OF MENTAL HEALTH OR THEIR
27 RELATED FACILITIES TO DELIVER THE RESPONDENT FOR TREATMENT; TO
28 PROVIDE THAT PERSONS COMMITTED AND AWAITING ADMISSION TO A
29 DEPARTMENT OF MENTAL HEALTH FACILITY MAY BE RETAINED AND TREATED
30 IN ANY NON-DEPARTMENT OF MENTAL HEALTH FACILITY APPROVED BY THE
31 COURT; TO PROVIDE THAT THE DEPARTMENT OF MENTAL HEALTH SHALL NOT
32 BE RESPONSIBLE FOR COSTS RELATING TO PREADMISSION CARE; TO PROVIDE
33 THAT WHEN A PERSON IS ORDERED COMMITTED, THE DIRECTOR OF THE
34 ADMITTING INSTITUTION SHALL BE PROVIDED WITH A CERTIFIED COPY OF
35 THE PRE-EVALUATION SCREENING FORM; TO AMEND SECTIONS 41-21-81 AND
36 41-21-83, MISSISSIPPI CODE OF 1972, TO SPECIFY THE COURTS IN WHICH
37 HEARINGS WILL BE HELD ON THE QUESTION OF A PATIENT'S COMMITMENT
38 FOR FURTHER TREATMENT; TO AMEND SECTION 41-21-82, MISSISSIPPI CODE
39 OF 1972, TO PROVIDE THAT BEFORE THE TERMINATION OF THE INITIAL
40 COMMITMENT, IF THE TREATMENT FACILITY DIRECTOR DETERMINES THAT A
41 PATIENT CONTINUES TO BE MENTALLY ILL AND NEEDS CONTINUED INPATIENT
42 TREATMENT, THE COURT SHALL ORDER THAT COMMITMENT BE CONTINUED; TO
43 AMEND SECTION 41-21-87, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
44 A COMMITTING COURT SHALL NOT ENJOIN OR RESTRAIN ANY TREATMENT
45 FACILITY DIRECTOR FROM DISCHARGING A PATIENT WHOSE TREATING
46 PROFESSIONALS HAVE DETERMINED THAT THE PATIENT MEETS THE STATUTORY
47 CRITERIA FOR DISCHARGE; TO AMEND SECTION 41-21-109, MISSISSIPPI
48 CODE OF 1972, TO PROVIDE THAT THE REHABILITATION FACILITIES FOR
49 MENTALLY ILL OR MENTALLY RETARDED JUVENILE OFFENDERS ARE FOR
50 PERSONS WHO MEET COMMITMENT CRITERIA UNDER THE CIVIL COMMITMENT
51 LAWS; TO REPEAL SECTIONS 41-5-55, 41-5-81, 41-17-5, 41-17-7,
52 41-17-9, 41-17-13, 41-19-105, 41-19-107, 41-19-109, 41-19-115,
53 41-19-117, 41-19-119, 41-21-43, 41-21-45 AND 41-45-1 THROUGH
54 41-45-19, MISSISSIPPI CODE OF 1972, WHICH PROHIBIT THE
55 APPRENTICING OF MENTAL PATIENTS, PROVIDE CERTAIN CRIMINAL
56 PENALTIES, PROVIDE CERTAIN VISITATION DUTIES FOR DIRECTORS OF
57 MENTAL HOSPITALS, EXEMPT RESIDENT MENTAL HOSPITAL OFFICERS FROM
58 JURY SERVICE, REQUIRE A DRUG STORE TO BE KEPT AT EACH MENTAL
59 HOSPITAL, REQUIRE SEPARATE ACCOMMODATIONS AT WHITFIELD FOR

60 ALCOHOLIC AND DRUG ADDICTS, PROVIDE FOR THE PLAN OF ELLISVILLE
61 STATE SCHOOL, REQUIRE ELLISVILLE'S DIRECTOR TO KEEP CERTAIN
62 RECORDS, AUTHORIZE ELLISVILLE'S DIRECTOR TO SELL CERTAIN PRODUCTS
63 OF THE SCHOOL, PROVIDE DISCHARGE PROCEDURES FOR ELLISVILLE
64 PATIENTS, PROVIDE FOR HABEAS CORPUS PROCEEDINGS FOR ELLISVILLE
65 PATIENTS, AUTHORIZE THE RECEIPT OF GIFTS FOR THE SUPPORT OF
66 ELLISVILLE, REQUIRE COUNTIES TO TEMPORARILY PROVIDE FOR THE
67 MAINTENANCE OF INDIGENT MENTALLY RETARDED PERSONS, PROHIBIT
68 COHABITATION WITH MENTALLY RETARDED PERSONS, AND AUTHORIZE THE
69 STERILIZATION OF MENTALLY ILL AND MENTALLY RETARDED PATIENTS; AND
70 FOR RELATED PURPOSES.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X _____
Bobby Moody

X _____
Robert G. Huggins

Jeffrey C. Smith

X _____
Billy Thames

X _____
Percy W. Watson

X _____
Ezell Lee