

By: Senator(s) Chamberlin

To: Public Health and
Welfare; Appropriations

SENATE BILL NO. 2261

1 AN ACT TO AMEND SECTION 41-21-77, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE A TIME LIMIT WITHIN WHICH A COURT-ORDERED MENTALLY ILL
3 PATIENT MUST BE TRANSFERRED TO A FACILITY, AND TO PROVIDE THAT THE
4 FACILITY SHALL ASSUME FINANCIAL RESPONSIBILITY FOR TREATMENT FROM
5 THE DATE OF THE ORDER; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 41-21-77, Mississippi Code of 1972, is
8 amended as follows:

9 41-21-77. If admission is ordered at a treatment facility,
10 the sheriff, his deputy or any other person appointed or
11 authorized by the court shall immediately deliver the respondent
12 to the director of the appropriate facility. Neither the Board of
13 Mental Health or its members, nor the Department of Mental Health
14 or its related facilities, nor any employee of the Department of
15 Mental Health or its related facilities, shall be appointed,
16 authorized or ordered to deliver the respondent for treatment, and
17 no person shall be so delivered or admitted until the director of
18 the admitting institution determines that facilities and services
19 are available; provided, however, that the transfer shall be made
20 within forty-eight (48) hours of the order. Persons who have been
21 ordered committed and are awaiting admission may be given any such
22 treatment in the facility by a licensed physician as is indicated
23 by standard medical practice. The director of the admitting
24 facility shall assume the financial responsibility for treatment,
25 care and housing for mentally ill patients from the date of the
26 order. The clerk shall provide the director of the admitting
27 institution with a certified copy of the court order, a certified
28 copy of the physicians' and any psychologist's certificate, a

29 certified copy of the affidavit, and any other information
30 available concerning the physical and mental condition of the
31 respondent; provided, upon notification from the United States
32 Veterans Administration or other agency of the United States
33 government, that facilities are available and the respondent is
34 eligible for care and treatment therein, the court may enter an
35 order for delivery of the respondent to or retention by the
36 Veterans Administration or other agency of the United States
37 government, and, in such cases such chief officer to whom the
38 respondent is so delivered or by whom he is retained shall, with
39 respect to the respondent, be vested with the same powers as the
40 director of the Mississippi State Hospital at Whitfield, or the
41 East Mississippi State Hospital at Meridian, with respect to
42 retention and discharge of the respondent.

43 **SECTION 2.** This act shall take effect and be in force from
44 and after July 1, 2004.