

By: Representatives Currie, Reynolds

To: Public Health and Human Services; Judiciary B

HOUSE BILL NO. 615

1 AN ACT TO ESTABLISH A MENTAL HEALTH COURT PROGRAM AS A PILOT
 2 PROGRAM IN HINDS COUNTY; TO SPECIFY THE CRITERIA FOR A CRIMINAL
 3 DEFENDANT TO BE ADMITTED TO THE MENTAL HEALTH COURT PROGRAM; TO
 4 PROVIDE THAT THE COURT SHALL REQUIRE AN ELIGIBILITY SCREENING AND
 5 AN ASSESSMENT OF THE DEFENDANT; TO PROVIDE THAT THE IMPOSITION OF
 6 EXECUTION OF SENTENCE SHALL BE POSTPONED WHILE THE DEFENDANT IS
 7 ENROLLED IN THE MENTAL HEALTH COURT PROGRAM, AND AS LONG AS THE
 8 DEFENDANT COMPLIES WITH THE CONDITIONS OF HIS AGREEMENT, HE SHALL
 9 REMAIN ON PROBATION; TO PROVIDE THAT AT THE CONCLUSION OF THE
 10 PERIOD OF PROBATION, THE COURT MAY REVOKE PROBATION, EXTEND THE
 11 PROBATION OR DISMISS THE CONVICTION; TO REQUIRE THE DEFENDANT TO
 12 EXECUTE A WRITTEN AGREEMENT TO PARTICIPATE IN THE MENTAL HEALTH
 13 COURT PROGRAM; TO AUTHORIZE THE COURT TO IMPOSE SANCTIONS ON THE
 14 DEFENDANT IF CERTAIN CONDITIONS ARE MET; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** This act shall be known and may be cited as the
 17 "Mental Health Court Act."

18 **SECTION 2.** (1) The Mississippi Legislature recognizes and
 19 finds that:

20 (a) A significant percentage of criminal defendants
 21 have a diagnosable mental illness;

22 (b) Such mental illnesses tend to have a negative
 23 effect on the criminal justice system in Mississippi;



24 (c) Mental illness and substance abuse issues co-occur
25 in a substantial percentage of criminal defendants;

26 (d) There is a critical need for a program within the
27 criminal justice system designed to reduce the number of
28 defendants with either mental illness issues or co-occurring
29 mental illness and substance abuse issues; and

30 (e) Such programs also should seek to address
31 recidivism percentages among criminal defendants dealing with both
32 mental illness and co-occurring mental illness and substance abuse
33 issues, thus reducing the incidence of crimes committed as a
34 result of mental illness and co-occurring mental illness and
35 substance abuse issues.

36 (2) It is therefore the intent of the Legislature to provide
37 for the creation of a specialized mental health court with the
38 necessary flexibility to address the issues of criminal defendants
39 with either mental illness or co-occurring mental illness and
40 substance abuse issues.

41 **SECTION 3.** For the purposes of this act, the following terms
42 shall have the meanings as defined in this section, unless the
43 context clearly indicates otherwise:

44 (a) "Co-occurring mental health and substance abuse
45 treatment program" means a program that, through the participation
46 of professionals with training and experience in treating persons
47 with mental illness issues and co-occurring mental illness and
48 substance abuse issues, addresses the needs of criminal defendants



49 with either mental illness or co-occurring mental health and
50 substance abuse issues.

51 (b) "Mental health court" or "mental health court
52 program" means a structured judicial intervention process for
53 mental health treatment of eligible criminal defendants that
54 includes mental health court professionals, local social programs,
55 and intensive judicial monitoring in support of such defendants.

56 (c) "Mental health court professional" means a member
57 of the mental health court team, including but not limited to a
58 judge, prosecutor, defense attorney, probation officer,
59 coordinator, treatment provider, behavioral health advocate, or
60 case manager.

61 **SECTION 4.** There is established a mental health court
62 program as a pilot program in the Circuit Court of the First
63 Judicial District of Hinds County, Mississippi. The circuit court
64 may designate one or more divisions to preside over the mental
65 health court program, and the circuit court shall assign
66 appropriate alcohol- or drug-related offenses to the mental health
67 court program. The expenses related to the administration and
68 operation of the mental health court program shall be funded from
69 monies appropriated by the Legislature to the circuit court for
70 that purpose.

71 **SECTION 5.** (1) A criminal defendant may be admitted to the
72 mental health court program if all of the following criteria are
73 met:



74 (a) A diagnosis by a qualified mental health
75 professional of mental illness or co-occurring mental illness and
76 substance abuse;

77 (b) Consent of the prosecutor and the court assigned to
78 the criminal defendant's case; and

79 (c) Consent of the defendant.

80 (2) A criminal defendant may be excluded from the mental
81 health court program if any of the following occurs:

82 (a) The defendant fails to demonstrate a willingness to
83 participate in a recommended mental health court program;

84 (b) The criminal defendant has, within the previous ten
85 (10) years not including incarceration time, been convicted of any
86 one (1) of the following enumerated crimes:

87 (i) First or second degree murder;

88 (ii) Aggravated or criminal sexual assault,
89 including sexual assault of a child;

90 (iii) Armed robbery;

91 (iv) Arson;

92 (v) Stalking; or

93 (vi) Any crimes of violence involving the
94 discharge of a firearm.

95 **SECTION 6.** (1) The court shall require an eligibility
96 screening and an assessment of the defendant. If a valid
97 assessment related to the present charge pending against the



98 defendant has been completed within the previous sixty (60) days,
99 the eligibility and assessment need not be ordered.

100 (2) When appropriate, the imposition of execution of
101 sentence shall be postponed while the defendant is enrolled in the
102 mental health court program. As long as the defendant complies
103 with the conditions of his agreement, he shall remain on
104 probation. At the conclusion of the period of probation, the
105 district attorney, on advice of the person providing the
106 probationer's treatment and the probation officer, may recommend
107 that the court take one (1) of the following courses of action:

108 (a) That the probationer's probation be revoked and the
109 probationer be sentenced if the probationer has not successfully
110 completed the treatment or has violated one or more of the
111 conditions of his probation; or, if already sentenced, that the
112 probation be revoked and the probationer be remanded to the
113 appropriate custodian for service of that sentence;

114 (b) That the period of probation be extended so that
115 the probationer may continue the program; or

116 (c) That the probationer's conviction be set aside and
117 the prosecution dismissed if the probationer has successfully
118 completed all the conditions of his probation and his treatment
119 agreement. The district attorney shall make the final
120 determination as to whether to request revocation, extension or
121 dismissal.



122 (3) The judge shall inform the defendant that if the
123 defendant fails to meet the requirements of the mental health
124 court program, eligibility to participate in the program may be
125 revoked. That revocation will result in the defendant being
126 sentenced.

127 (4) The defendant shall execute a written document that
128 contains the following criteria:

129 (a) An agreement to participate in the mental health
130 court program; and

131 (b) An agreement to all terms and conditions of the
132 program including, but not limited to, the possibility of
133 sanctions or incarceration for failing to abide by or comply with
134 the terms of the program.

135 (5) (a) The court may order a defendant enrolled in the
136 mental health court program to complete mental health or substance
137 abuse treatment in an outpatient, inpatient, residential, or
138 jail-based custodial treatment program.

139 (b) Any period of time that a defendant serves in a
140 jail-based treatment program may not be reduced by the
141 accumulation of good time or other credits.

142 (6) The mental health court program may include a regimen of
143 graduated requirements and rewards and sanctions, including but
144 not limited to the following:

145 (a) Fines;

146 (b) Fees;



- 147 (c) Costs;
- 148 (d) Restitution;
- 149 (e) Incarceration of not more than one hundred eighty
150 (180) days;
- 151 (f) Individual and group therapy;
- 152 (g) Medication;
- 153 (h) Supervision of progress;
- 154 (i) Educational or vocational counseling, as
155 appropriate; and
- 156 (j) Any other reasonable requirements necessary to
157 complete the mental health court program.

158 **SECTION 7.** (1) The mental health court program may maintain
159 or collaborate with a network of mental health treatment programs
160 and, if the defendant has co-occurring mental illness and
161 substance abuse issues, a network of treatment programs dealing
162 with co-occurring mental illness and substance abuse treatment
163 programs, representing a continuum of treatment options
164 commensurate with the needs of defendants and in accordance with
165 available resources. The mental health court program may
166 designate a court liaison to monitor the progress of defendants in
167 their assigned treatment programs on behalf of the court.

168 (2) Any mental illness or substance abuse treatment to which
169 defendants are referred must be licensed by the state and must be
170 in compliance with all rules governing those programs operating in
171 the State of Mississippi.



172 (3) The mental health court program may, at its discretion,
173 employ additional services or interventions, as it deems necessary
174 on a case-by-case basis.

175 **SECTION 8.** (1) Violations by the defendant. If a court
176 finds, from the evidence presented, including, but not limited to,
177 the reports or proffers of proof from the mental health court
178 professionals that any of the following conditions are met,
179 sanctions may be imposed:

180 (a) The defendant is not performing satisfactorily in
181 the assigned program;

182 (b) The defendant is not benefitting from education,
183 treatment, or rehabilitation;

184 (c) The defendant has engaged in criminal conduct
185 rendering the defendant unsuitable for continuing participation in
186 the program;

187 (d) The defendant has otherwise violated the terms and
188 conditions of the program or of the defendant's sentence; or

189 (e) The defendant is for any reason unable to continue
190 participation in the program.

191 (2) Sanctions. The court may impose reasonable sanctions
192 under prior written agreement of the defendant including, but not
193 limited to, imprisonment or dismissal of the defendant from
194 participation in the program.

195 (3) Dismissal from the program. (a) If an individual who
196 has enrolled in the mental health court program violates any of



197 the conditions of his probation or his treatment agreement or
198 appears to be performing unsatisfactorily in the assigned program,
199 or if it appears that the probationer is not benefitting from
200 education, treatment, or rehabilitation, the treatment supervisor,
201 probation officer, or the district attorney may move the court to
202 dismiss the individual from the mental health court program.

203 (b) If the court dismisses the defendant from the
204 mental health court program, the defendant shall be provided with
205 the specific reasons for his dismissal from the program.

206 (4) Discharge from criminal charges. Upon successful
207 completion of the terms and conditions of the program, the court
208 may do any of the following:

209 (a) The court may dismiss the original criminal charges
210 against the defendant;

211 (b) The court may successfully terminate the original
212 sentence of the defendant; or

213 (c) The court may otherwise discharge the defendant
214 from the program or from any further proceedings against the
215 defendant as may be pending in the original criminal matter.

216 **SECTION 9.** This act shall take effect and be in force from
217 and after July 1, 2016.

