

By: Representatives Reynolds, Felsher

To: Judiciary A

## HOUSE BILL NO. 698

1 AN ACT TO AMEND SECTION 9-27-1, MISSISSIPPI CODE OF 1972, TO  
2 CHANGE THE NAME OF THE RIVERS MCGRAW MENTAL HEALTH DIVERSION  
3 PROGRAM ACT TO THE "RIVERS MCGRAW MENTAL HEALTH TREATMENT COURT  
4 ACT"; TO AMEND SECTION 9-27-3, MISSISSIPPI CODE OF 1972, TO  
5 TRANSITION THE MENTAL HEALTH DIVERSION PROGRAM INTO A MENTAL  
6 HEALTH TREATMENT COURT AND TO CLARIFY THE GOALS OF THE MENTAL  
7 HEALTH TREATMENT COURTS; TO AMEND SECTION 9-27-5, MISSISSIPPI CODE  
8 OF 1972, TO REVISE CERTAIN DEFINITIONS AND TO DEFINE ADDITIONAL  
9 TERMS; TO CREATE NEW SECTION 9-27-6, MISSISSIPPI CODE OF 1972, TO  
10 REQUIRE THE ADMINISTRATIVE OFFICE OF COURTS TO MAINTAIN A UNIFORM  
11 CERTIFICATION PROCESS FOR MENTAL HEALTH TREATMENT COURTS AND TO  
12 ESTABLISH MINIMUM STANDARDS AND DEADLINES FOR CERTIFICATION AND  
13 RECERTIFICATION; TO AMEND SECTION 9-27-9, MISSISSIPPI CODE OF  
14 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; TO AMEND  
15 SECTION 9-27-11, MISSISSIPPI CODE OF 1972, TO REVISE ELIGIBILITY  
16 REQUIREMENTS FOR PARTICIPATION IN A MENTAL HEALTH TREATMENT COURT  
17 AND TO LIST CERTAIN CRIMES OF VIOLENCE WHICH DISQUALIFY  
18 DEFENDANTS; TO CREATE NEW SECTION 9-27-12, MISSISSIPPI CODE OF  
19 1972, TO PRESCRIBE THE DUTIES OF THE ADMINISTRATIVE OFFICE OF  
20 COURTS IN RELATION TO THE MENTAL HEALTH TREATMENT COURTS; TO AMEND  
21 SECTION 9-27-15, MISSISSIPPI CODE OF 1972, TO REQUIRE PARTICIPANTS  
22 TO UNDERGO CHEMICAL OR DRUG TESTS; TO AMEND SECTION 9-27-17,  
23 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS  
24 ACT; TO AMEND SECTION 9-27-19, MISSISSIPPI CODE OF 1972, TO  
25 REQUIRE A PETITION FOR COMMITMENT TO BE DISMISSED UPON A  
26 PARTICIPANT'S SUCCESSFUL COMPLETION OF THE REQUIREMENTS IMPOSED BY  
27 A MENTAL HEALTH TREATMENT COURT; TO REPEAL SECTION 9-27-7,  
28 MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE ADMINISTRATIVE OFFICE  
29 OF COURTS TO COLLECT CERTAIN DATA AND REPORTS FROM THE MENTAL  
30 HEALTH COURTS AND ESTABLISHES STANDARDS FOR MENTAL HEALTH COURTS;  
31 AND FOR RELATED PURPOSES.

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



33           **SECTION 1.** Section 9-27-1, Mississippi Code of 1972, is  
34 amended as follows:

35           9-27-1. This chapter shall be known and may be cited as the  
36 "Rivers McGraw Mental Health \* \* \* Treatment Court Act."

37           **SECTION 2.** Section 9-27-3, Mississippi Code of 1972, is  
38 amended as follows:

39           9-27-3. (1) The Legislature recognizes the critical need  
40 for judicial intervention to establish court processes and  
41 procedures that are more responsive to the needs of \* \* \* those  
42 individuals with mental illnesses whose conduct places them under  
43 the jurisdiction of the courts, while maintaining public safety  
44 and the integrity of the court process. It is the intent of the  
45 Legislature to facilitate local mental health treatment court  
46 alternatives adaptable to chancery, circuit, county and youth  
47 courts.

48           (2) The goals of the mental health treatment courts under  
49 this chapter include the following:

50                   (a) Reduce the number of future criminal justice  
51 contacts among offenders with mental illnesses;

52                   (b) Reduce the \* \* \* institutionalization of people  
53 with mental illnesses;

54                   (c) Improve the mental health and well-being of  
55 defendants who come in contact with the \* \* \* court system;

56                   (d) Improve linkages between the \* \* \* court system and  
57 the mental health system;



- 58 (e) Expedite case processing;
- 59 (f) Protect public safety;
- 60 (g) Establish linkages \* \* \* between the court system
- 61 and state and local agencies and programs that target people with
- 62 mental illnesses in order to maximize the delivery of services;
- 63 and
- 64 (h) To \* \* \* redirect prison-bound offenders and other
- 65 individuals whose \* \* \* conduct is driven in part by mental
- 66 illnesses to intensive supervision and clinical treatment
- 67 available in the mental health treatment court.

68 **SECTION 3.** Section 9-27-5, Mississippi Code of 1972, is

69 amended as follows:

70 9-27-5. For the purposes of this chapter, the following

71 words and phrases \* \* \* have the meanings ascribed in this section

72 unless the context clearly requires otherwise:

73 (a) \* \* \* "Certified mental health treatment provider"

74 means an organization which conducts screening and assessments on

75 each participant. A treatment provider shall make recommendations

76 as to appropriate treatment services and support for individual

77 participants of the mental health treatment court. A treatment

78 provider shall work actively with the mental health treatment

79 court to identify and implement alternatives to incarceration or

80 commitment for participants and to identify, access and assist

81 funding sources for treatment services to individual participants.

82 A certified mental health treatment provider must be certified by



83 the State Department of Mental Health or otherwise licensed to  
84 provide services in the State of Mississippi.

85 (b) "Clinical assessment" means the use of an actuarial  
86 assessment tool approved by the Administrative Office of Courts  
87 which evaluates a person's physical, medical, cognitive,  
88 psychological (personality, emotions, beliefs and attitudes), and  
89 behavioral history and current condition in order to determine the  
90 presence of any mental health disorder.

91 (c) "Crime of violence" means an offense listed in  
92 Section 9-27-15(1)(b).

93 (d) "Crisis intervention team" or "CIT" means the  
94 product of a partnership between local law enforcement officers  
95 and a variety of agencies, including Community Mental Health  
96 Centers, primary health providers and behavioral health  
97 professionals. Officers who have received crisis intervention  
98 training may respond to individuals experiencing a mental health  
99 crisis and divert them to an appropriate setting to provide  
100 treatment, ensuring individuals are not arrested and taken to jail  
101 due to the symptoms of their illness.

102 (e) "Mental health disorder" means a syndrome  
103 characterized by a clinically significant disturbance in an  
104 individual's cognition, emotion regulation or behavior that  
105 reflects a dysfunction in the psychological, biological or  
106 developmental processes underlying mental functioning as defined



107 by the Diagnostic and Statistical Manual of Mental Disorders (DSM-  
108 5).

109 ( \* \* \* f) "Mental health \* \* \* treatment court"  
110 means \* \* \* a court program with a specialized docket for certain  
111 individuals with mental illnesses with an emphasis on linking  
112 individuals to effective treatment and support.

113 ( \* \* \* g) "Evidence-based \* \* \* program" and  
114 "research-based program" means a program that utilizes supervision  
115 policies, procedures and practices that scientific research  
116 demonstrates reduce recidivism.

117 ( \* \* \* h) "Risk and needs assessment" means the use of  
118 an actuarial assessment tool \* \* \* that determines a  
119 person's \* \* \* eligibility for admission into a mental health  
120 treatment court.

121 **SECTION 4.** The following shall be codified as Section  
122 9-27-6, Mississippi Code of 1972:

123 9-27-6. (1) (a) The Administrative Office of Courts shall  
124 establish, implement and operate a uniform certification process  
125 for all new or existing mental health treatment courts to ensure  
126 that these courts meet minimum standards for mental health  
127 treatment court operations.

128 (b) These standards include, but are not limited to,  
129 the Mississippi Mental Health Treatment Court Standards.

130 (c) Mental health treatment court certification  
131 applications must include:



132 (i) A description of the need for the mental  
133 health treatment court;

134 (ii) The targeted population for the mental health  
135 treatment court;

136 (iii) The eligibility criteria for mental health  
137 treatment court participants;

138 (iv) A description of the process for identifying  
139 appropriate participants, which must include the use of a risk and  
140 needs assessment and a clinical assessment and must focus on  
141 accepting moderate to high-risk individuals;

142 (v) A description of the mental health treatment  
143 court components, including anticipated budget, implementation  
144 plan, and a list of the evidence-based or research-based programs  
145 to which participants will be referred by the mental health  
146 treatment court; and

147 (vi) A data collection plan, which must include  
148 collecting the data listed in subsection (2) of this section.

149 (d) Beginning July 1, 2022, all qualified courts  
150 seeking to establish a mental health treatment court or to  
151 continue operating an existing mental health treatment court must  
152 submit a mental health treatment court certification application  
153 to the Administrative Office of Courts before April 30 preceding  
154 the fiscal year in which the court intends to begin operations or  
155 continue operating. The Administrative Office of Courts must  
156 complete the certification process no later than December 31 of



157 the calendar year in which the application was received. A mental  
158 health treatment court's certification expires on December 31.

159 (e) All certified mental health treatment courts in  
160 existence on December 31, 2022, must submit a recertification  
161 petition to the Administrative Office of Courts before July 1 of  
162 every calendar year. The recertification process must be  
163 completed no later than December 31 of every calendar year.

164 (f) A certified mental health treatment court in  
165 existence on December 31, 2024, must submit a recertification  
166 petition to the Administrative Office of Courts before July 1,  
167 2025, and July 1 of every third calendar year thereafter. The  
168 recertification process must be completed no later than December  
169 31 of every third calendar year.

170 (2) Each month, mental health treatment courts must collect  
171 and record the required data into the official intervention court  
172 case management system adopted by the Administrative Office of  
173 Courts and any other data or information as required by the  
174 Administrative Office of Courts.

175 (3) A mental health treatment court judge individually may  
176 establish rules and make special orders and rules as necessary  
177 that do not conflict with rules promulgated by the Supreme Court  
178 or the Administrative Office of Courts.

179 (4) A mental health treatment court judge may appoint the  
180 full- or part-time employees deemed necessary for the work of the  
181 mental health treatment court and must fix the compensation of



182 those employees, pursuant to the salary ranges promulgated by the  
183 Administrative Office of Courts. The employees must serve at the  
184 will and pleasure of the senior mental health treatment court  
185 judge.

186 (5) The Administrative Office of Courts shall promulgate  
187 rules and regulations to carry out the certification and  
188 recertification process and make any other policies not  
189 inconsistent with this section to carry out this process.

190 (6) All mental health treatment courts operating in the  
191 State of Mississippi shall operate subject to the approval and  
192 regulatory powers of the Administrative Office of Courts as set  
193 forth in Section 9-27-12.

194 **SECTION 5.** Section 9-27-9, Mississippi Code of 1972, is  
195 amended as follows:

196 9-27-9. (1) A mental health treatment court's \* \* \*  
197 treatment component shall provide for eligible individuals, either  
198 directly or through referrals, a range of necessary \* \* \*  
199 services, including, but not limited to, the following:

200 (a) Screening using a valid and reliable risk and needs  
201 assessment tool effective for identifying persons affected by  
202 mental health \* \* \* disorders for eligibility and appropriate  
203 services;

204 (b) Clinical assessment;

205 (c) Education;

206 (d) Referral;





207 (e) \* \* \* Community service coordination and \* \* \*  
208 support; and

209 (f) Counseling and rehabilitative care.

210 (2) Any inpatient treatment \* \* \* provider utilized by the  
211 mental health treatment court shall be certified by the State  
212 Department of Mental Health, other appropriate state agency or the  
213 equivalent agency of another state.

214 **SECTION 6.** Section 9-27-11, Mississippi Code of 1972, is  
215 amended as follows:

216 9-27-11. (1) In order for a defendant accused of a crime to  
217 be eligible for \* \* \* participation in a \* \* \* mental health  
218 treatment court, the \* \* \* defendant must satisfy each of the  
219 following criteria:

220 (a) The \* \* \* defendant cannot have any felony  
221 convictions for any offenses that are crimes of violence as  
222 defined in \* \* \* paragraph (b) of this subsection within the  
223 previous ten (10) years.

224 (b) The crime before the court and other criminal  
225 proceedings cannot be a crime of violence as \* \* \* follows:

226 (i) Driving under the influence as provided in  
227 Sections 63-11-30 (5) (a) and 63-11-30 (12) (d);

228 (ii) Murder and attempted murder as provided in  
229 Sections 97-1-7(2), 97-3-19, 97-3-23 and 97-3-25;

230 (iii) Aggravated assault as provided in Sections  
231 97-3-7(2) (a) and (b) and 97-3-7(4) (a);



232                    (iv) Manslaughter as provided in Sections 97-3-27,  
233 97-3-29, 97-3-31, 97-3-33, 97-3-35, 97-3-39, 97-3-41, 97-3-43,  
234 97-3-45 and 97-3-47;

235                    (v) Killing of an unborn child as provided in  
236 Sections 97-3-37(2) (a) and 97-3-37(2) (b);

237                    (vi) Kidnapping as provided in Section 97-3-53;

238                    (vii) Human trafficking as provided in Section  
239 97-3-54.1;

240                    (viii) Poisoning as provided in Section 97-3-61;

241                    (ix) Rape as provided in Sections 97-3-65 and  
242 97-3-71;

243                    (x) Robbery as provided in Sections 97-3-73 and  
244 97-3-79;

245                    (xi) Sexual battery as provided in Section  
246 97-3-95;

247                    (xii) Drive-by shooting or bombing as provided in  
248 Section 97-3-109;

249                    (xiii) Carjacking as provided in Section 97-3-117;

250                    (xiv) Felonious neglect, abuse or battery of a  
251 child as provided in Section 97-5-39;

252                    (xv) Burglary of a dwelling as provided in  
253 Sections 97-17-23(2) and 97-17-37;

254                    (xvi) Use of explosives or weapons of mass  
255 destruction as provided in Section 97-37-25;



256                   (xvii) Statutory rape as provided in Section  
257 97-3-65(1), but this classification is rebuttable on hearing by a  
258 judge;

259                   (xviii) Gratification of lust as provided in  
260 Section 97-5-23; and

261                   (xix) Shooting into a dwelling as provided in  
262 Section 97-37-29.

263       \* \* \*

264                   ( \* \* \*c) The crime charged cannot be one of  
265 trafficking in controlled substances under Section 41-29-139(f),  
266 nor can the participant have a prior conviction for same.

267                   (2) In order for a respondent to a civil case to be eligible  
268 for participation in a mental health treatment court, the  
269 individual must satisfy each of the following criteria:

270                   (a) The individual cannot have any felony convictions  
271 for any offenses that are crimes of violence as defined in  
272 subsection (1)(b) of this section within the previous ten (10)  
273 years;

274                   (b) The individual cannot have any pending criminal  
275 proceedings for a crime of violence as defined in subsection  
276 (1)(b) of this section; and

277                   (c) The individual cannot have any pending criminal  
278 proceedings for trafficking in controlled substances under Section  
279 41-29-139(f), nor can the individual have a prior conviction for  
280 the same.



281       (3) Upon referral, any person meeting the eligibility  
282 criteria in subsections (1) and (2) of this section must be  
283 screened for admission into the mental health treatment court.

284       ( \* \* \*4) Participation in the services of a mental health  
285 treatment \* \* \* court shall be open \* \* \* to \* \* \* individuals  
286 over whom the court has jurisdiction \* \* \*. The court may agree  
287 to provide the services for individuals referred from another  
288 mental health treatment court, drug intervention court or veterans  
289 treatment court. In cases transferred from another jurisdiction,  
290 the receiving judge shall act as a special master and make  
291 recommendations to the \* \* \* original intervention or treatment  
292 court judge.

293       \* \* \*

294       ( \* \* \*5) A person does not have a right to participate in a  
295 mental health treatment court under this chapter. The court  
296 having jurisdiction over a person for a matter before the court  
297 shall: (a) allow the person to choose whether to participate in  
298 the mental health treatment court or proceed otherwise through the  
299 court system; and (b) have the final determination about whether  
300 the person may participate in the mental health treatment court  
301 under this chapter. \* \* \*

302       **SECTION 7.** The following shall be codified as Section  
303 9-27-12, Mississippi Code of 1972:

304       9-27-12. With regard to any mental health treatment court,  
305 the Administrative Office of Courts shall do the following:



306 (a) Certify and recertify mental health treatment court  
307 applications that comply with standards established by the  
308 Administrative Office of Courts in accordance with this chapter.

309 (b) Ensure that the structure of the mental health  
310 treatment court complies with the Mental Health Treatment Court  
311 Rules, state statutes or applicable federal rules or regulations.

312 (c) Revoke the certification of a mental health  
313 treatment court upon a determination that the program does not  
314 comply with the Mental Health Treatment Court Rules, state  
315 statutes or applicable federal rules or regulations.

316 (d) Make agreements and contracts to effectuate the  
317 purposes of this chapter with:

318 (i) Another department, authority or agency of the  
319 state;

320 (ii) Another state;

321 (iii) The federal government;

322 (iv) A state-supported or private university; or

323 (v) A public or private agency, foundation,  
324 corporation or individual.

325 (e) Directly, or by contract, approve and certify any  
326 mental health treatment court established under this chapter.

327 (f) Require, as a condition of operation, that all  
328 mental health treatment courts created or funded under this  
329 chapter be certified by the Administrative Office of Courts.



330 (g) Collect monthly data from all certified mental  
331 health treatment courts, compile an annual report summarizing the  
332 data collected and the outcomes achieved by all certified mental  
333 health treatment courts.

334 (h) Every five (5) years, and if funding is available,  
335 contract with an external evaluator to conduct an evaluation of  
336 the effectiveness of the statewide mental health treatment court  
337 program and individual mental health treatment courts.

338 (i) Adopt rules to implement this chapter.

339 **SECTION 8.** Section 9-27-15, Mississippi Code of 1972, is  
340 amended as follows:

341 9-27-15. (1) All monies received from any source by a  
342 mental health treatment court shall be accumulated in a local fund  
343 to be used only for mental health treatment court purposes. Any  
344 funds remaining in a local fund at the end of a fiscal year shall  
345 not lapse into any general fund, but shall be retained in the  
346 mental health treatment court fund for the funding of further  
347 activities by the mental health treatment court.

348 (2) A mental health treatment court may apply for and  
349 receive the following:

350 (a) Gifts, bequests and donations from private sources.

351 (b) Grant and contract monies from governmental  
352 sources.



353 (c) Other forms of financial assistance approved by the  
354 court to supplement the budget of the mental health \* \* \*  
355 treatment court.

356 (3) The costs of \* \* \* mental health treatment \* \* \*  
357 required by the mental health treatment court may be paid by the  
358 participant or out of user fees or such other state, federal or  
359 private funds that may, from time to time, be made available.

360 (4) (a) As a condition of participation in a mental health  
361 treatment court, a participant may be required to undergo a  
362 chemical or drug test or a series of chemical or drug tests as  
363 specified by the program. A participant is liable for the costs  
364 of all chemical tests required under this section, regardless of  
365 whether the costs are paid to the mental health treatment court or  
366 the laboratory; however, if testing is available from other  
367 sources or the program itself, the judge may waive any fees for  
368 testing. Fees also shall be waived if the applicant is determined  
369 to be indigent.

370 (b) A laboratory that performs a chemical test under  
371 this section must report the results of the test to the mental  
372 health treatment court.

373 ( \* \* \*5) The court may assess reasonable and appropriate  
374 fees to be paid to the local mental health treatment court fund  
375 for participation in a mental health treatment program \* \* \*.  
376 Additionally, all fees \* \* \* must be waived by the court if  
377 the \* \* \* participant is determined to be indigent.



378           **SECTION 9.** Section 9-27-17, Mississippi Code of 1972, is  
379 amended as follows:

380           9-27-17. The \* \* \* mental health treatment court coordinator  
381 and members of the professional and administrative staff of the  
382 mental health treatment court who perform duties in good faith  
383 under this chapter are immune from civil liability for:

384           (a) Acts or omissions in providing services under this  
385 chapter; and

386           (b) The reasonable exercise of discretion in  
387 determining eligibility to participate in the mental health  
388 treatment court.

389           **SECTION 10.** Section 9-27-19, Mississippi Code of 1972, is  
390 amended as follows:

391           9-27-19. (1) If the participant completes all requirements  
392 imposed \* \* \* by the mental health treatment court, the charge and  
393 prosecution shall be dismissed. If the \* \* \* participant was  
394 sentenced at the time of entry of a plea of guilty, the successful  
395 completion of the mental health treatment court order and other  
396 requirements of probation or suspension of sentence will result in  
397 the record of the criminal conviction or adjudication being  
398 expunged by the court.

399           (2) Expungements performed under subsection (1) of this  
400 section are not subject to the requirements and limitations set  
401 forth by any other statute authorizing expungements.





402       (3) If the participant is a respondent to a civil case and  
403 completes all requirements imposed by the order placing the  
404 participant in the mental health treatment court, the petitioner's  
405 petition for commitment must be dismissed.

406       **SECTION 11.** Section 9-27-7, Mississippi Code of 1972, which  
407 requires the Administrative Office of Courts to collect certain  
408 data and reports from the mental health courts and establishes  
409 standards for mental health courts, is repealed.

410       **SECTION 12.** This act shall take effect and be in force from  
411 and after July 1, 2022.

