

By: Representative Reynolds

To: Judiciary A

HOUSE BILL NO. 1288

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, 2023, 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, 2023, 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, 2025, must submit a recertification
166 petition to the Administrative Office of Courts before July 1,
167 2026, 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, 2023.

