

By: Representative Mayo

To: Public Health and
Welfare; Judiciary A

HOUSE BILL NO. 1323

1 AN ACT TO AMEND SECTION 41-21-77, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE TIME IN WHICH A MENTALLY ILL PERSON MUST BE
3 DELIVERED TO A FACILITY AFTER A COMMITMENT ORDER; AND FOR RELATED
4 PURPOSES.

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

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

8 41-21-77. If admission is ordered at a treatment facility,
9 the sheriff, his deputy or any other person appointed or
10 authorized by the court shall immediately deliver the respondent
11 to the director of the appropriate institution; * * *
12 however, * * * no person shall be so delivered or admitted until
13 the director of the admitting institution determines that
14 facilities and services are available, but the delivery shall be
15 made within forty-eight (48) hours of the order. Persons who have
16 been ordered committed and are awaiting admission may be given
17 any * * * treatment in the facility by a licensed physician as is
18 indicated by standard medical practice. The director of the
19 admitting facility shall assume the financial responsibility for
20 treatment, care and housing for mentally ill patients from the
21 date of the order. The clerk shall provide the director of the
22 admitting institution with a certified copy of the court order, a
23 certified copy of the physicians' and any psychologist's
24 certificate, a certified copy of the affidavit, and any other
25 information available concerning the physical and mental condition
26 of the respondent; provided, upon notification from the United
27 States Veterans Administration or other agency of the United

28 States government, that facilities are available and the
29 respondent is eligible for care and treatment therein, the court
30 may enter an order for delivery of the respondent to or retention
31 by the Veterans Administration or other agency of the United
32 States government, and, in such cases the chief officer to whom
33 the respondent is so delivered or by whom he is retained * * *,
34 with respect to the respondent, shall be vested with the same
35 powers as the Director of the Mississippi State Hospital at
36 Whitfield, or the East Mississippi State Hospital at Meridian,
37 with respect to retention and discharge of the respondent.

38 SECTION 2. This act shall take effect and be in force from
39 and after July 1, 2001.