

# Gavel to Gavel

A review of state legislation affecting the courts

Week ending August 12, 2011

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## *Focus: Mental Health Courts*

Since first created in the 1990s in places like Broward County, Florida and King County, Washington, there has been a great deal of interest within the judiciary and elsewhere on specialized mental health courts. Legislatures have become keenly aware of the benefits of such courts and have enacted legislation to assist pre-existing programs and permit (or in some cases require) the creation of new ones. In 2011, bills related to such efforts included:

### **Law**

[Georgia SB 39](#) Permits creation of mental health court divisions in any court with criminal jurisdiction. Provides for assignment of cases. Provides for establishment of planning groups and work plans. Provides Judicial Council of Georgia to adopt standards. Signed into law by Governor 5/4/11.

[Idaho HB 227](#) Permits judges to use their discretion to grant restricted driving privileges, in the same situations and on the same terms as exist currently in drug courts and DUI courts, to participants in good standing in mental health courts. Signed into law by Governor 4/8/11.

Michigan [HB 4526](#) / [SB 172](#) / [SB 180](#) Requires the Department of Community Health produce, in conjunction with the state court administrator's office, a report that evaluates the cost-benefit of establishing a specialized mental health court program that diverts adults with serious mental illness alleged to have committed an offense deemed non-serious into treatment prior to the filing of any charges. HB 4526 signed into law by Governor 6/21/11.

[Texas HB 1771](#) Creates Specialty Courts Advisory Council in the governor's criminal justice division to assist with the review and prioritization of grant applications from specialty courts, including mental health courts. Signed into law by Governor 6/17/11.

[Washington HB 1718](#) Revises eligibility criteria for mental health courts. Provides counties may establish and operate mental health courts to reduce recidivism and symptoms of mental illness for nonviolent offenders with developmental disabilities and traumatic brain injuries, provided it is shown the offender would benefit from psychiatric treatment or treatment related to his or her developmental disabilities or traumatic brain injuries. Signed into law by Governor 5/3/11.

### **Awaiting action by Governor**

[Illinois SB 1837](#) Provides that the mental health court currently operating in Kane County is directed to demonstrate the impact of alternative treatment court, crisis intervention training for first responders, and assisted outpatient treatment in reducing the number of mentally ill people admitted into the correctional system. Provides

that the mental health court in Kane County is authorized to cooperate with one or more accredited mental health service providers to provide services to defendants as directed by the mental health court. Provides that the mental health court in Kane County is authorized to cooperate with one or more institutions of higher education to publish peer-reviewed studies of the outcomes generated by the mental health court. Sent to Governor 6/24/11.

## Active/Pending

[Pennsylvania HB 1217](#) Permits but does not require creation of mental health court divisions in courts of common pleas. Establishes grants, objectives, criteria for the divisions and rules they may adopt, etc. In House Judiciary Committee.

## Died

[Arizona HB 2664](#) Establishes the Arizona Sentencing Commission to collect data and evaluate the effectiveness of the state's sentencing practices and alternative sentencing programs, including and specifically mental health courts. Approved by House Judiciary Committee 2/14/11. Died in House Rules Committee.

[Florida SB 1784](#) Authorizes the chief judge of each circuit to establish a mental health court. Died in Senate Children, Families, and Elder Affairs Committee.

North Carolina [HB 269](#) / [SB 301](#) Reestablishes Joint Select Committee on Ex-Offender Reintegration Into Society. Committee to consider and report on use and expansion mental health courts to divert people who need treatment from prison. House version: Died in House Rules Committee. Senate version: Died in Senate Rules Committee.

[North Carolina HB 773](#) Permits Joint Legislative Oversight Committee on Justice and Public Safety to study various topics, including use and expansion mental health courts to divert from prison people who need treatment. Died in House/Senate Conference Committee.

[Virginia SB 820](#) Provides that any district court or circuit court may establish a mental health court, which is a separate court docket within the existing calendar of a district or circuit court offering judicial monitoring of the treatment and supervision of certain individuals with mental illness who are under the jurisdiction of the criminal court. Requires the court identify eligible individuals, obtain services from a willing local community services board or behavioral health authority serving the territorial jurisdiction of the court and which can provide, or contract for, appropriate treatment and services for the offender or, from a program offered to any eligible veteran by the U.S. Department of Veterans Affairs, maintain court-established treatment and compliance terms of participation, and monitor adherence to court requirements. Approved by full Senate 2/8/11. Killed in House Courts of Justice, Criminal Subcommittee 2/18/11.

## Jurisdiction: Newly Introduced

NONE

## Jurisdiction: Floor and Committee Activity

NONE

Indicates featured legislation

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**Qualifications and Terms: Newly Introduced**

NONE

**Qualifications and Terms: Floor and Committee Activity**

NONE

**Rule Making Authority: Newly Introduced**

NONE

**Rule Making Authority: Floor and Committee Activity**

NONE

**Salary and Budget: Newly Introduced**

NONE

**Salary and Budget: Floor and Committee Activity**

NONE

**Selection: Newly Introduced**

NONE

**Selection: Floor and Committee Activity**

NONE

**Structure Changes: Newly Introduced**

NONE

**Structure Changes: Floor and Committee Activity**

NONE

**Other: Newly Introduced**

NONE

**Other: Floor and Committee Activity**

NONE

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