

1 HOUSE BILL NO. 1341
 2 AMENDMENT IN THE NATURE OF A SUBSTITUTE
 3 (Proposed by the House Committee for Courts of Justice
 4 on _____)
 5 (Patron Prior to Substitute--Delegate Brewer)

6 A BILL to amend and reenact § 53.1-68 of the Code of Virginia and to amend the Code of Virginia by
 7 adding in Chapter 5 of Title 37.2 a section numbered 37.2-513 and by adding in Chapter 6 of Title
 8 37.2 a section numbered 37.2-616, relating to local correctional facilities and lock-ups; transfer of
 9 individuals in need of behavioral health.

10 **Be it enacted by the General Assembly of Virginia:**

11 **1. That § 53.1-68 of the Code of Virginia is amended and reenacted and that the Code of Virginia is**
 12 **amended by adding in Chapter 5 of Title 37.2 a section numbered 37.2-513 and by adding in Chapter**
 13 **6 of Title 37.2 a section numbered 37.2-616 as follows:**

14 **§ 37.2-513. Coordination of services for certain individuals in local correctional facilities.**

15 Every community services board shall, upon notification by a local correctional facility that an
 16 individual committed to the local correctional facility has been determined to have severe mental illness,
 17 arrange for the admission of such individual to a mental health facility for treatment. Admission of an
 18 individual pursuant to this section shall occur within 72 hours of receipt of notification of the need for
 19 admission.

20 **§ 37.2-616. Coordination of services for certain individuals in local correctional facilities.**

21 Every behavioral health authority shall, upon notification by a local correctional facility that an
 22 individual committed to the local correctional facility has been determined to have severe mental illness,
 23 arrange for the admission of such individual to a mental health facility for treatment. Admission of an
 24 individual pursuant to this section shall occur within 72 hours of receipt of notification of the need for
 25 admission.

26 **§ 53.1-68. Minimum standards for local correctional facilities and lock-ups; health**
27 **inspections, behavioral health services inspections, and personnel.**

28 A. The Board shall establish minimum standards for the construction, equipment, administration,
29 and operation of local correctional facilities, whether heretofore or hereafter established. However, no
30 minimum standard shall be established that includes square footage requirements in excess of accepted
31 national standards. The Board or its agents shall conduct at least one unannounced inspection of each local
32 facility annually. However, in those years in which a certification audit of a facility is performed and the
33 facility is in compliance with all the standards, the Board may elect to suspend the unannounced inspection
34 based upon that certification audit and the history of compliance of the facility with the standards
35 promulgated in accordance with this section, except in any year in which there is a change in the
36 administration of a local or regional jail. The Board shall also establish minimum standards for the
37 construction, equipment, and operation of lock-ups, whether heretofore or hereafter established. However,
38 no minimum standard shall be established that includes square footage requirements in excess of accepted
39 national standards.

40 B. Standards concerning sanitation in local correctional facilities and procedures for enforcing
41 these standards shall be promulgated by the Board with the advice and guidance of the State Health
42 Commissioner. The Board, in conjunction with the Board of Health, shall establish a procedure for the
43 conduct of at least one unannounced annual health inspection by the State Health Commissioner or his
44 agents of each local correctional facility. The Board and the State Health Commissioner may authorize
45 such other announced or unannounced inspections as they consider appropriate.

46 C. The Board shall establish minimum standards for behavioral health services in local correctional
47 facilities and procedures for enforcing such minimum standards, with the advice of and guidance from the
48 Commissioner of Behavioral Health and Developmental Services and the State Inspector General.

49 Such standards shall include:

50 1. Requirements for behavioral health services provided in jails, including requirements for (i)
51 behavioral health screening of individuals committed to local correctional facilities; (ii) referral of
52 individuals committed to local correctional facilities for whom a behavioral health screening indicates

53 reason to believe the ~~person~~ individual may have mental illness to a behavioral health service provider for
54 a behavioral health assessment; ~~and~~ (iii) in cases in which an individual is determined to have severe
55 mental illness, prompt notification of the local community services board or behavioral health authority
56 regarding the need to arrange for admission of the individual to a mental health facility for mental health
57 treatment and the transfer of such individual to the mental health facility designated by the community
58 services board or behavioral health authority within 72 hours of such notification in accordance with §
59 37.2-513 or § 37.2-616, as appropriate, and, in all other cases, the provision of behavioral health services
60 in local correctional facilities, as well as regulations directing; and (iv) the sharing of medical and mental
61 health information and records in accordance with § 53.1-133.03. Requirements related to behavioral
62 health screenings and assessments shall include a requirement that in cases in which there is reason to
63 believe an individual is experiencing acute mental health distress or is at risk for suicide, (a) staff of the
64 local correctional facility shall consult with the behavioral health service provider to implement immediate
65 interventions and shall provide ongoing monitoring to ensure the safety of the individual and (b) the
66 behavioral health assessment shall be completed within 72 hours of completion of the behavioral health
67 screening, except that if the 72-hour period ends on a day that is a Saturday, Sunday, or legal holiday, the
68 assessment shall be completed by the close of business on the next day that is not a Saturday, Sunday, or
69 legal holiday;

70 2. Requirements for discharge planning for individuals with serious mental illness assessed as
71 requiring behavioral health services upon release from the local correctional facility, which shall include
72 (i) creation of a discharge plan, as soon as practicable after completion of the assessment required pursuant
73 to subdivision 1, and (ii) coordination of services and care with community providers, community
74 supervision agencies, and, as appropriate, the individual's family in accordance with the discharge plan
75 until such time as the individual has begun to receive services in accordance with the discharge plan or
76 for a period of 30 days following release from the local correctional facility, whichever occurs sooner.
77 Discharge plans shall ensure access to the full continuum of care for the individual upon release from the
78 local correctional facility and shall include provisions for (a) linking the individual for whom the discharge
79 plan has been prepared to the community services board in the jurisdiction in which he will reside

80 following release and to other supports and services necessary to meet his service needs and (b)
81 communication of information regarding the individual's treatment needs and exchange of treatment
82 records among service providers;

83 3. A requirement for at least one unannounced annual inspection of each local correctional facility
84 by the Board or its agents to determine compliance with the standards for behavioral health services
85 established pursuant to this subsection and such other announced or unannounced inspections as the Board
86 may deem necessary to ensure compliance with the standards for behavioral health services established
87 pursuant to this subsection; and

88 4. Provisions for the billing of the sheriff in charge of a local correctional facility or superintendent
89 of a regional correctional facility by and payment by such sheriff or superintendent to a community
90 services board that provides behavioral health services in the local correctional facility, in accordance with
91 § 53.1-126.

92 D. The Department of Criminal Justice Services, in accordance with § 9.1-102, shall establish
93 minimum training standards for persons designated to provide courthouse and courtroom security pursuant
94 to the provisions of § 53.1-120 and for persons employed as jail officers or custodial officers under the
95 provisions of this title. The sheriff shall establish minimum performance standards and management
96 practices to govern the employees for whom the sheriff is responsible.

97 E. The superintendent of a regional jail or jail farm shall establish minimum performance standards
98 and management practices to govern the employees for whom the superintendent is responsible.

99 #