

## Session 113 - (1999-2000)

### **S 0213 General Bill, By Holland and Elliott**

#### ***Similar (H 3540)***

**Summary:** Mentally Ill Defendant Act, mental evaluation of criminal offender, mental health patients; Courts, Crimes and Offenses

A BILL TO AMEND CHAPTER 24 OF TITLE 17, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MENTALLY ILL OR INSANE DEFENDANTS, SO AS TO ENACT THE MENTALLY ILL DEFENDANT ACT WHICH INCLUDES PROVISIONS TO REVISE PROCEDURAL SAFEGUARDS IN THE PROSECUTION OF THESE DEFENDANTS AND TO REQUIRE ADEQUATE CARE AND INDIVIDUALIZED TREATMENT FOR THESE DEFENDANTS INCLUDING REQUIRING THE DEPARTMENT OF MENTAL HEALTH TO DEVELOP A MENTALLY ILL DEFENDANT PROGRAM AND TO PROVIDE FOR THE COMPONENTS OF THE PROGRAM; TO AMEND ARTICLE 5 OF CHAPTER 23 OF TITLE 44, RELATING TO FITNESS TO STAND TRIAL, SO AS TO REVISE PROCEDURAL SAFEGUARDS AND PROVIDE A PROCEDURE FOR PERSONS COMMITTED TO APPLY FOR CONDITIONAL RELEASE AND REQUIRE THE MENTALLY ILL DEFENDANT PROGRAM TO MONITOR RELEASED PERSONS; TO AMEND SECTION 44-9-100, AS AMENDED, RELATING TO POWERS OF THE DEPARTMENT OF MENTAL HEATH, SO AS TO INCLUDE THE AUTHORITY TO PROMULGATE REGULATIONS RELATIVE TO CHAPTER 28, TITLE 17 AND ARTICLE 5 OF CHAPTER 23 OF TITLE 44; TO AMEND SECTION 44-13-30, RELATING TO THE DEPARTMENT OF MENTAL HEALTH TRANSFERRING NONRESIDENT PATIENTS TO THEIR STATE OF RESIDENCY, SO AS TO PROVIDE THAT THIS DOES NOT APPLY TO PATIENTS COMMITTED PURSUANT TO CHAPTER 24 OF TITLE 17 OR ARTICLE 5 OF CHAPTER 23 OF TITLE 44; TO AMEND SECTION 44-22-100, AS AMENDED, RELATING TO EXCEPTIONS TO THE CONFIDENTIALITY OF RECORDS MAINTAINED BY THE DEPARTMENT OF MENTAL HEALTH, SO AS TO INCLUDE RECORDS RELATIVE TO THE PROVISIONS OF CHAPTER 23 OF TITLE 17 OR ARTICLE 5 OF CHAPTER 23 OF TITLE 44 IF DISCLOSURE IS NECESSARY TO CARRY OUT THOSE PROVISIONS; AND TO AMEND SECTION 44-23-210, AS AMENDED, RELATING TO TRANSFERRING PATIENTS BETWEEN MENTAL HEALTH AND MENTAL RETARDATION FACILITIES, SO AS TO PROVIDE THAT THE SECTION DOES NOT APPLY TO PERSONS COMMITTED PURSUANT TO THE MENTALLY ILL DEFENDANT PROGRAM.

**12/16/98 Senate Prefiled**

**12/16/98 Senate Referred to Committee on Judiciary**

**01/12/99 Senate Introduced and read first time SJ-82**

**01/12/99 Senate Referred to Committee on Judiciary SJ-82**