

West's Annotated Mississippi Code
Title 9. Courts
Chapter 27. Rivers Mcgraw Mental Health Diversion Pilot Program Act

Miss. Code Ann. § 9-27-1

§ 9-27-1. Short title

Effective: July 1, 2019

Currentness

This chapter shall be known and may be cited as the Rivers McGraw Mental Health Diversion Program Act.

Credits

Added by Laws 2017, Ch. 416 (H.B. 1089), § 1, eff. from and after passage (approved April 11, 2017). Amended by Laws 2019, Ch. 466 (H.B. 1352), § 15, eff. July 1, 2019.

Miss. Code Ann. § 9-27-1, MS ST § 9-27-1

The Statutes and Constitution are current through the 2019 Regular Session.

West's Annotated Mississippi Code

Title 9. Courts

Chapter 27. Rivers Mcgraw Mental Health Diversion Pilot Program Act

Miss. Code Ann. § 9-27-3

§ 9-27-3. Mental health diversion programs; legislative intent; goals

Effective: July 1, 2019

Currentness

(1) The Legislature recognizes the critical need for judicial intervention to establish court processes and procedures that are more responsive to the needs of defendants with mental illnesses, while maintaining public safety and the integrity of the court process.

(2) The goals of the mental health courts under this chapter include the following:

(a) Reduce the number of future criminal justice contacts among offenders with mental illnesses;

(b) Reduce the inappropriate institutionalization of people with mental illnesses;

(c) Improve the mental health and well-being of defendants who come in contact with the criminal justice system;

(d) Improve linkages between the criminal justice system and the mental health system;

(e) Expedite case processing;

(f) Protect public safety;

(g) Establish linkages with other state and local agencies and programs that target people with mental illnesses in order to maximize the delivery of services; and

(h) To use corrections resources more effectively by redirecting prison-bound offenders whose criminal conduct is driven in part by mental illnesses to intensive supervision and clinical treatment available in the mental health court.

Credits

Added by Laws 2017, Ch. 416 (H.B. 1089), § 2, eff. from and after passage (approved April 11, 2017). Amended by Laws 2019, Ch. 466 (H.B. 1352), § 16, eff. July 1, 2019.

Miss. Code Ann. § 9-27-3, MS ST § 9-27-3

The Statutes and Constitution are current through the 2019 Regular Session.

West's Annotated Mississippi Code

Title 9. Courts

Chapter 27. Rivers Mcgraw Mental Health Diversion Pilot Program Act

Miss. Code Ann. § 9-27-5

§ 9-27-5. Definitions

Currentness

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed unless the context clearly requires otherwise:

(a) “Chemical tests” means the analysis of an individual's: (i) blood, (ii) breath, (iii) hair, (iv) sweat, (v) saliva, (vi) urine, or (vii) other bodily substance to determine the presence of alcohol or a controlled substance.

(b) “Mental health diversion program” means an immediate and highly structured intervention process for mental health treatment of eligible defendants or juveniles that:

(i) Brings together mental health professionals, local social programs and intensive judicial monitoring; and

(ii) Follows the key components of the mental health court curriculum published by the Bureau of Justice of the United States Department of Justice.

(c) “Evidence-based practices” means supervision policies, procedures and practices that scientific research demonstrates reduce recidivism.

(d) “Risk and needs assessment” means the use of an actuarial assessment tool validated on a Mississippi corrections population to determine a person's risk to reoffend and the characteristics that, if addressed, reduce the risk to reoffend.

Credits

Added by Laws 2017, Ch. 416 (H.B. 1089), § 3, eff. from and after passage (approved April 11, 2017).

Miss. Code Ann. § 9-27-5, MS ST § 9-27-5

The Statutes and Constitution are current through the 2019 Regular Session.

West's Annotated Mississippi Code

Title 9. Courts

Chapter 27. Rivers Mcgraw Mental Health Diversion Pilot Program Act

Miss. Code Ann. § 9-27-7

§ 9-27-7. Repository for reports; goal of mental health courts; standards; data collection plan; reporting requirements; rules; employees

Effective: July 1, 2019

Currentness

(1) The Administrative Office of Courts is the repository for reports filed by courts established under this chapter. The goal of the mental health courts is to support effective and proven practices that reduce recidivism and provide treatment for participants.

(2) Mental health courts must adhere to the standards established in this chapter.

(a) These standards shall include, but are not limited to:

(i) The use of evidence-based practices including, but not limited to, the use of a valid and reliable risk and needs assessment tool to identify participants and deliver appropriate treatments;

(ii) Targeting medium- to high-risk offenders for participation;

(iii) The use of current, evidence-based interventions proven to provide mental health treatment;

(iv) Coordinated strategy between all mental health court personnel;

(v) Ongoing judicial interaction with each participant; and

(vi) Monitoring and evaluation of mental health court implementation and outcomes through data collection and reporting.

(b) Mental health courts must implement a data collection plan, which shall include collecting the following data:

(i) Total number of participants;

(ii) Total number of successful participants;

(iii) Total number of unsuccessful participants and the reason why each participant did not complete the program;

(iv) Total number of participants who were arrested for a new criminal offense while in the mental health court;

(v) Total number of participants who were convicted of a new felony or misdemeanor offense while in the mental health court;

(vi) Total number of participants who committed at least one (1) violation while in the mental health court and the resulting sanction(s);

(vii) Results of the initial risk and needs assessment or other clinical assessment conducted on each participant; and

(viii) Any other data or information as required by the Administrative Office of Courts.

(3) All mental health courts must measure successful completion of the program based on those participants who complete the program without a new criminal conviction.

(4)(a) Mental health courts must collect and submit to the Administrative Office of Courts each month, the following data:

(i) Total number of participants at the beginning of the month;

(ii) Total number of participants at the end of the month;

(iii) Total number of participants who began the program in the month;

(iv) Total number of participants who successfully completed the program in the month;

(v) Total number of participants who left the program in the month;

(vi) Total number of participants who were arrested for a new criminal offense while in the program in the month;

(vii) Total number of participants who were convicted for a new criminal arrest while in the program in the month; and

(viii) Total number of participants who committed at least one (1) violation while in the program and any resulting sanction(s).

(b) By August 1, 2018, and each year thereafter, the Administrative Office of Courts shall report to the PEER Committee the information in subsection (4)(a) of this section in a sortable, electronic format.

(5) Mental health courts may individually establish rules and may make special orders and rules as necessary that do not conflict with rules promulgated by the Supreme Court or the Administrative Office of Courts.

(6) A mental health court may appoint the full or part-time employees it deems necessary for the work of the mental health court and shall fix the compensation of those employees, who shall serve at the will and pleasure of the senior circuit court judge.

(7) A mental health court established under this chapter is subject to the regulatory powers of the Administrative Office of Courts as set forth in Section 9-27-13.

Credits

Added by Laws 2017, Ch. 416 (H.B. 1089), § 4, eff. from and after passage (approved April 11, 2017). Amended by Laws 2019, Ch. 466 (H.B. 1352), § 17, eff. July 1, 2019.

Miss. Code Ann. § 9-27-7, MS ST § 9-27-7

The Statutes and Constitution are current through the 2019 Regular Session.

West's Annotated Mississippi Code

Title 9. Courts

Chapter 27. Rivers Mcgraw Mental Health Diversion Pilot Program Act

Miss. Code Ann. § 9-27-9

§ 9-27-9. Necessary court treatment services

Effective: July 1, 2019

Currentness

(1) A mental health court's mental health intervention component shall provide for eligible individuals, either directly or through referrals, a range of necessary court treatment services, including, but not limited to, the following:

(a) Screening using a valid and reliable assessment tool effective for identifying persons affected by mental health issues for eligibility and appropriate services;

(b) Clinical assessment;

(c) Education;

(d) Referral;

(e) Service coordination and case management; and

(f) Counseling and rehabilitative care.

(2) Any inpatient treatment ordered by the court shall be certified by the Department of Mental Health, other appropriate state agency or the equivalent agency of another state.

Credits

Added by Laws 2017, Ch. 416 (H.B. 1089), § 5, eff. from and after passage (approved April 11, 2017). Amended by Laws 2019, Ch. 466 (H.B. 1352), § 18, eff. July 1, 2019.

Miss. Code Ann. § 9-27-9, MS ST § 9-27-9

The Statutes and Constitution are current through the 2019 Regular Session.

West's Annotated Mississippi Code

Title 9. Courts

Chapter 27. Rivers Mcgraw Mental Health Diversion Pilot Program Act

Miss. Code Ann. § 9-27-11

§ 9-27-11. Eligibility for alternative sentencing through
mental health court; chemical tests; right to participate

Effective: July 1, 2019

Currentness

(1) In order to be eligible for alternative sentencing through a local mental health court, the participant must satisfy each of the following criteria:

(a) The participant cannot have any felony convictions for any offenses that are crimes of violence as defined in Section 97-3-2, other than burglary under Section 97-17-23(1), within the previous ten (10) years.

(b) The crime before the court cannot be a crime of violence as defined in Section 97-3-2, other than burglary under Section 97-17-23(1).

(c) Other criminal proceedings alleging commission of a crime of violence other than burglary under Section 97-17-23(1) cannot be pending against the participant.

(d) The crime before the court cannot be a charge of driving under the influence of alcohol or any other substance that resulted in the death of a person. In addition, persons who are ineligible for nonadjudication under Section 63-11-30 shall be ineligible to participate in a mental health court.

(e) The crime charged cannot be one of trafficking in controlled substances under Section 41-29-139(f), nor can the participant have a prior conviction for same.

(2) Participation in the services of a mental health treatment component shall be open only to the individuals over whom the court has jurisdiction, except that the court may agree to provide the services for individuals referred from another mental health court. In cases transferred from another jurisdiction, the receiving judge shall act as a special master and make recommendations to the sentencing judge.

(3)(a) As a condition of participation in a mental health court, a participant may be required to undergo a chemical test or a series of chemical tests as specified by the program. A participant is liable for the costs of all chemical tests required under this section, regardless of whether the costs are paid to the mental health court or the laboratory; however, if testing is available from other sources or the program itself, the judge may waive any fees for testing. Fees may be waived if the applicant is determined to be indigent.

(b) A laboratory that performs a chemical test under this section shall report the results of the test to the mental health court.

(4) A person does not have a right to participate in a mental health court under this chapter. The court having jurisdiction over a person for a matter before the court shall have the final determination about whether the person may participate in the mental health court under this chapter. However, any person meeting the eligibility criteria in subsection (1) of this section, shall, upon request, be screened for admission into the court's program.

Credits

Added by Laws 2017, Ch. 416 (H.B. 1089), § 6, eff. from and after passage (approved April 11, 2017). Amended by Laws 2019, Ch. 466 (H.B. 1352), § 19, eff. July 1, 2019.

Miss. Code Ann. § 9-27-11, MS ST § 9-27-11

The Statutes and Constitution are current through the 2019 Regular Session.

West's Annotated Mississippi Code

Title 9. Courts

Chapter 27. Rivers Mcgraw Mental Health Diversion Pilot Program Act

Miss. Code Ann. § 9-27-13

§ 9-27-13. Repealed by Laws 2019, Ch. 466 (H.B. 1352), § 23, eff. July 1, 2019

Effective: July 1, 2019

Currentness

Miss. Code Ann. § 9-27-13, MS ST § 9-27-13

The Statutes and Constitution are current through the 2019 Regular Session.

West's Annotated Mississippi Code

Title 9. Courts

Chapter 27. Rivers Mcgraw Mental Health Diversion Pilot Program Act

Miss. Code Ann. § 9-27-15

§ 9-27-15. Local funds; costs of participation; fees

Effective: July 1, 2019

Currentness

(1) All monies received from any source by a mental health court shall be accumulated in a local fund to be used only for mental health court purposes. Any funds remaining in a local fund at the end of a fiscal year shall not lapse into any general fund, but shall be retained in the mental health court fund for the funding of further activities by the mental health court.

(2) A mental health court may apply for and receive the following:

(a) Gifts, bequests and donations from private sources.

(b) Grant and contract monies from governmental sources.

(c) Other forms of financial assistance approved by the court to supplement the budget of the mental health diversion program.

(3) The costs of participation in a mental health treatment program required by the mental health court may be paid by the participant or out of user fees or such other state, federal or private funds that may, from time to time, be made available.

(4) The court may assess reasonable and appropriate fees to be paid to the local mental health court fund for participation in a mental health treatment program; however, all fees may be waived by the court if the applicant is determined to be indigent.

Credits

Added by Laws 2017, Ch. 416 (H.B. 1089), § 8, eff. from and after passage (approved April 11, 2017). Amended by Laws 2019, Ch. 466 (H.B. 1352), § 20, eff. July 1, 2019.

Miss. Code Ann. § 9-27-15, MS ST § 9-27-15

The Statutes and Constitution are current through the 2019 Regular Session.

West's Annotated Mississippi Code

Title 9. Courts

Chapter 27. Rivers Mcgraw Mental Health Diversion Pilot Program Act

Miss. Code Ann. § 9-27-17

§ 9-27-17. Immunity from civil liability

Effective: July 1, 2019

Currentness

The director and members of the professional and administrative staff of the mental health court who perform duties in good faith under this chapter are immune from civil liability for:

- (a) Acts or omissions in providing services under this chapter; and
- (b) The reasonable exercise of discretion in determining eligibility to participate in the mental health court.

Credits

Added by Laws 2017, Ch. 416 (H.B. 1089), § 9, eff. from and after passage (approved April 11, 2017). Amended by Laws 2019, Ch. 466 (H.B. 1352), § 21, eff. July 1, 2019.

Miss. Code Ann. § 9-27-17, MS ST § 9-27-17

The Statutes and Constitution are current through the 2019 Regular Session.

West's Annotated Mississippi Code

Title 9. Courts

Chapter 27. Rivers Mcgraw Mental Health Diversion Pilot Program Act

Miss. Code Ann. § 9-27-19

§ 9-27-19. Charge and prosecution dismissed upon completion of requirements imposed by mental health court; expungement

Effective: July 1, 2019

Currentness

If the participant completes all requirements imposed upon him by the mental health court, the charge and prosecution shall be dismissed. If the defendant or participant was sentenced at the time of entry of a plea of guilty, the successful completion of the mental health court order and other requirements of probation or suspension of sentence will result in the record of the criminal conviction or adjudication being expunged.

Credits

Added by Laws 2017, Ch. 416 (H.B. 1089), § 10, eff. from and after passage (approved April 11, 2017). Amended by Laws 2019, Ch. 466 (H.B. 1352), § 22, eff. July 1, 2019.

Miss. Code Ann. § 9-27-19, MS ST § 9-27-19

The Statutes and Constitution are current through the 2019 Regular Session.

West's Annotated Mississippi Code

Title 9. Courts

Chapter 27. Rivers Mcgraw Mental Health Diversion Pilot Program Act

Miss. Code Ann. § 9-27-21

§ 9-27-21. Repealed by Laws 2019, Ch. 466 (H.B. 1352), § 23, eff. July 1, 2019

Effective: July 1, 2019

Currentness

Miss. Code Ann. § 9-27-21, MS ST § 9-27-21

The Statutes and Constitution are current through the 2019 Regular Session.