

**FORENSIC MENTAL HEALTH AMENDMENTS**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Jack A. Seitz**

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**LONG TITLE**

**General Description:**

This bill amends provisions regarding the Utah forensic mental health facility.

**Highlighted Provisions:**

This bill:

- ▶ includes persons who are undergoing competency evaluations as members of the facility population;
- ▶ includes persons ordered to commit themselves for treatment at the Utah State Hospital as a condition of probation or stay of sentence;
- ▶ deletes language giving the Department of Corrections security responsibility for the facility;
- ▶ specifies that security functions shall be directed by the executive director; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**62A-15-902**, as renumbered and amended by Chapter 8, Laws of Utah 2002, Fifth Special Session

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **62A-15-902** is amended to read:

**62A-15-902. Design and operation -- Security.**

(1) The forensic mental health facility [~~shall be designed as~~] is a secure treatment facility. [~~The department shall have primary responsibility to design the treatment environment. However, the department shall consult with the Department of Corrections on all matters that affect the ability to secure the facility, its residents, and staff.~~]

(2) (a) The forensic mental health facility [~~shall be designed to separately accommodate~~] accommodates the following populations:

(i) prison inmates displaying mental illness, as defined in Section 62A-15-602, necessitating treatment in a secure mental health facility;

(ii) criminally adjudicated persons found guilty and mentally ill or guilty and mentally ill at the time of the offense undergoing evaluation for mental illness under Title 77, Chapter 16a, Commitment and Treatment of Mentally Ill Persons;

(iii) criminally adjudicated persons undergoing evaluation for competency or found guilty and mentally ill or guilty and mentally ill at the time of the offense under Title 77, Chapter 16a, Commitment and Treatment of Mentally Ill Persons, [~~who are also mentally retarded~~] also have mental retardation;

(iv) persons undergoing evaluation for competency or found by a court to be incompetent to proceed in accordance with Title 77, Chapter 15, Inquiry Into Sanity of Defendant, or not guilty by reason of insanity under Title 77, Chapter 14, Defenses; [~~and~~]

(v) persons who are civilly committed to the custody of a local mental health authority in accordance with Title 62A, Chapter 15, Part 6, Utah State Hospital and Other Mental Health Facilities, and who may not be properly supervised by the Utah State Hospital because of a lack of necessary security, as determined by the superintendent or his designee[-]; and

(vi) persons ordered to commit themselves to the custody of the Division of Substance Abuse and Mental Health for treatment at the Utah State Hospital as a condition of probation or stay of sentence pursuant to Title 77, Chapter 18, The Judgment.

(b) Placement of an offender in the forensic mental health facility under any category described in Subsection (2)(a)(ii), (iii), [~~or~~] (iv), or (vi) shall be made on the basis of the offender's

status as established by the court at the time of adjudication.

(c) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department shall make rules providing for the allocation of beds to the categories described in Subsection (2)(a).

(3) The department shall:

(a) own and operate the forensic mental health facility;

(b) provide and supervise administrative and clinical staff; and

(c) provide security staff who are trained [~~both~~] as psychiatric technicians [~~and certified by the Department of Corrections to perform security responsibilities for the forensic mental health facility~~].

(4) Pursuant to Subsection 62A-15-603(3) the executive director shall designate individuals to perform security functions for the state hospital.