

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

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

30 **62A-15-902. Design and operation -- Security.**

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

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

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

39 (ii) criminally adjudicated persons found guilty and mentally ill or **h** **GUILTY AND**
39a **MENTALLY ILL AT THE TIME OF THE OFFENSE h** undergoing
40 evaluation for mental illness under Title 77, Chapter 16a, Commitment and Treatment of
41 Mentally Ill Persons;

42 (iii) criminally adjudicated persons undergoing evaluation for competency or found
43 guilty and mentally ill § OR § h GUILTY AND MENTALLY ILL AT THE TIME OF THE OFFENSE h
43a1 under Title

43a 77, Chapter 16a, Commitment and Treatment of Mentally Ill

44 Persons, who h [are also mentally retarded] ALSO HAVE MENTAL RETARDATION h ;

45 (iv) persons **h UNDERGOING EVALUATION FOR COMPETENCY OR h** found by a court to be
45a incompetent to proceed in accordance with Title 77,
46 Chapter 15, Inquiry Into Sanity of Defendant, or not guilty by reason of insanity under Title 77,
47 Chapter 14, Defenses; [~~and~~]

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

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

55 (b) Placement of an offender in the forensic mental health facility under any category
56 described in Subsection (2)(a)(ii), (iii), [~~or~~] (iv), or (vi) shall be made on the basis of the
57 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

59 department shall make rules providing for the allocation of beds to the categories described in
60 Subsection (2)(a).

61 (3) The department shall:

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

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

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

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

Legislative Review Note
as of 1-6-04 2:09 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note

Forensic Mental Health Amendments

20-Jan-04

Bill Number HB017411:00 AM

State Impact

Provisions of this legislation can be handled within existing funding.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst