

HB 1456 -- Mental Health Assessment Pilot Program

Sponsor: Black

This bill authorizes the Director of the Department of Corrections to establish a three-year pilot program regarding a mental health assessment process. A judge in a participating county may, upon a motion filed by the prosecutor, request that a criminal offender be placed in the department for 120 days for a mental health assessment and for treatment if it appears that the offender has a mental disorder or illness such that he or she may qualify for probation including community psychiatric rehabilitation programs and the probation is appropriate and not inconsistent with public safety. The victim must be given notice and an opportunity to be heard before the judge rules on the motion. Upon the court's recommendation, the department must determine the offender's eligibility for the assessment process. At the end of the 120 days, the department must send an assessment report to the sentencing court which may, if appropriate, release the offender on probation. The offender must be supervised by a state probation and parole officer who must work with the Department of Mental Health to enroll eligible offenders into community psychiatric rehabilitation programs.

An offender is not eligible for probation if he or she has been found guilty of or pled guilty to second-degree murder, forcible or first-degree statutory rape, forcible or first-degree statutory sodomy, first degree child molestation that is classified as a class A felony, or any other offense that does not allow for probation or parole or if he or she has been found to be a predatory sexual offender.

The directors of the Department of Corrections and the Department of Mental Health must jointly submit recommendations to the Governor and the General Assembly by December 31, 2015, on whether to expand the process statewide.