

## Session 113 - (1999-2000)

### H 3165 General Bill, By J. Brown

**Summary:** Mentally Ill Offender Act, Courts, Mental Health, Patients, Indigents

A BILL TO AMEND TITLE 17, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 28 SO AS TO ENACT THE MENTALLY ILL OFFENDER ACT TO PROVIDE 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 OFFENDER PROGRAM AND TO PROVIDE FOR THE COMPONENTS OF THE PROGRAM; TO AMEND SECTION 44-23-210, AS AMENDED, RELATING TO TRANSFER OF CONFINED PERSONS TO OR BETWEEN MENTAL HEALTH OR MENTAL RETARDATION INSTITUTIONS, SO AS TO EXEMPT PATIENTS COMMITTED TO A MENTALLY ILL OFFENDER PROGRAM; TO AMEND SECTION 44-23-410, AS AMENDED, RELATING TO DETERMINATION OF THE CAPACITY OF A PERSON TO STAND TRIAL FOR A CRIMINAL OFFENSE, SO AS TO AUTHORIZE THE COURT TO ACT ON ITS OWN MOTION; TO AMEND SECTION 44-23-420, RELATING TO DESIGNATED EXAMINERS' REPORTS, SO AS TO DELETE EXISTING PROVISIONS AND TO PROVIDE THAT COMPETENCY PROVISIONS OF THIS ACT APPLY; TO AMEND SECTION 44-23-460, RELATING TO PROCEDURES WHEN A PERSON CHARGED WITH A CRIME NO LONGER REQUIRES HOSPITALIZATION, SO AS TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO PATIENTS COMMITTED TO A MENTALLY ILL OFFENDER PROGRAM; AND TO REPEAL SECTION 44-23-430, RELATING TO FITNESS TO STAND TRIAL; AND CHAPTER 24, TITLE 17, RELATING TO MENTALLY ILL OR INSANE DEFENDANTS.

**01/06/99** House Prefiled  
**01/06/99** House Referred to Committee on Judiciary  
**01/12/99** House Introduced and read first time HJ-62  
**01/12/99** House Referred to Committee on Judiciary HJ-63