
This act summary is provided for the convenience of the public and members of the General Assembly. It is intended to provide a general summary of the act and may not be exhaustive. It has been prepared by the staff of the Office of Legislative Council without input from members of the General Assembly. It is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

Act No. 78 (S.61). Corrections; offenders with mental illness

An act relating to offenders with mental illness, inmate records, and inmate services

This act:

- Moves the definition of “segregation” so that it applies to the entirety of Title 28, and amends the definition to clarify that it does not mean confinement to an infirmary or a residential treatment setting for purposes of evaluation, treatment, or provision of services
- Requires that the Department of Corrections (DOC) refer within 24 hours every inmate who is screened by a mental health professional as needing inpatient treatment to a setting appropriate for the clinical needs of that inmate
- Requires that by July 1, 2017, the Department of Corrections and the Department of Mental Health execute a memorandum of understanding that establishes how to care for inmates with mental illness until a forensic mental health center is created on July 1, 2019 (also required by this act)
- Requires that by January 18, 2018, the Department of Corrections, in consultation with the Department of Mental Health and the designated agencies, develop a plan to create or establish access to a forensic mental health center and report on the plan to the standing committees
- In July of 2019, requires that a special unit to serve inmates with mental illness be available and that the Department provide treatment, evaluation, or services within 48 hours to every inmate that is screened as requiring them
- Requires a report from the Secretary of Human Services to the Joint Legislative Justice Oversight Committee on October 15 of 2017. The report shall provide recommendations on how best to provide mental health treatment and services to inmates and detainees who are lodged in a correctional facility, including whether services should be provided by designated agencies, an in-house employee, or contract
- Provides that it is the General Assembly’s intent that the DOC house inmates in the least restrictive setting necessary and, use segregation only in instances when it serves a specific disciplinary or administrative

purpose, and ensure that inmates with mental illness receive the support and rehabilitative services they need

- Directs the Commissioner of Corrections to withdraw a proposed final rule regarding inmate/offender records and redraft the rule to reflect legislative intent. Also Directs the Commissioner, on or before October 1, 2017, to develop a plan to implement and use modern records management technology and practices in order to minimize the costs of furnishing offender/inmate records.
- Directs the Justice Oversight Committee to evaluate approaches to substance abuse recovery services in correctional facilities for inmates and to draft any legislative recommendations in the form of a bill for introduction in the 2018 legislative session

Multiple effective dates, beginning on June 13, 2017