

House Bill 678

By: Representatives Wilkerson of the 38th, Allen of the 40th, Scott of the 76th, Schofield of the 60th, and McLaurin of the 51st

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 4 of Title 42 of the Official Code of Georgia Annotated,
2 relating to medical services for inmates, so as to enact the "Inmate Mental Health Act"; to
3 provide for reporting requirements; to provide for inmate death investigations; to provide for
4 related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 3 of Chapter 4 of Title 42 of the Official Code of Georgia Annotated, relating to
8 medical services for inmates, is amended by adding a new Code section to read as follows:
9 "42-4-52.

10 (a) This Code section shall be known and may be cited as the 'Inmate Mental Health Act.'

11 (b) The sheriff of a county shall furnish monthly reports to the department regarding the
12 number of occurrences of each of the following within the inmate population of each
13 county jail:

14 (1) Suicides;

15 (2) Attempted suicides;

16 (3) Deaths;

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17 (4) Serious injuries;

18 (5) Assaults;

19 (6) Escapes;

20 (7) Sexual assaults; and

21 (8) Uses of force.

22 (c) When an inmate dies in a correctional institution, the Georgia Bureau of Investigation
23 shall immediately commence an investigation to determine the cause of death.

24 (d) The department shall develop and adopt reasonable standards for jails in establishing
25 guidelines for inmate safety that include requiring jails to have:

26 (1) Twenty-four hour access to a mental health professional either onsite or through a
27 telemental health service; and

28 (2) Automated electronic sensors to ensure accurate and timely cell checks.

29 (e) Within 12 hours after receiving credible information that may establish reasonable
30 cause to believe that a defendant committed to the sheriff's custody has a mental illness or
31 an intellectual disability, including observation of the defendant's behavior immediately
32 before, during, and after the defendant's arrest and the results of any previous assessment
33 of the defendant, the sheriff shall provide written or electronic notice of the information to
34 the magistrate judge. On a determination that there is reasonable cause to believe that the
35 defendant has a mental illness or an intellectual disability, the magistrate judge shall direct
36 the defendant's supervising law enforcement agency to make a good faith effort to divert
37 a person suffering from a mental health crisis or the effects of substance abuse to a proper
38 treatment center in the agency's jurisdiction if:

39 (1) There is an available and appropriate treatment center in the agency's jurisdiction to
40 which the agency may divert the person;

41 (2) It is reasonable to divert the person;

42 (3) The offense that the person is accused of committing is a misdemeanor, other than
43 a misdemeanor involving violence; and

44 (4) The mental health crisis or substance abuse issue is suspected to be the reason the
45 person committed the alleged offense."

46 **SECTION 2.**

47 All laws and parts of laws in conflict with this Act are repealed.