

House Bill 851

By: Representatives Scott of the 76th, Schofield of the 60th, Wilkerson of the 38th, Davis of the 87th, and McLeod of the 105th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated,
2 relating to inmate policies, so as to require certain mental illness evaluations of persons
3 detained in a penal institution; to provide for definitions; to provide for reporting procedures;
4 to provide for 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 1 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to
8 inmate policies, is amended by adding a new Code section to read as follows:

9 "42-1-11.4.

10 (a) As used in this Code section, the term:

11 (1) 'Custodian' means a warden, sheriff, jailer, deputy sheriff, police officer, officer or
12 employee of the Department of Juvenile Justice, or any other law enforcement officer
13 having actual custody of a person for or within a penal institution.

14 (2) 'Facility' shall have the same meaning as provided for under Code Section 37-3-1.

15 (3) 'Penal institution' means any place of confinement for persons accused of or
16 convicted of violating a law of this state or an ordinance of a municipality or political
17 subdivision of this state.

18 (b) Within 48 hours of taking custody of a person for or within a penal institution, and at
19 any other time thereafter where there is reasonable cause to believe that such person has
20 a mental illness, a custodian shall have a physician of a facility to evaluate such person for
21 mental illness. If such physician determines that such person appears to be a mentally ill
22 person, such physician shall execute a certificate stating that he or she has personally
23 examined such person and has found that, based upon observations set forth in the
24 certificate, such person appears to be a mentally ill person requiring treatment as set forth
25 in the certificate. Such certificate shall be delivered to the custodian and filed with the
26 chief judge of the court having jurisdiction over the charges or conviction of such person."

27 **SECTION 2.**

28 All laws and parts of laws in conflict with this Act are repealed.