

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact § 37.2-818 of the Code of Virginia, relating to commitment hearings;
2 sharing of records and information.

3 **Be it enacted by the General Assembly of Virginia:**

4 **1. That § 37.2-818 of the Code of Virginia is amended and reenacted as follows:**

5 **§ 37.2-818. Commitment hearing for involuntary admission; recordings and records.**

6 A. The district court judge or special justice shall make or cause to be made a tape or other audio
7 recording of any hearings held under this chapter, with no more than one hearing recorded per tape, and
8 shall submit the recording to the clerk of the district court in the locality in which the hearing is held to
9 be retained in a confidential file. The person who was the subject of the hearing shall be entitled, upon
10 request, to obtain a copy of the tape or other audio recording of such hearing. These recordings shall be
11 retained for at least three years from the date of the commitment hearing.

12 B. Except as provided in this section and § 37.2-819, the court shall keep its copies of recordings
13 made pursuant to this section, relevant medical records, reports, and court documents pertaining to the
14 hearings provided for in this chapter confidential. The person who is the subject of the hearing may, in
15 writing, waive the confidentiality provided herein. In the absence of such waiver, access to the
16 dispositional order only may be provided upon court order. Any person seeking access to the
17 dispositional order may file a written motion setting forth why such access is needed. The court may
18 issue an order to disclose the dispositional order if it finds that such disclosure is in the best interest of
19 the person who is the subject of the hearing or of the public. The Executive Secretary of the Supreme
20 Court and anyone acting on his behalf shall be provided access to the court's records upon request. Such
21 recordings, records, reports, and documents shall not be subject to the Virginia Freedom of Information
22 Act (§ 2.2-3700 et seq.).

23 C. After entering an order for involuntary admission or mandatory outpatient treatment, the
24 judge or special justice shall order that copies of the relevant records of the person be released to (i) the
25 facility in which he is placed, (ii) the community services board of the jurisdiction where the person

26 resides, (iii) any treatment providers identified in a treatment plan incorporated into any mandatory
27 outpatient treatment order, and (iv) any other treatment providers or entities.

28 D. Upon request of the Department, the court shall transmit to the Department records and
29 information, including identifiable information, whether in written or electronic format, pertaining to
30 proceedings, hearings, and orders provided for in this chapter for the purpose of enabling the
31 Department and its agents to maintain statistical archives and merge the data with other records and
32 information in the Department's statistical archives; conduct research on the characteristics and
33 outcomes of proceedings, hearings, and orders; and otherwise carry out its responsibilities in accordance
34 with the provisions of this title. The Department shall take all necessary steps to protect the security and
35 privacy of the records and information provided pursuant to this subsection in accordance with the
36 requirements of state and federal law and regulations.

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