

# WEST VIRGINIA LEGISLATURE

## 2020 REGULAR SESSION

Introduced

### House Bill 4821

FISCAL  
NOTE

BY DELEGATES STORCH, ACK, CRISS, HOUSEHOLDER

AND FLUHARTY

[Introduced February 11, 2020; Referred to the  
Committee on Political Subdivisions then the  
Judiciary]

1 A BILL to amend and reenact §27-5-10 of the Code of West Virginia, 1931, as amended, relating  
2 to providing that if individual who is mentally ill or a substance abuser requests to be taken  
3 to mental health facility or state hospital located in a county other than the county where  
4 the transportation originates, the county where the requested mental health facility or state  
5 hospital is located shall bear the costs of that transportation.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 5. INVOLUNTARY HOSPITALIZATION.**

### **§27-5-10. Transportation for the mentally ill or substance abuser.**

1 (a) Whenever transportation of an individual is required under the provisions of §27-4-1 *et*  
2 *seq.* of this code or this article, it shall be the duty of the sheriff to provide immediate transportation  
3 to or from the appropriate mental health facility or state hospital: *Provided*, That, where  
4 hospitalization occurs pursuant to §27-4-1 *et seq.* of this code, the sheriff may permit, upon the  
5 written request of a person having proper interest in the individual's hospitalization, for the  
6 interested person to arrange for the individual's transportation to the mental health facility or state  
7 hospital if the sheriff determines that such means are suitable given the individual's condition:  
8 *Provided, however, That if the individual being transported requests to be taken to mental health*  
9 *facility or state hospital located in a county other than the county where the transportation*  
10 *originates, the county of residence of the patient shall bear the costs of that transportation.*

11 (b) Upon written agreement between the county commission on behalf of the sheriff and  
12 the directors of the local community mental health center and emergency medical services, an  
13 alternative transportation program may be arranged. The agreement shall clearly define the  
14 responsibilities of each of the parties, the requirements for program participation and the persons  
15 bearing ultimate responsibility for the individual's safety and well-being.

16 (c) *Use of certified municipal law-enforcement officers.* -- Sheriffs and municipal  
17 governments are hereby authorized to enter into written agreements whereby certified municipal  
18 law-enforcement officers may perform the duties of the sheriff as described in this article. The

19 agreement shall determine jurisdiction, responsibility of costs and all other necessary  
20 requirements, including training related to the performance of these duties, and shall be approved  
21 by the county commission and circuit court of the county in which the agreement is made. For  
22 purposes of this subsection, “certified municipal law-enforcement officer” means any duly  
23 authorized member of a municipal law-enforcement agency who is empowered to maintain public  
24 peace and order, make arrests and enforce the laws of this state or any political subdivision  
25 thereof, other than parking ordinances, and who is currently certified as a law-enforcement officer  
26 pursuant to §30-29-1 *et seq.* of this code.

27 (d) Nothing in this section is intended to alter security responsibilities for the patient by the  
28 sheriff unless mutually agreed upon as provided in subsection (c) of this section.

NOTE: The purpose of this bill is to provide that if an individual who is mentally ill or a substance abuser requests to be taken to mental health facility or state hospital located in a county other than the county where the transportation originates, the county where the requested mental health facility or state hospital is located shall bear the costs of that transportation.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.