

HB 2054 -- MENTAL HEALTH JAIL REIMBURSEMENT

SPONSOR: Verneti

This bill provides that whenever it is determined that a person in the custody of a jail lacks the capacity to understand the proceedings against him or her or to assist in his or her own defense as a result of mental illness or defect, the Department of Mental Health must reimburse the county or city not within a county in which the jail is located for the time the person spent in custody. The rate for this reimbursement is set at \$200 per day, subject to appropriation, as well as the cost of any medication provided to the person while he or she was in custody.

The Department is additionally required to pay the costs when a person is determined to lack mental fitness to proceed in a trial or conviction and the person is in the custody of the sheriff.

The bill provides that it is the duty of the county sheriff, or chief executive officer of a city not within a county, to certify the total number of days a person who lacks mental fitness to proceed in a trial or conviction has remained in custody and submit to the Department the number as well as the costs of any medication provided to the person while in custody. The sheriff or chief executive officer must submit claims for reimbursement no later than two years from the date the claim became eligible for reimbursement.

The Department must determine if the expenses are eligible under provisions of current law and remit any payment to the county or city not within a county when the expenses have been determined to be eligible. Additionally, the Department is required to establish by rule the process for submitting claims.