

West's Annotated Mississippi Code  
Title 9. Courts  
Chapter 27. Rivers McGraw Mental Health Treatment Court Act

Miss. Code Ann. § 9-27-1

§ 9-27-1. Short Title

Effective: July 1, 2023

Currentness

This chapter shall be known and may be cited as the “Rivers McGraw Mental Health Treatment Court Act.”

**Credits**

Added by Laws 2017, Ch. 416 (H.B. No. 1089), § 1, eff. from and after passage (approved April 11, 2017). Amended by Laws 2019, Ch. 466 (H.B. No. 1352), § 15, eff. July 1, 2019; Laws 2023, Ch. 356 (H.B. No. 1218), § 1, eff. July 1, 2023.

Miss. Code Ann. § 9-27-1, MS ST § 9-27-1

The Statutes and Constitution are current with laws from the 2023 Regular Session effective through July 1, 2023. Some statute sections may be more current, see credits for details. The statutes are subject to changes provided by the Joint Legislative Committee on Compilation, Revision and Publication of Legislation.

West's Annotated Mississippi Code

Title 9. Courts

Chapter 27. Rivers Mcgraw Mental Health Treatment Court Act

Miss. Code Ann. § 9-27-3

§ 9-27-3. Mental health diversion programs; legislative intent; goals

Effective: July 1, 2023

Currentness

(1) The Legislature recognizes the critical need for judicial intervention to establish court processes and procedures that are more responsive to the needs of defendants with mental illnesses, while maintaining public safety and the integrity of the court process.

(2) The goals of the mental health treatment courts under this chapter include the following:

(a) Reduce the number of future criminal justice contacts among offenders with mental illnesses;

(b) Reduce the inappropriate institutionalization of people with mental illnesses;

(c) Improve the mental and behavioral health and well-being of defendants who come in contact with the criminal justice system;

(d) Improve linkages between the criminal justice system and the mental health system;

(e) Expedite case processing;

(f) Protect public safety;

(g) Establish linkages with other state and local agencies and programs that target people with mental illnesses in order to maximize the delivery of services; and

(h) To use corrections resources more effectively by redirecting prison-bound offenders whose criminal conduct is driven in part by mental illnesses to intensive supervision and clinical treatment available in the mental health treatment court.

### **Credits**

Added by Laws 2017, Ch. 416 (H.B. No. 1089), § 2, eff. from and after passage (approved April 11, 2017). Amended by Laws 2019, Ch. 466 (H.B. No. 1352), § 16, eff. July 1, 2019; Laws 2023, Ch. 356 (H.B. No. 1218), § 2, eff. July 1, 2023.

Miss. Code Ann. § 9-27-3, MS ST § 9-27-3

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West's Annotated Mississippi Code

Title 9. Courts

Chapter 27. Rivers McGraw Mental Health Treatment Court Act

Miss. Code Ann. § 9-27-5

§ 9-27-5. Definitions

Effective: July 1, 2023

Currentness

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed unless the context clearly requires otherwise:

- (a) “Behavioral health” means the promotion of mental health, resilience and wellbeing; the treatment of mental and substance use disorders; and the support of those who experience and/or are in recovery from these conditions, along with their families and communities.
- (b) “Chemical tests” means the analysis of an individual's: (i) blood, (ii) breath, (iii) hair, (iv) sweat, (v) saliva, (vi) urine, or (vii) other bodily substance to determine the presence of alcohol or a controlled substance.
- (c) “Clinical assessment” means the use of an actuarial assessment tool which evaluates an individual's physical, medical, cognitive, psychological (personality, emotions, beliefs and attitudes), and behavioral history and current conditions in order to determine the presence and severity of any mental health disorder.
- (d) “Co-Occurring disorder” means coexistence of both a mental health and a substance use disorder as defined in the Diagnostic and Statistical Manual (DSM).
- (e) “Diagnostic and Statistical Manual (DSM)” is the publication by the American Psychiatric Association used by behavioral health professionals for the classification and diagnosing of mental health disorders.

(f) “Evidence-based practices” means practices which have been empirically researched and proven to have measurable positive outcomes; have been rigorously tested; have yielded consistent, replicable results; and have proven safe, beneficial and effective for a specific population.

(g) “Mental health” means a state of mental or emotional well-being that enables people to cope with the stresses of life, realize their abilities, learn, work well, and contribute to their community.

(h) “Mental health disorder” means a syndrome characterized by a clinically significant disturbance in an individual's cognition, emotion regulation or behavior that reflects a dysfunction in the psychological, biological or developmental process underlying mental functioning as defined by the current Diagnostic and Statistical Manual of Mental Disorders as published by the American Psychiatric Association.

(i) “Mental Health Treatment program” means a highly structured evidence-based program for mental and behavioral health treatment of defendants that:

(i) Brings together mental health professionals, local social programs and intensive judicial monitoring;

(ii) Follows the key components of the mental health treatment court curriculum published by the Bureau of Justice Assistance; and

(iii) Utilizes supervision, policies, procedures and practices that scientific research demonstrates reduces recidivism.

(j) “Risk and needs assessment” means an actuarial evaluation tool to guide decision making at various points across the criminal justice continuum by approximating an individual's likelihood of reoffending and determining what individual criminogenic needs must be addressed to reduce that likelihood. Criminogenic risk and needs assessment tools consist of questions that are designed to ascertain someone's history of criminal behavior, attitudes and personality, and life circumstances.

(k) “Risk and needs screening” means the use of a brief actuarial tool that is used to determine a defendant's eligibility of a mental health treatment court by measuring the criminogenic risk and needs, identifying risk and protective factors, supports development of case management plan goals and determines the need of a full risk and needs assessment.

(l) “Substance use disorder” means a cluster of cognitive, behavioral, and physiological symptoms indicating that the individual continues using the substance despite significant substance-related problems such as impaired control, social impairment, risky behaviors, and pharmacological tolerance and withdrawal.

### **Credits**

Added by Laws 2017, Ch. 416 (H.B. No. 1089), § 3, eff. from and after passage (approved April 11, 2017). Amended by Laws 2023, Ch. 356 (H.B. No. 1218), § 3, eff. July 1, 2023.

Miss. Code Ann. § 9-27-5, MS ST § 9-27-5

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West's Annotated Mississippi Code

Title 9. Courts

Chapter 27. Rivers Mcgraw Mental Health Treatment Court Act

Miss. Code Ann. § 9-27-7

§ 9-27-7. Repository for reports; goal of mental health courts; standards; data collection plan; reporting requirements; rules; employees

Effective: July 1, 2023

Currentness

(1) The Administrative Office of Courts is the repository for reports filed by mental health treatment courts established under this chapter. The goal of the mental health treatment courts is to support effective and proven practices that reduce recidivism and provide behavioral health treatment for participants.

(2) Mental health treatment courts must adhere to the standards established in this chapter.

(a) These standards shall include, but are not limited to:

(i) The use of evidence-based practices including, but not limited to, the use of a valid and reliable risk and needs screening tool to identify participants, deliver appropriate treatments and services;

(ii) Targeting moderate to high-risk offenders for participation;

(iii) Utilizing current, evidence-based practices proven effective for behavioral health treatment;

(iv) Frequent testing for alcohol or drugs;

(v) Coordinated strategy between all mental health treatment court personnel;

(vi) Ongoing judicial interaction with each participant; and

(vii) Monitoring and evaluation of mental health treatment court implementation and outcomes through data collection and reporting.

(b) Mental health treatment courts must implement a data collection plan, utilizing the treatment court case management system, which shall include collecting the following data:

(i) Total number of participants;

(ii) Total number of successful participants;

(iii) Total number of unsuccessful participants and the reason why each participant did not complete the program;

(iv) Total number of participants who were arrested for a new criminal offense while in the mental treatment health court;

(v) Total number of participants who were convicted of a new felony offense while in the mental health treatment court;

(vi) Total number of participants who committed at least one (1) violation while in the mental health treatment court and the resulting sanction(s);

(vii) Results of the initial risk and needs screening or other clinical assessments conducted on each participant;

(viii) Total number of applications for screening by race, gender, offenses charged, indigence and if not accepted, the reason for nonacceptance; and



(ix) Any other data or information as required by the Administrative Office of Courts.

(3) All mental health treatment courts must measure successful completion of the program based on those participants who complete the program without a new criminal conviction.

(4)(a) Mental health treatment courts must collect and submit to the Administrative Office of Courts each month, the following data:

(i) Total number of participants at the beginning of the month;

(ii) Total number of participants at the end of the month;

(iii) Total number of new participants who began the program in the month;

(iv) Total number of participants who successfully completed the program in the month;

(v) Total number of participants who left the program in the month;

(vi) Total number of participants who were arrested for a new criminal offense while in the program in the month;

(vii) Total number of participants who were convicted of a new criminal offense while in the program in the month;

(viii) Total number of participants who committed at least one (1) violation while in the program and any resulting sanction(s);

(ix) Total number of active participants who did not receive treatment in the month;

(x) Total number of participants on prescribed psychotropic medications in the month;

(xi) Total number of new participants admitted to an acute psychiatric facility or a crisis stabilization unit in the first thirty (30) days of acceptance into the mental health treatment court; and

(xii) Total number of participants admitted to an acute psychiatric facility or a crisis stabilization unit in the month.

(b) By August 1, 2023, and each year thereafter, the Administrative Office of Courts shall report to the PEER Committee the information in subsection (4)(a) of this section in a sortable, electronic format.

(5) A certified mental health treatment court may individually establish rules and may make special orders and rules as necessary that do not conflict with rules promulgated by the Supreme Court or the Administrative Office of Courts.

(6) A certified mental health treatment court may appoint full- or part-time employees it deems necessary for the work of the mental health treatment court and shall fix the compensation of those employees, who shall serve at the will and pleasure of the circuit court judge who presides over the mental health treatment court.

(7) A certified mental health treatment court established under this chapter is subject to the regulatory powers of the Administrative Office of Courts as set forth in Section 9-27-13.

### **Credits**

Added by Laws 2017, Ch. 416 (H.B. No. 1089), § 4, eff. from and after passage (approved April 11, 2017). Amended by Laws 2019, Ch. 466 (H.B. No. 1352), § 17, eff. July 1, 2019; Laws 2023, Ch. 356 (H.B. No. 1218), § 4, eff. July 1, 2023.

Miss. Code Ann. § 9-27-7, MS ST § 9-27-7

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West's Annotated Mississippi Code

Title 9. Courts

Chapter 27. Rivers McGraw Mental Health Treatment Court Act

Miss. Code Ann. § 9-27-9

§ 9-27-9. Necessary court treatment services

Effective: July 1, 2023

Currentness

(1) Any mental and behavioral health treatment provider directly administering services to a participant shall be licensed by the appropriate state licensing board or hold a current and valid certification by the State Department of Mental Health or other appropriate state agency.

(2) A mental health treatment court shall provide either directly or through referrals, a range of services, including, but not limited to, the following:

(a) Screenings using a valid and reliable screening tool effective for identifying individuals with mental and behavioral health issues for eligibility and appropriate services;

(b) Clinical assessment;

(c) Referral to appropriate level of treatment services;

(d) Counseling and treatment for co-occurring substance use disorders;

(e) Employment Services;

(f) Education and/or vocational services; and

(g) Community service coordination, care and support.

### **Credits**

Added by Laws 2017, Ch. 416 (H.B. No. 1089), § 5, eff. from and after passage (approved April 11, 2017). Amended by Laws 2019, Ch. 466 (H.B. No. 1352), § 18, eff. July 1, 2019; Laws 2023, Ch. 356 (H.B. No. 1218), § 5, eff. July 1, 2023.

Miss. Code Ann. § 9-27-9, MS ST § 9-27-9

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West's Annotated Mississippi Code

Title 9. Courts

Chapter 27. Rivers McGraw Mental Health Treatment Court Act

Miss. Code Ann. § 9-27-11

§ 9-27-11. Eligibility for alternative sentencing through  
mental health court; chemical tests; right to participate

Effective: July 1, 2023

Currentness

(1) In order to be eligible for alternative sentencing through a local mental health treatment court, the defendant must satisfy each of the following criteria:

(a) The defendant cannot have any felony convictions for any offenses that are crimes of violence as defined in Section 97-3-2, other than burglary under Section 97-17-23(1), within the previous ten (10) years.

(b) The crime before the court cannot be a crime of violence as defined in Section 97-3-2, other than burglary under Section 97-17-23(1).

(c) Other criminal proceedings alleging commission of a crime of violence other than burglary under Section 97-17-23(1) cannot be pending against the defendant.

(d) The crime before the court cannot be a charge of driving under the influence of alcohol or any other substance that resulted in the death of a person. In addition, defendants who are ineligible for nonadjudication under Section 63-11-30 shall be ineligible to participate in a mental health treatment court.

(e) The crime charged cannot be one of trafficking in controlled substances under Section 41-29-139(f), nor can the defendant have a prior conviction for the same.

(2) Participation in the services of a mental health treatment component court shall be open only to the defendant over whom the court has jurisdiction, except that the court may agree to provide the services for participants referred from another mental health treatment court. In cases transferred from another jurisdiction, the receiving judge shall act as a special master and make recommendations to the sentencing judge.

(3)(a) As a condition of participation in a mental health treatment court, a defendant shall be required to undergo chemical testing as specified by the program. A participant is liable for the costs of all chemical tests required under this section, regardless of whether the costs are paid to the mental health treatment court or the laboratory; however, if testing is available from other sources or the program itself, the judge may waive any fees for testing. Fees may be waived if the defendant is determined by the court to be indigent.

(b) A laboratory that performs a chemical test under this section shall report the results of the test to the mental health treatment court.

(4) A defendant does not have a right to participate in a mental health treatment court under this chapter. The court having jurisdiction over a defendant for a matter before the court shall have the final determination about whether the defendant may participate in the mental health treatment court under this chapter. However, any defendant meeting the eligibility criteria in subsection (1) of this section, shall, upon request, be screened for admission into the court's program.

### **Credits**

Added by Laws 2017, Ch. 416 (H.B. No. 1089), § 6, eff. from and after passage (approved April 11, 2017). Amended by Laws 2019, Ch. 466 (H.B. No. 1352), § 19, eff. July 1, 2019; Laws 2023, Ch. 356 (H.B. No. 1218), § 6, eff. July 1, 2023.

Miss. Code Ann. § 9-27-11, MS ST § 9-27-11

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West's Annotated Mississippi Code

Title 9. Courts

Chapter 27. Rivers Mcgraw Mental Health Treatment Court Act

Miss. Code Ann. § 9-27-13

§ 9-27-13. Administrative Office of Courts duties to mental health courts; mental health treatment court applications

Effective: July 1, 2023

Currentness

(1) With regard to any mental health treatment court, Administrative Office of the Courts shall do the following:

(a) Certify and re-certify mental health treatment court applications that meet with standards established by Administrative Office of Courts in accordance with this chapter.

(b) Ensure that the structure of the mental health treatment court complies with rules adopted under this section and applicable federal regulations.

(c) Revoke certification of a mental health treatment court upon a determination that the program does not comply with rules adopted under this section and applicable federal regulations.

(d) Make agreements and contracts to effectuate the purposes of this chapter with:

(i) Another department, authority or agency of the state;

(ii) Another state;

(iii) The federal government;



- (iv) A state-supported or private institute of higher learning; or
  
- (v) A public or private agency, foundation, corporation or individual.
  
- (e) Directly, or by contract, approve and certify any mental health treatment court component established under this chapter.
  
- (f) Require, as a condition of operation, that each mental health treatment court created or funded under this chapter be certified by the Administrative Office of Courts.
  
- (g) Collect monthly data from each certified mental health treatment court and compile an annual report summarizing the data collected and the outcomes achieved.
  
- (h) Every three (3) years, if funding is available, contract with an external evaluator to conduct an evaluation of the compliance with the Bureau of Justice Assistance key components, as adapted for mental health treatment courts, and effectiveness of:
  - (i) Statewide mental health treatment court program; and
  
  - (ii) Individual mental health treatment courts.
  
- (i) Adopt rules to implement this chapter.

### **Credits**

Added by Laws 2023, Ch. 356 (H.B. No. 1218), § 10, eff. July 1, 2023.

Miss. Code Ann. § 9-27-13, MS ST § 9-27-13

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West's Annotated Mississippi Code

Title 9. Courts

Chapter 27. Rivers McGraw Mental Health Treatment Court Act

Miss. Code Ann. § 9-27-15

§ 9-27-15. Local funds; costs of participation; fees

Effective: July 1, 2023

Currentness

(1) All monies received from any source by a mental health treatment court shall be accumulated in a local fund to be used only for mental health treatment court purposes. Any funds remaining in a local fund at the end of a fiscal year shall not lapse into any general fund, but shall be retained in the mental health treatment court fund for the funding of further activities by the mental health treatment court.

(2) A mental health treatment court may apply for and receive the following:

(a) Gifts, bequests and donations from private sources;

(b) Grant and contract monies from governmental sources; or

(c) Other forms of financial assistance approved by the court to supplement the budget of the mental health treatment court.

(3) The costs of participation required by the mental health treatment court may be paid by the participant or out of user fees or such other state, federal or private funds that may, from time to time, be made available.

(4) The mental health treatment court may assess reasonable and appropriate fees to be paid to the local mental health treatment court fund for participation in a mental health treatment court; however, all fees may be waived by the court if the defendant is determined by the court to be indigent.

### **Credits**

Added by Laws 2017, Ch. 416 (H.B. No. 1089), § 8, eff. from and after passage (approved April 11, 2017). Amended by Laws 2019, Ch. 466 (H.B. No. 1352), § 20, eff. July 1, 2019; Laws 2023, Ch. 356 (H.B. No. 1218), § 7, eff. July 1, 2023.

Miss. Code Ann. § 9-27-15, MS ST § 9-27-15

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West's Annotated Mississippi Code  
Title 9. Courts  
Chapter 27. Rivers Mcgraw Mental Health Treatment Court Act

Miss. Code Ann. § 9-27-17

§ 9-27-17. Immunity from civil liability

Effective: July 1, 2023

Currentness

The mental health treatment court coordinator and members of the professional and administrative staff of the mental health treatment court who perform duties in good faith under this chapter are immune from civil liability for:

- (a) Acts or omissions in providing services under this chapter; and
- (b) The reasonable exercise of discretion in determining eligibility to participate in the mental health court.

**Credits**

Added by Laws 2017, Ch. 416 (H.B. No. 1089), § 9, eff. from and after passage (approved April 11, 2017). Amended by Laws 2019, Ch. 466 (H.B. No. 1352), § 21, eff. July 1, 2019; Laws 2023, Ch. 356 (H.B. No. 1218), § 8, eff. July 1, 2023.

Miss. Code Ann. § 9-27-17, MS ST § 9-27-17

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West's Annotated Mississippi Code

Title 9. Courts

Chapter 27. Rivers McGraw Mental Health Treatment Court Act

Miss. Code Ann. § 9-27-19

§ 9-27-19. Charge and prosecution dismissed upon completion of requirements imposed by mental health court; expungement

Effective: July 1, 2023

Currentness

If the participant completes all requirements imposed by the mental health treatment court, the charge and prosecution shall be dismissed. If the defendant was sentenced at the time of entry of a plea of guilty, the successful completion of the mental health treatment court order and other requirements of probation or suspension of sentence will result in the record of the criminal conviction or adjudication being expunged. However, no expunction of any implied consent violations shall be allowed.

**Credits**

Added by Laws 2017, Ch. 416 (H.B. No. 1089), § 10, eff. from and after passage (approved April 11, 2017). Amended by Laws 2019, Ch. 466 (H.B. No. 1352), § 22, eff. July 1, 2019; Laws 2023, Ch. 356 (H.B. No. 1218), § 9, eff. July 1, 2023.

Miss. Code Ann. § 9-27-19, MS ST § 9-27-19

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West's Annotated Mississippi Code

Title 9. Courts

Chapter 27. Rivers Mcgraw Mental Health Treatment Court Act

Miss. Code Ann. § 9-27-21

§ 9-27-21. Administrative Office of Courts duties to mental health courts; promulgating rules and regulations; certification process; regulatory powers

Effective: July 1, 2023

Currentness

(1) The Administrative Office of Courts shall be responsible for certification and monitoring of mental health treatment courts.

(2) The Administrative Office of Courts shall promulgate rules and regulations to carry out the certification and re-certification process and make any other policies consistent with this section to carry out this process.

(3) The Administrative Office of Courts shall establish, implement and operate a uniform certification process for all mental health treatment courts designed to adjudicate criminal actions involving an identified classification of criminal defendants to ensure funding for mental health treatment courts which supports effective and proven behavioral health treatment practices that reduce recidivism among their participants.

(4)(a) The Administrative Office of Courts shall establish a certification process that ensures any new or existing mental health treatment court meets standards for mental health treatment court operation.

(b) Mental health treatment court certification application must include:

(i) A description of the need for the mental health treatment court;

(ii) The targeted population for the mental health treatment court;

(iii) The eligibility criteria for mental health treatment court participants;

(iv) A description of the process for identifying eligible participants, using a risk and needs screening and a clinical assessment which focuses on accepting moderate to high-risk individuals; and

(v) A description of the mental health treatment court components, including anticipated budget, implementation plan, and a list of the evidence-based programs to which participants will be referred by the mental health treatment court.

(5) Every mental health treatment court shall be certified under the following schedule:

(a) All certified mental health treatment courts in existence on December 31, 2022, must submit a recertification petition to the Administrative Office of Courts before July 1, 2023. The mental health treatment court must submit a recertification petition every two (2) years.

(b) A mental health treatment court's certification expires on December 31 of every odd calendar year.

(6) A certified mental health treatment court established under this chapter is subject to the regulatory powers of the Administrative Office of Courts as set forth in Section 9-27-13.

### **Credits**

Added by Laws 2023, Ch. 356 (H.B. No. 1218), § 11, eff. July 1, 2023.

Miss. Code Ann. § 9-27-21, MS ST § 9-27-21

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