

**§3069. Hospitalization for mental illness**

**1. Involuntary.** When a prisoner of a correctional facility has been determined by a competent medical authority to require inpatient treatment for mental illness, the chief administrative officer of that facility shall make application in accordance with Title 34-B, section 3863.

A. Any person with respect to whom an application and certification under Title 34-B, section 3863 are made may be admitted to either state mental health institute. [PL 1983, c. 459, §6 (NEW).]

B. Except as otherwise specifically provided in this section, Title 34-B, chapter 3, subchapter 4, Article 3 is applicable to the person as if the admission of the person were applied for under Title 34-B, section 3863. [PL 2005, c. 329, §12 (AMD).]

C. A copy of the document by which the person is held in the facility must accompany the application for admission. [PL 1991, c. 314, §57 (AMD).]

D. If the sentence being served at the time of admission has not expired or commitment has not been terminated in accordance with law at the time the person is ready for discharge from hospitalization, the person must be returned by the appropriate officers of the correctional facility. [PL 2005, c. 329, §12 (AMD).]

E. Admission to a mental health institute under this section has no effect upon a sentence then being served or a commitment then in effect. The sentence continues to run and the commitment remains in force, unless terminated in accordance with law. While the sentence or commitment is in effect, the person may not receive a privilege, including, but not limited to, a furlough or its equivalent, a funeral or deathbed visit or the use of tobacco, unless the chief administrative officer of the correctional facility approves the receipt of the privilege. [PL 2007, c. 102, §10 (AMD).]  
[PL 2007, c. 102, §10 (AMD).]

**2. Voluntary.** The chief administrative officer of a correctional or detention facility may permit a person confined in the facility to apply for informal admission to a state mental health institute under Title 34-B, section 3831.

A. Except as otherwise provided in this section, the provisions of law applicable to persons admitted to a state mental health institute under Title 34-B, chapter 3, subchapter IV, Article II, apply to any person confined in a correctional or detention facility who is admitted to a state mental health institute under that section. [PL 1991, c. 314, §57 (AMD).]

B. A copy of the document by which the person is held in the facility must accompany the application for admission. [PL 1991, c. 314, §57 (AMD).]

C. If the sentence being served at the time of admission has not expired or commitment has not been terminated in accordance with law at the time the person is ready for discharge from hospitalization, the person must be returned by the appropriate officers of the correctional or detention facility. [PL 1991, c. 314, §57 (AMD).]

D. Admission to a mental health institute under this section has no effect upon a sentence then being served or a commitment then in effect. The sentence continues to run and the commitment remains in force, unless terminated in accordance with law. While the sentence or commitment is in effect, the person may not receive a privilege, including, but not limited to, a furlough or its equivalent, a funeral or deathbed visit or the use of tobacco, unless the chief administrative officer of the correctional facility approves the receipt of the privilege. [PL 2007, c. 102, §11 (AMD).]  
[PL 2007, c. 102, §11 (AMD).]

**3. Reincarceration planning.** For each person hospitalized pursuant to this section, the Department of Health and Human Services, in consultation with the chief administrative officer of the

correctional facility and before the person is transferred back to the correctional facility, shall develop a written treatment plan describing the recommended treatment to be provided to the person.

[PL 2001, c. 659, Pt. D, §2 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

**4. Review use of seclusion and restraint with prisoners with major mental illness; report.**

Beginning October 1, 2003, the Department of Health and Human Services, utilizing its medical directors and forensic psychiatrists, shall review the use of seclusion and restraint with prisoners with major mental illness in all adult correctional facilities. The department and the Department of Health and Human Services shall agree to the design and scope of this review. This review must include, but not be limited to, a case review of the rates of and duration of such practices with prisoners with major mental illness, whether the use of seclusion and restraint is appropriate and whether there is a pattern of restraint and seclusion with any particular prisoners with major mental illness. Beginning December 30, 2004 and annually thereafter, the Department of Health and Human Services shall issue a written report that includes its findings and recommendations for improvements determined to be necessary. That report must be forwarded to the commissioner and to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters.

[PL 2003, c. 482, Pt. C, §1 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

**SECTION HISTORY**

PL 1983, c. 459, §6 (NEW). PL 1991, c. 314, §57 (AMD). PL 2001, c. 659, §D2 (AMD). PL 2003, c. 482, §§B1,C1 (AMD). PL 2003, c. 689, §B6 (REV). PL 2005, c. 329, §12 (AMD). PL 2007, c. 102, §§ 10, 11 (AMD).

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