

2022 SESSION

INTRODUCED

22101063D

HOUSE BILL NO. 738

Offered January 12, 2022

Prefiled January 11, 2022

A *BILL to amend and reenact § 19.2-169.8 of the Code of Virginia, relating to competency to stand trial; order for evaluation or treatment; copy to the Department of Behavioral Health and Developmental Services.*

Patron—Bell

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-169.8 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-169.8. Orders for evaluation or treatment; duties of clerk; copies.

A. Whenever a court orders an evaluation pursuant to § 19.2-168.1, 19.2-169.1, or 19.2-169.5 or orders treatment pursuant to § 19.2-169.2 or 19.2-169.6, the clerk of the court shall provide a copy of the order to the appointed evaluator or to the director of the community services board, behavioral health authority, or hospital named in the order as soon as practicable but no later than the close of business on the next business day following entry of the order. The party requesting the evaluation pursuant to § 19.2-168.1, 19.2-169.1, or 19.2-169.5, the attorney for the Commonwealth if treatment is ordered pursuant to § 19.2-169.2, or the petitioner if treatment is ordered pursuant to § 19.2-169.6 shall be responsible for providing to the court the name, address, and other contact information for the appointed evaluator or the director of the community services board, behavioral health authority, or hospital unless the court or clerk already has this information. The appointed evaluator or the director of the community services board, behavioral health authority, or hospital shall acknowledge receipt of the order to the clerk of the court on a form developed by the Office of the Executive Secretary of the Supreme Court of Virginia as soon as practicable but no later than the close of business on the next business day following receipt of the order. *The clerk shall also provide a copy of the order to the Department of Behavioral Health and Developmental Services.*

B. No person shall be liable for any act or omission relating to the performance of any requirement set forth in subsection A unless the person was grossly negligent or engaged in willful misconduct.

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