202A.231 Transfer to agency of United States.

(1) Upon receipt of a certificate of the United States Public Health Service or such other agency of the United States government that facilities are available for the care or treatment of any person heretofore hospitalized in any mental hospital or other institution in this state for the care of mentally ill persons and that such person is eligible for such care or treatment, the secretary, upon recommendation by any such hospital or institution in this state, is hereby authorized to cause the transfer of any such person to the United States Public Health Service or other agency of the United States government for care or treatment. Upon effecting any such transfer, the hospitalizing court shall be notified thereof by the secretary.

(2) Any person transferred as provided in this section shall be deemed to be placed in the custody of the United States Public Health Service or other agency of the United States government pursuant to the original hospitalization the same as if he had been originally so hospitalized.

(3) No person shall be transferred to any agency of the United States if he be confined pursuant to conviction of any felony or misdemeanor or if he has been acquitted of the charge solely on the ground of mental illness unless prior to transfer the court issuing the confining order shall enter an order to transfer after the motion and hearing. Any person transferred as provided in this section to any agency of the United States shall be hospitalized by such agency pursuant to the original order of hospitalization.

Effective: July 1, 1982

History: Created 1982 Ky. Acts ch. 445, sec. 26, effective July 1, 1982.

Legislative Research Commission Note. This section was enacted in 1982 Acts, Chapter 445, which contains the following language in Section 45 of that Act: "This Act shall become effective on July 1, 1982." The Ky. Constitution, in Section 55, requires that a reason be set forth for the emergency. However, no reason is set forth in this Act. The effective date for 1982 Acts with no emergency provision is July 15, 1982.