

388.350 Commitment or transfer of mentally disabled person to custody of Department of Veterans Affairs or other federal agency.

- (1) Whenever in a proceeding for the trial and commitment of any person who appears to be mentally disabled it is determined that such person is either an individual with an intellectual disability, an epileptic, or a mentally ill person and ought to be committed for safekeeping or treatment and it appears that such person is eligible for care or treatment by the Veterans Affairs or other agency of the United States government, the court of the county in which such person is found, having jurisdiction in such matters, upon receipt of a certificate from the Veterans Affairs or such other agency showing that facilities are available and that such person is eligible for care or treatment therein, may commit such person to the Veterans Affairs or other agency of the United States government for care or treatment. Thereafter, such person, upon admission to any such facility, shall be subject to the rules and regulations of the Veterans Affairs or other agency of the United States government. The chief officer of any such facility or institution to which such person is committed under the provisions of this section shall be vested with the same powers as are exercised by superintendents of state hospitals for mental diseases within this state with respect to the retention, transfer, parole or discharge of the person so committed. Notice of such pending commitment proceedings shall be furnished the person whose commitment is sought and his right to appear and defend shall not be denied. The judgment or order of commitment by a court of competent jurisdiction of another state committing a person to the Veterans Affairs or other agency of the United States government, for care or treatment, shall have the same force and effect as to such person while in this state as in the state in which is situated the court entering such judgment or making such order.
- (2) Upon receipt of a certificate of the Veterans Affairs or such other agency of the United States government that facilities are available for the care or treatment of any person heretofore committed to any hospital for the mentally ill or other institution in this state for the care of persons similarly disabled and that such person is eligible for such care or treatment, the superintendent of any such hospital or institution in this state is hereby authorized to cause the transfer of any such person to the Veterans Affairs or other agency of the United States government for care or treatment. Upon effecting any such transfer, the committing court shall be notified thereof by the transferring agency; provided, however, that no person shall be transferred if he be confined pursuant to conviction of any crime or misdemeanor, or if he shall have been acquitted of any such charge solely on the ground of insanity, unless prior to such transfer the court originally committing such person shall enter an order for such transfer after appropriate motion and hearing.
- (3) Any person transferred as provided in this section shall be deemed to be committed to the Veterans Affairs or other agency of the United States government pursuant to the original commitment the same as if he had been originally so committed.

Effective: June 29, 2017

History: Amended 2017 Ky. Acts ch. 42, sec. 33, effective June 29, 2017. -- Amended 2012 Ky. Acts ch. 146, sec. 115, effective July 12, 2012. -- Amended

1982 Ky. Acts ch. 141, sec. 144, effective July 1, 1982. -- Amended 1978 Ky. Acts ch. 92, sec. 11, effective June 17, 1978. -- Created 1942 Ky. Acts ch. 25, sec. 16.