

OCA050013

(First Published in The Wichita Eagle on September 18, 2009)

ORDINANCE NO. 48-418

AN ORDINANCE CREATING SECTION 1.07.010 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE MENTAL HEALTH COURT DIVERSION AND PROBATION PROGRAM

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Section 1.07.010 of the Code of the City of Wichita, Kansas, shall read as follows:

- (A) Whereas, the City of Wichita has an important governmental interest in reducing recidivism of the mentally ill in the criminal justice system, increasing the number of alternative jail strategies and increasing the quantity and quality of mental health and other services available to mentally ill offenders.
- (B) Whereas, a Mental Health Court may be established and utilized as a diversion program and/or as a post-adjudicative condition of probation, in order to address issues of offenders with a diagnosed, recognizable mental illness, charged and/or convicted of a violation of City of Wichita ordinances.
- (C) The City Attorney is hereby authorized to create a Mental Health Court Diversion Program. The Mental Health Court Diversion Program may be made available for eligible offenders, in such a manner, as specifically outlined in the Mental Health Court Handbook, developed by the City

Attorney, and incorporated by reference herein. The City of Wichita Municipal Court is hereby authorized to establish and utilize a Mental Health Court Probation Program, available for eligible defendants, with a recognized mental illness, who have been sentenced to a probation term for a violation of a City of Wichita ordinance. Acceptance into the Mental Health Court Probation Program shall be by order of a City of Wichita Municipal Judge, or duly authorized City of Wichita Judge Pro Tem, and shall be utilized as a condition of probation.

- (D) Eligible diversion and/or probation program participants must be diagnosed with a severe mental illness, which is defined as a diagnosable mental disorder of sufficient duration to meet the diagnostic criteria specified within the Diagnostic and Statistical Manual of Mental Disorders, 4th edition (DSM-IV), and subsequent editions thereof, published by the American Psychiatric Association. Eligible disorders include those listed in the DSM-IV with the exception of, substance abuse or dependence, anti-social personality disorder, neurological/general medical disorders, substance induced psychotic disorders, and developmental disorders, unless they co-occur with another diagnosable disorder that is accepted within this definition.
- (E) The City Attorney may reject applicants to the Mental Health Court Diversion Program, as outlined within the Mental Health Court Handbook, incorporated herein by reference.
- (F) The City Attorney shall adopt written guidelines and policies for the implementation of a Mental Health Court Diversion Program. The City of

Wichita Municipal Court shall adopt written guidelines and policies for the
Mental Health Court Probation Program.

Section 2. This ordinance shall be included in the Code of the City of Wichita, Kansas,
and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 15th day of
September, 2009.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law and City Attorney