

**Senate Public Health and Welfare Committee
Public Hearing on Senate Bill 226
Tuesday, October 2, 2007
Hearing Room 1, North Office Building**

**Opening Remarks by Senator Stewart J. Greenleaf
Prime Sponsor of Senate Bill 226**

Good morning Chairman Erickson and members of the Senate Public Health and Welfare Committee. I would like to thank Senator Erickson for agreeing to hold a public hearing to discuss my legislation, Kendra's Law, Senate Bill 226, and allow interested parties to comment on the proposal.

The question that we are here to answer is should Pennsylvania have a procedure in place where family members and mental health professionals may petition a court to place an individual with a documented history of severe mental illness failing to comply with their current treatment, into a community based assisted outpatient treatment program.

Today, we don't need to look any further than the latest news headlines to learn of the growing trend of untreated, severe mental illness cases which have lead to irreparable damage and loss of life.

Still in the wake of the Virginia Tech shooting, the most deadly act of gun violence yet committed in the United States, we know the effects that one severely mentally ill individual can have on society. Because Seung-Hui Cho's behavior leading up to the shooting was not considered dangerous under the current clear and present danger provision of Virginia's mental health procedures legislation, which is similar to our own, the appeals from Professor Lucinda Roy to have her student placed into treatment was not supported by law or the mental health system of that state. Cho went on to kill 32 people. Though there is no guarantee that any law could have prevented this or any other tragedy, we have to question what might have happened if Seung-Hui Cho who had a history of mental illness, was placed into treatment.

Kendra's Law originated in New York eight years ago and is named for Kendra Webdale, a young woman who in 1999 was pushed to her death in front of a New York City subway train by a man with a history of mental illness who regularly refused to take the medication needed to control his psychotic symptoms.

According to a 2005 review of New York's Kendra's Law, compared with the three years prior to their treatment, 74% fewer participants experienced homelessness, 77% fewer experienced hospitalization, and 83% fewer were arrested.

Of 76 participants interviewed, 81% reported the program helped them get well and stay well.

Kendra's Law would amend the clear and present danger provision of Pennsylvania's Mental Health Procedures Act which has been in place since 1976. At that time, there were concerns that the laws governing mental illness were too severe and many patients were being unnecessarily institutionalized. However, under the clear and

present danger provision, the individual must be found in the act of harming themselves or others within the past 30 days, before treatment can be enforced by a court order. This means that otherwise preventable physical assault, injury, or death must occur before treatment is enforced. The purpose of Kendra's Law is to encourage an immediate response to the many warning signs preceding violent behavior.

Kendra's Law has safeguards in place to protect the rights of those the law will impact. Clear and convincing evidence must be presented to the court proving a history of mental illness and failure to comply with treatment. A court of common pleas must be petitioned by the family members, medical professionals, and other individuals who would provide this evidence. The legislation contains other due process requirements and protections including a hearing, right to counsel, physician's affidavit, and the development of a treatment program.

Treatment would be individualized, community based assisted out-patient programs closely monitored by an assigned case manager or treatment team.

Studies have confirmed that those suffering from mental illness are often reluctant to seek help on their own, or refuse to acknowledge their illness. But in so many cases there are those close to the person who care, and who recognize the need for treatment, but who find themselves helpless, unsupported legally, and at the mercy of the system.

Though we may never be able to stop, or completely understand the senseless acts of violence that continue to devastate our society, we can support with laws, such as SB 226, the appeals for help that have for too long fallen on deaf ears.