



General Assembly

February Session, 2004

Raised Bill No. 5218

LCO No. 706

00706_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING DETERMINATIONS OF COMPETENCY TO
STAND TRIAL AND ELIGIBILITY FOR CIVIL COMMITMENT.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsection (d) of section 54-56d of the general statutes, as
2 amended by sections 13 and 97 of public act 03-3 of the June 30 special
3 session, is repealed and the following is substituted in lieu thereof
4 (*Effective from passage*):

5 (d) If the court finds that the request for an examination is justified
6 and that, in accordance with procedures established by the judges of
7 the Superior Court, there is probable cause to believe that the
8 defendant has committed the crime for which he is charged, the court
9 shall order an examination of the defendant as to his competency. The
10 court may (1) appoint one or more physicians specializing in
11 psychiatry to examine the defendant, or (2) order the Commissioner of
12 Mental Health and Addiction Services to conduct the examination
13 either (A) by a clinical team consisting of a physician specializing in
14 psychiatry, a clinical psychologist and one of the following: A clinical
15 social worker licensed pursuant to chapter 383b or a psychiatric nurse
16 clinical specialist holding a master's degree in nursing, or (B) by one or

17 more physicians specializing in psychiatry, except that no employee of
18 the Department of Mental Health and Addiction Services who has
19 served as a member of a clinical team in the course of such
20 employment for at least five years prior to October 1, 1995, shall be
21 precluded from being appointed as a member of a clinical team. If the
22 Commissioner of Mental Health and Addiction Services is ordered to
23 conduct the examination, the commissioner shall select the members of
24 the clinical team or the physician or physicians. If the examiners
25 determine that the defendant is not competent, they shall then
26 determine whether there is substantial probability that the defendant,
27 if provided with a course of treatment, will regain competency within
28 the maximum period of any placement order under this section, [or]
29 and whether the defendant appears to be eligible for civil commitment,
30 with monitoring by the Court Support Services Division, pursuant to
31 subdivision (2) of subsection (h) of this section. The court may
32 authorize a physician specializing in psychiatry, a clinical
33 psychologist, a clinical social worker licensed pursuant to chapter 383b
34 or a psychiatric nurse clinical specialist holding a master's degree in
35 nursing selected by the defendant to observe the examination. Counsel
36 for the defendant may observe the examination. The examination shall
37 be completed within fifteen days from the date it was ordered and the
38 examiner or examiners shall prepare and sign, without notarization, a
39 written report and file such report with the court within twenty-one
40 business days of the date of the order. On receipt of the written report,
41 the clerk of the court shall cause copies to be delivered immediately to
42 the state's attorney and to counsel for the defendant.

This act shall take effect as follows:	
Section 1	<i>from passage</i>

Statement of Purpose:

To require, in cases in which a defendant is found not competent to stand trial, a determination of whether there is a substantial probability that the defendant will regain competency within the

maximum period of the placement order and also whether the defendant appears to be eligible for civil commitment.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]