



General Assembly

February Session, 2004

Raised Bill No. 292

LCO No. 1240

01240_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE STATUS OF PATIENTS OF THE WHITING FORENSIC DIVISION.

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

1 Section 1. Section 17a-570 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2004*):

3 (a) As soon as is practicable, the director of the Whiting Forensic
4 Division shall act upon the examination reports of [his] the director's
5 staff. Upon review of each report and upon consideration of what is for
6 the benefit of the patient and for the benefit of society, the director
7 shall determine [that] whether such patient: (1) [Remain] Is to remain
8 in the division for further treatment, or [be transferred to some other
9 facility under the control of the commissioner or (2), if such patient is
10 under commitment, be granted a leave of absence or extended visit or
11 (3)] (2) has sufficiently improved to warrant [his] discharge from the
12 division, provided if such [person] patient was sentenced and confined
13 in the division under section 17a-567, [he] such patient shall not be
14 released except upon order of the court by which [he] such patient was
15 confined under said section, after notice to said court by the director.
16 The director shall report each determination made under this

17 subsection to the court by which the patient was confined in the
18 division.

19 (b) If a report submitted by the director to the court under
20 subsection (a) of this section recommends that the patient be returned
21 to the custody of the Commissioner of Correction, the court shall set
22 the matter for a hearing not later than fifteen days after receipt of such
23 report.

24 [(b)] (c) The court, upon its own motion or at the request of the
25 [defendant or his] patient or the patient's attorney, may at any time
26 hold a hearing to determine whether such [person] patient should be
27 discharged from the division prior to the expiration of the maximum
28 period of [his] the patient's sentence. Prior to such hearing, the division
29 shall file a report with the court concerning the patient's mental
30 condition. The court may appoint a physician specializing in
31 psychiatry to examine the patient and report to the court. Such hearing
32 shall be held at least once every five years. If the court determines that
33 the patient should be discharged from the division, [he] the patient
34 shall be returned to the custody of the Commissioner of Correction.

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| This act shall take effect as follows: | |
| Section 1 | October 1, 2004 |

Statement of Purpose:

To revise statutory provisions concerning patient recommendations reported to the court by the director of the Whiting Forensic Division and timely hearings held by the court on such recommendations.

[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.]