



General Assembly

**Substitute Bill No. 6577**

January Session, 2005

\*        HB06577JUD        030805        \*

**AN ACT CONCERNING PATIENTS AT THE WHITING FORENSIC DIVISION AND HEARINGS FOR CERTAIN CRIMINAL DEFENDANTS PLACED FOR TREATMENT PENDING CIVIL COMMITMENT PROCEEDINGS.**

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

1       Section 1. Section 17a-517 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3       If any person in the custody of the Commissioner of Correction who  
4 is brought to a hospital pursuant to the provisions of sections 17a-499,  
5 17a-509, 17a-512 to 17a-517, inclusive, 17a-520, [and] 17a-521 and 54-  
6 56d, as amended by this act, is a desperate or dangerous individual,  
7 such person shall be hospitalized in the Whiting Forensic Division. If  
8 the Whiting Forensic Division is unable to accommodate such transfer,  
9 then such person shall remain in the custody of the commissioner at a  
10 correctional institution, there confined under appropriate care and  
11 supervision. Under no circumstances shall an inmate with psychiatric  
12 disabilities requiring maximum security conditions be placed in a state  
13 hospital for persons with psychiatric disabilities which does not have  
14 the facilities and trained personnel to provide appropriate care and  
15 supervision for such individuals.

16       Sec. 2. Subdivision (1) of subsection (k) of section 54-56d of the  
17 general statutes is repealed and the following is substituted in lieu

18 thereof (*Effective October 1, 2005*):

19 (k) (1) When any placement order for treatment is rendered or  
20 continued, the court shall set a date for a hearing, to be held within  
21 ninety days, for reconsideration of the issue of the defendant's  
22 competency. Whenever the court receives a report pursuant to  
23 subsection (j) of this section which indicates that (A) the defendant has  
24 attained competency, (B) the defendant will not attain competency  
25 within the remainder of the period covered by the placement order,  
26 [or] (C) the defendant will not attain competency within the remainder  
27 of the period covered by the placement order absent administration of  
28 psychiatric medication for which the defendant is unwilling or unable  
29 to provide consent, or (D) the defendant has been placed for treatment  
30 pending civil commitment proceedings pursuant to subdivision (2) of  
31 subsection (h) of this section and the application for civil commitment  
32 of the defendant is denied or not pursued, the court shall set the matter  
33 for a hearing no later than ten days after the report is received. The  
34 hearing may be waived by the defendant only if the report indicates  
35 that the defendant is competent. The court shall determine whether the  
36 defendant is competent or is making progress toward attainment of  
37 competency within the period covered by the placement order. If the  
38 court finds that the defendant is competent, the defendant shall be  
39 returned to the custody of the Commissioner of Correction or released,  
40 if the defendant has met the conditions for release, and the court shall  
41 continue with the criminal proceedings. If the court finds that the  
42 defendant is still not competent but that the defendant is making  
43 progress toward attaining competency, it may continue or modify the  
44 placement order. If the court finds that the defendant is still not  
45 competent and will not attain competency within the remainder of the  
46 period covered by the placement order absent administration of  
47 psychiatric medication for which the defendant is unwilling or unable  
48 to provide consent, it shall proceed as provided in subdivisions (2) and  
49 (3) of this subsection.

50 Sec. 3. Subsection (p) of section 54-56d of the general statutes is  
51 repealed and the following is substituted in lieu thereof (*Effective*

52 *October 1, 2005*):

53 (p) This section shall not be construed to require the Commissioner  
54 of Mental Health and Addiction Services to place any violent  
55 defendant in a mental institution which does not have the trained staff,  
56 facilities and security to accommodate such a person. [If placement in  
57 such a facility becomes necessary, a state policeman shall be provided  
58 to guard the defendant after placement in such an institution.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	17a-517
Sec. 2	<i>October 1, 2005</i>	54-56d(k)(1)
Sec. 3	<i>October 1, 2005</i>	54-56d(p)

**JUD**      *Joint Favorable Subst.*