



Testimony
Judiciary Committee Public Hearing
Melissa Marshall, Executive Director
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February 5, 2007

Good afternoon, Senator Mac Donald, Representative Lawlor and members of the Judiciary Committee. My name is Melissa Marshall and I am the Executive Director of Advocacy Unlimited (AU). I am here today to testify on two bills: **H.B. 6391 AAC Involuntary Administration of Psychiatric Medication for Purposes of Competency to Stand Trial** and **H.B. 6987 AAC the Rights of Inmates with Mental Illness**.

Advocacy Unlimited is an organization run by and for people with psychiatric disabilities that promotes and protects the rights of people with psychiatric disabilities. AU provides an intensive education course to individuals with psychiatric disabilities across the state. For the last 36 months AU has been offering this course to residents of the medium security section of the Whiting Division at Connecticut Valley Hospital.

AU is opposed to H.B. 6391 as drafted. The present version permits forcibly medicating competent pre-trial detainees without sufficient due process. That is, it allows for competent individuals who are presumed innocent to be forcibly medicated without even a substitute decision maker, such as a conservator, or without judicial oversight subsequent to the superior court's order.

However, AU supports the bill with amendments proposed by Dr. Michael Norko previously. Dr. Norko, in collaboration with Advocacy Unlimited and the Connecticut Legal Rights Project, has developed substitute language that all parties find acceptable. It provides for periodic review every 180 days, requires a Health Care Guardian to file supplemental reports by changing the word "may" to "shall" and deleting the words "or unwilling" thus eliminating the possibility of a defendant capable of informed consent from receiving unwanted medication under this provision. While AU does not support the forced medication of individuals it does not oppose the proposed legislation with the recommended changes which are attached.

Advocacy Unlimited supports **H.B. 6987 AAC the Rights of Inmates with Mental Illness**. This bill will help ensure that inmates with psychiatric disabilities have access to vital mental health services.

Thank you for your consideration. I am glad to take any questions.

PROPOSED AMENDMENTS TO H.B. 6391

The amendments are set out below and are the same as proposed by Dr. Michael Norko.

1. In line [n] change the language to **require** a supplemental report of the Health Care Guardian by changing the word “may” to “shall.” In line [n] the word “any” would be changed to “the” also referring to this change from a permissive to a required Health Care Guardian report.

2. In line [n] we would propose to delete the words “unwilling or” in order to eliminate the possibility of a defendant capable of providing informed consent being forced to receive unwanted medication under this mechanism.

3. Add a new section (5) detailing a periodic review every 180 days of such an order.

The periodic review would be conducted in the same manner as the original review. The language of this newly suggested section is:

(5) An order for continued involuntary medication to maintain competency to stand trial entered under subsection (4) shall be reviewed by the court every 180 days while it remains in effect. At each review, the court will receive a supplemental report of the health care guardian and must find each of the enumerated criteria in subsection (4) by clear and convincing evidence in order to continue the order for involuntary medication.