



General Assembly

January Session, 2007

Raised Bill No. 1238

LCO No. 4357

04357_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING THE CIVIL COMMITMENT OF PERSONS
FOUND NOT GUILTY BY REASON OF MENTAL DISEASE OR
DEFECT.**

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

1 Section 1. Section 17a-593 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) The board, pursuant to section 17a-584 or 17a-592, may
4 recommend to the court the discharge of the acquittee from custody or
5 the acquittee may apply directly to the court for discharge from
6 custody. The court shall send copies of the recommendation or
7 application to the state's attorney and to counsel for the acquittee. An
8 acquittee may apply for discharge not more than once every six
9 months and no sooner than six months after the initial board hearing
10 held pursuant to section 17a-583.

11 (b) The recommendation or application shall contain the dates on
12 which any prior recommendations or applications for discharge had
13 been filed with the court, the dates on which decisions thereon were
14 rendered, and a statement of facts, including any change in

15 circumstances since the determination on the most recent
16 recommendation or application, sufficient to qualify the acquittee as a
17 person who should be discharged. A recommendation by the board
18 shall contain findings and conclusions to support the recommendation.

19 (c) If reasonable cause exists to believe that the acquittee remains a
20 person with psychiatric disabilities or mentally retarded to the extent
21 that [his] the acquittee's discharge at the expiration of [his] the
22 acquittee's maximum term of commitment would constitute a danger
23 to himself or herself or others, the state's attorney, [at least one
24 hundred thirty-five days prior to such expiration, may petition the
25 court for an order of continued commitment of the acquittee] may
26 cause proceedings to be instituted for the commitment of the acquittee
27 pursuant to the provisions of section 17a-498 in the court of probate
28 having jurisdiction in the town in which the acquittee resides.

29 (d) The court shall forward any application for discharge received
30 from the acquittee [and any petition for continued commitment of the
31 acquittee] to the board. The board shall, within ninety days of its
32 receipt of the application, [or petition,] file a report with the court, and
33 send a copy thereof to the state's attorney and counsel for the
34 acquittee, setting forth its findings and conclusions as to whether the
35 acquittee is a person who should be discharged. The board may hold a
36 hearing or take other action appropriate to assist it in preparing its
37 report.

38 (e) Within ten days of receipt of a recommendation for discharge
39 filed by the board under subsection (a) of this section or receipt of the
40 board's report filed under subsection (d) of this section, either the
41 state's attorney or counsel for the acquittee may file notice of intent to
42 perform a separate examination of the acquittee. An examination
43 conducted on behalf of the acquittee may be performed by a
44 psychiatrist or psychologist of the acquittee's own choice and shall be
45 performed at the expense of the acquittee unless [he] the acquittee is
46 indigent. If the acquittee is indigent, the court shall provide [him] the

47 acquittee with the services of a psychiatrist or psychologist to perform
48 the examination at the expense of the state. Any such separate
49 examination report shall be filed with the court within thirty days of
50 the notice of intent to perform the examination. To facilitate
51 examinations of the acquittee, the court may order [him] the acquittee
52 placed in the temporary custody of any hospital for psychiatric
53 disabilities or other suitable facility or placed with the Commissioner
54 of Mental Retardation.

55 (f) After receipt of the board's report and any separate examination
56 reports, the court shall promptly commence a hearing on the
57 recommendation or application for discharge, [or petition for
58 continued commitment.] At the hearing, the acquittee shall have the
59 burden of proving by a preponderance of the evidence that the
60 acquittee is a person who should be discharged.

61 (g) The court shall make a finding as to the mental condition of the
62 acquittee and, considering that its primary concern is the protection of
63 society, make one of the following orders: (1) If the court finds that the
64 acquittee is not a person who should be discharged, the court shall
65 order the recommendation or application for discharge be dismissed;
66 or (2) if the court finds that the acquittee is a person who should be
67 discharged, the court shall order the acquittee discharged from
68 custody. The court shall send a copy of such finding and order to the
69 board.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	17a-593

Statement of Purpose:

To provide for the civil commitment of a person found not guilty by reason of mental disease or defect, rather than the continued commitment of such person to the Psychiatric Security Review Board, when it is determined that such person's discharge at the end of such

person's term of commitment would constitute a danger to himself or herself or others.

[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.]