



**State of Connecticut**  
**DIVISION OF CRIMINAL JUSTICE**

**Testimony of the Division of Criminal Justice**

*In Support of:*

**H.B. No. 5247 (RAISED) An Act Concerning Competency to Stand Trial**

*Joint Committee on Judiciary*  
*February 26, 2010*

The Division of Criminal Justice respectfully recommends and requests the Committee's Joint Favorable Substitute Report for H.B. No. 5247, *An Act Concerning Competency to Stand Trial*. This legislation is the result of an ongoing collaborative effort between the Division and the Department of Mental Health and Addiction Services.

The bill would amend section 54-56d (m) of the General Statutes. This section allows a court to order an incompetent defendant, whose restoration to competency is not a "substantial probability," to be released or placed in DMHAS custody. The statute expressly provides that if the court orders the release or placement of a defendant who is charged with the commission of "a crime that resulted in death or serious physical injury," the court may order periodic examinations of the defendant's competency to continue throughout the time period during which the defendant may be prosecuted.

H.B. No. 5247 expands the crimes for which the court has the option of ordering such periodic reassessment of competency to include certain sex crimes as well as a crime where physical injury is caused by use of a weapon. These offenses certainly are serious enough to warrant the periodic review provided by Section 54-56d (m) even though they do not necessarily involve the "serious physical injury" required for such review under the existing law. Specifically, H.B. 5247 would add the following crimes to those offenses for which the court would clearly have the option to order periodic review:

- Section 53-21 (a) (2) - Injury or risk of injury to a minor where the defendant "has contact with the intimate parts, as defined in section 53a-65, of a child under the age of sixteen years or subjects a child under sixteen years of age to contact with the intimate parts of such person, in a sexual and indecent manner likely to impair the health or morals of such child."
- Section 53a-60 (a) (2) - Assault in the Second Degree where the defendant "with intent to cause physical injury to another person, he causes such injury to such person or to a third person by means of a deadly weapon or a dangerous instrument other than by means of the discharge of a firearm."

- **Section 53a-70 - Sexual Assault in the First Degree.**
- **Section 53a-70b - Sexual Assault in a Spousal or Cohabiting Relationship.**
- **Section 53a-71 - Sexual Assault in the Second Degree.**
- **Section 53a-72a - Sexual Assault in the Third Degree.**
- **Section 53a-72b - Sexual Assault in the Third Degree with a Firearm.**

With regard to our recommendation for a Joint Favorable Substitute report, the Division respectfully requests that the Committee amend the bill to also allow for periodic review in cases where the defendant is charged with violating Section 53a-70a, Aggravated Sexual Assault in the First Degree and Section 53a-60a, Assault in the Second Degree with a Firearm.

Allowing the courts the option to order periodic review of individuals charged with these offenses is not only good forensic psychiatric practice, it also would provide for better monitoring of sex offenders and other potentially dangerous offenders enhancing public safety.

In conclusion, the Division of Criminal Justice expresses its appreciation to the Judiciary Committee for this opportunity to present our input and recommendation on this bill. We stand ready to provide any additional information the Committee might require or to answer any questions.

**Respectfully submitted,**

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**Chief State's Attorney**