



Substitute House Bill No. 6440

Public Act No. 11-129

AN ACT CONCERNING APPLICATIONS FOR GUARDIANSHIP OF AN ADULT WITH INTELLECTUAL DISABILITY AND CERTAIN STATUTORY CHANGES RELATED TO INTELLECTUAL DISABILITY.

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

Section 1. Section 45a-670 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) An application for guardianship may be filed by the court on its own motion or by any adult person. The application and all records of Probate Court proceedings held as a result of the filing of such application, except for the name of any guardian of the respondent, shall be sealed and shall be made available only to the respondent or the respondent's counsel or guardian, and to the Commissioner of Developmental Services or the commissioner's designee, unless the Probate Court, after hearing held with notice to the respondent or the respondent's counsel or guardian, and to the commissioner or the commissioner's designee, determines that such application and records should be disclosed for cause shown. An application filed by the court on its own motion shall contain a statement of the facts on which the court bases its motion, and such statement of facts shall be included in any notice to the respondent. Any other application filed shall allege

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that a respondent, by reason of the severity of the respondent's [mental retardation] intellectual disability is unable to meet essential requirements for the respondent's physical health and safety and unable to make informed decisions about matters relating to the respondent's care. Such application shall be filed in the court of probate in the district in which the respondent resides or is domiciled. Such application shall state: (1) Whether there is, in any jurisdiction, a guardian, limited guardian, or conservator for the respondent; (2) the extent of the respondent's inability to meet essential requirements for the respondent's physical health or safety, and the extent of the respondent's inability to make informed decisions about matters related to the respondent's care; (3) any other facts upon which guardianship is sought; and (4) in the case of a limited guardianship, the specific areas of protection and assistance required for the respondent.

(b) An application for guardianship may be filed by the parent or guardian of a minor child up to one hundred eighty days prior to the date such child attains the age of eighteen if the parent or guardian anticipates that such minor child will require a guardian upon attaining the age of eighteen. The court may grant such application in accordance with this section, provided such order shall take effect no earlier than the date the child attains the age of eighteen.

Sec. 2. Section 1-1g of the general statutes, as amended by section 1 of public act 11-16, is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) For the purposes of sections [4a-60,] 17a-210b, as amended by [this act, 17a-580,] public act 11-16 and 38a-816, [45a-669 to 45a-684, inclusive, 46a-11a to 46a-11g, inclusive, as amended by this act, 46a-51, 46a-64b, 46b-84, 53a-46a, 53a-59a, 53a-60b, 53a-60c, 53a-61a, 53a-320 and 54-56d,] mental retardation means a significantly subaverage general intellectual functioning existing concurrently with deficits in

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adaptive behavior and manifested during the developmental period.

(b) For the purposes of sections 2c-2b, 4a-60, 4b-28, as amended by this act, 4b-31, 8-2g, 8-3e, 8-119t, as amended by this act, 9-159s, 10-91f, 12-81, as amended by this act, 17a-210, as amended by [this act] public act 11-16, 17a-210b, as amended by [this act] public act 11-16, 17a-215c, 17a-217 to 17a-218a, inclusive, as amended by [this act] public act 11-16, 17a-220, as amended by [this act] public act 11-16, 17a-226 to 17a-227a, inclusive, as amended by [this act] public act 11-16, 17a-228, as amended by [this act] public act 11-16, 17a-231 to 17a-233, inclusive, as amended by [this act] public act 11-16, 17a-247 to 17a-247b, inclusive, as amended by [this act] public act 11-16, 17a-270, as amended by [this act] public act 11-16, 17a-272 to 17a-274, inclusive, as amended by [this act] public act 11-16, 17a-276, as amended by [this act] public act 11-16, 17a-277, as amended by [this act] public act 11-16, 17a-281, as amended by [this act] public act 11-16, 17a-282, as amended by [this act] public act 11-16, 17a-580, as amended by this act, 17a-593, 17a-594, 17a-596, 17b-226, as amended by this act, 19a-638, as amended by this act, 45a-598, 45a-669, 45a-670, as amended by this act, 45a-672, 45a-674, as amended by this act, 45a-676, 45a-677, 45a-678, 45a-679, 45a-680, 45a-681, 45a-682, 45a-683, [and] 46a-11a to 46a-11g, inclusive, as amended by this act and public act 11-16, 46a-51, 46a-60, 46a-64, 46a-64b, 46a-66, 46a-70, 46a-71, 46a-72, 46a-73, 46a-75, 46a-76, 46b-84, 52-146o, 53a-46a, 53a-59a, as amended by this act, 53a-60b, as amended by this act, 53a-60c, as amended by this act, 53a-61a, as amended by this act, 53a-181i, 53a-320, as amended by this act, 53a-321, as amended by this act, 53a-322, as amended by this act, 53a-323, as amended by this act, 54-56d, as amended by this act, and 54-250, "intellectual disability" shall have the same meaning as "mental retardation" as defined in subsection (a) of this section.

(c) As used in subsection (a) of this section, "general intellectual functioning" means the results obtained by assessment with one or

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more of the individually administered general intelligence tests developed for that purpose and standardized on a significantly adequate population and administered by a person or persons formally trained in test administration; "significantly subaverage" means an intelligence quotient more than two standard deviations below the mean for the test; "adaptive behavior" means the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected for the individual's age and cultural group; and "developmental period" means the period of time between birth and the eighteenth birthday.

Sec. 3. Subsection (b) of section 4b-28 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(b) Each state agency, commission or department, except the Department of Transportation, that plans to construct or enlarge a building or underground utility facility, which project has an estimated cost of one hundred thousand dollars or more, shall give written notice to the chief executive officer of the town, city or borough in which such project is planned, and to the members of the General Assembly representing such town, city or borough, not later than sixty days before advertising for bids for such project. If a state agency, commission or department plans to do such construction or enlargement itself, it shall give such notice not later than sixty days before beginning the work. Notwithstanding the provisions of this subsection, if the executive authority of the agency, commission or department determines that an emergency exists or that compliance with the provisions of this subsection would increase the cost of the construction or enlargement project, such agency, commission or department shall give such notice as soon as practicable. As used in this section, "executive authority" shall be construed as defined in section 4-37e. The provisions of this section shall not apply to a

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community-based residential facility for [mentally retarded or mentally ill individuals] individuals with intellectual disability or persons with psychiatric disabilities.

Sec. 4. Section 8-119t of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) The Commissioner of Economic and Community Development shall encourage the development of independent living opportunities for low and moderate income handicapped and developmentally disabled persons by making grants-in-aid, within available appropriations, to state-wide, private, nonprofit housing development corporations which are organized and operating for the purpose of expanding independent living opportunities for such persons. Such grants-in-aid shall be used to facilitate the development of small, noninstitutionalized living units for such persons, through programs including, but not limited to, preproject development, receipt of federal funds, site acquisition and architectural review. For the purposes of this part, "handicapped and developmentally disabled persons" means any persons who are physically or mentally handicapped, including, but not limited to, [mentally retarded,] persons with autism, persons with intellectual disability or persons who are physically disabled [,] or sensory impaired, [and autistic persons.]

(b) The Commissioner of Economic and Community Development shall adopt regulations, in accordance with chapter 54, to carry out the purposes of this section.

Sec. 5. Subparagraph (B) of subdivision (7) of section 12-81 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(B) On and after July 1, 1967, housing subsidized, in whole or in

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part, by federal, state or local government and housing for persons or families of low and moderate income shall not constitute a charitable purpose under this section. As used in this subdivision, "housing" shall not include real property used for temporary housing belonging to, or held in trust for, any corporation organized exclusively for charitable purposes and exempt from taxation for federal income tax purposes, the primary use of which property is one or more of the following: (i) An orphanage; (ii) a drug or alcohol treatment or rehabilitation facility; (iii) housing for homeless, [retarded or] mentally or physically handicapped individuals or persons with intellectual disability, or for battered or abused women and children; (iv) housing for ex-offenders or for individuals participating in a program sponsored by the state Department of Correction or Judicial Branch; and (v) short-term housing operated by a charitable organization where the average length of stay is less than six months. The operation of such housing, including the receipt of any rental payments, by such charitable organization shall be deemed to be an exclusively charitable purpose;

Sec. 6. Section 17a-580 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

As used in sections 17a-581 to 17a-602, inclusive, and this section:

(1) "Acquittee" means any person found not guilty by reason of mental disease or defect pursuant to section 53a-13;

(2) "Board" means the Psychiatric Security Review Board established pursuant to section 17a-581;

(3) "Conditional release" means release subject to the jurisdiction of the board for supervision and treatment on an outpatient basis and includes, but is not limited to, the monitoring of mental and physical health treatment;

(4) "Court" means the Superior Court;

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(5) "Danger to himself or others" includes danger to the property of others;

(6) "Hospital for mental illness" means any public or private hospital, retreat, institution, house or place in which a person with psychiatric disabilities or drug-dependent person is received or detained as a patient, but does not include any correctional institution of the state;

(7) "Mental illness" includes any mental illness in a state of remission when the illness may, with reasonable medical probability, become active;

(8) ["Mental retardation" means mental retardation as defined in section 1-1g] "Intellectual disability" has the same meaning as provided in section 1-1g, as amended by this act;

(9) "Person who should be conditionally released" means an acquittee who has psychiatric disabilities or [is mentally retarded] has intellectual disability to the extent that his final discharge would constitute a danger to himself or others but who can be adequately controlled with available supervision and treatment on conditional release;

(10) "Person who should be confined" means an acquittee who has psychiatric disabilities or [is mentally retarded] has intellectual disability to the extent that [his] such acquittee's discharge or conditional release would constitute a danger to [himself] the acquittee or others and who cannot be adequately controlled with available supervision and treatment on conditional release;

(11) "Person who should be discharged" means an acquittee who does not have psychiatric disabilities or [is not mentally retarded] does not have intellectual disability to the extent that [his] such acquittee's discharge would constitute a danger to [himself] the acquittee or

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others;

(12) "Psychiatrist" means a physician specializing in psychiatry and licensed under the provisions of sections 20-9 to 20-12, inclusive;

(13) "Psychologist" means a clinical psychologist licensed under the provisions of sections 20-186 to 20-195, inclusive;

(14) "State's attorney" means the state's attorney for the judicial district wherein the acquittee was found not guilty by reason of mental disease or defect pursuant to section 53a-13;

(15) "Superintendent" means any person, body of persons or corporation, or the designee of any such person, body of persons or corporation, which has the immediate supervision, management and control of a hospital for mental illness and the patients therein.

Sec. 7. Section 17b-226 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

The state shall take into consideration the costs mandated by collective bargaining agreements with certified collective bargaining agents or other agreements between employers and employees when making grants to or entering into contracts for services with the following: (1) Nonprofit organizations for mental health services pursuant to section 17a-476; (2) nonprofit organizations concerning services for drug-dependent and alcohol-dependent persons pursuant to section 17a-676; (3) residential and educational services pursuant to subsections (a) and (b) of section 17a-17; (4) psychiatric clinics and community mental health facilities pursuant to section 17a-20; (5) day treatment centers pursuant to section 17a-22; (6) youth service bureaus pursuant to subsection (a) of section 10-19n; (7) programs for the treatment and prevention of child abuse and neglect and for juvenile diversion pursuant to section 17a-49; (8) community-based service programs pursuant to sections 18-101i and 18-101k; (9) programs for

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[mentally retarded] children and adults with intellectual disability pursuant to section 17a-217; (10) community-based residential facilities for [mentally retarded] persons with intellectual disability pursuant to section 17a-218; and (11) vocational training programs for [mentally retarded] adults with intellectual disability pursuant to section 17a-226.

Sec. 8. Subdivision (17) of subsection (a) of section 19a-638 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(17) A residential facility for [the mentally retarded] persons with intellectual disability licensed pursuant to section 17a-227 and certified to participate in the Title XIX Medicaid program as an intermediate care facility for the mentally retarded;

Sec. 9. Section 45a-674 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

At any hearing for appointment of a plenary guardian or limited guardian of the person with [mental retardation] intellectual disability, the court shall receive evidence as to the condition of the respondent, including a written report or testimony by a Department of Developmental Services assessment team appointed by the Commissioner of Developmental Services or his designee, no member of which is related by blood, marriage or adoption to either the applicant or the respondent and each member of which has personally observed or examined the respondent within forty-five days next preceding such hearing. The assessment team shall be comprised of at least two representatives from among appropriate disciplines having expertise in the evaluation of persons alleged to [be mentally retarded] have intellectual disability. The assessment team members shall make their report on a form provided for that purpose by the Office of the Probate Court Administrator and shall answer questions on such form

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as fully and completely as possible. The report shall contain specific information regarding the severity of the [mental retardation] intellectual disability of the respondent and those specific areas, if any, in which he needs the supervision and protection of a guardian, and shall state upon the form the reasons for such opinions. The applicant, respondent or his counsel shall have the right to present evidence and cross-examine witnesses who testify at any hearing on the application. If such respondent or his counsel notifies the court not less than three days before the hearing that he wishes to cross-examine the witnesses, the court shall order such witnesses to appear. The fees for such assessment team shall be paid from funds appropriated to the Department of Developmental Services.

Sec. 10. Subsection (b) of section 46a-11b of the general statutes, as amended by section 37 of public act 11-16, is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(b) Such report shall contain the name and address of the allegedly abused or neglected person, a statement from the person making the report indicating his belief that such person has intellectual disability, information supporting the supposition that such person is substantially unable to protect himself from abuse or neglect, information regarding the nature and extent of the abuse or neglect and any other information which the person making such report believes might be helpful in an investigation of the case and the protection of such person with [mental retardation] intellectual disability.

Sec. 11. Section 53a-59a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) A person is guilty of assault of an elderly, blind, disabled [,] or pregnant [or mentally retarded] person or a person with intellectual disability in the first degree, when such person commits assault in the

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first degree under section 53a-59(a)(2), 53a-59(a)(3) or 53a-59(a)(5) and (1) the victim of such assault has attained at least sixty years of age, is blind or physically disabled, as defined in section 1-1f, or is pregnant, or (2) the victim of such assault is a person with [mental retardation] intellectual disability, as defined in section 1-1g, as amended by this act, and the actor is not a person with [mental retardation] intellectual disability.

(b) No person shall be found guilty of assault in the first degree and assault of an elderly, blind, disabled [,] or pregnant [or mentally retarded] person or a person with intellectual disability in the first degree upon the same incident of assault but such person may be charged and prosecuted for both such offenses upon the same information.

(c) In any prosecution for an offense under this section based on the victim being pregnant it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was pregnant. In any prosecution for an offense under this section based on the victim being a person with [mental retardation] intellectual disability, it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was a person with [mental retardation] intellectual disability.

(d) Assault of an elderly, blind, disabled [,] or pregnant [or mentally retarded] person or a person with intellectual disability in the first degree is a class B felony and any person found guilty under this section shall be sentenced to a term of imprisonment of which five years of the sentence imposed may not be suspended or reduced by the court.

Sec. 12. Section 53a-60b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

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(a) A person is guilty of assault of an elderly, blind, disabled [,] or pregnant [or mentally retarded] person or a person with intellectual disability in the second degree when such person commits assault in the second degree under section 53a-60 or larceny in the second degree under section 53a-123(a)(3) and (1) the victim of such assault or larceny has attained at least sixty years of age, is blind or physically disabled, as defined in section 1-1f, or is pregnant, or (2) the victim of such assault or larceny is a person with [mental retardation] intellectual disability, as defined in section 1-1g, as amended by this act, and the actor is not a person with [mental retardation] intellectual disability.

(b) No person shall be found guilty of assault in the second degree or larceny in the second degree under section 53a-123(a)(3) and assault of an elderly, blind, disabled [,] or pregnant [or mentally retarded] person or a person with intellectual disability in the second degree upon the same incident of assault or larceny, as the case may be, but such person may be charged and prosecuted for all such offenses upon the same information.

(c) In any prosecution for an offense under this section based on the victim being pregnant it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was pregnant. In any prosecution for an offense under this section based on the victim being a person with [mental retardation] intellectual disability, it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was a person with [mental retardation] intellectual disability.

(d) Assault of an elderly, blind, disabled [,] or pregnant [or mentally retarded] person or a person with intellectual disability in the second degree is a class D felony and any person found guilty under this section shall be sentenced to a term of imprisonment of which two years of the sentence imposed may not be suspended or reduced by

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the court.

Sec. 13. Section 53a-60c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) A person is guilty of assault of an elderly, blind, disabled [,] or pregnant [or mentally retarded] person or a person with intellectual disability in the second degree with a firearm when such person commits assault in the second degree with a firearm under section 53a-60a and (1) the victim of such assault has attained at least sixty years of age, is blind or physically disabled, as defined in section 1-1f, or is pregnant, or (2) the victim of such assault is a person with [mental retardation] intellectual disability, as defined in section 1-1g, as amended by this act, and the actor is not a person with [mental retardation] intellectual disability.

(b) No person shall be found guilty of assault in the second degree or assault in the second degree with a firearm and assault of an elderly, blind, disabled [,] or pregnant [or mentally retarded] person or a person with intellectual disability in the second degree with a firearm upon the same incident of assault but such person may be charged and prosecuted for all of such offenses upon the same information.

(c) In any prosecution for an offense under this section based on the victim being pregnant it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was pregnant. In any prosecution for an offense under this section based on the victim being a person with [mental retardation] intellectual disability, it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was a person with [mental retardation] intellectual disability.

(d) Assault of an elderly, blind, disabled [,] or pregnant [or mentally

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retarded] person or a person with intellectual disability in the second degree with a firearm is a class D felony and any person found guilty under this section shall be sentenced to a term of imprisonment of which three years of the sentence imposed may not be suspended or reduced by the court.

Sec. 14. Section 53a-61a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) A person is guilty of assault of an elderly, blind, disabled [,] or pregnant [or mentally retarded] person or a person with intellectual disability in the third degree when such person commits assault in the third degree under section 53a-61 and (1) the victim of such assault has attained at least sixty years of age, is blind or physically disabled, as defined in section 1-1f, or is pregnant, or (2) the victim of such assault is a person with [mental retardation] intellectual disability, as defined in section 1-1g, as amended by this act, and the actor is not a person with [mental retardation] intellectual disability.

(b) No person shall be found guilty of assault in the third degree and assault of an elderly, blind, disabled [,] or pregnant [or mentally retarded] person or a person with intellectual disability in the third degree upon the same incident of assault but such person may be charged and prosecuted for both such offenses upon the same information.

(c) In any prosecution for an offense under this section based on the victim being pregnant it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was pregnant. In any prosecution for an offense under this section based on the victim being a person with [mental retardation] intellectual disability, it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was a person with

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[mental retardation] intellectual disability.

(d) Assault of an elderly, blind, disabled [] or pregnant [or mentally retarded] person or a person with intellectual disability in the third degree is a class A misdemeanor and any person found guilty under this section shall be sentenced to a term of imprisonment of one year which shall not be suspended or reduced.

Sec. 15. Section 53a-320 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

For the purposes of sections 53a-320 to 53a-323, inclusive, as amended by this act:

(1) "Person" means any natural person, corporation, partnership, limited liability company, unincorporated business or other business entity;

(2) "Elderly person" means any person who is sixty years of age or older;

(3) "Blind person" means any person who is blind, as defined in section 1-1f;

(4) "Disabled person" means any person who is physically disabled, as defined in section 1-1f;

(5) ["Mentally retarded person"] "Person with intellectual disability" means any person with [mental retardation] intellectual disability, as defined in section 1-1g, as amended by this act;

(6) "Abuse" means any repeated act or omission that causes physical injury or serious physical injury to an elderly, blind [] or disabled person or [mentally retarded] a person with intellectual disability, except when (A) the act or omission is a part of the treatment and care, and in furtherance of the health and safety, of the elderly, blind [] or

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disabled person or [mentally retarded] person with intellectual disability, or (B) the act or omission is based upon the instructions, wishes, consent, refusal to consent or revocation of consent of an elderly, blind [,] or disabled person or [mentally retarded] a person with intellectual disability, or the legal representative of an incapable elderly, blind [,] or disabled person or [mentally retarded] a person with intellectual disability. For purposes of this subdivision, "repeated" means an act or omission that occurs on two or more occasions;

(7) "Intentionally" means "intentionally" as defined in subdivision (11) of section 53a-3;

(8) "Knowingly" means "knowingly" as defined in subdivision (12) of section 53a-3;

(9) "Recklessly" means "recklessly" as defined in subdivision (13) of section 53a-3;

(10) "Physical injury" means "physical injury" as defined in subdivision (3) of section 53a-3; and

(11) "Serious physical injury" means "serious physical injury" as defined in subdivision (4) of section 53a-3.

Sec. 16. Section 53a-321 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) A person is guilty of abuse in the first degree when such person intentionally commits abuse of an elderly, blind [,] or disabled person or [mentally retarded] a person with intellectual disability and causes serious physical injury to such elderly, blind [,] or disabled person or [mentally retarded] person with intellectual disability.

(b) Abuse in the first degree is a class C felony.

Sec. 17. Section 53a-322 of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) A person is guilty of abuse in the second degree when such person: (1) Intentionally commits abuse of an elderly, blind [.] or disabled person or [mentally retarded] a person with intellectual disability and causes physical injury to such elderly, blind [.] or disabled person or [mentally retarded] person with intellectual disability, or (2) knowingly commits abuse of an elderly, blind [.] or disabled person or [mentally retarded] a person with intellectual disability and causes serious physical injury to such elderly, blind [.] or disabled person or [mentally retarded] person with intellectual disability.

(b) Abuse in the second degree is a class D felony.

Sec. 18. Section 53a-323 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) A person is guilty of abuse in the third degree when such person (1) knowingly commits abuse of an elderly, blind [.] or disabled person or [mentally retarded] a person with intellectual disability and causes physical injury to such elderly, blind [.] or disabled person or [mentally retarded] person with intellectual disability, or (2) recklessly commits abuse of an elderly, blind [.] or disabled person or [mentally retarded] a person with intellectual disability and causes physical injury to such elderly, blind [.] or disabled person or [mentally retarded] person or person with intellectual disability.

(b) Abuse in the third degree is a class A misdemeanor.

Sec. 19. Subsection (i) of section 54-56d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(i) The placement of the defendant for treatment for the purpose of

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rendering the defendant competent shall comply with the following conditions: (1) The period of placement under the order or combination of orders shall not exceed the period of the maximum sentence which the defendant could receive on conviction of the charges against the defendant or eighteen months, whichever is less; (2) the placement shall be either in the custody of the Commissioner of Mental Health and Addiction Services, the Commissioner of Children and Families or the Commissioner of Developmental Services or, if the defendant or the appropriate commissioner agrees to provide payment, in the custody of any appropriate mental health facility or treatment program which agrees to provide treatment to the defendant and to adhere to the requirements of this section; and (3) the court shall order the placement, on either an inpatient or an outpatient basis, which the court finds is the least restrictive placement appropriate and available to restore competency. If outpatient treatment is the least restrictive placement for a defendant who has not yet been released from a correctional facility, the court shall consider whether the availability of such treatment is a sufficient basis on which to release the defendant on a promise to appear, conditions of release, cash bail or bond. If the court determines that the defendant may not be so released, the court shall order treatment of the defendant on an inpatient basis at a mental health facility or [mental retardation] facility for persons with intellectual disability. Not later than twenty-four hours after the court orders placement of the defendant for treatment for the purpose of rendering the defendant competent, the examiners shall transmit information obtained about the defendant during the course of an examination pursuant to subsection (d) of this section to the health care provider named in the court's order.

Sec. 20. (*Effective October 1, 2011*) (a) (1) Wherever the words "the mentally retarded" are used in the following general statutes, "persons with intellectual disability" or "individuals with intellectual disability" shall be substituted in lieu thereof; (2) wherever the words "mentally

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retarded", "mentally retarded person" or "mentally retarded persons" are used in the following general statutes, the words "intellectual disability", "person with intellectual disability" or "persons with intellectual disability" shall be substituted in lieu thereof; and (3) wherever the words "mental retardation" are used in the following general statutes, the words "intellectual disability" shall be substituted in lieu thereof: 2c-2b, 4a-60, 4b-31, 8-2g, 8-3e, 9-159s, 10-91f, 17a-593, 17a-594, 17a-596, 45a-598, 45a-669, 45a-672, 45a-676, 45a-677, 45a-678, 45a-679, 45a-680, 45a-681, 45a-682, 45a-683, 46a-51, 46a-60, 46a-64, 46a-64b, 46a-66, 46a-70, 46a-71, 46a-72, 46a-73, 46a-75, 46b-76, 46b-84, 52-146o, 53a-46a, 53a-181i and 54-250.

(b) The Legislative Commissioners' Office shall, in codifying said sections of the general statutes pursuant to subsection (a) of this section, make such technical, grammatical and punctuation changes as are necessary to carry out the purposes of this section.

Approved July 8, 2011