



House of Representatives

General Assembly

File No. 539

February Session, 2012

Substitute House Bill No. 5330

House of Representatives, April 19, 2012

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING SEXUAL OFFENDER REGISTRATION REQUIREMENTS FOR CERTAIN PERSONS GRANTED TEMPORARY LEAVE BY THE PSYCHIATRIC SECURITY REVIEW BOARD AND THE ESTABLISHMENT OF AN ACQUITEE INFORMATION INTERNET WEB SITE.

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

1 Section 1. Subdivision (10) of section 54-250 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2012*):

4 (10) "Release into the community" means, with respect to a
5 conviction or a finding of not guilty by reason of mental disease or
6 defect of a criminal offense against a victim who is a minor, a
7 nonviolent sexual offense, a sexually violent offense or a felony found
8 by the sentencing court to have been committed for a sexual purpose,
9 (A) any release by a court after such conviction or finding of not guilty
10 by reason of mental disease or defect, a sentence of probation or any
11 other sentence under section 53a-28 that does not result in the

12 offender's immediate placement in the custody of the Commissioner of
13 Correction; (B) release from a correctional facility at the discretion of
14 the Board of Pardons and Paroles, by the Department of Correction to
15 a program authorized by section 18-100c or upon completion of the
16 maximum term or terms of the offender's sentence or sentences, or to
17 the supervision of the Court Support Services Division in accordance
18 with the terms of the offender's sentence; or (C) temporary leave to an
19 approved residence by the Psychiatric Security Review Board pursuant
20 to section 17a-587, conditional release from a hospital for mental illness
21 or a facility for persons with intellectual disability by the Psychiatric
22 Security Review Board [on conditional release] pursuant to section
23 17a-588, or release upon termination of commitment to the Psychiatric
24 Security Review Board.

25 Sec. 2. Section 17a-580 of the 2012 supplement to the general statutes
26 is repealed and the following is substituted in lieu thereof (*Effective*
27 *October 1, 2012*):

28 As used in sections 17a-581 to 17a-602, inclusive, section 3 of this act
29 and this section:

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

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

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

38 (4) "Court" means the Superior Court;

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

41 (6) "Hospital for mental illness" means any public or private

42 hospital, retreat, institution, house or place in which a person with
43 psychiatric disabilities or drug-dependent person is received or
44 detained as a patient, but does not include any correctional institution
45 of the state;

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

49 (8) "Intellectual disability" has the same meaning as provided in
50 section 1-1g;

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

56 (10) "Person who should be confined" means an acquittee who has
57 psychiatric disabilities or has intellectual disability to the extent that
58 such acquittee's discharge or conditional release would constitute a
59 danger to the acquittee or others and who cannot be adequately
60 controlled with available supervision and treatment on conditional
61 release;

62 (11) "Person who should be discharged" means an acquittee who
63 does not have psychiatric disabilities or does not have intellectual
64 disability to the extent that such acquittee's discharge would constitute
65 a danger to the acquittee or others;

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

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

70 (14) "State's attorney" means the state's attorney for the judicial
71 district wherein the acquittee was found not guilty by reason of mental

72 disease or defect pursuant to section 53a-13;

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

77 Sec. 3. (NEW) (*Effective October 1, 2012*) The board shall develop an
78 acquittee information content page for the purpose of providing
79 information to the public on the board's Internet web site concerning
80 the status and placement of each acquittee under the jurisdiction of the
81 board. The board shall update such page to reflect any order of the
82 board that results in a change in the status or placement of an
83 acquittee.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	54-250(10)
Sec. 2	<i>October 1, 2012</i>	17a-580
Sec. 3	<i>October 1, 2012</i>	New section

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill requires the Psychiatric Security Review Board (PSRB) to make changes to its website and does not result in a fiscal impact.

The bill also makes changes to sex offender registration that do not result in a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5330*****AN ACT CONCERNING SEXUAL OFFENDER REGISTRATION REQUIREMENTS FOR CERTAIN PERSONS GRANTED TEMPORARY LEAVE BY THE PSYCHIATRIC SECURITY REVIEW BOARD AND THE ESTABLISHMENT OF AN ACQUITEE INFORMATION INTERNET WEB SITE.*****SUMMARY:**

This bill requires the Psychiatric Security Review Board (PSRB) to develop a content page on its Internet web site that informs the public of the status and placement of acquittees under its jurisdiction. By law, acquittees are those found not guilty of crimes due to mental disease or defect. While under PSRB jurisdiction, placement options range from treatment in a secure unit of a mental hospital, usually Connecticut Valley Hospital, to conditional release into the community, with treatment and monitoring conducted on an outpatient basis.

The bill requires the board to update its page, although it does not indicate how frequently, when it issues an order resulting in an acquittee's change in placement or status.

It also requires acquittees who are on temporary leave from PSRB to register as sex offenders if the crime for which they were acquitted was one that requires sex offender registration (i.e., a criminal offense against a victim who is a minor or a nonviolent or violent sexual offense).

EFFECTIVE DATE: October 1, 2012

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 45 Nay 0 (04/02/2012)