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State of Connecticut
Department of Developmental Services

Terrence W. Macy, Ph.D.
Commissioner

Joseph W. Drexler, Esq.
Deputy Commissioner

TESTIMONY OF THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
TO THE
JUDICIARY COMMITTEE

H.B. No. 5367 - AN ACT CONCERNING COMPETENCY TO STAND TRIAL

March 5, 2012

Senator Coleman, Representative Fox and members of the Judiciary Committee. I am James P. Welsh, Director of Legal and Government Affairs for the Department of Developmental Services (DDS). Thank you for raising **H.B. No. 5367 - AN ACT CONCERNING COMPETENCY TO STAND TRIAL** and for the opportunity to testify in strong support of the bill.

The new language proposed in the bill to subsection (m) of section 54-56d of the 2012 supplement to the general statutes was requested of the Department of Developmental Services by the Department of Mental Health and Addiction Services (DMHAS).

The amended language in subsection (m)(1) would allow the court to order DDS to give notice when a defendant's commitment has been terminated, if the court has ordered a defendant to be placed for treatment with DDS and the termination is prior to the expiration of the time within which the defendant may be prosecuted for the crime with which the defendant is charged.

H.B. No. 5367 adds the Department of Developmental Services to subsection (m)(3), which then would allow the court to order periodic examination of a defendant placed in the custody of the Commissioner of Developmental Services for the purposes of civil commitment in the same way that the court currently may do for a defendant placed in the custody of the Commissioner of Mental Health and Addiction Services under the same statute.

These proposed changes to subsection (m) of section 54-56d would remove both places where a court might be tempted to commit someone to DMHAS instead of DDS in order to be able to require periodic review or notice of terminated commitment. This change will ultimately benefit those defendants with intellectual disability by assuring that they will receive treatment in the most appropriate setting for their disability.

Thank you for the opportunity to testify in support of H.B. No. 5367. Please contact Christine Pollio Cooney, Director of Legislative Affairs at (860) 418-6066, if you have any questions.

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