



General Assembly

February Session, 2012

Governor's Bill No. 5037

LCO No. 548

*00548 _____ *

Referred to Committee on Public Health

Introduced by:

REP. DONOVAN, 84th Dist.

REP. SHARKEY, 88th Dist.

SEN. WILLIAMS, 29th Dist.

SEN. LOONEY, 11th Dist.

**AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET
RECOMMENDATIONS CONCERNING PUBLIC HEALTH.**

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

1 Section 1. Section 17a-581 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2012*):

3 (a) There is hereby established, [a] within the Department of Mental
4 Health and Addiction Services, a division to be known as the
5 Psychiatric Security Review Board, [which shall be an autonomous
6 body within the Department of Mental Health and Addiction Services
7 for administrative purposes only.] The Commissioner of Mental
8 Health and Addiction Services shall oversee said division, provided
9 members of the board appointed pursuant to this section shall exercise
10 independent decision-making authority over all matters relating to
11 acquittees committed to the board's jurisdiction pursuant to section
12 17a-582. The board shall constitute a successor to the former

13 Psychiatric Security Review Board, in accordance with the provisions
14 of sections 4-38d and 4-39. Any order, decision, agreed settlement or
15 regulation of the Psychiatric Security Review Board which is in force
16 on June 30, 2012, shall continue in force and effect as an order or
17 regulation of the Department of Mental Health and Addiction Services
18 until amended, repealed or superseded pursuant to law. If the words
19 "Psychiatric Security Review Board" are used or referred to in any
20 public or special act of 2012 or in any section of the general statutes
21 which is amended in 2012, such words shall be deemed to mean or
22 refer to the Psychiatric Security Review Board division within the
23 Department of Mental Health and Addiction Services.

24 (b) The board shall consist of six members who shall serve for a
25 term of four years and shall be appointed by the Governor with the
26 advice and consent of either house of the General Assembly, except
27 that of the members first appointed to the board: (1) One shall serve for
28 a term ending June 30, 1987; (2) two shall serve for terms ending June
29 30, 1988; (3) two shall serve for terms ending June 30, 1989; and (4) one
30 appointed pursuant to subdivision (6) of subsection (b) of this section
31 shall serve for a term ending June 30, 1999.

32 [(b)] (c) The membership shall be composed of: (1) A psychiatrist
33 experienced with the criminal justice system and not otherwise
34 employed on a permanent basis by the state, except that a psychiatrist
35 employed by The University of Connecticut Health Center who is not
36 responsible for the administration of or treatment decisions for persons
37 under the jurisdiction of the Psychiatric Security Review Board shall be
38 eligible for membership under this subdivision; (2) a psychologist
39 experienced with the criminal justice system and not otherwise
40 employed on a permanent basis by the state, except that a psychologist
41 employed by The University of Connecticut Health Center who is not
42 responsible for the administration of or treatment decisions for persons
43 under the jurisdiction of the Psychiatric Security Review Board shall be
44 eligible for membership under this subdivision; (3) a person with
45 substantial experience in the process of probation; (4) a member of the

46 general public; (5) an attorney who is a member of the bar of this state;
47 and (6) a member of the general public with substantial experience in
48 victim advocacy.

49 [(c)] (d) No employee of the Division of Criminal Justice or the
50 Public Defender Services Commission shall be a member of the board.

51 [(d)] (e) The Governor at any time may remove any member for
52 inefficiency, neglect of duty or malfeasance in office.

53 [(e)] (f) A member of the board not otherwise employed full-time by
54 the state shall be paid seventy-five dollars for each day during which
55 the member is engaged in the performance of official duties. In
56 addition, subject to sections 4-15 and 5-141c regulating travel and other
57 expenses of state officers and employees, the member shall be
58 reimbursed for actual and necessary travel and other expenses
59 incurred in the performance of official duties.

60 [(f)] (g) Subject to any applicable provision of sections 5-193 to 5-268,
61 inclusive, the board may [hire employees] make a request to the
62 Commissioner of Mental Health and Addiction Services for the
63 commissioner to assign such department employees as are necessary
64 to assist the board in the performance of its duties under sections 17a-
65 580 to [17a-602] 17a-603, inclusive.

66 [(g)] (h) A majority of the members of the board constitutes a
67 quorum for the transaction of business. Hearings shall be held before
68 members of the board.

69 [(h)] (i) The board shall meet at least twice every month, unless the
70 chairman determines that there is not sufficient business before the
71 board to warrant a meeting at the scheduled time. The board shall also
72 meet at other times and places specified by the call of the chairman or
73 of a majority of the members of the board.

74 [(i)] (j) No member of the board shall be personally liable for
75 damage or injury caused in the discharge of his duties. Any person

76 having a complaint for such damage or injury shall present it as a
77 claim against the state under the provisions of chapter 53.

78 [(j)] (k) The [board] Department of Mental Health and Addiction
79 Services may adopt, in accordance with chapter 54, such regulations as
80 may be necessary to carry out the purposes of sections 17a-580 to 17a-
81 602, inclusive.

82 Sec. 2. Section 17b-249 of the general statutes is repealed and the
83 following is substituted in lieu thereof (*Effective July 1, 2012*):

84 When any person, charged with any offense punishable by fine or
85 imprisonment or both, has been found not guilty because of mental
86 illness and, by reason of such mental illness, has been committed for
87 confinement or treatment to any institution supported in whole or in
88 part by the state, the expense for the support and treatment of such
89 person while so committed shall be [charged to the state.] paid to the
90 state. The state may recover for the cost of such support and treatment
91 in the manner provided in sections 17b-122, 17b-124 to 17b-132,
92 inclusive, 17b-136 to 17b-138, inclusive, 17b-194 to 17b-197, inclusive,
93 17b-222 to 17b-250, inclusive, as amended by this act, 17b-256, 17b-263,
94 17b-340 to 17b-350, inclusive, 17b-689b and 17b-743 to 17b-747,
95 inclusive. Notwithstanding the provisions of section 17b-223, the
96 husband or wife of a person committed for confinement or treatment
97 to a state hospital after having been found not guilty because of mental
98 illness, and by reason of mental illness, shall not be liable for the cost of
99 such person's care.

100 Sec. 3. Section 17b-250 of the general statutes is repealed and the
101 following is substituted in lieu thereof (*Effective July 1, 2012*):

102 (1) When any person has been transferred from the Connecticut
103 Correctional Institution, Somers, the Connecticut Correctional
104 Institution, Niantic, or its maximum security division, the John R.
105 Manson Youth Institution, Cheshire, or a community correctional
106 center to a state hospital, such person's hospital expense prior to the

107 termination of his sentence, [shall be charged to the state. If] or (2) if
 108 any person [,] transferred from a correctional institution or community
 109 correction center is committed to or otherwise remains in a state
 110 hospital after the expiration of his sentence, such person's hospital
 111 expense shall be paid to the state in the manner provided for payment
 112 in sections 17b-122, 17b-124 to 17b-132, inclusive, 17b-136 to 17b-138,
 113 inclusive, 17b-194 to 17b-197, inclusive, 17b-222 to 17b-250, inclusive,
 114 as amended by this act, 17b-256, 17b-263, 17b-340 to 17b-350, inclusive,
 115 17b-689b and 17b-743 to 17b-747, inclusive. Notwithstanding the
 116 provisions of section 17b-223, the husband or wife of a person
 117 transferred from a correctional institution to state care shall not be
 118 liable for the cost of care.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	17a-581
Sec. 2	<i>July 1, 2012</i>	17b-249
Sec. 3	<i>July 1, 2012</i>	17b-250

Statement of Purpose:

To implement the Governor's budget recommendations.

[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.]