

Department of Correction  
Testimony of Leo C. Arnone, Commissioner  
Department of Correction

Judiciary Committee  
Raised Bill No. 5367, *An Act Concerning Competency to Stand Trial*  
March 5, 2012

The Department of Correction of Correction (DOC) understands the need for and supports House Bill No. 5367, *An Act Concerning the Competency to Stand Trial*, as proposed by the Department of Mental Health and Addiction Services (DMHAS).

The statutes were previously amended to allow the DMHAS commissioner to return an individual to the custody of the DOC before the individual attained competency to stand trial if there were serious concerns regarding the individual's propensity for violence. The DOC and DMHAS now agree there is a need to clarify this provision and provide greater detail regarding the responsibilities of each agency to the criminal court in the case of an inmate returned to the DOC pursuant to section 54-56d (p) of the general statutes.

The DOC supports the clarifications that persons who are returned to the DOC will have written progress reports that will be the responsibility of DMHAS to provide to the court and that the responsibility for providing testimony regarding the individual's competency to stand trial is the responsibility of DMHAS. The DOC also supports the clarification that the DOC will provide the necessary mental health and medical care for the person while in the custody of DOC and that DMHAS will be responsible for restoring the individual to competency.

The DOC concurs that the current language in 54-56d (p) should be amended to replace the term "violent" with "persons who present a significant risk to safety and security..." This proposed change, along with the addition of a collaborative decision between the DMHAS and DOC commissioners allows the agencies to determine together the most appropriate application.

Lastly, the DOC has no objection to the clarification that DMHAS may utilize its current statutory process for application for involuntary medication treatment through the criminal court for the purpose of restoring the individual to competency. This current process would not preclude the DOC from treating the individual, who would be under the custody of the DOC commissioner, both psychiatrically and medically, following DOC administrative directives.

Thank you for the opportunity to present the Department's support of HB 5367.