



General Assembly

Amendment

January Session, 2015

LCO No. 6741



Offered by:

REP. TONG, 147th Dist.

SEN. COLEMAN, 2nd Dist.

To: Subst. House Bill No. 7027

File No. 688

Cal. No. 453

"AN ACT CONCERNING REVISIONS TO CERTAIN CRIMINAL STATUTES."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 17a-580 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 As used in this section, sections 17a-581 to [17a-602] 17a-603,
6 inclusive, and [this] section 502 of this act:

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

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

11 (3) "Conditional release" means release [subject] of the acquittee

12 from a hospital for psychiatric disabilities to the jurisdiction of the
13 board for supervision and treatment [on an outpatient basis] and
14 includes, but is not limited to, the monitoring of mental and physical
15 health treatment;

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

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

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

24 (7) ["Mental illness"] "Psychiatric disability" includes any mental
25 illness in a state of remission when the illness may, with reasonable
26 medical probability, become active. "Psychiatric disability" does not
27 include an abnormality manifested only by repeated criminal or
28 otherwise antisocial conduct;

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

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

36 (10) "Person who should be confined" means an acquittee who has
37 psychiatric disabilities or has intellectual disability to the extent that
38 such acquittee's discharge or conditional release would constitute a
39 danger to the acquittee or others and who cannot be adequately
40 controlled with available supervision and treatment on conditional
41 release;

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

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

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

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

53 (15) "Superintendent" means any person, body of persons or
54 corporation, or the designee of any such person, body of persons or
55 corporation, which has the immediate supervision, management and
56 control of a hospital for [mental illness] psychiatric disabilities and the
57 patients therein.

58 Sec. 502. (NEW) (*Effective from passage*) (a) If an acquittee who is in
59 the custody of the Commissioner of Mental Health and Addiction
60 Services under the jurisdiction of the board and confined in a hospital
61 for psychiatric disabilities has an outstanding term of imprisonment,
62 the acquittee may be conditionally released to the Commissioner of
63 Correction until such outstanding term of imprisonment has been
64 completed.

65 (b) If an acquittee, who is in the custody of the Commissioner of
66 Mental Health and Addiction Services under the jurisdiction of the
67 board and confined in a hospital for psychiatric disabilities is
68 convicted of a felony offense or a class A misdemeanor under section
69 53a-61, 53a-61a, 53a-62, 53a-63 or 53a-64cc of the general statutes, and
70 sentenced to the custody of the Commissioner of Correction, the
71 acquittee shall be transferred to the Department of Correction to serve
72 such sentence. Prior to the conclusion of such sentence, the board shall

73 hold a hearing pursuant to section 17a-585 of the general statutes and
74 take action pursuant to section 17a-584 of the general statutes.

75 (c) An acquittee transferred to the custody of the Commissioner of
76 Correction under this section shall be fully evaluated for mental health
77 and medical needs upon admission to a correctional facility, and shall
78 receive mental health and medical care based upon the results of such
79 evaluation.

80 Sec. 503. Section 17a-603 of the general statutes is repealed and the
81 following is substituted in lieu thereof (*Effective from passage*):

82 The Superior Court, on application of the Psychiatric Security
83 Review Board or the Attorney General, may enforce by appropriate
84 decree or process any provision of sections 17a-580 to 17a-602,
85 inclusive, section 502 of this act or any order of the board rendered in
86 pursuance of any statutory provision."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>from passage</i>	17a-580
Sec. 502	<i>from passage</i>	New section
Sec. 503	<i>from passage</i>	17a-603