



House of Representatives

File No. 684

General Assembly

February Session, 2018

(Reprint of File No. 569)

House Bill No. 5557
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
May 4, 2018

**AN ACT CONCERNING THE COMPETENCY OF A DEFENDANT TO
STAND TRIAL.**

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

1 Section 1. Subdivision (3) of subsection (m) of section 54-56d of the
2 general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2018*):

4 (3) If the court orders the release of a defendant charged with the
5 commission of a crime that resulted in the death or serious physical
6 injury, as defined in section 53a-3, of another person, or with a
7 violation of subdivision (2) of subsection (a) of section 53-21,
8 subdivision (2) of subsection (a) of section 53a-60 or section 53a-60a,
9 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, or orders the
10 placement of such defendant in the custody of the Commissioner of
11 Mental Health and Addiction Services or the Commissioner of
12 Developmental Services, the court may, on its own motion or on
13 motion of the prosecuting authority, order, as a condition of such
14 release or placement, periodic examinations of the defendant as to the

15 defendant's competency at intervals of not less than six months. If, at
 16 any time after the initial periodic examination, the court finds again,
 17 based upon an examiner's recommendation, that there is a substantial
 18 probability that the defendant, if provided with a course of treatment,
 19 will never regain competency, then any subsequent periodic
 20 examination of the defendant as to the defendant's competency shall
 21 be at intervals of not less than eighteen months. Such an examination
 22 shall be conducted in accordance with subsection (d) of this section.
 23 Periodic examinations ordered by the court under this subsection shall
 24 continue until the court finds that the defendant has attained
 25 competency or until the time within which the defendant may be
 26 prosecuted for the crime with which the defendant is charged, as
 27 provided in section 54-193 or 54-193a, has expired, whichever occurs
 28 first.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2018	54-56d(m)(3)

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

The bill makes changes to the timeframe in which certain periodic examinations must take place which has no fiscal impact as it is procedural in nature.

House "A" strikes the language in the underlying bill and the associated fiscal impact and replaces it with the impact described above.

The Out Years

State Impact: None

Municipal Impact: None

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OLR Bill Analysis**HB 5557 (as amended by House "A")******AN ACT CONCERNING THE COMPETENCY OF A DEFENDANT TO STAND TRIAL.*****SUMMARY**

This bill decreases the frequency of court-ordered periodic examinations for certain criminal defendants deemed incompetent to stand trial. Generally, the bill covers defendants charged with certain sex offenses or crimes that resulted in death or serious physical injury.

By law, a defendant in a criminal trial may not be tried, convicted, or sentenced while he or she is deemed incompetent (i.e., unable to understand the proceedings or assist in his or her own defense). If treatment for the defendant is unsuccessful and the defendant does not attain competency, the court may order such a defendant (1) released or (2) placed in the custody of the departments of children and families, developmental services, or mental health and addiction services. Defendants placed in a department's custody may receive further treatment or be civilly committed to a psychiatric facility, if appropriate (CGS § 54-56d(m)).

Under current law, as a condition of such release or placement, the court may order periodic competency examinations at least every six months. Under the bill, the intervals between examinations must increase to at least every 18 months if, after the initial periodic examination the court again finds, based upon the examiner's recommendation, that there is a substantial probability that the defendant will never regain competency even if provided a course of treatment.

Under existing law, unchanged by the bill, periodic examinations

must continue until the (1) court finds the defendant attained competency or (2) time within which the defendant may be charged for the alleged crime expires, whichever occurs first.

*House Amendment "A" replaces the underlying bill, which required the court to stop periodic examinations of a criminal defendant deemed incompetent to stand trial if examiners determined that there was a substantial probability that, even with treatment, the defendant would not regain competency.

EFFECTIVE DATE: October 1, 2018

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 34 Nay 7 (04/03/2018)