AN ACT CONCERNING THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES, CONNECTICUT VALLEY HOSPITAL AND WHITING FORENSIC HOSPITAL.

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

   Section 1. (Effective from passage) (a) There is established a task force to review and evaluate the duties and operations of the Department of Mental Health and Addiction Services, including the operations, conditions and finances of Connecticut Valley Hospital and Whiting Hospital.

   (b) The task force shall consist of the following members:

   (1) Two appointed by the speaker of the House of Representatives, one of whom shall hold a degree of a doctor of nursing practice or doctor of nursing science and have experience in the provision of care to veterans, and one of whom shall be a former or current union member with a background in nursing and legislative experience;

   (2) One appointed by the president pro tempore of the Senate, who shall be a forensic psychiatrist affiliated with The University of Connecticut;

   (3) One appointed by the majority leader of the House of Representatives, who shall be a former or current administrator of a hospital with a bed capacity of at least two hundred;

   (4) One appointed by the majority leader of the Senate, who shall be a patient advocate or a representative of a nonprofit organization that
provides behavioral health services;

(5) One appointed by the minority leader of the House of Representatives, who shall be a former commissioner or deputy commissioner of the Department of Mental Health and Addiction Services or the Department of Public Health; and

(6) One appointed by the minority leader of the Senate, who shall have law enforcement or corrections experience or experience working in a secured facility.

(c) Any member of the task force appointed under subsection (b) of this section may be a member of the General Assembly.

(d) All appointments to the task force shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(e) The chairperson of the task force shall be selected from among its members. Such chairperson shall schedule the first meeting of the task force, which shall be held not later than sixty days after the effective date of this section.

(f) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to public health shall serve as administrative staff of the task force.

(g) Not later than January 1, 2019, the task force shall submit a preliminary report on its findings and recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to public health, in accordance with the provisions of section 11-4a of the general statutes. Not later than January 1, 2020, the task force shall submit a final report on its findings and recommendations to said joint standing committee. The task force shall terminate on the date that it submits such final report or January 1, 2020, whichever is later.

Sec. 2. Subsection (a) of section 19a-490 of the 2018 supplement to
the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) "Institution" means a hospital, short-term hospital special hospice, hospice inpatient facility, residential care home, nursing home facility, home health care agency, homemaker-home health aide agency, behavioral health facility, assisted living services agency, substance abuse treatment facility, outpatient surgical facility, outpatient clinic, an infirmary operated by an educational institution for the care of students enrolled in, and faculty and employees of, such institution; a facility engaged in providing services for the prevention, diagnosis, treatment or care of human health conditions, including facilities operated and maintained by any state agency; [ except facilities for the care or treatment of mentally ill persons or persons with substance abuse problems;] and a residential facility for persons with intellectual disability licensed pursuant to section 17a-227 and certified to participate in the Title XIX Medicaid program as an intermediate care facility for individuals with intellectual disability. "Institution" does not include any facility for the care and treatment of persons with mental illness or substance use disorder operated or maintained by any state agency, except Whiting Forensic Hospital;

Sec. 3. Subdivision (18) of subsection (b) of section 1-210 of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(18) Records, the disclosure of which the Commissioner of Correction, or as it applies to Whiting Forensic [Division facilities of the Connecticut Valley] Hospital, the Commissioner of Mental Health and Addiction Services, has reasonable grounds to believe may result in a safety risk, including the risk of harm to any person or the risk of an escape from, or a disorder in, a correctional institution or facility under the supervision of the Department of Correction or Whiting Forensic [Division facilities] Hospital. Such records shall include, but are not limited to:

(A) Security manuals, including emergency plans contained or
referred to in such security manuals;

(B) Engineering and architectural drawings of correctional institutions or facilities or Whiting Forensic [Division] Hospital facilities;

(C) Operational specifications of security systems utilized by the Department of Correction at any correctional institution or facility or Whiting Forensic [Division] Hospital facilities, except that a general description of any such security system and the cost and quality of such system may be disclosed;

(D) Training manuals prepared for correctional institutions and facilities or Whiting Forensic [Division] Hospital facilities that describe, in any manner, security procedures, emergency plans or security equipment;

(E) Internal security audits of correctional institutions and facilities or Whiting Forensic [Division] Hospital facilities;

(F) Minutes or recordings of staff meetings of the Department of Correction or Whiting Forensic [Division] Hospital facilities, or portions of such minutes or recordings, that contain or reveal information relating to security or other records otherwise exempt from disclosure under this subdivision;

(G) Logs or other documents that contain information on the movement or assignment of inmates or staff at correctional institutions or facilities; and

(H) Records that contain information on contacts between inmates, as defined in section 18-84, and law enforcement officers;

Sec. 4. Subsection (c) of section 1-210 of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(c) Whenever a public agency receives a request from any person
confined in a correctional institution or facility or a Whiting Forensic
[Division] Hospital facility, for disclosure of any public record under
the Freedom of Information Act, the public agency shall promptly
notify the Commissioner of Correction or the Commissioner of Mental
Health and Addiction Services in the case of a person confined in a
Whiting Forensic [Division] Hospital facility of such request, in the
manner prescribed by the commissioner, before complying with the
request as required by the Freedom of Information Act. If the
commissioner believes the requested record is exempt from disclosure
pursuant to subdivision (18) of subsection (b) of this section, the
commissioner may withhold such record from such person when the
record is delivered to the person's correctional institution or facility or
Whiting Forensic [Division] Hospital facility.

Sec. 5. Section 5-145a of the general statutes is repealed and the
following is substituted in lieu thereof (Effective from passage):

Any condition of impairment of health caused by hypertension or
heart disease resulting in total or partial disability or death to a
member of the security force or fire department of The University of
Connecticut or the aeronautics operations of the Department of
Transportation, or to a member of the Office of State Capitol Police or
any person appointed under section 29-18 as a special policeman for
the State Capitol building and grounds, the Legislative Office Building
and parking garage and related structures and facilities, and other
areas under the supervision and control of the Joint Committee on
Legislative Management, or to state personnel engaged in guard or
instructional duties in the Connecticut Correctional Institution,
Somers, Connecticut Correctional Institution, Enfield-Medium, the
Carl Robinson Correctional Institution, Enfield, John R. Manson Youth
Institution, Cheshire, the York Correctional Institution, the Connecticut
Correctional Center, Cheshire, or the community correctional centers,
or to any employee of the Whiting Forensic [Division] Hospital with
direct and substantial patient contact, or to any detective, chief
inspector or inspector in the Division of Criminal Justice or chief
deetective, or to any state employee designated as a hazardous duty
employee pursuant to an applicable collective bargaining agreement
who successfully passed a physical examination on entry into such
service, which examination failed to reveal any evidence of such
condition, shall be presumed to have been suffered in the performance
of his duty and shall be compensable in accordance with the
provisions of chapter 568, except that for the first three months of
compensability the employee shall continue to receive the full salary
which he was receiving at the time of injury in the manner provided
by the provisions of section 5-142. Any such employee who began such
service prior to June 28, 1985, and was not covered by the provisions of
this section prior to said date shall not be required, for purposes of this
section, to show proof that he successfully passed a physical
examination on entry into such service.

Sec. 6. Section 5-173 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective from passage):

(a) A state policeman in the active service of the Division of State
Police within the Department of Emergency Services and Public
Protection, or any person who is engaged in guard or instructional
duties at the Connecticut Correctional Institution, Somers, the
Connecticut Correctional Institution, Enfield-Medium, the Carl
Robinson Correctional Institution, Enfield, the John R. Manson Youth
Institution, Cheshire, the York Correctional Institution, the Connecticut
Correctional Center, Cheshire and the community correctional centers,
or any person exempt from collective bargaining who is engaged in
custodial or instructional duties within the Department of Correction,
or any person who is an employee of the Whiting Forensic [Division]
Hospital with direct and substantial patient contact, or any person who
is employed as a correctional counselor, correctional counselor
supervisor, parole officer or parole supervisor or in a comparable job
classification by the Board of Pardons and Paroles, or any member of
tier I who has been designated as a hazardous duty member pursuant
to an applicable collective bargaining agreement, who has reached his
forty-seventh birthday and completed at least twenty years of
hazardous duty service for the state or service as a state policeman or
as guard or instructor at said correctional institutions or correctional
centers, or service in a custodial or instructional position within the
Department of Correction which is exempt from collective bargaining,
or as an employee of the Whiting Forensic [Division] Hospital or its
predecessor institutions, or as a correctional counselor, correctional
counselor supervisor, parole officer or parole supervisor or in a
comparable job classification as an employee of the Board of Pardons
and Paroles, shall be retired on his own application or on the
application of the Commissioner of Emergency Services and Public
Protection or the Commissioner of Correction, as the case may be.

(b) On or after October 1, 1982, each such person shall receive a
monthly retirement income equal to one-twelfth of (1) fifty per cent of
his base salary, as defined in subsection (b) of section 5-162, for such
twenty years of service, plus (2) two per cent of his base salary for each
year, taken to completed months, of Connecticut state service in excess
of twenty years, except that any such person who is both a member of
the Division of State Police within the Department of Emergency
Services and Public Protection and a member of part B shall receive a
permanently reduced retirement income upon reaching the age of
sixty-five or, if earlier, upon receipt of Social Security disability
benefits or, for any such state policeman, upon receipt of benefits
under subsection (d) of section 5-142. Any such state police member
shall have his monthly retirement income reduced by an amount equal
to one-twelfth of one per cent of four thousand eight hundred dollars
multiplied by the number of years of state service, taken to completed
months.

(c) Any such person who, while so employed, was granted military
leave to enter the armed forces, as defined by section 27-103, and who,
upon his discharge and within ninety days, returned to such service,
shall be granted retirement credit for any period of service in time of
war, as defined by said section, and for military service during a
national emergency declared by the President of the United States on
and after September 1, 1939, toward the required minimum of twenty
years' service; and any such person may be granted credit for
any such war service prior to such employment upon payment of contributions and interest computed in accordance with subsection (b) of section 5-180, but such service shall not be counted toward the minimum service requirement of twenty years.

(d) Any such person who, after retiring from hazardous duty as designated pursuant to a collective bargaining agreement or from the Division of State Police or the employ of the Connecticut Correctional Institution, Somers, the Connecticut Correctional Institution, Enfield-Medium, the Carl Robinson Correctional Institution, Enfield, the John R. Manson Youth Institution, Cheshire, the York Correctional Institution, the Connecticut Correctional Center, Cheshire or a community correctional center, the Whiting Forensic [Division] Hospital or the Board of Pardons and Paroles, as the case may be, is employed by any other state agency may elect to receive the retirement income to which he was entitled at the time of his retirement from such hazardous duty or as a state policeman or employee of the correctional institution or correctional center, forensic [division] hospital or Board of Pardons and Paroles when his employment in such other agency ceases, but he shall not, in that case, be entitled to any retirement income by reason of service in such other agency except as provided in subsection (g) of this section.

(e) Notwithstanding the provisions of subsection (a) of this section, any state policeman who serves as Commissioner or Deputy Commissioner of Emergency Services and Public Protection and whose position as commissioner or deputy commissioner is terminated, abolished or eliminated for any reason or who otherwise leaves such position and who has completed twenty years of service as a state policeman but who has not reached his forty-seventh birthday, shall be entitled to a retirement income, in accordance with subsection (b) of this section.

(f) A member who has completed twenty years of hazardous duty service under this section, but who leaves such service on or after October 1, 1982, but prior to reaching his forty-seventh birthday shall,
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247 upon his own application be entitled to the benefits provided in  
248 subsection (b) of this section at any time after reaching his forty-  
249 seventh birthday.

250 (g) On and after October 1, 1982, an employee who has met the  
251 twenty-year minimum service requirement and is thus eligible for  
252 benefits under this section shall have any other Connecticut state  
253 employment recognized in calculating the amount of his benefits.

254 Sec. 7. Subsection (d) of section 5-192f of the general statutes is  
255 repealed and the following is substituted in lieu thereof (Effective from  
256 passage):

257 (d) "Hazardous duty member" means a member who is a state  
258 policeman in the active service of the Division of State Police within  
259 the Department of Emergency Services and Public Protection, who is  
260 engaged in guard or instructional duties at the Connecticut  
261 Correctional Institution, Somers, the Connecticut Correctional  
262 Institution, Enfield-Medium, the Carl Robinson Correctional  
263 Institution, Enfield, the John R. Manson Youth Institution, Cheshire,  
264 the York Correctional Institution, the Connecticut Correctional Center,  
265 Cheshire or the community correctional centers, who is an employee of  
266 the Whiting Forensic [Division] Hospital or its predecessor institutions  
267 with direct and substantial patient contact, who is a detective, chief  
268 inspector or inspector in the Division of Criminal Justice or chief  
269 detective, who is employed as a correctional counselor, correctional  
270 counselor supervisor, parole officer or parole supervisor or in a  
271 comparable job classification by the Board of Pardons and Paroles, or  
272 who has been designated as a hazardous duty member pursuant to the  
273 terms of a collective bargaining agreement.

274 Sec. 8. Subsection (b) of section 17a-450 of the general statutes is  
275 repealed and the following is substituted in lieu thereof (Effective from  
276 passage):

277 (b) For the purposes of chapter 48, the Department of Mental Health  
278 and Addiction Services shall be organized to promote comprehensive,
client-based services in the areas of mental health treatment and
substance abuse treatment and to ensure the programmatic integrity
and clinical identity of services in each area. The department shall
perform the functions of: Centralized administration, planning and
program development; prevention and treatment programs and
facilities, both inpatient and outpatient, for persons with psychiatric
disabilities or persons with substance use disorders, or both;
community mental health centers and community or regional
programs and facilities providing services for persons with psychiatric
disabilities or persons with substance use disorders, or both; training
and education; and research and evaluation of programs and facilities
providing services for persons with psychiatric disabilities or persons
with substance use disorders, or both. The department shall include,
but not be limited to, the following divisions and facilities or their
successor facilities: The office of the Commissioner of Mental Health
and Addiction Services; Capitol Region Mental Health Center;
Connecticut Valley Hospital, including the Addictions Division [the
Whiting Forensic Division] and the General Psychiatric Division of
Connecticut Valley Hospital; the Whiting Forensic Hospital;
Connecticut Mental Health Center; Ribicoff Research Center; the
Southwest Connecticut Mental Health System, including the Franklin
S. DuBois Center and the Greater Bridgeport Community Mental
Health Center; the Southeastern Mental Health Authority; River Valley
Services; the Western Connecticut Mental Health Network; and any
other state-operated facility for the treatment of persons with
psychiatric disabilities or persons with substance use disorders, or
both, but shall not include those portions of such facilities transferred
to the Department of Children and Families for the purpose of
consolidation of children's services.

Sec. 9. Subdivision (3) of subsection (c) of section 17a-450 of the
general statutes is repealed and the following is substituted in lieu
thereof (Effective from passage):

(3) Work with public or private agencies, organizations, facilities or
individuals to ensure the operation of the programs set forth in
accordance with sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-
484, inclusive, as amended by this act, 17a-495 to 17a-528, inclusive,
17a-540 to 17a-550, inclusive, 17a-560 to [17a-576] 17a-575, as amended
by this act, inclusive, 17a-580 to 17a-603, inclusive, and 17a-615 to 17a-
618, inclusive;

Sec. 10. Subsection (a) of section 17a-450a of the general statutes is
repealed and the following is substituted in lieu thereof (Effective from
passage):

(a) The Department of Mental Health and Addiction Services shall
constitute a successor department to the Department of Mental Health.
Whenever the words "Commissioner of Mental Health" are used or
referred to in the following general statutes, the words "Commissioner
of Mental Health and Addiction Services" shall be substituted in lieu
thereof and whenever the words "Department of Mental Health" are
used or referred to in the following general statutes, the words
"Department of Mental Health and Addiction Services" shall be
substituted in lieu thereof: 4-5, 4-38c, 4-77a, 4a-12, 4a-16, 5-142, 8-206d,
10-19, 10-71, 10-76d, 17a-14, 17a-26, 17a-31, 17a-33, 17a-218, 17a-246,
17a-450, as amended by this act, 17a-451, 17a-453, 17a-454, 17a-455,
17a-456, 17a-457, 17a-458, as amended by this act, 17a-459, 17a-460,
17a-464, 17a-465, 17a-466, 17a-467, 17a-468, 17a-470, as amended by
this act, 17a-471, 17a-472, as amended by this act, 17a-473, 17a-474, 17a-
476, 17a-478, 17a-479, 17a-480, 17a-481, 17a-482, 17a-483, 17a-484, 17a-
498, 17a-499, 17a-502, 17a-506, 17a-510, 17a-511, 17a-512, 17a-513, 17a-
519, 17a-528, 17a-560, as amended by this act, 17a-561, as amended by
this act, 17a-562, as amended by this act, 17a-565, [17a-576,] as
amended by this act, 17a-581, 17a-582, 17a-675, 17b-28, 17b-59a, 17b-
222, 17b-223, 17b-225, 17b-359, 17b-694, 19a-82, 19a-495, 19a-498, 19a-
507a, 19a-507c, 19a-576, 19a-583, 20-14i, 20-14j, 21a-240, 21a-301, 27-
122a, 31-222, 38a-514, 46a-28, 51-51o, 52-146h and 54-56d.

Sec. 11. Subsection (c) of section 17a-458 of the general statutes is
repealed and the following is substituted in lieu thereof (Effective from
passage):
(c) "State-operated facilities" means those hospitals or other facilities providing treatment for persons with psychiatric disabilities or for persons with substance use disorders, or both, which are operated in whole or in part by the Department of Mental Health and Addiction Services. Such facilities include, but are not limited to, the Capitol Region Mental Health Center, the Connecticut Valley Hospital, including the Addictions Division, the Whiting Forensic Division and the General Psychiatric Division of Connecticut Valley Hospital, the Whiting Forensic Hospital, the Connecticut Mental Health Center, the Franklin S. DuBois Center, the Greater Bridgeport Community Mental Health Center and River Valley Services.

Sec. 12. Section 17a-470 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

Each state hospital, state-operated facility or the Whiting Forensic [Division of the Connecticut Valley] Hospital for the treatment of persons with psychiatric disabilities or persons with substance use disorders, or both, except the Connecticut Mental Health Center, may have an advisory board appointed by the superintendent or director of the facility for terms to be decided by such superintendent or director. In any case where the present number of members of an advisory board is less than the number of members designated by the superintendent or director of the facility, he shall appoint additional members to such board in accordance with this section in such manner that the terms of an approximately equal number of members shall expire in each odd-numbered year. The superintendent or director shall fill any vacancy that may occur for the unexpired portion of any term. No member may serve more than two successive terms plus the balance of any unexpired term to which he had been appointed. The superintendent or director of the facility shall be an ex-officio member of the advisory board. Each member of an advisory board of a state-operated facility within the Department of Mental Health and Addiction Services assigned a geographical territory shall be a resident of the assigned geographical territory. Members of said advisory boards shall receive no compensation for their services but shall be
reimbursed for necessary expenses involved in the performance of their duties. At least one-third of such members shall be from a substance abuse subregional planning and action council established pursuant to section 17a-671, and at least one-third shall be members of the catchment area councils, as provided in section 17a-483, for the catchment areas served by such facility, except that members serving as of October 1, 1977, shall serve out their terms.

Sec. 13. Section 17a-471a of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) The Commissioner of Mental Health and Addiction Services, in consultation and coordination with the advisory council established under subsection (b) of this section, shall develop policies and set standards related to clients residing on the Connecticut Valley Hospital campus and to the discharge of such clients from the hospital into the adjacent community. Any such policies and standards shall assure that no discharge of any client admitted to Whiting Forensic [Division] Hospital under commitment by the Superior Court or transfer from the Department of Correction shall take place without full compliance with sections 17a-511 to 17a-524, inclusive, 17a-566 to 17a-575, inclusive, 17a-580 to 17a-603, inclusive, and 54-56d.

(b) There is established a Connecticut Valley Hospital Advisory Council that shall advise the Commissioner of Mental Health and Addiction Services on policies concerning, but not limited to, building use, security, clients residing on the campus and the discharge of clients from the [campuses] campus into the adjacent community. In addition, the advisory council shall periodically review the implementation of the policies and standards established by the commissioner in consultation with the advisory council. The council shall be composed of six members appointed by the mayor of Middletown, six members appointed by the Commissioner of Mental Health and Addiction Services and one member who shall serve as chairperson appointed by the Governor.

Sec. 14. Section 17a-472 of the general statutes is repealed and the
Except as otherwise provided, the Commissioner of Mental Health and Addiction Services shall appoint and remove (1) the superintendents and directors of state-operated facilities and divisions constituting the Department of Mental Health and Addiction Services, and (2) the director of the Whiting Forensic [Division of Connecticut Valley] Hospital, who shall report to the [director of forensic services] commissioner and shall have as [his] such director's sole responsibility the administration of the Whiting Forensic [Division] Hospital. Each superintendent or director shall be a qualified person with experience in health, hospital or mental health administration.

Sec. 15. Subsection (b) of section 17a-495 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(b) For the purposes of this section, sections 17a-450 to 17a-484, inclusive, as amended by this act, [17a-495] 17a-496 to 17a-528, inclusive, as amended by this act, 17a-540 to 17a-550, inclusive, and 17a-560 to [17a-576] 17a-545, as amended by this act, inclusive, the following terms shall have the following meanings: "Business day" means Monday to Friday, inclusive, except when a legal holiday falls on any such day; "hospital for persons with psychiatric disabilities" means any public or private hospital, retreat, institution, house or place in which any person with psychiatric disabilities is received or detained as a patient, but shall not include any correctional institution of this state; "patient" means any person detained and taken care of as a person with psychiatric disabilities; "keeper of a hospital for persons with psychiatric disabilities" means any person, body of persons or corporation which has the immediate superintendence, management and control of a hospital for persons with psychiatric disabilities and the patients therein; "support" includes all necessary food, clothing and medicine and all general expenses of maintaining state hospitals for persons with psychiatric disabilities; "indigent person" means any person who has an estate insufficient, in the judgment of the Court of...
Probate, to provide for his or her support and has no person or persons
legally liable who are able to support him or her; "dangerous to
himself or herself or others" means there is a substantial risk that
physical harm will be inflicted by an individual upon his or her own
person or upon another person; "gravely disabled" means that a
person, as a result of mental or emotional impairment, is in danger of
serious harm as a result of an inability or failure to provide for his or
her own basic human needs such as essential food, clothing, shelter or
safety and that hospital treatment is necessary and available and that
such person is mentally incapable of determining whether or not to
accept such treatment because his judgment is impaired by his
psychiatric disabilities; "respondent" means a person who is alleged to
have psychiatric disabilities and for whom an application for
commitment to a hospital for persons with psychiatric disabilities has
been filed; "voluntary patient" means any patient sixteen years of age
or older who applies in writing to and is admitted to a hospital for
persons with psychiatric disabilities as a person with psychiatric
disabilities or any patient under sixteen years of age whose parent or
legal guardian applies in writing to such hospital for admission of such
patient; and "involuntary patient" means any patient hospitalized
pursuant to an order of a judge of the Probate Court after an
appropriate hearing or a patient hospitalized for emergency diagnosis,
observation or treatment upon certification of a qualified physician.

Sec. 16. Section 17a-496 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective from passage):

Any keeper of a hospital for psychiatric disabilities who wilfully
violates any of the provisions of this section, sections 17a-75 to 17a-83,
inclusive, 17a-450 to 17a-484, inclusive, [17a-495] as amended by this
act, 17a-497 to 17a-528, inclusive, as amended by this act, 17a-540 to
17a-550, inclusive, 17a-560 to 17a-576, inclusive, as amended by this
act, and 17a-615 to 17a-618, inclusive, shall be fined not more than two
hundred dollars or imprisoned not more than one year or both.

Sec. 17. Subsection (b) of section 17a-497 of the general statutes is
repealed and the following is substituted in lieu thereof (Effective from passage):

(b) Upon the motion of any respondent or his or her counsel, or the probate judge having jurisdiction over such application, filed not later than three days prior to any hearing scheduled on such application, the Probate Court Administrator shall appoint a three-judge court from among the probate judges to hear such application. The judge of the Probate Court having jurisdiction over such application under the provisions of this section shall be a member, provided such judge may disqualify himself in which case all three members of such court shall be appointed by the Probate Court Administrator. Such three-judge court when convened shall have all the powers and duties set forth under sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484, inclusive, as amended by this act, 17a-495 to 17a-528, inclusive, as amended by this act, 17a-540 to 17a-550, inclusive, 17a-560 to [17a-576] 17a-575, inclusive, as amended by this act, and 17a-615 to 17a-618, inclusive, and shall be subject to all of the provisions of law as if it were a single-judge court. No such respondent shall be involuntarily confined without the vote of at least two of the three judges convened hereunder. The judges of such court shall designate a chief judge from among their members. All records for any case before the three-judge court shall be maintained in the Probate Court having jurisdiction over the matter as if the three-judge court had not been appointed.

Sec. 18. Subsection (g) of section 17a-498 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(g) The hospital shall notify each patient at least annually that such patient has a right to a further hearing pursuant to this section. If the patient requests such hearing, it shall be held by the Probate Court for the district in which the hospital is located. Any such request shall be immediately filed with the appropriate court by the hospital. After such request is filed with the Probate Court, it shall proceed in the manner provided in subsections (a), (b), (c) and (f) of this section. In
addition, the hospital shall furnish the Probate Court for the district in which the hospital is located on a monthly basis with a list of all patients confined in the hospital involuntarily without release for one year since the last annual review under this section of the patient's commitment or since the original commitment. The hospital shall include in such notification the type of review the patient last received. If the patient's last annual review had a hearing, the Probate Court shall, within fifteen business days thereafter, appoint an impartial physician who is a psychiatrist from the list provided by the Commissioner of Mental Health and Addiction Services as set forth in subsection (c) of this section and not connected with the hospital in which the patient is confined or related by blood or marriage to the original applicant or to the respondent, which physician shall see and examine each such patient within fifteen business days after such physician's appointment and make a report forthwith to such court of the condition of the patient on forms provided by the Probate Court Administrator. If the Probate Court concludes that the confinement of any such patient should be reviewed by such court for possible release of the patient, the court, on its own motion, shall proceed in the manner provided in subsections (a), (b), (c) and (f) of this section, except that the examining physician shall be considered one of the physicians required by subsection (c) of this section. If the patient's last annual review did not result in a hearing, and in any event at least every two years, the Probate Court shall, within fifteen business days, proceed with a hearing in the manner provided in subsections (a), (b), (c) and (f) of this section. All costs and expenses, including Probate Court entry fees provided by statute, in conjunction with the annual psychiatric review and the judicial review under this subsection, except costs for physicians appointed pursuant to this subsection, shall be established by, and paid from funds appropriated to, the Judicial Department, except that if funds have not been included in the budget of the Judicial Department for such costs and expenses, such payment shall be made from the Probate Court Administration Fund. Compensation of any physician appointed to conduct the annual psychiatric review, to examine a patient for any hearing held as a
result of such annual review or for any other biennial hearing required pursuant to sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484, inclusive, as amended by this act, 17a-495 to 17a-528, inclusive, as amended by this act, 17a-540 to 17a-550, inclusive, 17a-560 to [17a-576] 17a-575, inclusive, as amended by this act, and 17a-615 to 17a-618, inclusive, shall be paid by the state from funds appropriated to the Department of Mental Health and Addiction Services in accordance with rates established by the Department of Mental Health and Addiction Services.

Sec. 19. Section 17a-499 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

All proceedings of the Probate Court, upon application made under the provisions of sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484, inclusive, as amended by this act, 17a-495 to 17a-528, inclusive, as amended by this act, 17a-540 to 17a-550, inclusive, 17a-560 to [17a-576] 17a-575, inclusive, as amended by this act, and 17a-615 to 17a-618, inclusive, shall be in writing and filed in such court, and, whenever a court passes an order for the admission of any person to any state hospital for psychiatric disabilities, the court shall record the order and give a certified copy of such order and of the reports of the physicians to the person by whom such person is to be taken to the hospital, as the warrant for such taking and commitment, and shall also forthwith transmit a like copy to the Commissioner of Mental Health and Addiction Services, and, in the case of a person in the custody of the Commissioner of Correction, to the Commissioner of Correction. Whenever a court passes an order for the commitment of any person to any hospital for psychiatric disabilities, it shall, within three business days, provide the Commissioner of Mental Health and Addiction Services with access to identifying information including, but not limited to, name, address, sex, date of birth and date of commitment on all commitments ordered on and after June 1, 1998. All commitment applications, orders of commitment and commitment papers issued by any court in committing persons with psychiatric disabilities to public or private hospitals for psychiatric disabilities shall be in accordance
with a form prescribed by the Probate Court Administrator, which
form shall be uniform throughout the state. State hospitals and other
hospitals for persons with psychiatric disabilities shall, so far as they
are able, upon reasonable request of any officer of a court having the
power of commitment, send one or more trained attendants or nurses
to attend any hearing concerning the commitment of any person with
psychiatric disabilities and any such attendant or nurse, when present,
shall be designated by the court as the authority to serve commitment
process issued under the provisions of sections 17a-75 to 17a-83,
inclusive, 17a-450 to 17a-484, inclusive, as amended by this act, 17a-495
to 17a-528, inclusive, as amended by this act, 17a-540 to 17a-550,
inclusive, 17a-560 to [17a-576] 17a-575, inclusive, as amended by this
act, and 17a-615 to 17a-618, inclusive.

Sec. 20. Subsection (a) of section 17a-500 of the general statutes is
repealed and the following is substituted in lieu thereof (Effective from
passage):

(a) Each court of probate shall keep a record of the cases relating to
persons with psychiatric disabilities coming before it under sections
17a-75 to 17a-83, inclusive, 17a-450 to 17a-484, inclusive, as amended
by this act, 17a-495 to 17a-528, inclusive, as amended by this act, 17a-
540 to 17a-550, inclusive, 17a-560 to [17a-576] 17a-575, inclusive, as
amended by this act, and 17a-615 to 17a-618, inclusive, and the
disposition of them. It shall also keep on file the original application
and certificate of physicians required by said sections, or a microfilm
duplicate of such records in accordance with regulations issued by the
Probate Court Administrator. All records maintained in the courts of
probate under the provisions of said sections shall be sealed and
available only to the respondent or his or her counsel unless the Court
of Probate, after hearing held with notice to the respondent,
determines such records should be disclosed for cause shown.

Sec. 21. Section 17a-501 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective from passage):

Any person with psychiatric disabilities, the expense of whose
support is paid by himself or by another person, may be committed to
any institution for the care of persons with psychiatric disabilities
designated by the person paying for such support; and any indigent
person with psychiatric disabilities, not a pauper, committed under the
provisions of sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484,
inclusive, as amended by this act, 17a-495 to 17a-528, inclusive, as
amended by this act, 17a-540 to 17a-550, inclusive, 17a-560 to [17a-576]
17a-575, inclusive, as amended by this act, and 17a-615 to 17a-618,
inclusive, shall be committed to any state hospital for psychiatric
disabilities which is equipped to receive him, at the discretion of the
Court of Probate, upon consideration of a request made by the person
applying for such commitment.

Sec. 22. Section 17a-504 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective from passage):

Any person who wilfully and maliciously causes, or attempts to
cause, or who conspires with any other person to cause, any person
who does not have psychiatric disabilities to be committed to any
hospital for psychiatric disabilities, and any person who wilfully
certifies falsely to the psychiatric disabilities of any person in any
certificate provided for in sections 17a-75 to 17a-83, inclusive, 17a-450
to 17a-484, inclusive, as amended by this act, 17a-495 to 17a-528,
inclusive, as amended by this act, 17a-540 to 17a-550, inclusive, 17a-560
to [17a-576] 17a-575, inclusive, as amended by this act, and 17a-615 to
17a-618, inclusive, and any person who, under the provisions of said
sections relating to persons with psychiatric disabilities, wilfully
reports falsely to any court or judge that any person has psychiatric
disabilities, shall be guilty of a class D felony.

Sec. 23. Section 17a-505 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective from passage):

When any female with psychiatric disabilities is escorted to a state
hospital for persons with psychiatric disabilities by a male guard,
attendant or other employee of a correctional or reformatory
institution, or by a male law enforcement officer, under the provisions
of sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484, inclusive, as amended by this act, 17a-495 to 17a-528, inclusive, as amended by this act, 17a-540 to 17a-550, inclusive, 17a-560 to [17a-576] 17a-575, inclusive, as amended by this act, and 17a-615 to 17a-618, inclusive, the person so escorting her shall be accompanied by an adult member of her family or at least one woman.

Sec. 24. Section 17a-517 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

If any person in the custody of the Commissioner of Correction who is brought to a hospital pursuant to the provisions of sections 17a-499, as amended by this act, 17a-509, 17a-512 to [17a-517] 17a-516, inclusive, 17a-520, 17a-521, [and] as amended by this act, or 54-56d [is a desperate or dangerous individual, such person] shall be hospitalized in the Whiting Forensic [Division] Hospital. If the Whiting Forensic [Division] Hospital is unable to accommodate such transfer, then such person shall remain in the custody of the commissioner at a correctional institution, there confined under appropriate care and supervision. Under no circumstances shall an inmate with psychiatric disabilities requiring maximum security conditions be placed in a state hospital for persons with psychiatric disabilities which does not have the facilities and trained personnel to provide appropriate care and supervision for such individuals.

Sec. 25. Section 17a-519 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

Each officer or indifferent person making legal service of any order, notice, warrant or other paper under the provisions of sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484, inclusive, as amended by this act, 17a-495 to 17a-528, inclusive, as amended by this act, 17a-540 to 17a-550, inclusive, 17a-560 to [17a-576] 17a-575, inclusive, as amended by this act, and 17a-615 to 17a-618, inclusive, shall be entitled to the same compensation as is by law provided for like services in civil causes. Physicians, for examining a person alleged to have psychiatric disabilities and making a certificate as provided by said sections, shall
be entitled to a reasonable compensation established by the Commissioner of Mental Health and Addiction Services. The fees of the courts of probate shall be such as are provided by law for similar services. The Superior Court, on an appeal, may tax costs at its discretion.

Sec. 26. Section 17a-521 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

Except as otherwise provided in this section, the superintendent [or keeper] of any institution used wholly or in part for the care of persons with psychiatric disabilities or the director of the Whiting Forensic [Division] Hospital may, under such provisions or agreements as [he] the director deems advisable for psychiatric supervision, permit any patient of the institution under [his] the director's charge temporarily to leave such institution, in charge of his guardian, relatives or friends, or by himself or herself. A person confined to a hospital for psychiatric disabilities under the provisions of section 17a-584 may leave the hospital temporarily as provided under the provisions of section 17a-587. In the case of committed persons, the original order of commitment shall remain in force and effect during absence from the institution either on authorized or unauthorized leave until such patient is officially discharged by the authorities of such institution or such order is superseded by a court of competent jurisdiction. In the case of a patient on authorized leave, if it appears to be for the best interest of the public or for the interest and benefit of such patient, [he] the patient may return or be returned by [his] the patient's guardian, relatives or friends or [he] the patient may be recalled by the authorities of such institution, at any time during such temporary absence and prior to [his] the patient's official discharge. With respect both to patients on authorized and unauthorized leave, state or local police shall, on the request of the authorities of any such institution, assist in the rehospitalization of any patient on temporary leave or of any other patient committed to such institution by a court of competent jurisdiction or any person who is a patient under the provisions of section 17a-502, if, in the opinion of such authorities, the

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patient's condition warrants such assistance. The expense, if any, of such recall or return shall, in the case of an indigent, be paid by those responsible for [his] the patient's support or, in the case of a pauper, by the state. Leave under this section shall not be available to any person who is under a term of imprisonment or who has not met the requirements of the condition of release set to provide reasonable assurance of such person's appearance in court.

Sec. 27. Section 17a-525 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

Any person aggrieved by an order, denial or decree of a Probate Court under sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484, inclusive, as amended by this act, 17a-495 to 17a-528, inclusive, as amended by this act, 17a-540 to 17a-550, inclusive, 17a-560 to [17a-576] 17a-575, inclusive, as amended by this act, and 17a-615 to 17a-618, inclusive, including any relative or friend, on behalf of any person found to have psychiatric disabilities, shall have the right of appeal in accordance with sections 45a-186 to 45a-193, inclusive. On the trial of an appeal, the Superior Court may require the state's attorney or, in the state's attorney's absence, some other practicing attorney of the court to be present for the protection of the interests of the state and of the public.

Sec. 28. Subsection (a) of section 17a-528 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) When any person is found to have psychiatric disabilities, and is committed to a state hospital for psychiatric disabilities, upon proceedings had under sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484, inclusive, as amended by this act, 17a-495 to 17a-528, inclusive, as amended by this act, 17a-540 to 17a-550, inclusive, 17a-560 to [17a-576] 17a-575, inclusive, as amended by this act, and 17a-615 to 17a-618, inclusive, all fees and expenses incurred upon the probate commitment proceedings, payment of which is not otherwise provided for under said sections, shall be paid by the state within available
appropriations from funds appropriated to the Department of Mental Health and Addiction Services in accordance with rates established by said department; and, if such person is found not to have psychiatric disabilities, such fees and expenses shall be paid by the applicant.

Sec. 29. Subsection (a) of section 17a-548 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) Any patient shall be permitted to wear his or her own clothes; to keep and use personal possessions including toilet articles; [except for patients hospitalized in Whiting Forensic Division;] to be present during any search of his or her personal possessions, except a patient hospitalized in the maximum security service of Whiting Forensic Hospital; to have access to individual storage space for such possessions; and in such manner as determined by the facility to spend a reasonable sum of his or her own money for canteen expenses and small purchases. These rights shall be denied only if the superintendent, director [.] or his or her authorized representative determines that it is medically harmful to the patient to exercise such rights. An explanation of such denial shall be placed in the patient's permanent clinical record.

Sec. 30. Section 17a-560 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

As used in sections 17a-560 to [17a-576] 17a-575, inclusive, as amended by this act, unless specifically provided otherwise, "division," "hospital" means the Whiting Forensic [Division] Hospital, including the diagnostic unit established under the provisions of section 17a-562, as amended by this act, or any other facility of the Department of Mental Health and Addiction Services which the commissioner may designate as appropriate. The words "["institute"] "hospital" or "diagnostic unit", as used in sections 17a-566, as amended by this act, 17a-567, as amended by this act, 17a-570, as amended by this act, and [17a-576] 17a-575, as amended by this act, when applied to children or youths under the age of eighteen, mean any facility of the
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Department of Children and Families designated by the Commissioner of Children and Families. "Board" means the advisory and review board appointed under the provisions of section 17a-565, as amended by this act. "Commissioner" means the Commissioner of Mental Health and Addiction Services or in the case of children, the Commissioner of Children and Families.

Sec. 31. Section 17a-561 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

The Whiting Forensic [Division of the Connecticut Valley Hospital shall exist for the care and treatment of (1) patients with psychiatric disabilities, confined in facilities under the control of the Department of Mental Health and Addiction Services, including persons who require care and treatment under maximum security conditions, (2) persons convicted of any offense enumerated in section 17a-566, as amended by this act, who, after examination by the staff of the diagnostic unit of the [division hospital as herein provided, are determined to have psychiatric disabilities and be dangerous to themselves or others and to require custody, care and treatment at the [division and] hospital, (3) inmates in the custody of the Commissioner of Correction who are transferred in accordance with sections 17a-512 to 17a-517, inclusive, as amended by this act, and who require custody, care and treatment at the [division] hospital, and (4) persons committed to the hospital pursuant to section 17a-582 or 54-56d.

Sec. 32. Section 17a-562 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

The Whiting Forensic [Division of the Connecticut Valley Hospital shall be within the general administrative control and supervision of the Department of Mental Health and Addiction Services. The director, with the approval of the commissioner and the board, shall establish such [subdivisions] divisions, which may be located geographically separate from the [division] hospital, as may be deemed proper for the administrative control and the efficient operation thereof, one of which [subdivisions] divisions shall be the diagnostic unit.
Sec. 33. Section 17a-564 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

The director of the Whiting Forensic [Division] Hospital shall quarterly make a report to the Board of Mental Health and Addiction Services on the affairs of the [division] hospital, including reports of reexaminations and recommendations.

Sec. 34. Section 17a-565 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

There shall be an advisory board for [the division] Whiting Forensic Hospital, constituted as follows: The Commissioner of Mental Health and Addiction Services, three physicians licensed to practice in this state, two of whom shall be psychiatrists, two attorneys of this state, at least one of whom shall be in active practice and have at least five years' experience in the trial of criminal cases, one licensed psychologist with experience in clinical psychology, one licensed clinical social worker, and one person actively engaged in business who shall have at least ten years' experience in business management. Annually, on October first, the Governor shall appoint a member or members to replace those whose terms expire for terms of five years each. The board shall elect a chairman and a secretary, who shall keep full and accurate minutes of its meetings and preserve the same. The board shall meet at the call of the chairman at least quarterly. Members of the board shall receive no compensation for their duties as such but shall be reimbursed for their actual expenses incurred in the course of their duties. Said board shall confer with the staff of the [division] hospital and give general consultative and advisory services on problems and matters relating to its work. On any matter relating to the work of the [division] hospital, the board may also confer with the warden or superintendent of the affected Connecticut correctional institution.

Sec. 35. Section 17a-566 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):
(a) Except as provided in section 17a-574, as amended by this act, any court prior to sentencing a person convicted of an offense for which the penalty may be imprisonment in the Connecticut Correctional Institution at Somers, or of a sex offense involving (1) physical force or violence, (2) disparity of age between an adult and a minor or (3) a sexual act of a compulsive or repetitive nature, may if it appears to the court that such person has psychiatric disabilities and is dangerous to himself or others, upon its own motion or upon request of any of the persons enumerated in subsection (b) of this section and a subsequent finding that such request is justified, order the commissioner to conduct an examination of the convicted defendant by qualified personnel of the [division] hospital. Upon completion of such examination the examiner shall report in writing to the court. Such report shall indicate whether the convicted defendant should be committed to the diagnostic unit of the [division] hospital for additional examination or should be sentenced in accordance with the conviction. Such examination shall be conducted and the report made to the court not later than fifteen days after the order for the examination. Such examination may be conducted at a correctional facility if the defendant is confined or it may be conducted on an outpatient basis at the [division] hospital or other appropriate location. If the report recommends additional examination at the diagnostic unit, the court may, after a hearing, order the convicted defendant committed to the diagnostic unit of the [division] hospital for a period not to exceed sixty days, except as provided in section 17a-567, as amended by this act, provided the hearing may be waived by the defendant. Such commitment shall not be effective until the director certifies to the court that space is available at the diagnostic unit. While confined in said diagnostic unit, the defendant shall be given a complete physical and psychiatric examination by the staff of the unit and may receive medication and treatment without his consent. The director shall have authority to procure all court records, institutional records and probation or other reports which provide information about the defendant.

(b) The request for such examination may be made by the state's
attorney or assistant state's attorney who prosecuted the defendant for
an offense specified in this section, or by the defendant or his attorney
in his behalf. If the court orders such examination, a copy of the
examination order shall be served upon the defendant to be examined.

(c) Upon completion of the physical and psychiatric examination of
the defendant, but not later than sixty days after admission to the
diagnostic unit, a written report of the results thereof shall be filed in
quadruplicate with the clerk of the court before which he was
convicted, and such clerk shall cause copies to be delivered to the
state's attorney, to counsel for the defendant and to the Court Support
Services Division.

(d) Such report shall include the following: (1) A description of the
nature of the examination; (2) a diagnosis of the mental condition of
the defendant; (3) an opinion as to whether the diagnosis and
prognosis demonstrate clearly that the defendant is actually dangerous
to himself or others and requires custody, care and treatment at the
[division] hospital; and (4) a recommendation as to whether the
defendant should be sentenced in accordance with the conviction,
sentenced in accordance with the conviction and confined in the
[division] hospital for custody, care and treatment, placed on
probation by the court or placed on probation by the court with the
requirement, as a condition to probation, that he receive outpatient
psychiatric treatment.

Sec. 36. Section 17a-567 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective from passage):

(a) If the report recommends that the defendant be sentenced in
accordance with the conviction, placed on probation by the court or
placed on probation by the court with the requirement, as a condition
of such probation, that he receive outpatient psychiatric treatment, the
defendant shall be returned directly to the court for disposition. If the
report recommends sentencing in accordance with the conviction and
confinement in the [division] hospital for custody, care and treatment,
then during the period between the submission of the report and the
disposition of the defendant by the court such defendant shall remain at the [division] hospital and may receive such custody, care and treatment as is consistent with his medical needs.

(b) If the report recommends confinement at the [division] hospital for custody, care and treatment, the court shall set the matter for a hearing not later than fifteen days after receipt of the report. Any evidence, including the report ordered by the court, regarding the defendant's mental condition may be introduced at the hearing by either party. Any staff member of the diagnostic unit who participated in the examination of the defendant and who signed the report may testify as to the contents of the report. The defendant may waive the court hearing.

(c) If at such hearing the court finds the defendant is not in need of custody, care and treatment at the [division] hospital, it shall sentence [him] the defendant in accordance with the conviction or place [him] the defendant on probation. If the court finds that [such person] the defendant is in need of outpatient psychiatric treatment, it may place [him] the defendant on probation on condition that [he] the defendant receive such treatment. If the court finds [such person] the defendant to have psychiatric disabilities and to be dangerous to himself, herself or others and to require custody, care and treatment at the [division] hospital, it shall sentence [him] the defendant in accordance with the conviction and order confinement in the [division] hospital for custody, care and treatment provided no court may order such confinement if the report does not recommend confinement at the [division] hospital. The defendant shall not be subject to custody, care and treatment under sections 17a-560 to [17a-576] 17a-575, inclusive, as amended by this act, beyond the maximum period specified in the sentence.

Sec. 37. Section 17a-568 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

Nothing in sections 17a-560 to [17a-576] 17a-575, inclusive, as amended by this act, shall affect proceedings under sections 17a-580 to
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17a-602, inclusive, 17b-250 and 54-56d.

Sec. 38. Section 17a-569 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

Not less than once every six months the staff of the [institute] hospital shall give a complete psychiatric examination to every patient confined in the [division] hospital. As used in this section and sections 17a-570 to 17a-573, inclusive, as amended by this act, the word "patient" means any person confined for custody, care and treatment under section 17a-567, as amended by this act. Such examination shall ascertain whether the patient has psychiatric disabilities and is in need of custody, care and treatment at the [division] hospital and, in making such determination, the staff shall assemble such information and follow such procedures as are used in initial examinations by the diagnostic unit to indicate the need for custody, care and treatment. The record of the examination shall include the information required in subdivisions (1), (2) and (3) of subsection (d) of section 17a-566, as amended by this act, and a recommendation for the future treatment of the patient examined. The record of the examination may include a recommendation for transfer of the patient or change in confinement status.

Sec. 39. Section 17a-570 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) As soon as is practicable, the director of the Whiting Forensic [Division] Hospital shall act upon the examination reports of the director's staff. Upon review of each report and upon consideration of what is for the benefit of the patient and for the benefit of society, the director shall determine whether such patient: (1) Is to remain in the [division] hospital for further treatment, or (2) has sufficiently improved to warrant discharge from the [division] hospital, provided if such patient was sentenced and confined in the [division] hospital under section 17a-567, as amended by this act, such patient shall not be released except upon order of the court by which such patient was confined under said section, after notice to said court by the director.
The director shall report each determination made under this subsection to the court by which the patient was confined in the [division] hospital.

(b) If a report submitted by the director to the court under subsection (a) of this section recommends that the patient be returned to the custody of the Commissioner of Correction, the court shall set the matter for a hearing not later than fifteen days after receipt of such report.

(c) The court, upon its own motion or at the request of the patient or the patient's attorney, may at any time hold a hearing to determine whether such patient should be discharged from the [division] hospital prior to the expiration of the maximum period of the patient's sentence. Prior to such hearing, the [division] hospital shall file a report with the court concerning the patient's mental condition. The court may appoint a physician specializing in psychiatry to examine the patient and report to the court. Such hearing shall be held at least once every five years. If the court determines that the patient should be discharged from the [division] hospital, the patient shall be returned to the custody of the Commissioner of Correction.

Sec. 40. Section 17a-572 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

All certificates, applications, records and reports made for the purpose of sections 17a-560 to [17a-576] 17a-575, inclusive, as amended by this act, and directly or indirectly identifying a person subject to it shall be kept confidential and shall not be disclosed by any person except so far (1) as the individual identified or his legal guardian, if any, or, if he is a minor, his parent or legal guardian, consents or (2) as disclosure may be necessary to carry out any of the provisions of said sections or (3) as a court may direct upon its determination that disclosure is necessary for the conduct of proceedings before it and that failure to make such disclosure would be contrary to the public interest.
Sec. 41. Section 17a-573 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

Within two months prior to the expiration of the maximum term of confinement authorized for any patient under section 17a-567, as amended by this act, the director of the hospital may, upon the recommendation of the board, initiate proceedings under section 17a-497 or 17a-520, as amended by this act, for the commitment or further commitment, as the case may be, of the patient.

Sec. 42. Section 17a-574 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

Nothing in sections 17a-560 to 17a-576, inclusive, as amended by this act, shall be construed to extend to or affect any case in the Superior Court involving a juvenile matter, or to any person arrested for an offense which is not punishable by imprisonment for more than one year or by a fine of not more than one thousand dollars or both or except as provided in section 46b-127.

Sec. 43. Section 17a-575 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

Nothing in sections 17a-560 to 17a-576, inclusive, as amended by this act, shall be construed to limit or suspend the writ of habeas corpus.

Sec. 44. Subsection (d) of section 45a-656 of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(d) The conservator of the person shall not have the power or authority to cause the respondent to be committed to any institution for the treatment of the mentally ill except under the provisions of sections 17a-75 to 17a-83, inclusive, 17a-456 to 17a-484, inclusive, 17a-495 to 17a-528, inclusive, as amended by this act, 17a-540 to 17a-550, inclusive, 17a-560 to 17a-576, inclusive, as amended by this act, 17a-615 to 17a-618, inclusive, and 17a-621 to 17a-664, inclusive, and
Sec. 45. Subsection (d) of section 45a-656 of the 2018 supplement to the general statutes, as amended by section 4 of public act 17-7, is repealed and the following is substituted in lieu thereof (Effective July 1, 2018):

(d) The conservator of the person shall not have the power or authority to cause the respondent to be committed to any institution for the treatment of the mentally ill except under the provisions of sections 17a-75 to 17a-83, inclusive, 17a-456 to 17a-484, inclusive, 17a-495 to 17a-528, inclusive, as amended by this act, 17a-540 to 17a-550, inclusive, 17a-560 to [17a-576] 17a-575, inclusive, as amended by this act, 17a-615 to 17a-618, inclusive, and 17a-621 to 17a-664, inclusive, and chapter 359.

Sec. 46. Subsection (e) of section 45a-677 of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(e) A plenar

or limited guardian shall not have the power or authority: (1) To cause the protected person to be admitted to any institution for treatment of the mentally ill, except in accordance with the provisions of sections 17a-75 to 17a-83, inclusive, 17a-456 to 17a-484, inclusive, 17a-495 to 17a-528, inclusive, as amended by this act, 17a-540 to 17a-550, inclusive, 17a-560 to [17a-576] 17a-575, inclusive, as amended by this act, 17a-615 to 17a-618, inclusive, and 17a-621 to 17a-664, inclusive, and chapter 420b; (2) to cause the protected person to be admitted to any training school or other facility provided for the care and training of persons with intellectual disability if there is a conflict concerning such admission between the guardian and the protected person or next of kin, except in accordance with the provisions of sections 17a-274 and 17a-275; (3) to consent on behalf of the protected person to a sterilization, except in accordance with the provisions of sections 45a-690 to 45a-700, inclusive; (4) to consent on behalf of the protected person to psychosurgery, except in accordance with the provisions of section 17a-543; (5) to consent on behalf of the protected
person to the termination of the protected person's parental rights, except in accordance with the provisions of sections 45a-706 to 45a-709, inclusive, 45a-715 to 45a-718, inclusive, 45a-724 to 45a-737, inclusive, and 45a-743 to 45a-757, inclusive; (6) to consent on behalf of the protected person to the performance of any experimental biomedical or behavioral medical procedure or participation in any biomedical or behavioral experiment, unless it (A) is intended to preserve the life or prevent serious impairment of the physical health of the protected person, (B) is intended to assist the protected person to regain the protected person's abilities and has been approved for the protected person by the court, or (C) has been (i) approved by a recognized institutional review board, as defined by 45 CFR 46, 21 CFR 50 and 21 CFR 56, as amended from time to time, which is not a part of the Department of Developmental Services, (ii) endorsed or supported by the Department of Developmental Services, and (iii) approved for the protected person by such protected person's primary care physician; (7) to admit the protected person to any residential facility operated by an organization by whom such guardian is employed, except in accordance with the provisions of section 17a-274; (8) to prohibit the marriage or divorce of the protected person; and (9) to consent on behalf of the protected person to an abortion or removal of a body organ, except in accordance with applicable statutory procedures when necessary to preserve the life or prevent serious impairment of the physical or mental health of the protected person.

Sec. 47. Section 18-101f of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

A personnel or medical file or similar file concerning a current or former employee of the Division of Public Defender Services, Department of Correction or the Department of Mental Health and Addiction Services, including, but not limited to, a record of a security investigation of such employee by the department or division or an investigation by the department or division of a discrimination complaint by or against such employee, shall not be subject to disclosure under the Freedom of Information Act, as defined in section
1-200, to any individual committed to the custody or supervision of the
Commissioner of Correction or confined in a facility of the Whiting
Forensic [Division of the Connecticut Valley] Hospital. For the
purposes of this section, an "employee of the Department of
Correction" includes a member or employee of the Board of Pardons
and Paroles within the Department of Correction.

Sec. 48. Subsection (a) of section 46a-152 of the 2018 supplement to
the general statutes is repealed and the following is substituted in lieu
thereof (Effective from passage):

(a) No provider or assistant may use involuntary physical restraint
on a person at risk except (1) as an emergency intervention to prevent
immediate or imminent injury to the person at risk or to others,
provided the restraint is not used for discipline or convenience and is
not used as a substitute for a less restrictive alternative, (2) as
necessary and appropriate, as determined on an individual basis by
the person's treatment team and consistent with sections 17a-540 to
17a-550, inclusive, for the transportation of a person under the
jurisdiction of the Whiting Forensic [Division] Hospital of the
Department of Mental Health and Addiction Services.

Sec. 49. Subsection (a) of section 12-19a of the general statutes is
repealed and the following is substituted in lieu thereof (Effective from
passage):

(a) Until the fiscal year commencing July 1, 2016, on or before
January first, annually, the Secretary of the Office of Policy and
Management shall determine the amount due, as a state grant in lieu of
taxes, to each town in this state wherein state-owned real property,
reservation land held in trust by the state for an Indian tribe, a
municipally owned airport, or any airport owned by the Connecticut
Airport Authority, other than Bradley International Airport, except
that which was acquired and used for highways and bridges, but not
excepting property acquired and used for highway administration or
maintenance purposes, is located. The grant payable to any town
under the provisions of this section in the state fiscal year commencing
July 1, 1999, and each fiscal year thereafter, shall be equal to the total of

(1) (A) one hundred per cent of the property taxes which would have
been paid with respect to any facility designated by the Commissioner
of Correction, on or before August first of each year, to be a
correctional facility administered under the auspices of the
Department of Correction or a juvenile detention center under
direction of the Department of Children and Families that was used for
incarcerative purposes during the preceding fiscal year. If a list
containing the name and location of such designated facilities and
information concerning their use for purposes of incarceration during
the preceding fiscal year is not available from the Secretary of the State
on the first day of August of any year, said commissioner shall, on said
first day of August, certify to the Secretary of the Office of Policy and
Management a list containing such information, (B) one hundred per
cent of the property taxes which would have been paid with respect to
that portion of the John Dempsey Hospital located at The University of
Connecticut Health Center in Farmington that is used as a permanent
medical ward for prisoners under the custody of the Department of
Correction. Nothing in this section shall be construed as designating
any portion of The University of Connecticut Health Center John
Dempsey Hospital as a correctional facility, and (C) in the state fiscal
year commencing July 1, 2001, and each fiscal year thereafter, one
hundred per cent of the property taxes which would have been paid
on any land designated within the 1983 Settlement boundary and
taken into trust by the federal government for the Mashantucket
Pequot Tribal Nation on or after June 8, 1999, (2) subject to the
provisions of subsection (c) of this section, sixty-five per cent of the
property taxes which would have been paid with respect to the
buildings and grounds comprising Connecticut Valley Hospital and
Whiting Forensic Hospital in Middletown. Such grant shall commence
with the fiscal year beginning July 1, 2000, and continuing each year
thereafter, (3) notwithstanding the provisions of subsections (b) and (c)
of this section, with respect to any town in which more than fifty per
cent of the property is state-owned real property, one hundred per cent
of the property taxes which would have been paid with respect to such
state-owned property. Such grant shall commence with the fiscal year beginning July 1, 1997, and continuing each year thereafter, (4) subject to the provisions of subsection (c) of this section, forty-five per cent of the property taxes which would have been paid with respect to all other state-owned real property, (5) forty-five per cent of the property taxes which would have been paid with respect to all municipally owned airports or any airport owned by the Connecticut Airport Authority, other than Bradley International Airport, except for the exemption applicable to such property, on the assessment list in such town for the assessment date two years prior to the commencement of the state fiscal year in which such grant is payable. The grant provided pursuant to this section for any municipally owned airport or any airport owned by the Connecticut Airport Authority, other than Bradley International Airport, shall be paid to any municipality in which the airport is located, except that the grant applicable to Sikorsky Airport shall be paid half to the town of Stratford and half to the city of Bridgeport, and (6) forty-five per cent of the property taxes which would have been paid with respect to any land designated within the 1983 Settlement boundary and taken into trust by the federal government for the Mashantucket Pequot Tribal Nation prior to June 8, 1999, or taken into trust by the federal government for the Mohegan Tribe of Indians of Connecticut, provided (A) the real property subject to this subdivision shall be the land only, and shall not include the assessed value of any structures, buildings or other improvements on such land, and (B) said forty-five per cent grant shall be phased in as follows: (i) In the fiscal year commencing July 1, 2012, an amount equal to ten per cent of said forty-five per cent grant, (ii) in the fiscal year commencing July 1, 2013, thirty-five per cent of said forty-five per cent grant, (iii) in the fiscal year commencing July 1, 2014, sixty per cent of said forty-five per cent grant, (iv) in the fiscal year commencing July 1, 2015, eighty-five per cent of said forty-five per cent grant, and (v) in the fiscal year commencing July 1, 2016, one hundred per cent of said forty-five per cent grant.

Sec. 50. Subparagraph (D) of subdivision (1) of subsection (b) of section 12-18b of the general statutes is repealed and the following is
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substituted in lieu thereof (Effective from passage):

(D) Subject to the provisions of subsection (c) of section 12-19a, sixty-five per cent of the property taxes that would have been paid with respect to the buildings and grounds comprising Connecticut Valley Hospital and Whiting Forensic Hospital in Middletown;

Sec. 51. Sections 17a-451b, 17a-560a, and 17a-576 of the general statutes and section 20-185n of the 2018 supplement to the general statutes are repealed. (Effective from passage)

<p>| This act shall take effect as follows and shall amend the following sections: |
|-----------------|-----------------|-----------------|
| Section 1       | from passage    | New section     |
| Sec. 2          | from passage    | 19a-490(a)      |
| Sec. 3          | from passage    | 1-210(b)(18)    |
| Sec. 4          | from passage    | 1-210(c)        |
| Sec. 5          | from passage    | 5-145a          |
| Sec. 6          | from passage    | 5-173           |
| Sec. 7          | from passage    | 5-192(f(d)      |
| Sec. 8          | from passage    | 17a-450(b)      |
| Sec. 9          | from passage    | 17a-450(c)(3)   |
| Sec. 10         | from passage    | 17a-450a(a)     |
| Sec. 11         | from passage    | 17a-458(c)      |
| Sec. 12         | from passage    | 17a-470         |
| Sec. 13         | from passage    | 17a-471a        |
| Sec. 14         | from passage    | 17a-472         |
| Sec. 15         | from passage    | 17a-495(b)      |
| Sec. 16         | from passage    | 17a-496         |
| Sec. 17         | from passage    | 17a-497(b)      |
| Sec. 18         | from passage    | 17a-498(g)      |
| Sec. 19         | from passage    | 17a-499         |
| Sec. 20         | from passage    | 17a-500(a)      |
| Sec. 21         | from passage    | 17a-501         |
| Sec. 22         | from passage    | 17a-504         |
| Sec. 23         | from passage    | 17a-505         |
| Sec. 24         | from passage    | 17a-517         |
| Sec. 25         | from passage    | 17a-519         |
| Sec. 26         | from passage    | 17a-521         |</p>
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