OLR Bill Analysis
sSB 1112

AN ACT CONCERNING COMMITMENT OF A PERSON FOUND NOT GUILTY BY REASON OF MENTAL DISEASE OR DEFECT.

SUMMARY
By law, people found not guilty of a crime by reason of mental disease or defect (i.e., “acquitees”) are committed by the Superior Court to the Psychiatric Security Review Board’s (PSRB) jurisdiction. At the time of commitment, the Department of Mental Health and Addiction Services takes custody of acquitees and orders their confinement to (1) a psychiatric hospital or (2) the Department of Developmental Services’ custody (if they have an intellectual disability).

Current law allows the state’s attorney to petition the court to prevent an acquitee’s discharge at least 135 days before the acquitee is to be released because his or her maximum term is up. The bill instead permits the state’s attorney to apply to the probate court to involuntarily commit the acquittee to a psychiatric hospital under existing law’s procedures (see BACKGROUND). (The bill does not specify a deadline for doing so.) Under current law, the state’s attorney may prevent an acquitee’s discharge who is a danger to him- or herself or others. The bill also allows the state’s attorney to do this if an acquitee is gravely disabled (see BACKGROUND).

Existing law, unchanged by the bill, allows acquitees to apply to the PSRB for discharge once every six months. The court may order the discharge after it holds a hearing and reviews a PSRB report.

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2019

BACKGROUND
Gravely Disabled Individuals

Under existing law, gravely disabled persons are those who may suffer serious harm because they fail to provide for their own basic human needs and refuse to accept necessary hospitalization (CGS § 17a-495).

Involuntary Commitment

By law, a probate court may order the involuntary commitment of individuals with psychiatric disabilities who are either dangerous to themselves or others or gravely disabled. Generally, anyone may begin the commitment process by filing an application with the court. The court must then select two physicians to evaluate the person to be committed and hold a hearing within 10 business days of the application. The court must order commitment if it finds by clear and convincing evidence that the person meets the commitment requirements. (A person may be committed on an emergency basis without a prior hearing under certain conditions.)

Under existing law, the commitment is for the duration of the individual’s psychiatric disabilities or until he or she is discharged in due course of law. The individual may request a probate court hearing at least annually to review his or her commitment and eligibility for discharge (CGS § 17a-495 et seq.).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 37 Nay 0 (04/10/2019)