Bill No.: SB-1112
Title: AN ACT CONCERNING COMMITMENT OF A PERSON FOUND NOT GUILTY BY REASON OF MENTAL DISEASE OR DEFECT
Vote Date: 4/10/2019
Vote Action: Joint Favorable Substitute
PH Date: 4/3/2019

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SPONSORS OF BILL:
Judiciary Committee

REASONS FOR BILL:
This bill would allow the state’s attorney to make application for commitment of certain acquittees to a hospital for psychiatric disabilities prior to the acquittee’s discharge at the expiration of the acquittee’s maximum term of commitment if the acquittee would constitute danger to himself or herself or others or is gravely disabled.

SUBSTITUTE LANGUAGE:
The substitute language removes the requirement that if the state’s attorney petitions the court for an order of continued commitment of the acquittee it must be at least one hundred thirty-five days prior to the expiration of the acquittee’s maximum term of commitment. As a result, the state’s attorney may petition the court for an order of continued commitment of the acquittee up to the expiration of the acquittee’s maximum term of commitment.

RESPONSE FROM ADMINISTRATION/AGENCY (OPPOSED):
Division of Criminal Justice:
This bill unnecessarily changes the policies and procedures of the Psychiatric Security Review Board (PSRB), the body currently tasked with monitoring and evaluating the criminal defendants found not guilty by reason of insanity. This bill would transfer certain procedures to the probate court, and away from the PSRB. Because the system has done an excellent job throughout its history in fulfilling its mission, no changes are necessary.

RESPONSE FROM ADMINISTRATION/AGENCY (SUPPORT):
Division of Public Defender Services, Chief Public Defender, Christine Rapillo:
This bill would cap the term of PSRB supervision at the maximum sentence, yet provide a mechanism for the state’s attorney to apply for civil commitment in the Probate Court for
individuals who truly remain a danger to self or others or are gravely disabled. The current system has resulted in some individuals, who had an initial maximum criminal exposure of five years, being confined in excess of two decades at Connecticut Valley Hospital.

RESPONSE FROM PUBLIC (SUPPORT):

CT Legal Rights Project, Inc., Executive Director, Kathleen Flaherty: This bill says that when insanity acquittees have spent so much time in the hospital that they are approaching the maximum term for which they could be held had they been convicted, the Superior Court cannot simply recommit them and extend their effective sentences. Instead, the state’s attorney would have to make an application to Probate Court for civil commitment. The CT Legal Rights Project believes that commitment beyond the maximum term of commitment should no longer be permitted. As a result, the language in lines 20-29 should strike subsection (c) in its entirety.

ACLU-CT, Executive Director, David McGuire: The current law allows an acquittee’s maximum commitment to be extended under a recommitment process. Under this system, a person can be under the jurisdiction of the Psychiatric Security Review Board (PSRB) for their entire life. This bill limits the amount of time an acquittee is under the supervision of the PSRB and provides the opportunity for civil commitment for people who are unable to be discharged because they pose a danger to themselves or others or because they are gravely disabled.

Reported by: Robert J. Anderson       April 11, 2019