
OLR Bill Analysis

sSB 1231

AN ACT CONCERNING A DEFENDANT'S COMPETENCY TO STAND TRIAL AND EARLY RELEASE INTO THE COMMUNITY.

SUMMARY

This bill makes several changes in laws governing defendants who are not competent to stand trial (i.e., who are deemed unable to understand the proceedings against them or assist in their own defense). Under current law, a defendant may be placed into treatment to render him or her competent so long as, among other things, the placement period does not exceed the maximum sentence for the pending criminal charges or 18 months, whichever is shorter. The bill extends the latter period by six months (i.e., to 24 months).

Under current law, if the court orders the defendant be placed in the custody of the Department of Mental Health and Addiction Services (DMHAS) or Department of Developmental Services (DDS) after a treatment period, it may order the respective commissioner to notify the court when the defendant is released from custody if the release is before the expiration of the time that the defendant could be prosecuted for the alleged crime, so long as the order indicates when that time expires. The bill eliminates this discretion and requires courts to issue these orders and include the above time expiration. The bill further requires that when a court receives this notification about a defendant's release, the clerk must docket the matter so that any "victim" (see below) who requested notification through the state-wide automated victim information and notification (i.e., "CT SAVIN") system will be informed about the case activity.

Relatedly, the bill authorizes state's attorneys to move for, and courts to order, independent evaluations of certain defendants any time the DMHAS or DDS commissioners intend to release them from their

custody. This authorization applies to defendants charged with certain sex offenses or crimes that resulted in death or serious physical injury. It requires the evaluations be done before the defendants are released from DMHAS or DDS custody.

EFFECTIVE DATE: October 1, 2023

NOTIFYING VICTIMS

By law and under the bill, a “victim” is someone who suffers direct or threatened physical, emotional, or financial harm because of a crime and includes (1) immediate family members of a minor, incompetent individual, or homicide victim and (2) a homicide victim’s designated decision maker (CGS §§ 1-1k & 1-56r).

The bill extends this definition of victim to a current requirement that prosecuting authorities, when they receive a report that certain defendants have failed to return to specific facilities for treatment, make reasonable efforts to notify any victims of the defendant’s charged crime about the failure. By law, the state and prosecuting authorities are not civilly liable for failing to provide this notice.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 0 (03/30/2023)