

S.89-proposed amendment

13 V.S.A. § 4821 is amended to read:

The person who is the subject of the proceedings, his or her attorney, the legal guardian, if any, the Commissioner of Mental Health or the Commissioner of Disabilities, Aging, and Independent Living, and the State's Attorney or other prosecuting officer representing the State in the case shall be given notice of the time and place of a hearing under 4820 of this title. Procedures for hearings for persons with a mental illness shall be as provided in 18 V.S.A. chapter 181. Procedures for hearings for persons with an intellectual disability shall be as provided in 18 V.S.A. chapter 206, subchapter 3. Notwithstanding any other provision of law to the contrary, any party to a commitment hearing under Section 4820 of this title concerning a defendant charged with a felony who has been held without bail under section 7553 or section 7553a of this title, may argue for commitment at a forensic facility. The court may so order if it finds that:

- (a) The defendant is in need of commitment as set forth above;
- (b) the defendant is not in need of inpatient hospitalization;
- (c) commitment to a forensic facility is the least restrictive placement consistent with both the Defendant's
  - 1. treatment needs, and
  - 2. the need for public safety.

Any such order shall be treated as an exception to the court's mittimus. The mittimus so excepted shall remain in force pending placement at the facility and after the defendant is discharged therefrom.