

3 V.S.A. § 3097 is added:

(a)(1) The Human Services Community Safety Panel is created within the Agency of Human Services.

(2) The Panel shall be designated as the Panel responsible for providing assessments and reports pursuant to 13 V.S.A. 4821.

(b) The panel shall consist of the Secretary of the Agency of Human Services, the Commissioner of the Department of Mental Health, the Commissioner of the Department of Disabilities, Aging and Independent Living, and the Commissioner of the Department of Corrections. The panel shall have the use of the staff and resources of each of the aforementioned.

13 V.S.A. § 4821. Notice of hearing; procedures

(a) 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.

(b)(1) If a party to a hearing under 4820 of this title seeks to have the person who is the subject of the proceedings be considered for placement in a forensic facility by the Human Services Community Safety Panel, the party shall provide a written motion to the Court within seven calendar days of receiving a report under 4816 of this title. This provision shall not be construed as a limitation on the discretion of the Community safety panel to review persons otherwise within its jurisdiction for potential forensic facility placement.

(2) The motion must set forth that the person who is the subject of the proceedings is charged with a crime that meets the criteria for a hold without bail and that the person presents a significant risk of danger to the public if not held in a secure environment. The Court shall issue an order on the party's request within five days.

(c) If the Court orders that the person who is the subject of the proceedings be considered for placement in a forensic facility, the Human Services Community Safety Panel shall provide a recommendation not less than three days before a hearing under 4820 of this title regarding placement in the forensic facility that considers the following criteria:

1. Clinical Factors:

- a. that an individual is served in the least restrictive setting necessary to meet the needs of the individual;
 - b. that an individual's treatment and programming needs dictate that the treatment or programming be provided at an intensive residential level; and
2. Dangerousness Factors:
- a. whether the individual has inflicted or attempted to inflict serious bodily injury on another, attempted suicide or serious self-injury, or committed an act that would constitute a sexual assault or lewd and lascivious conduct with a child, and there is reasonable probability that the conduct will be repeated if admission to a forensic facility is not ordered;
 - b. whether the individual has threatening to inflict serious bodily injury to the individual or on others, and there is reasonable probability that the conduct will occur if admission to a forensic facility is not ordered;
 - c. whether the results of any applicable evidence-based violence risk assessment tool indicates that the individual's behavior is deemed a significant risk to others;
 - d. the position of the parties to the criminal case as well as that of any victim as that term is defined in 13 V.S.A. § 5301(4); and
 - e. any other factors the Human Services Community Safety Panel determines to be relevant to the assessment of risk.

18 V.S.A. § 7612

(g) If the Commissioner seeks to have a person receive treatment in a forensic facility pursuant to an order of nonhospitalization, the application for an order authorizing treatment shall expressly state that such treatment is being sought. The application shall contain, in addition to the statements required by this section, a statement setting forth the reasons for the Commissioner's determination that clinically appropriate treatment for the person's condition can be provided safely only in a forensic facility which shall include the recommendation of the Human Services Community Safety Panel under 4821 of this title.

18 V.S.A. § 7618

(a)(1) If the court finds that a treatment program other than hospitalization is adequate to meet the person's treatment needs, the court shall order the person to receive whatever treatment other than hospitalization is appropriate for a period of 90 days.

(2) If the Commissioner determines that treatment at a forensic facility is appropriate, and the court finds that treatment at a forensic facility is the least restrictive setting adequate to meet the person's needs, the court shall

order the person to receive treatment there for a period of 90 days. The court may at any time, on its own motion or on motion of an interested party, review the need for treatment at the forensic facility. An order issued pursuant to this section shall be treated as an exception to the court's mittimus, which shall remain in force pending placement at the forensic facility and after the defendant is discharged therefrom. Commitment to the care and custody of the Commissioner shall cease upon discharge from the forensic facility.

(i) When a person has been committed under this section, the Commissioner shall provide notice to the State's Attorney of the county where the prosecution originated or to the Office of the Attorney General if that office prosecuted the case at least 10 days prior to discharging the person from the forensic facility.

(ii) When the State's Attorney or Attorney General receives notice under subdivision (i) of this subdivision (a)(2), the Office shall provide notice of the action to any victim of the offense for which the person has been charged who has not opted out of receiving notice.

(iii) As used in this subdivision (a)(2), "victim" has the same meaning as in section 5301 of this title.

(iv) The State's Attorney or Attorney General's Office and/or and the victim shall be entitled ask for a discharge hearing to be held within 15 days where they are entitled to appear and call witnesses.

13 V.S.A. § 4823

(c)(1) If the Commissioner seeks to have a person committed pursuant to this section placed in a forensic facility, the Commissioner shall provide a statement setting forth the reasons for the Commissioner's determination that clinically appropriate treatment and programming can be provided safely only in a forensic facility which shall include the recommendation of the Human Services Community Safety Panel under 4821 of this title. Placement at a forensic facility pursuant to this section shall constitute the designated program required by [subsection \(a\) of this section and 18 -V.S.A. § 8845\(f\) 8843\(e\)](#) and shall be treated as an exception to the court's mittimus, which shall remain in force pending placement at the forensic facility and after the defendant is discharged therefrom. Nothing in this section shall be construed as prohibiting the community safety panel from providing additional services and habilitation pursuant to a designated program to a person committed under this section.

18 V.S.A. § 8845

(c) If the Commissioner seeks to place the person committed pursuant to this subchapter in a forensic facility, the petition shall expressly state that such placement is being sought. The petition shall set forth the reasons for the Commissioner's determination that clinically appropriate treatment and programming can be provided safely only in a forensic facility.

(i) When a person ~~has been~~ committed under this ~~section~~subchapter or 13 V.S.A. § 4823 ~~has been placed in a forensic facility~~, the Commissioner shall provide notice to the State's Attorney of the county where the prosecution originated ~~or to the Office of the Attorney General if that office prosecuted the case~~ at least 10 days prior to discharging the person from the forensic facility.

(ii) When the State's Attorney ~~or Attorney General~~ receives notice under subdivision (i) of ~~this subdivision (a)(2)~~subsection (c) of this section, the ~~Office~~State's Attorney shall provide notice of the action to any victim of the offense for which the person has been charged who has not opted out of receiving notice.

(iii) As used in this sub~~section~~division ~~(a)(2)~~, "victim" has the same meaning as in section 5301 of this title.

(iv) The State's Attorney ~~or Attorney General's Office and/or~~ and the victim shall be entitled ask for a ~~discharge~~hearing ~~on the discharge from the forensic facility~~, to be held within 15 days, ~~whereat which~~ they are entitled to appear and call witnesses.