

1 S.91

2 Senators Lyons, Gulick, Hardy, Weeks and Williams move that the bill be
3 amended as follows:

4 First: By striking out Sec. 7 in its entirety and inserting in lieu thereof a
5 new Sec. 7 to read as follows:

6 Sec. 7. COMPETENCY RESTORATION PROGRAM PLAN

7 On or before November 15, 2023, the Department of Mental Health and the
8 Department of Disabilities, Aging, and Independent Living, in consultation
9 with interested parties, shall report to the Governor, the Senate Committees on
10 Judiciary and on Health and Welfare, and the House Committees on Judiciary,
11 on Health Care, and on Human Services on whether a plan for a competency
12 restoration program should be adopted in Vermont. If a competency
13 restoration plan is recommended, the report shall include recommendations for
14 best practices, any changes to law necessary to establish the program,
15 estimated costs, and a proposal for implementing the program.

16 Second: By striking out Sec. 8 in its entirety and inserting in lieu thereof a
17 new Sec. 8 to read as follows:

18 Sec. 8. JOINT LEGISLATIVE JUSTICE OVERSIGHT COMMITTEE

19 REVIEW; COMPETENCY AND SANITY EXAMINATIONS

20 (a) The Joint Legislative Justice Oversight Committee shall review whether
21 Vermont law should permit competency and sanity examinations of defendants

1 under 13 V.S.A. § 4814 to be conducted, in addition to psychiatrists and
2 doctoral-level psychologists trained in forensic psychology, by other doctoral-
3 level mental health providers, psychiatric nurse practitioners, or any other
4 professionals. The review shall include consideration of laws on the issue in
5 other states and whether any changes to 13 V.S.A. § 4814 or any other
6 Vermont laws are necessary to permit referral of the evaluation to a
7 psychiatrist when appropriate. The Committee’s recommendation under
8 subsection (c) of this section shall reflect its determination of which
9 professionals, if any, should be permitted to conduct the competency and
10 sanity examinations.

11 (b) The Joint Legislative Justice Oversight Committee shall conduct the
12 review of competency and sanity evaluation procedures required by subsection
13 (a) of this section at not more than four of its 2023 meetings. Two members of
14 the Senate Committee on Health and Welfare appointed by the Chair of that
15 Committee and two members of the House Committee on Health Care
16 appointed by the Chair of that Committee shall be permitted to attend and
17 participate in the meetings. Members of the Committees on Health and
18 Welfare and on Health Care who attend the meetings as authorized by this
19 section shall be permitted to participate in the Justice Oversight Committee’s
20 development of the recommendations required by subsection (c) of this
21 section.

1 (c) On or before November 15, 2023, the Committee shall recommend any
2 changes it deems advisable to 13 V.S.A. § 4814(d) (permitting competency
3 and sanity examinations by doctoral-level psychologists trained in forensic
4 psychology) to the Senate and House Committees on Judiciary, the Senate
5 Committee on Health and Welfare, and the House Committee on Health Care.