

1 S.69

2 Introduced by Senators Rodgers, McAllister, and Starr

3 Referred to Committee on

4 Date:

5 Subject: Criminal procedures; insanity as a defense; competency to stand trial;
6 secure residential facilities

7 Statement of purpose of bill as introduced: This bill proposes to permit the
8 court to order that a person charged with a violent felony receive treatment at a
9 secure residential recovery facility if the person is found incompetent to stand
10 trial or not guilty by reason of insanity.

11 An act relating to the use of secure residential recovery facilities for a
12 person charged with a violent felony and found incompetent to stand trial or
13 not guilty by reason of insanity

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 13 V.S.A. § 4822 is amended to read:

16 § 4822. FINDINGS AND ORDER; MENTALLY ILL PERSONS

17 (a)(1) If the court finds that ~~such~~ a person found pursuant to this chapter to
18 be insane at the time of the alleged offense, incompetent to stand trial due to a
19 mental disease or mental defect, or not guilty by reason of insanity at the time
20 of the alleged offense is a person in need of treatment or a patient in need of
21 further treatment as defined in 18 V.S.A. § 7101, the court shall issue an order

1 of commitment directed to the ~~commissioner of developmental and mental~~
2 ~~health services~~ Commissioner of Mental Health, which shall admit the person
3 to the care and custody of the ~~department of developmental and mental health~~
4 ~~services~~ Department of Mental Health for an indeterminate period. In any case
5 involving personal injury or threat of personal injury, the committing court
6 may issue an order requiring a court hearing before a person committed under
7 this section may be discharged from custody.

8 (2) The court may order that a person committed to the care and custody
9 of the Department of Mental Health pursuant to subdivision (1) of this
10 subsection receive treatment at a secure residential recovery facility if the
11 person was charged with a violent felony.

12 (3) As used in this subdivision, "violent felony" means a listed crime as
13 defined in subdivision 5301(7) of this title or an offense involving sexual
14 exploitation of children in violation of chapter 64 of this title.

15 * * *

16 Sec. 2. 18 V.S.A. § 7620 is amended to read:

17 § 7620. APPLICATION FOR CONTINUED TREATMENT

18 * * *

19 (e) As used in this chapter:

1 (1) “Secure,” when describing a residential facility, means that the
2 residents can be physically prevented from leaving the facility by means of
3 locking devices or other mechanical or physical mechanisms.

4 (2)(A) “Secure residential recovery facility” means a residential facility,
5 licensed as a therapeutic community residence as defined in 33 V.S.A. §
6 7102(11), for an individual who:

7 (i) no longer requires acute inpatient care but who does remain in
8 need of treatment within a secure setting for an extended period of time; or

9 (ii) with respect to a violent felony has been found under
10 13 V.S.A. chapter 157 to be incompetent to stand trial, insane at the time of the
11 alleged offense, or not guilty by reason of insanity at the time of the alleged
12 offense.

13 (B) A secure residential recovery facility shall not be used for any
14 purpose other than the purposes permitted by this section and 13 V.S.A.
15 § 4822(a).

16 (2) “Violent felony” means a listed crime as defined in 13 V.S.A.
17 § 5301(7) or an offense involving sexual exploitation of children in violation
18 of 13 V.S.A. chapter 64.

19 Sec. 3. EFFECTIVE DATE

20 This act shall take effect on passage.