



January 13, 2016

TO: Rep. Maxine Grad, Chair  
Rep. Willem Jewett, Vice-Chair  
House Judiciary Committee

FROM: Auburn Watersong, Associate Director of Public Policy

RE: H.555 - Victim's Rights in Competency hearings/H.533 - Victim Notification

Thank you for the opportunity to testify on these two very important bills for victims of domestic and sexual violence.

Network member programs report serious concerns regarding the notification of victims upon the release of an offender from the custody of the Department of Mental Health. Specific concerns include the release of high risk offenders who complete their maximum time with the Department of Corrections and then are committed to DMH custody, as well as offenders deemed incompetent to stand trial, committed to DMH custody and later discharged, all while posing a significant risk to their victims.

#### **H.555**

As indicated in H.555, it is critical that the court consider all relevant factors when determining whether the defendant should be discharged, including the nature of the charged crimes underlying the initial commitment order and the risk to public safety. It is equally important that the court hold a hearing before the discharge from custody of any person charged with a listed crime. While we recognize that a State's Attorney could argue the effects of the discharge on the victims or describe the potential risks related to the discharge, **the Network strongly recommends that this bill be amended to include language which ensures that the victim is notified prior to the hearing and that the victim is given the opportunity to be heard prior to any decision to discharge.**

#### **H.533**

The Network fully supports H.533 as written. In order for victims to adequately plan for their own safety, and possibly the safety of their children, it is vital that they are notified (1) upon offender discharge from probation, (2) when defendants are released with conditions after arrest; and (3) when a defendant is released from the custody of the Department of Mental Health. Because we are aware of at least one case which may be positively affected by the passage of these bills, we would ask **both bills be deemed effective upon passage.**