



S. 3 - An act relating to competency to stand trial and insanity as a defense

House Judiciary Committee

Chris Fenno, Executive Director – April 5, 2021

Thank you for the opportunity to testify on S.3. My name is Chris Fenno. I am the Executive Director of the Vermont Center for Crime Victim Services. The Center has actively engaged in criminal justice reform conversations for many years. By statute, the Center is responsible for promoting the rights and needs of Vermont's crime victims.

Our primary interest in S.3 is victim notification. When a criminal defendant is ruled insane or incompetent to stand trial and becomes subject to Title 18 hospitalization or non-hospitalization orders, victims' rights, especially victim notification, fall entirely through the cracks. Victims should be entitled to notification when an offender in Department of Mental Health custody is moved or released into the public. Some of these cases pose extreme danger to victims and victims should have the right to know where the offender is located.

We request the following amendment to Sections 3 and 6 of S.3, as passed by the Senate.

Sec. 6. FORENSIC CARE WORKING GROUP -

Sec. 6. Forensic Care Working Group

(a)(1) Identify any gaps in the current mental health and criminal justice system structure and opportunities to improve public safety, and the coordination of treatment for individuals incompetent to stand trial or who are adjudicated not guilty by reason of insanity, and the importance of victim's rights in the forensic care process. The working group shall review competency restoration models used in other states and explore models used in other states that balance the treatment and public safety risks posed by individuals found not guilty by reason of insanity, such as Psychiatric Security Review Boards, including the Connecticut Psychiatric Security Review Board, and guilty but mentally ill verdicts in criminal cases.