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**Act No. 27 (S. 89). An act relating to establishing a forensic facility**

**Subjects: Health; human services; judiciary**

Sec. 1 of this act expresses the intent of the General Assembly to establish an initial forensic facility in the nine-bed wing of the current Vermont Psychiatric Care Hospital by July 1, 2024. Sec. 2 of this act specifies that such a forensic facility wing established by the Departments of Mental Health and of Disabilities, Aging, and Independent Living would be excluded from the certificate of need process pursuant to 18 V.S.A. chapter 221, subchapter 5.

Sec. 3 of this act directs the Department of Mental Health to initiate an amendment to its “Rules for the Administration of Nonemergency Involuntary Psychiatric Medications” by August 1, 2023. This section also directs the Departments of Mental Health and of Disabilities, Aging, and Independent Living to begin drafting amendments to the “Licensing and Operating Regulations for Therapeutic Community Residences” by September 1, 2023.

Sec. 4 of this act requires the Agency of Human Services to present the following information to various committees of the General Assembly:

- a staffing and programming plan for the forensic facility;
- whether additional resources are needed to establish the forensic facility; and
- an assessment of laws, regulations, rules, and policies governing psychiatric hospitals and therapeutic community residences to ensure that they can coexist in the same building.

Sec. 5 of this act requires the Departments of Mental Health and of Disabilities, Aging, and Independent Living to submit an annual report to the General Assembly on January 15 between 2025 and 2030 addressing:

- the average daily consensus at the forensic facility;
- the number of individuals waitlisted for the forensic facility, and where they receive treatment or programming while waiting;
- the aggregated demographic data about the individuals served at the forensic facility; and
- an account of the number and types of emergency involuntary procedures used at the forensic facility.

Sec. 6 of this act establishes the Working Group on Policies Pertaining to Individuals with Intellectual Disabilities Who Are Criminal-Justice Involved. The Working Group is tasked with assessing whether a forensic level of care is needed for individuals with intellectual disabilities who are charged with a crime of violence against another person, have been determined incompetent to stand trial or adjudicated not guilty by reason of insanity, and are committed to the custody of the Commissioner of Disabilities, Aging,

and Independent Living. The Working Group is required to submit a report containing proposed legislation by December 1, 2023.

Effective Date: May 30, 2023