

### Comparison of Current and Proposed Commitment Processes

	<b>Current</b>	<b>Proposed in S.192 as Passed Senate</b>
Competency Examination	Occurs by order of Criminal Division	[Same]
Commitment Hearing	Hearing for commitment occurs in Criminal Division automatically after competency examination determines person is not competent to stand trial OR person is not indicted or acquitted by reason of insanity	[Same]
Panel review	N/A	Conducted at the Panel's initiative after competency report is completed (or subject to a court order in certain circumstances) to determine whether individual should receive programming in a forensic facility
Initial Commitment Term	"Indefinite or limited period"	Up to 1 year
Judicial Review Initiated by Person under Commitment	Judicial review available 90 days after initial commitment in Family Division*	Judicial review available 90 days after initial commitment in Family Division
Placement in Forensic Facility During Commitment	N/A	May be ordered by Criminal Division for duration not to exceed term of initial commitment; automatic review by committing court 90 days after placement
Continued commitment	Commissioner must initiate a judicial review annually, if not requested by person under commitment	Commissioner files application for continued commitment for up to 1 year with Family Division prior to expiration of previous commitment order
Continued commitment term	"Indefinite or limited period"	Up to 1 year
Judicial Review Initiated by Person under Continued Commitment	Judicial review available 90 days after initial commitment in Family Division*	Judicial review available 90 days after initial commitment in Family Division
Placement in Forensic Facility During Continued Commitment	N/A	May be ordered by Family Division for duration not to exceed term of continued commitment; automatic review by committing court 90 days after placement

\*Notwithstanding 18 V.S.A. § 8845(b), per DAIL