

1 S.91

2 Senator Lyons moves that the bill be amended as follows:

3 First: By striking sec. 7 in its entirety and inserting in lieu thereof a new
4 Sec. 7 to read as follows:

5 Sec. 7. COMPETENCY RESTORATION PROGRAM PLAN

6 On or before November 15, 2023, the Department of Mental Health and the
7 Department of Disabilities, Aging, and Independent Living, in consultation
8 with interested parties, shall report to the Governor, the Senate Committees on
9 Judiciary and on Health and Welfare, and the House Committees on Judiciary,
10 on Health Care, and on Human Services on whether a plan for a competency
11 restoration program should be adopted in Vermont. If a competency
12 restoration plan is recommended, the report shall include recommendations for
13 best practices, any changes to law necessary to establish the program,
14 estimated costs, and a proposal for implementing the program.

15 Second: By striking sec. 8 in its entirety and inserting in lieu thereof a new
16 Sec. 8 to read as follows:

17 Sec. 8. JOINT LEGISLATIVE JUSTICE OVERSIGHT COMMITTEE
18 REVIEW; COMPETENCY AND SANITY EXAMINATIONS

19 (a) The Joint Legislative Justice Oversight Committee shall review whether
20 Vermont law should permit competency and sanity examinations of defendants
21 under 13 V.S.A. § 4814 to be conducted, in addition to psychiatrists and

1 doctoral-level psychologists trained in forensic psychology, by other doctoral-
2 level mental health providers, psychiatric nurse practitioners, or any other
3 professionals. The review shall include consideration of laws on the issue in
4 other states and whether any changes to 13 V.S.A. § 4814 or any other
5 Vermont law are necessary to permit referral of the evaluation to a psychiatrist
6 when appropriate. The Committee’s recommendation under subsection (c) of
7 this section shall reflect its determination of which professionals, if any, should
8 be permitted to conduct the competency and sanity examinations.

9 (b) The Joint Legislative Justice Oversight Committee shall conduct the
10 review of competency and sanity evaluation procedures required by subsection
11 (a) of this section at no more than four of its 2023 meetings. Two members of
12 the Senate Committee on Health and Welfare and two members of the House
13 Committee on Health Care shall be permitted to attend and participate in the
14 meetings. Members of the Health and Welfare and Health Care Committees
15 who attend the meetings as authorized by this section shall be permitted to
16 participate in the Justice Oversight Committee’s development of the
17 recommendations required by subsection (c) of this section.

18 (c) On or before November 15, 2023, the Committee shall recommend any
19 changes it deems advisable to 13 V.S.A. § 4814(d) (permitting competency
20 and sanity examinations by doctoral-level psychologists trained in forensic

- 1 psychology) to the Senate and House Committees on Judiciary, **the Senate**
- 2 **Committee on Health and Welfare and the House Committee on Health Care.**