

1 S.195

2 Introduced by Senator Hashim

3 Referred to Committee on

4 Date:

5 Subject: Health; mental health; orders of nonhospitalization; legal  
6 representation

7 Statement of purpose of bill as introduced: This bill proposes to require that  
8 the Office of Defender General represent criminally involved individuals in  
9 commitment proceedings. It further proposes to enable a court to revoke an  
10 order of nonhospitalization in certain circumstances.

11 An act relating to judicial proceedings for involuntary treatment

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 13 V.S.A. § 4820 is amended to read:

14 § 4820. HEARING REGARDING COMMITMENT

15 \* \* \*

16 (b) When a person is found to be incompetent to stand trial, has not been  
17 indicted by reason of insanity for the alleged offense, or has been acquitted by  
18 reason of insanity at the time of the alleged offense, the person shall be entitled  
19 to have counsel appointed from ~~Vermont Legal Aid~~ the Office of the Defender  
20 General to represent the person. The Department of Mental Health and, if

1 applicable, the Department of Disabilities, Aging, and Independent Living  
2 shall be entitled to appear and call witnesses at the proceeding.

3 \* \* \*

4 Sec. 2. 18 V.S.A. § 7618 is amended to read:

5 § 7618. ORDER; NONHOSPITALIZATION

6 (a) If the court finds that a treatment program other than hospitalization is  
7 adequate to meet the person's treatment needs, the court shall order the person  
8 to receive whatever treatment other than hospitalization is appropriate for a  
9 period of 90 days. If the treatment plan proposed by the Commissioner is for a  
10 secure residential recovery facility or a psychiatric residential treatment facility  
11 for youth, the court may at any time, on its own motion or on a motion of an  
12 interested party, review the need for treatment at the secure residential  
13 recovery facility or the psychiatric residential treatment facility for youth,  
14 respectively.

15 (b) If at any time during the specified period it comes to the attention of the  
16 court either that the patient is not complying with the order or that the  
17 alternative treatment has not been adequate to meet the patient's treatment  
18 needs, the court may, after proper hearing:

19 (1) consider other alternatives, modify its original order, revoke its  
20 original order, and direct the patient to undergo another program of alternative  
21 treatment ~~for the remainder of the 90-day period~~; or

1           (2) enter a new order directing that the patient be hospitalized ~~for the~~  
2 ~~remainder of the 90-day period.~~

3           Sec. 3. EFFECTIVE DATE

4           This act shall take effect on July 1, 2026.