

1 S.193

2 Representatives Wood of Waterbury, Bishop of Colchester, Cole of
3 Hartford, Donahue of Northfield, Eastes of Guilford, Garofano of Essex,
4 Maguire of Rutland City, McGill of Bridport, and Noyes of Wolcott move that
5 the report of the Committee on Judiciary be amended as follows:

6 First: In Sec. 2, 13 V.S.A. § 4815a, in subdivision (a)(2), by striking out
7 subdivision (B) in its entirety and inserting in lieu thereof a new subdivision
8 (B) to read as follows:

9 (B) if the person is not held without bail pursuant to section 7553 of
10 this title, has a qualifying condition and it has been determined that the
11 person’s release would create a substantial risk of bodily injury to another
12 person;

13 Second: In Sec. 2, 13 V.S.A. § 4815a, in subdivision (c)(3)(B), after the
14 word “conducted”, by inserting “by an evaluator appropriately qualified for the
15 qualifying condition of the person”

16 Third: In Sec. 2, 13 V.S.A. § 4815a, in subdivision (c)(3)(B)(v), after the
17 word “supervision”, by inserting “, including in a community-based
18 placement,”

19 Fourth: In Sec. 2, 13 V.S.A. § 4815a, in subdivision (c)(4)(A), after the
20 word “housing”, by inserting “, including a community-based placement”

1 Fifth: In Sec. 2, 13 V.S.A. § 4815a, in subdivision (c)(4), by striking out
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7 (i) every 12 months;

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11 another person; and

12 (iii) upon petition of the person filed at any time after 90 days
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14 (A) of this subdivision (4), and thereafter not earlier than six months from the
15 issuance of an order for continued commitment under subdivision (4)(A) of
16 this subsection (c).

17 Sixth: In Sec. 2, 13 V.S.A. § 4815a, in subdivision (c)(5)(A), by striking
18 out “that, upon the person’s release,” and inserting in lieu thereof “and the
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1 Seventh: In Sec. 2, 13 V.S.A. § 4815a, in subdivision (g)(1), by striking out
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4 (B) the Agency of Human Services Medical Director has reason to
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8 Eighth: In Sec. 2, 13 V.S.A. § 4815a, in subdivision (g)(2), after the word
9 “condition”, by striking out “that, if the person’s release continues,” and
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11 Ninth: In Sec. 5, 13 V.S.A. § 4826, in subdivision (a)(1), by striking out
12 subdivision (B) in its entirety and inserting in lieu thereof a new subdivision
13 (B) to read as follows:

14 (B) “Forensic facility” means a locked secure facility that provides a
15 suitable clinical setting and is licensed as a therapeutic community residence as
16 defined in 33 V.S.A. § 7102(11) where:

17 (i) the Agency of Human Services provides for the secure
18 competency restoration, evaluation, stabilization, treatment, and care of
19 persons with a qualifying condition who are involved in the legal system and
20 who do not require a hospitalization level of care; and

1 (ii) a person is transferred pursuant to subsections 4815a(a) and
2 4819a(a) of this title.

3 Tenth: In Sec. 5, 13 V.S.A. § 4826, in subdivision (b)(6), by striking out
4 “24 hours a day, seven days a week;” and inserting in lieu thereof “as clinically
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10 this title, has a qualifying condition and it has been determined that the
11 person’s release would create a substantial risk of bodily injury to another
12 person;

13 Second: In Sec. 2, 13 V.S.A. § 4815a, in subdivision (c)(3)(B), after the
14 word “conducted”, by inserting “by an evaluator appropriately qualified for the
15 qualifying condition of the person”

16 Third: In Sec. 2, 13 V.S.A. § 4815a, in subdivision (c)(3)(B)(v), after the
17 word “supervision”, by inserting “, including in a community-based
18 placement,”

19 Fourth: In Sec. 2, 13 V.S.A. § 4815a, in subdivision (c)(4)(A), after the
20 word “housing”, by inserting “, including a community-based placement”

1 Fifth: In Sec. 2, 13 V.S.A. § 4815a, in subdivision (c)(4), by striking out
2 subdivision (B) in its entirety and inserting in lieu thereof a new subdivision
3 (B) to read as follows:

4 (B) If continued commitment is ordered pursuant to subdivision (A)
5 of this subdivision (4), the person’s commitment shall be reviewed by the
6 court:

7 (i) every 12 months;

8 (ii) at any time upon the determination by the Agency of Human
9 Services Medical Director that the person no longer has a qualifying condition
10 and the person’s release would not create a substantial risk of bodily injury to
11 another person; and

12 (iii) upon petition of the person filed at any time after 90 days
13 following an order of continued commitment issued pursuant to subdivision
14 (A) of this subdivision (4), and thereafter not earlier than six months from the
15 issuance of an order for continued commitment under subdivision (4)(A) of
16 this subsection (c).

17 Sixth: In Sec. 2, 13 V.S.A. § 4815a, in subdivision (c)(5)(A), by striking
18 out “that, upon the person’s release,” and inserting in lieu thereof “and the
19 person’s release”

1 Seventh: In Sec. 2, 13 V.S.A. § 4815a, in subdivision (g)(1), by striking out
2 subdivision (B) in its entirety and inserting in lieu thereof a new subdivision
3 (B) to read as follows:

4 (B) the Agency of Human Services Medical Director has reason to
5 believe that the person continues to have a qualifying condition and that the
6 person’s continued release would create a substantial risk of bodily injury to
7 another person.

8 Eighth: In Sec. 2, 13 V.S.A. § 4815a, in subdivision (g)(2), after the word
9 “condition”, by striking out “that, if the person’s release continues,” and
10 inserting in lieu thereof “and that the person’s continued release”

11 Ninth: In Sec. 5, 13 V.S.A. § 4826, in subdivision (a)(1), by striking out
12 subdivision (B) in its entirety and inserting in lieu thereof a new subdivision
13 (B) to read as follows:

14 (B) “Forensic facility” means a locked secure facility that provides a
15 suitable clinical setting and is licensed as a therapeutic community residence as
16 defined in 33 V.S.A. § 7102(11) where:

17 (i) the Agency of Human Services provides for the secure
18 competency restoration, evaluation, stabilization, treatment, and care of
19 persons with a qualifying condition who are involved in the legal system and
20 who do not require a hospitalization level of care; and

1 (ii) a person is transferred pursuant to subsections 4815a(a) and
2 4819a(a) of this title.

3 Tenth: In Sec. 5, 13 V.S.A. § 4826, in subdivision (b)(6), by striking out
4 “24 hours a day, seven days a week;” and inserting in lieu thereof “as clinically
5 necessary;”

1 S.193

2 Representatives Wood of Waterbury, Bishop of Colchester, Cole of
3 Hartford, Donahue of Northfield, Eastes of Guilford, Garofano of Essex,
4 Maguire of Rutland City, McGill of Bridport, and Noyes of Wolcott move that
5 the report of the Committee on Judiciary be amended as follows:

6 First: In Sec. 2, 13 V.S.A. § 4815a, in subdivision (a)(2), by striking out
7 subdivision (B) in its entirety and inserting in lieu thereof a new subdivision
8 (B) to read as follows:

9 (B) if the person is not held without bail pursuant to section 7553 of
10 this title, has a qualifying condition and it has been determined that the
11 person’s release would create a substantial risk of bodily injury to another
12 person;

13 Second: In Sec. 2, 13 V.S.A. § 4815a, in subdivision (c)(3)(B), after the
14 word “conducted”, by inserting “by an evaluator appropriately qualified for the
15 qualifying condition of the person”

16 Third: In Sec. 2, 13 V.S.A. § 4815a, in subdivision (c)(3)(B)(v), after the
17 word “supervision”, by inserting “, including in a community-based
18 placement,”

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5 of this subdivision (4), the person’s commitment shall be reviewed by the
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9 Services Medical Director that the person no longer has a qualifying condition
10 and the person’s release would not create a substantial risk of bodily injury to
11 another person; and

12 (iii) upon petition of the person filed at any time after 90 days
13 following an order of continued commitment issued pursuant to subdivision
14 (A) of this subdivision (4), and thereafter not earlier than six months from the
15 issuance of an order for continued commitment under subdivision (4)(A) of
16 this subsection (c).

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15 suitable clinical setting and is licensed as a therapeutic community residence as
16 defined in 33 V.S.A. § 7102(11) where:

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18 competency restoration, evaluation, stabilization, treatment, and care of
19 persons with a qualifying condition who are involved in the legal system and
20 who do not require a hospitalization level of care; and

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2 4819a(a) of this title.

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15 issuance of an order for continued commitment under subdivision (4)(A) of
16 this subsection (c).

17 Sixth: In Sec. 2, 13 V.S.A. § 4815a, in subdivision (c)(5)(A), by striking
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