

1 S.193

2 **Senator Lyons moves that** the report of the Committee on Judiciary be
3 amended as follows:

4 First: In Sec. 4, 13 V.S.A. § 4826, by striking out subsection (b) in its
5 entirety and inserting in lieu thereof a new subsection (b) to read as follows:

6 (b) The Commissioner of Corrections shall establish and operate a locked
7 secure forensic facility for the secure evaluation, treatment, and care of
8 individuals who have been transferred pursuant to subsections 4815a(a) and
9 4819a(a) of this title. The forensic facility shall:

10 (1) be designed and operated in a manner that supports a therapeutic,
11 recovery-oriented, and trauma-informed environment comparable to a
12 community-based residential treatment setting, while maintaining appropriate
13 levels of safety and security;

14 (2) not refuse any persons it is ordered to admit, and shall not require
15 any clinical or diagnostic prerequisites for admission;

16 (3) provide for the safe housing and management of persons, including
17 the ability to separate the population by sex and to otherwise address clinical,
18 safety, or operational considerations as appropriate, including the possible
19 operation of multiple facilities if required by the clinical needs of transferred
20 persons;

1 (4) employ a clinical services director to oversee all forensic, clinical,
2 and competency restoration services provided to transferred persons;

3 (5) implement staff qualifications, licensure, training, and supervision
4 requirements that are sufficient to ensure that persons transferred to the
5 forensic facility have access to clinically appropriate care, treatment, services,
6 and supports consistent with individual needs and with applicable professional
7 standards;

8 (6) ensure that a registered nurse licensed pursuant to 26 V.S.A. chapter
9 28 or a physician licensed pursuant to 26 V.S.A. chapter 23 or 33 provides care
10 to transferred persons 24 hours a day, seven days a week; and

11 (7) ensure that persons receive clinically appropriate assessment and
12 treatment planning, including the development of an initial person-specific
13 treatment plan within 72 hours following transfer, which shall be reviewed
14 periodically as clinically indicated.

15 Second: By inserting a new section to be Sec. 4a to read as follows:

16 Sec. 4a. 13 V.S.A. § 4826 is amended to read:

17 § 4826. FORENSIC FACILITY; DEFINITIONS

18 * * *

19 (g) Annually, on or before January 15, the Department of Corrections, in
20 consultation with the Departments of Health, of Mental Health and of
21 Disabilities, Aging, and Independent Living, shall submit a written report to

1 the House Committees on Corrections and Institutions, on Human Services,
2 and on Judiciary and to the Senate Committees on Institutions, on Health and
3 Welfare, and on Judiciary addressing:

4 (1) the number of persons served at the forensic facility during the
5 previous calendar year; and

6 (2) the types of clinical services and treatment provided during the
7 previous calendar year.

8 Third: By striking out Sec. 5, rulemaking; forensic facility, in its entirety
9 and inserting in lieu thereof the following:

10 Sec. 5. RULEMAKING; FORENSIC FACILITY

11 The Commissioner of Corrections, in consultation with the Departments of
12 Health, of Mental Health and of Disabilities, Aging, and Independent Living,
13 shall adopt rules pursuant to 3 V.S.A. chapter 25 to implement the provisions
14 of Secs. 1, 3, and 4 of this act. Specifically, the rules shall establish:

15 (1) clinically appropriate standards governing the provision of services
16 at the forensic facility, including requirements related to staffing patterns and
17 ratios; staff qualifications; licensure and training; clinical supervision; and the
18 delivery of safe, effective, evidence-informed care;

19 (2) standards for quality assurance and improvement; clinical oversight;
20 documentation and reporting requirements; safety and risk management
21 protocols; and mechanisms for monitoring compliance; and

1 (3) any other provisions necessary to ensure safe, effective, and
2 clinically appropriate implementation of Secs. 1, 3, and 4 of this act, including
3 potentially requiring the provision of forensic facility services in a unit that is
4 separate from other correctional populations.

5 Fourth: By striking out Sec. 7, effective date, in its entirety and inserting in
6 lieu thereof a new Sec. 7 and a Sec. 8 to read as follows:

7 Sec. 7. INTERIM REPORT; FORENSIC FACILITY

8 On or before October 1, 2026, the Department of Corrections, in
9 collaboration with the Departments of Health, of Mental Health and of
10 Disabilities, Aging, and Independent Living, shall submit a written interim
11 report to the House Committees on Corrections and Institutions, on Human
12 Services, and on Judiciary and to the Senate Committees on Institutions, on
13 Health and Welfare, and on Judiciary containing draft rules required pursuant
14 to Sec. 5 of this act. The interim report shall also address:

15 (1) the status and anticipated timeline for the adoption of rules under
16 this act;

17 (2) forensic facility planning, including the specific proposed location of
18 the forensic facility, space considerations and design elements necessary to
19 support the provision of therapeutic services and security at the proposed
20 location, and the timeline for any necessary fit-up of the forensic facility;

- 1 (3) initial staffing considerations, including anticipated staffing levels,
2 required qualifications, and potential contracting needs; and
3 (4) an anticipated timeline for the development of a forensic facility,
4 including preliminary cost estimates and initial operations.

5 Sec. 8. EFFECTIVE DATES

- 6 (a) This section, Sec. 2 (13 V.S.A. § 4817), Sec. 5 (rulemaking; forensic
7 facility), and Sec. 7 (interim report; forensic facility) shall take effect on July
8 1, 2026.

- 9 (b) Sec. 4a (13 V.S.A. § 4826) shall take effect on July 1, 2029.

- 10 (c) All remaining sections shall take effect on January 1, 2028.

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14 (Committee vote: _____)

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Senator _____

FOR THE COMMITTEE