



General Assembly

February Session, 2020

***Raised Bill No. 316***

LCO No. 2157



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING COMMITMENT OF A PERSON FOUND NOT  
GUILTY BY REASON OF MENTAL DISEASE OR DEFECT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-593 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2020*):

3 (a) The board, pursuant to section 17a-584 or 17a-592, may  
4 recommend to the court the discharge of the acquittee from custody or  
5 the acquittee may apply directly to the court for discharge from custody.  
6 The court shall send copies of the recommendation or application to the  
7 state's attorney and to counsel for the acquittee. An acquittee may apply  
8 for discharge not more than once every six months and no sooner than  
9 six months after the initial board hearing held pursuant to section 17a-  
10 583.

11 (b) The recommendation or application shall contain the dates on  
12 which any prior recommendations or applications for discharge had  
13 been filed with the court, the dates on which decisions [thereon] on such  
14 recommendations or applications were rendered, and a statement of  
15 facts, including any change in circumstances since the determination on

16 the most recent recommendation or application, sufficient to qualify the  
17 acquittee as a person who should be discharged. A recommendation by  
18 the board shall contain findings and conclusions to support the  
19 recommendation.

20 (c) If reasonable cause exists to believe that the acquittee remains a  
21 person with psychiatric disabilities or a person with intellectual  
22 disability to the extent that [his] the acquittee's discharge at the  
23 expiration of [his] the acquittee's maximum term of commitment would  
24 constitute a danger to himself or herself or others or is gravely disabled,  
25 the state's attorney [, at least one hundred thirty-five days prior to such  
26 expiration, may petition the court for an order of continued  
27 commitment of the acquittee] may make application for commitment of  
28 the acquittee to a hospital for psychiatric disabilities pursuant to part II  
29 of this chapter.

30 (d) The court shall forward any application for discharge received  
31 from the acquittee [and any petition for continued commitment of the  
32 acquittee] to the board. The board shall, within ninety days of its receipt  
33 of the application or petition, file a report with the court, and send a  
34 copy thereof to the state's attorney and counsel for the acquittee, setting  
35 forth its findings and conclusions as to whether the acquittee is a person  
36 who should be discharged. The board may hold a hearing or take other  
37 action appropriate to assist it in preparing its report.

38 (e) Within ten days of receipt of a recommendation for discharge filed  
39 by the board under subsection (a) of this section or receipt of the board's  
40 report filed under subsection (d) of this section, either the state's  
41 attorney or counsel for the acquittee may file notice of intent to perform  
42 a separate examination of the acquittee. An examination conducted on  
43 behalf of the acquittee may be performed by a psychiatrist or  
44 psychologist of the acquittee's own choice and shall be performed at the  
45 expense of the acquittee unless [he] the acquittee is indigent. If the  
46 acquittee is indigent, the court shall provide [him] the acquittee with the  
47 services of a psychiatrist or psychologist to perform the examination at  
48 the expense of the state. Any such separate examination report shall be

49 filed with the court within thirty days of the notice of intent to perform  
50 the examination. To facilitate examinations of the acquittee, the court  
51 may order [him] the acquittee placed in the temporary custody of any  
52 hospital for psychiatric disabilities or other suitable facility or placed  
53 with the Commissioner of Developmental Services.

54 (f) After receipt of the board's report and any separate examination  
55 reports, the court shall promptly commence a hearing on the  
56 recommendation or application for discharge. [or petition for continued  
57 commitment.] At the hearing, the acquittee shall have the burden of  
58 proving by a preponderance of the evidence that the acquittee is a  
59 person who should be discharged.

60 (g) The court shall make a finding as to the mental condition of the  
61 acquittee and, considering that its primary concern is the protection of  
62 society, make one of the following orders: (1) If the court finds that the  
63 acquittee is not a person who should be discharged, the court shall order  
64 the recommendation or application for discharge be dismissed; or (2) if  
65 the court finds that the acquittee is a person who should be discharged,  
66 the court shall order the acquittee discharged from custody. The court  
67 shall send a copy of such finding and order to the board.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2020	17a-593
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**Statement of Purpose:**

To allow the state's attorney to make application for commitment of certain acquittees to a hospital for psychiatric disabilities prior to the acquittee's discharge at the expiration of the acquittee's maximum term of commitment if the acquittee would constitute a danger to himself or herself or others or is gravely disabled.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*