

1 S.93

2 Introduced by Senators Rodgers and Starr

3 Referred to Committee on

4 Date:

5 Subject: Mental health; community residences; notice

6 Statement of purpose of bill as introduced: This bill proposes to require the
7 Department of Mental Health or the Department of Disabilities, Aging, and
8 Independent Living to provide notice to a local law enforcement agency when
9 certain individuals in that Department's care or custody are placed in
10 designated residential service homes within the municipality.

11 An act relating to notice of placement at designated residential service
12 homes

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

14 Sec. 1. 33 V.S.A. § 7102 is amended to read:

15 § 7102. DEFINITIONS

16 ~~For purposes of~~ As used in this chapter:

17 * * *

18 (12) "Designated residential service home" means a place, however
19 named, which provides for profit or otherwise individualized therapeutic

1 treatment in a residential setting to one or two residents in accordance with a
2 wellness recovery action plan.

3 Sec. 2. 33 V.S.A. § 7119 is added to read:

4 § 7119. NOTICE

5 (a) The Department of Mental Health or the Department of Disabilities,
6 Aging, and Independent Living shall provide written notice to the local law
7 enforcement agency of a municipality in which it places certain individuals in
8 a designated residential service home. The applicable Department shall
9 provide notice regarding those individuals that it places and that are within its
10 care or custody, if the resident:

11 (1) has been convicted of a listed crime or an offense involving sexual
12 exploitation of children in violation of 13 V.S.A. chapter 64; or

13 (2) has been charged with a listed crime or an offense involving sexual
14 exploitation of children in violation of 13 V.S.A. chapter 64, but has not been
15 tried due to lack of competency under 13 V.S.A. § 4817.

16 (b) In its written notice, the Department shall identify the specific location
17 of the designated residential service home, the date on which the individual
18 will begin residing in the designated residential service home, and the
19 individual's date of departure, if known. If the individual's date of departure
20 from the designated residential service home is unknown, the Department shall
21 provide, no later than one week after the individual's departure, a second

1 written notice to the local law enforcement agency, identifying the date of the
2 individual's departure.

3 (c)(1) A local law enforcement agency shall provide information to the
4 selectboard of a municipality in which either the Department of Mental Health
5 or the Department of Disabilities, Aging, and Independent Living has placed
6 an individual pursuant to subsection (a) of this section. The information
7 provided, if any, shall be limited to an individual's conviction or charge if not
8 tried due to lack of competency, and the location of the designated residential
9 service home in which the individual resides.

10 (2) A local law enforcement agency shall keep confidential, and shall
11 not disclose, all certificates, applications, records, and reports, other than an
12 order of a court, directly or indirectly identifying a client or former client of a
13 psychiatric hospital or an individual whose hospitalization or care has been
14 sought or provided under 18 V.S.A. part 8 in the event the local law
15 enforcement agency inadvertently obtains clinical information relating to such
16 person under this section.

17 (d) As used in this section:

18 (1) "Listed crime" shall have the same meaning as in 13 V.S.A. § 5301.

19 (2) "Local law enforcement agency" shall have the same meaning as in
20 13 V.S.A. § 5401.

1 Sec. 3. EFFECTIVE DATE

2 This act shall take effect on July 1, 2013.