

Bill as Introduced

SB 123 - AS INTRODUCED

2011 SESSION

11-1069

01/05

SENATE BILL **123**

AN ACT relative to notification if a person found incompetent to stand trial and civilly committed is released into the community.

SPONSORS: Sen. Bradley, Dist 3; Sen. Barnes, Jr., Dist 17; Sen. Boutin, Dist 16; Sen. Carson, Dist 14; Sen. De Blois, Dist 18; Sen. Gallus, Dist 1; Sen. Lambert, Dist 13; Sen. Odell, Dist 8; Sen. Stiles, Dist 24; Sen. White, Dist 9; Rep. Sorg, Graf 3

COMMITTEE: Judiciary

ANALYSIS

This bill clarifies the notification required if a person found incompetent to stand trial and civilly committed is released into the community.

Explanation: Matter added to current law appears in *bold italics*.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to notification if a person found incompetent to stand trial and civilly committed is released into the community.

Be it Enacted by the Senate and House of Representatives in General Court convened:

- 1 1 Notification Authorized. Amend RSA 135:17-b to read as follows:
- 2 135:17-b Notification Authorized. Notwithstanding any provision of law to the contrary, in the
- 3 event that a person who has been charged with murder, pursuant to RSA 630:1, I-a, or I-b,
- 4 manslaughter, or aggravated felonious sexual assault, found incompetent to stand trial pursuant to
- 5 RSA 135:17-a, and civilly committed pursuant to RSA 135-C, is discharged to the community, either
- 6 conditionally or [otherwise] **absolutely**, the department of health and human services shall
- 7 immediately notify the attorney general, who shall notify the family of the [~~homicide~~] victim, **or the**
- 8 **victim of aggravated felonious sexual assault if an adult**, and the law enforcement agency in
- 9 the community to which the person is being discharged. **For purposes of this section, discharge**
- 10 **shall include the initial authorization by the administrative review committee of**
- 11 **New Hampshire hospital to allow a person to leave the grounds of the hospital**
- 12 **unaccompanied by a hospital staff member**
- 13 2 Applicability. RSA 135:17-b as amended by section 1 of this act shall be applicable to the
- 14 discharge of any qualified individual who is under an order of civil commitment on or after
- 15 September 11, 2010.
- 16 3 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Amendment to SB 123

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to notification if a person found incompetent to stand trial and civilly
4 committed is released into the community and relative to the prosecution of
5 certain accused persons who have been found incompetent to stand trial.
6

7 Amend the bill by inserting after section 2 the following and renumbering the original section 3 to
8 read as 5:

9

10 3 Limitations. Amend RSA 625:8, VI to read as follows:

11 VI. The period of limitations does not run:

12 (a) During any time when the accused is continuously absent from the state or has no
13 reasonably ascertained place of abode or work within this state; [or]

14 (b) During any time when a prosecution is pending against the accused in this state
15 based on the same conduct; ^{or period}

16 ^{and remains}
17 (c) *During any time when an accused, who has been found incompetent to stand*
18 *trial pursuant to RSA 135:17-a, is under an order of involuntary commitment pursuant to*
~~RSA 135-C or RSA 171-B.~~

19 4 Competency Hearing. Amend RSA 135:17-a, VI to read as follows:

20 VI. If the person is ordered to be involuntarily committed following proceedings pursuant to
21 RSA 135-C or RSA 171-B, the court may, upon motion of the attorney general or county attorney at
22 any time during the period of the involuntary commitment [~~and before expiration of the limitations~~
23 ~~period applicable to the underlying criminal offense~~], order a further competency evaluation, to be
24 conducted as prescribed in paragraph III. Such further competency evaluations may be ordered if
25 the court finds that there is a reasonable basis to believe that the person's condition has changed
26 such that competency to stand trial may have been affected. During proceedings authorized by this
27 paragraph, the person is entitled to the assistance of counsel, including appointed counsel under
28 RSA 135-C:22.



2011-1559h

AMENDED ANALYSIS

This bill clarifies the notification required if a person found incompetent to stand trial and civilly committed is released into the community. The bill also provides that the period of limitations on prosecution shall not run while an accused, who has been found incompetent to stand trial, is under an order of involuntary commitment.

Amendment to SB 123

1 Amend the title of the bill by replacing it with the following:

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4 committed is released into the community and relative to the prosecution of
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14 (b) During any time when a prosecution is pending against the accused in this state
15 based on the same conduct; or

16 (c) *During any time when an accused, who has been found incompetent to stand*
17 *trial pursuant to RSA 135:17-a, is under an order of involuntary commitment pursuant to*
18 *RSA 135-C or RSA 171-B.*

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23 ~~period applicable to the underlying criminal offense], order a further competency evaluation, to be~~
24 conducted as prescribed in paragraph III. Such further competency evaluations may be ordered if
25 the court finds that there is a reasonable basis to believe that the person's condition has changed
26 such that competency to stand trial may have been affected. During proceedings authorized by this
27 paragraph, the person is entitled to the assistance of counsel, including appointed counsel under
28 RSA 135-C:22.



2011-1559h

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This bill clarifies the notification required if a person found incompetent to stand trial and civilly committed is released into the community. The bill also provides that the period of limitations on prosecution shall not run while an accused, who has been found incompetent to stand trial, is under an order of involuntary commitment.

Rep. Kreis, Merr. 6
Rep. Itse, Rock. 9
April 26, 2011
2011-1575h
01/04

Amendment to SB 123

1 Amend the title of the bill by replacing it with the following:

2

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13 reasonably ascertained place of abode or work within this state; ~~or~~

14 (b) During any time when a prosecution is pending against the accused in this state
15 based on the same conduct; *or*

16 (c) *During any time that a person has been charged with murder pursuant to*
17 *RSA 630:1, RSA 630:1-a, or RSA 630:1-b, manslaughter, or aggravated felonious sexual*
18 *assault, is found and remains incompetent to stand trial pursuant to RSA 135:17-a.*

19 4 Competency Hearing. Amend RSA 135:17-a, VI to read as follows:

20 VI. If the person is ordered to be involuntarily committed following proceedings pursuant to
21 RSA 135-C or RSA 171-B, the court may, upon motion of the attorney general or county attorney at
22 any time during the period of the involuntary commitment [~~and before expiration of the limitations~~
23 ~~period applicable to the underlying criminal offense~~], order a further competency evaluation, to be
24 conducted as prescribed in paragraph III. Such further competency evaluations may be ordered if
25 the court finds that there is a reasonable basis to believe that the person's condition has changed
26 such that competency to stand trial may have been affected. During proceedings authorized by this
27 paragraph, the person is entitled to the assistance of counsel, including appointed counsel under
28 RSA 135-C:22.



2011-1575h

AMENDED ANALYSIS

This bill clarifies the notification required if a person found incompetent to stand trial and civilly committed is released into the community. The bill also provides that the period of limitations on prosecution shall not run anytime that a person who has been charged with certain crimes is found and remains incompetent to stand trial.

Rep. Kreis, Merr. 6
Rep. Itse, Rock. 9
April 26, 2011
2011-1589h
01/04

Amendment to SB 123

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4 committed is released into the community and relative to the prosecution of
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13 reasonably ascertained place of abode or work within this state; ~~or~~

14 (b) During any time when a prosecution is pending against the accused in this state
15 based on the same conduct; *or*

16 (c) *During any time that a person who has been charged with murder pursuant*
17 *to RSA 630:1, RSA 630:1-a, or RSA 630:1-b, manslaughter or aggravated felonious sexual*
18 *assault is found and remains incompetent to stand trial pursuant to RSA 135:17-a.*

2011-1589h

AMENDED ANALYSIS

This bill clarifies the notification required if a person found incompetent to stand trial and civilly committed is released into the community. The bill also provides that the period of limitations on prosecution shall not run anytime that a person who has been charged with certain crimes is found and remains incompetent to stand trial.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON SB 123

BILL TITLE: relative to notification if a person found incompetent to stand trial and civilly committed is released into the community.

DATE: April 7, 2011

LOB ROOM: 204 **Time Public Hearing Called to Order:** 10:05 a.m.

Time Adjourned: 11:30 a.m.

(please circle if present)

Committee Members: Reps. Swinford, Gagne, Welch, Fields, Fesh, Charron, Villeneuve, Antosz, Greazzo, Kreis, Parsons, Tasker, Warden, Pantelakos, Berube, Shurtleff and Ginsburg.

Bill Sponsors: Sen. Bradley, Dist 3; Sen. Barnes, Jr., Dist 17; Sen. Boutin, Dist 16; Sen. Carson, Dist 14; Sen. DeBlois, Dist 18; Sen. Gallus, Dist 1; Sen. Lambert, Dist 13; Sen. Odell, Dist 89; Sen. Stiles, Dist 24; Sen. White, Dist 9; Rep. Sorg, Graf 3

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Senator Bradley - Supports - No written testimony. Sen. Bradley from Wolfeboro to correct a previous bill.

Attorney Ann Rice - Supports - No written testimony. Explained the purpose and intent of the bill. It provides notification. It also defines discharge. If the individual is found incompetent he/she when charges are dismissed he will be returned to the community.

John Wallace - DHHS - Spoke about the importance of changing and clarifying what the change is ie. Discharge - to the Attorney General's Office - which hasn't been allowed prior to this bill. Bottom line if as sanctions while at the State Hospital and ultimately receives off grounds permission this will require the Attorney General to be notified. The hospital and law enforcement are two separate entities.

Dr. Alexander Denesnera - No written testimony. Spoke on the makeup of the review panel. Subject is related to Community Mental Health Center. If he doesn't follow the requirements, he will be returned. Many people admitted to the hospital have not committed crimes. The realities are that those released are not released for quite sometime. It can be years.

Mike Skibbie - Disabilities Rights Center - feels that this bill should not be passed. He feels that those who are considered incompetent come under the HIPPA Law.

SB 123 Page Two Continued

Chris Dornin - Citizens for Criminal Justice - Supports - reform, agrees with Mr. Skibbee.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Gene P. Charron". The signature is written in a cursive style with a large initial "G".

Rep. Gene P. Charron, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON SB 123

BILL TITLE: relative to notification if a person found incompetent to stand trial and civilly committed is released into the community.

DATE: 4-7-2011

LOB ROOM: 204

Time Public Hearing Called to Order: 10:05

Time Adjourned: 11:30

(please circle if present)

Committee Members: Reps. Swinford, Gagne, Welch, Fields, Fesh, Charron, Villeneuve, Antosz, Greazzo, Kreis, Parsons, Tasker, Warden, Pantelakos, Berube, Shurtleff and Ginsburg

Bill Sponsors: Sen. Bradley, Dist 3; Sen. Barnes, Jr., Dist 17; Sen. Boutin, Dist 16; Sen. Carson, Dist 14; Sen. DeBlois, Dist 18; Sen. Gallus, Dist 1; Sen. Lambert, Dist 13; Sen. Odell, Dist 89; Sen. Stiles, Dist 24; Sen. White, Dist 9; Rep. Sorg, Graf 3

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

4-7-2011

Relative to notification of a person incompetent to stand trial and civilly committed is released into the community.

① 10:05
support
no written

Senator Bradley from Wolfboro to correct a previous bill.

② 10:10
support
no written
testimony

Attorney Ann Rice, explained the purpose and intent of the bill. It provides notification. It also defines discharge. If the individual is found incompetent he/she when charges are dismissed he will be returned to the ~~Committee~~ Community.

③ 10:40
no written
testimony

John Wallace DHHS. spoke about the importance of charging and clarifying what the charge is IE DISCHARGE - to the Attorney General's office - which hasn't been allowed prior to this bill. Bottom line is as sanctions ~~with~~ while at the state Hosp and ultimately receives off grounds permission this bill will require the Attorney General to be notified - the Hospital and law enforcement are two separate entities

④
no written
testimony

Dr. NESPERA spoke on the makeup of the ~~review~~ review panel. Subject is rel to Community Mental Health Center. if he doesn't follow the requirements he will be

Continued

Dr. Alexander de Vesnera NHSP.
returned, many people admitted to the
hospital have not committed crimes.
The reality is that those released are not
released for quite sometimes. It can be years.

④ ⑤
11:10

Mike Skibbe - Disabilities Rights center
feels that this bill should not be passed.
He feels that those who are considered
incompetent comes under ~~the~~ the
HIPPA law.

⑥ 11:20
supports

Chris Donnan Citizens for Criminal Justice
reform, agrees w/ Mr. Skibbe.

Sub-Committee Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

SUBCOMMITTEE WORK SESSION ON SB 123

BILL TITLE: relative to notification if a person found incompetent to stand trial and civilly committed is released into the community.

DATE: April 26, 2011

Subcommittee Members: Reps. FULL COMMITTEE WORK SESSION - SEE NOTES
SB 123 (2) IN FILE.

Comments and Recommendations:

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: . OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Elaine Swinford
Subcommittee Chairman/Clerk

**CRIMINAL JUSTICE AND PUBLIC SAFETY
SB 123 - FULL COMMITTEE WORK SESSION**

TUESDAY, APRIL 26, 2011

The work session was called to order at 10:16 a.m. and recessed at 11:10 a.m.

Rep. Elaine Swinford, Chairman

SB 123 - Amend – stops person incompetent to stand trial and civilly committed.

Rep. Itse:

Rep. Charron – Person got 10 yrs may serve 7 yrs. Avoided conviction in Hospital.

**See Amendment – 2011-1559h – Rep. Swinford, Belk. 5
Amended analysis “Page 2”.**

Person could have short term confinement. Long term – civilly may be years confined.

Rep. Kreis, Rep. Itse – drafting new amendment.

Recessed 45 minutes – 12:30 p.m. be back. Adjourned 1:09 p.m.

Reconvened SB 123 at 1:23 p.m.

New amendment – Rep. Kreis – Rep. Itse.

Clarify

Former Speaker Sytek arrived.

Changed Line 16 to read “who” has been charged.

Eliminated Line 19 to 28.

New amendment by Rep. Kreis.

Rep. Dennis H. Fields, Acting Clerk

Dennis H. Fields

4/26/2011

CALL TO ORDER = 10:16 A.M.

Recessed = 11:10 AM
TIME & ADJOURNED =

CRIMINAL JUSTICE AND PUBLIC SAFETY

COMMITTEE WORK SESSION

WORK SESSION HB 123 - CHAIR SWINFORD

HB 123 - AMEND STAYS PERSON INCOMPETENT

TO STOP TRIAL AND CRIMINALLY COMMITTED

REP = ITSE

REP SWINFORD - PERSON GOT 10 YRS MAY SERVE

2 YRS - DECIDED CONNECTION IN HOSPITAL

SEE MEMORANDUM = 0011-1859H. REP: SWINFORD BILL #5

AMEND ANALYSIS "PAGE 3"

PERSON COULD HAVE SHORT TERM COMMITMENT

LONG TERM = CRIMINALLY MAY BE YRS CONFIRMED

REP: KRUIS, REP ITSE DRAFTING NEW MEMORANDUM

RECESS - 45 MIN. 12:30 BE BACK "

ADJOURNED 1:08 PM

RECONVENED HB 123 11:23 PM

NEW AMENDMENT REP KRUIS - ITSE

CLARIFY

FOLLOWER SPEAKER SYTI & ARRIVED

EXP. LIME 16 TO DDV WKE HAS BEEN CHANGED

CHANGING LIME 19 TO 28

NEW AMEND BY KRUIS

Testimony

TITLE X PUBLIC HEALTH

CHAPTER 135-C NEW HAMPSHIRE MENTAL HEALTH SERVICES SYSTEM

Section 135-C:19-a

135-C:19-a Disclosure of Certain Information. –

I. Notwithstanding RSA 329:26 and RSA 330-A:32, a community mental health center or state facility providing services to seriously or chronically mentally ill clients may disclose information regarding diagnosis, admission to or discharge from a treatment facility, functional assessment, the name of the medicine prescribed, the side effects of any medication prescribed, behavioral or physical manifestations which would result from failure of the client to take such prescribed medication, treatment plans and goals and behavioral management strategies to a family member or other person, if such family member or person lives with the client or provides direct care to the client. The mental health center or facility shall provide a written notice to the client which shall include the name of the person requesting the information, the specific information requested and the reason for the request. Prior to the disclosure, the mental health center or facility shall request in writing the consent of the client. If consent cannot be obtained, the client shall be informed of the reason for the intended disclosure, the specific information to be released and the person or persons to whom the disclosure is to be made.

II. Notwithstanding RSA 329:26 and RSA 330-A:32, when the medical director or designee determines that obtaining information is essential to the care or treatment of a person admitted pursuant to RSA 135-C:27-54, a designated receiving facility may request, and any health care provider which previously provided services to any person involuntarily admitted to the facility may provide, information about such person limited to medications prescribed, known medication allergies or other information essential to the medical or psychiatric care of the person admitted. Prior to requesting such information the facility shall in writing request the person's consent for such request for information. If the consent cannot be obtained, the facility shall inform the person in writing of the care providers who have been requested to provide information to the facility pursuant to this section. The facility may disclose such information as is necessary to identify the person and the facility which is requesting the information. No care provider who discloses otherwise confidential information to a designated receiving facility following a request made pursuant to this section shall be held civilly or criminally liable for disclosing such information.

II-a. Notwithstanding RSA 329:26 and RSA 330-A:32, when the medical director, or designee, determines that obtaining information is essential to the care and treatment of a person admitted pursuant to RSA 135-C:27--RSA 135-C:54 and the consent of the person admitted cannot be obtained, the designated receiving facility may request and any community mental health program which has previously provided services to such person shall immediately provide information about the person including medications prescribed, known medication allergies, services provided and other information essential to the medical and psychiatric care of the person admitted. The facility may disclose information necessary to identify the person and the facility which is requesting the information. No community mental health program which discloses otherwise confidential information to a designated receiving facility following a request made pursuant to this program shall be civilly or criminally liable for disclosing such information.

III. Notwithstanding RSA 329:26 and RSA 330-A:32, a community mental health program or state facility may disclose to an interdisciplinary committee designated by the governor to review child

fatalities, information which is relevant to a case of suicide or traumatic fatal injury under review by such committee. Information to be disclosed pursuant to this paragraph shall be limited to the diagnosis and course of treatment of the child or of the person who caused the fatality. Information disclosed pursuant to this paragraph shall remain confidential and shall not be subject to discovery, subpoena, or admission into evidence in any judicial or administrative proceeding. Any person who willfully rediscloses confidential information provided to a committee designated by the governor to review child fatalities shall be guilty of a violation.

Source. 1989, 344:1. 1992, 218:1. 1998, 234:3. 2000, 294:1, eff. Aug. 20, 2000. 2008, 61:2, eff. May 21, 2008.

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on SB 123

BILL TITLE: relative to notification if a person found incompetent to stand trial and civilly committed is released into the community.

DATE: May 3, 2011

LOB ROOM: 204

Amendments:

Sponsor: Rep. Kenneth Kreis OLS Document #: 2011 1589h

Sponsor: Rep. Daniel Itse OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, DTL, Interim Study (Please circle one.)

Moved by Rep. Daniel Itse

Seconded by Rep. Alfred Baldasaro

Vote: 15-1 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Daniel Itse

Seconded by Rep. Alfred Baldasaro

Vote: 15-1 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Gene Charron, Clerk
Rep. Dennis Fields, Acting Clerk

Dennis Fields

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on SB 123

BILL TITLE: relative to notification if a person found incompetent to stand trial and civilly committed is released into the community.

DATE: 5/3/2011

LOB ROOM: 204

Amendments:

Sponsor: Rep. *RALPH*

OLS Document #: 2011-1589H

Sponsor: Rep. *ITSE*

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTPIA, ITL, Interim Study (Please circle one.) 2011-1589H

DATE 4/15 - 1 MAY 5.
Moved by Rep. *ITSE*

Seconded by Rep. *BALDORSARO*

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTPIA, ITL, Interim Study (Please circle one.) *NO 123 IS PASSED 2011-1589H*

Moved by Rep. *ITSE*

Seconded by Rep. *BALDORSARO*

Vote: (Please attach record of roll call vote.)

YEAS 15 NAYS 1

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Gene Charron, Clerk

*REP DENNIS B. FIELDS
VICTIM CLERK
Dennis B. Fields*

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: SB 123 Title: Relative to notification if a person found incompetent to stand trial and civilly committed is released into the community.

PH Date: 04 / 07 / 11

Exec Session Date: 5 / 3 / 2011

Motion: 1790 - Second Reading
OTP AS Proposed

Amendment #: 2011 - 1589H

MEMBER	YEAS	NAYS
Swinford, Elaine B, Chairman	/	
Gagne, Larry G, V Chairman	/	
Welch, David A	/	
Fields, Dennis H	/	
Fesh, Robert M		
Charron, Gene P		
Villeneuve, Moe	/	
Antosz, Jason P	/	
Greazzo, Phil J	/	
Kreis, Kenneth		
Parsons, Robbie L	/	
Tasker, Kyle J		
Warden, Mark		/
Pantelakos, Laura C	/	
Berube, Roger R	/	
Shurtleff, Stephen J	/	
Ginsburg, Philip E	/	
Rep. ITSE	/	
Rep. BOLDORSO	/	
Rep. KAPLER	/	

TOTAL VOTE: 15 YEAS 1 NAYS

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: SB - 123 Title: AMENDING TO NOTIFICATION IF A PERSON FOUND INCAPABLE TO STAND TRIAL AND CIVILLY COMMITTED IS RELEASED.

PH Date: 05/03/2011 COME TO ORDER 10:06 AM Exec Session Date: 5/3/2011

Motion: ITSE SIGNED ON BALDASSAR O.P. ON BEHIND Amendment #: 2011-1589H

MEMBER	YEAS	NAYS
Swinford, Elaine B, Chairman	/	
Gagne, Larry G, V Chairman	/	
Welch, David A	/	
Fields, Dennis H	/	
Fesh, Robert M		
Charron, Gene P		
Villeneuve, Moe	/	
Antosz, Jason P	/	
Greazzo, Phil J	/	
Kreis, Kenneth	/	
Parsons, Robbie L	/	
Tasker, Kyle J		
Warden, Mark		/
Pantelakos, Laura C	/	
Berube, Roger R	/	
Shurtleff, Stephen J	/	
Ginsburg, Philip E	/	
Rep ITSE	/	
Rep BALDASSARO	/	
Rep KOPPLER	/	
	15 YEAS	1 NAY

Committee Report

CONSENT CALENDAR

May 11, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY to which was referred SB123,

AN ACT relative to notification if a person found incompetent to stand trial and civilly committed is released into the community. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Larry G Gagne

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	CRIMINAL JUSTICE AND PUBLIC SAFETY
Bill Number:	SB123
Title:	relative to notification if a person found incompetent to stand trial and civilly committed is released into the community.
Date:	May 3, 2011
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

This bill adds felonious sexual assault to the crimes for which the victims are notified when an accused perpetrator, found incompetent to stand trial, is released unsupervised from civil commitment. It has also been amended so that the statute of limitation is suspended for murder, manslaughter and felonious sexual assault while the accused is incompetent to stand trial.

Vote 15-1.

Rep. Larry G Gagne
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB123, relative to notification if a person found incompetent to stand trial and civilly committed is released into the community. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Larry G Gagne for **CRIMINAL JUSTICE AND PUBLIC SAFETY**. This bill adds felonious sexual assault to the crimes for which the victims are notified when an accused perpetrator, found incompetent to stand trial, is released unsupervised from civil commitment. It has also been amended so that the statute of limitation is suspended for murder, manslaughter and felonious sexual assault while the accused is incompetent to stand trial. **Vote 15-1.**

Original: House Clerk
Cc: Committee Bill File

SB 123 relative to notification if a person found incompetent to stand trial and civilly committed is released into the community.

This bill adds felonious sexual assault to the crimes for which the victims are notified when an accused perpetrator, found incompetent to stand trial, is released unsupervised from civil commitment. It has also been amended so that the statute of limitation is suspended for murder, manslaughter and felonious sexual assault while the accused is incompetent to stand trial.

**Rep. Larry Gagne
For the Committee
15-1 OTP/A <2011-1589h> CC**

Rep. Elaine Swartz

COMMITTEE REPORT

COMMITTEE: Criminal Justice and Public Safety

BILL NUMBER: SB 123

TITLE: Relative to notification if a person found incompetent to stand trial and civilly committed is released into the community.

DATE: 5/3/2011 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.
<u>2011-1589-H</u>

STATEMENT OF INTENT:

This Bill adds Felonious sexual assault to the crimes for which the victims are notified when an accused perpetrator, found incompetent to stand trial, is released unsupervised from civil commitment. It has also been amended so that the statute of limitation is suspended for murder, man slaughter, and felonious sexual assault while the accused is ~~also~~ incompetent to stand trial.

COMMITTEE VOTE: 15 YEAS 1 NAYS

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. James C. Latta
 For the Committee Larry D. Prange
Rep Elaine Swinford