



Legislative Testimony
765 Asylum Avenue, 2nd Floor
Hartford, CT 06105
860-523-9146
www.acluct.org

Written Testimony Opposing Senate Bill 1231, An Act Concerning a Defendant's Competency to Stand Trial and Early Release into the Community

Senator Winfield, Representative Stafstrom, Ranking Members Kissel and Fishbein, and distinguished members of the Judiciary Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in opposition to Senate Bill 1231, An Act Concerning a Defendant's Competency to Stand Trial and Early Release into the Community.

The ACLU-CT is an organization dedicated to ending mass incarceration and eliminating systemic racism in the criminal legal system. Under current law, pretrial detainees who are found to not be competent to stand trial may be committed by the Superior court for the maximum possible sentence as if convicted, or eighteen months, whichever is less.¹ Once a patient is involuntarily committed, there are multiple ways for them to be discharged from inpatient treatment. This bill, however, prohibits patients from being discharged from the hospital if a person has been charged with certain crimes. As the Connecticut Legal Rights Project noted in their testimony, the Americans With Disabilities Amendments Act and the Rehabilitation Act require discharge from state hospital and the provision of community mental health services in most integrated settings, meaning that this aspect of the bill is likely violative of federal disability civil rights laws. The United States Supreme Court held in *Jackson v. Indiana* that a person "cannot be held more than the reasonable time necessary to determine whether there is a substantial probability" that they will regain the

¹ Conn. Gen. Stat. § 54-56d(i).

capacity to stand trial in the “foreseeable future.”² If a person will not be capable of standing trial, then the state must either follow the customary civil commitment proceeding that would be used on any other person or release the defendant.³ Senate Bill 1231 also concerningly permits the “prosecuting authority” the right to nominate a psychiatrist for the initial competency evaluation and the periodic competency evaluations, rather than the Superior Court, which under current law is required to appoint one or more neutral psychiatrists or physicians to conduct the examinations. Finally, this bill increases the maximum period of placement and monitoring for certain patients from eighteen months to twenty-four months. These are all measures that the ACLU-CT is opposed to. We urge this Committee to oppose the bill.

² Jackson v. Indiana, 406 U.S. 715, 738 (1972).

³ *Id.*