

HCS HB 1826 -- OFFENDERS UNDER THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS (Fitzwater)

COMMITTEE OF ORIGIN: Committee on Corrections

This substitute allows the Board of Probation and Parole within the Department of Corrections, or a hearing panel of the board, to conduct a hearing with an offender by means of a videoconference at its discretion. Victims having a right to attend parole hearings may testify at the site where the board is conducting the videoconference or at the institution where the offender is located. The use of videoconferencing cannot be utilized if the offender, victim, or victim's family object to it.

The Director of the Department of Corrections is authorized to establish, as a three-year pilot program, a mental health assessment process. Upon a motion filed by the prosecutor in a criminal case, the judge who is hearing the case may request that an offender be placed in the department for 120 days for a mental health assessment and for treatment if it appears that the person has a mental disorder or illness that may qualify him or her for probation including community psychiatric rehabilitation programs and if the probation is appropriate and not inconsistent with public safety. Before the judge rules on the motion, the victim must be given the opportunity to be heard by the court. Upon recommendation of the court, the department must determine the offender's eligibility for the mental health assessment process.

Following the assessment and treatment period, an assessment report must be sent to the sentencing court. The court, if appropriate, may release the offender on probation to be supervised by a state probation and parole officer who must work with the Department of Mental Health to enroll eligible offenders in community psychiatric rehabilitation programs. A person convicted of certain specified serious offenses or any offense where probation or parole is prohibited or anyone who has been found to be a predatory sexual offender is not eligible for probation. At the end of the three-year pilot, the directors of the departments of Corrections and Mental Health must jointly submit recommendations by December 31, 2015, to the Governor and General Assembly on whether to expand the process statewide.

FISCAL NOTE: Estimated Net Cost on General Revenue Fund of Unknown less than \$100,000 in FY 2013, FY 2014, and FY 2015. No impact on Other State Funds in FY 2013, FY 2014, and FY 2015.