§3069-D. Placement of defendants found incompetent to stand trial

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 11/1/27)

(WHOLE SECTION TEXT REPEALED 11/1/27)

1. Acceptance of placement. The commissioner may accept the placement of an adult defendant, referred to in this section as "the defendant," in a mental health unit of a correctional facility whom a court, after hearing, finds by clear and convincing evidence is incompetent to stand trial and whom the court commits to the custody of the Commissioner of Health and Human Services under Title 15, section 101-D, subsection 5 if, in addition to the findings required under Title 15, section 101-D, subsection 5, the court finds that:

A. The defendant is at risk of causing serious harm by engaging in interpersonal violence that is not primarily driven by symptoms of a major mental illness or other disability; [PL 2023, c. 600, §1 (NEW).]

B. There is not sufficient security at a state mental health institute to address the likelihood of serious harm; and [PL 2023, c. 600, §1 (NEW).]

C. There is no other less restrictive alternative to placement in a mental health unit of a correctional facility. [PL 2023, c. 600, §1 (NEW).]

[PL 2023, c. 600, §1 (NEW).]

2. Treatment; transfer. The department shall provide services and treatment consistent with the requirements of Title 15, section 101-D, subsection 5 to a defendant accepted for treatment in a mental health unit of a correctional facility under subsection 1. The department may not transfer to another unit of a correctional facility a defendant accepted for treatment in a mental health unit of a correctional facility under subsection 1.

[PL 2023, c. 600, §1 (NEW).]

3. Termination of placement. Termination of placement is governed by this subsection.

A. The commissioner may terminate the placement of a defendant accepted pursuant to this section if the commissioner determines that the likelihood of serious harm posed by the defendant has decreased or the security at a state mental health institute has increased or for any other reason. [PL 2023, c. 600, §1 (NEW).]

B. At any time after 90 days of placement in a mental health unit of a correctional facility, except not within 60 days of resolution of a prior petition under this paragraph, the defendant may petition the court for return to placement in a less restrictive setting on the grounds that the criteria for placement under subsection 1 no longer exist. If a petition is filed under this paragraph, the court shall hold a hearing and issue a decision maintaining or terminating the placement. [PL 2023, c. 600, §1 (NEW).]

[PL 2023, c. 600, §1 (NEW).]

4. Disclosure of information. With respect to a defendant who has previously been hospitalized under Title 34-B, chapter 3, subchapter 4, the commissioner may make it a prerequisite to accepting placement of the defendant under this section that necessary information be disclosed to the department pursuant to Title 34-B, section 1207, subsection 1, paragraph B.

[PL 2023, c. 600, §1 (NEW).]

5. Application of other laws. All other applicable provisions of law governing defendants found incompetent to stand trial apply to defendants accepted for placement under this section.

[PL 2023, c. 600, §1 (NEW).]

6. Repeal. This section is repealed November 1, 2027.

[PL 2023, c. 600, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 600, §1 (NEW).

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