

SB 116 - AS INTRODUCED

2023 SESSION

23-0863

06/04

SENATE BILL **116**

AN ACT relative to discharge from the secure psychiatric unit of the state prison.

SPONSORS: Sen. Carson, Dist 14

COMMITTEE: Health and Human Services

ANALYSIS

This bill modifies criteria for committal order durations and clarifies that it is the commissioner for the department of health and human services that authorizes persons transferred to state hospitals.

This bill is a request of the department of health and human services.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to discharge from the secure psychiatric unit of the state prison.

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

1 1 State Prisons; Secure Psychiatric Unit; Discharge. Amend RSA 622:48, I(c) to read as follows:

2 (c) The commissioner or designee may transfer to the state mental health services
3 system any person committed to the unit under RSA 651:9-a upon a determination by a physician
4 that the person presents a potentially serious likelihood of danger to self or others as a result of
5 mental illness, but the person no longer requires the degree of safety and security provided by the
6 unit. No transfer may occur under this subparagraph without the prior approval of the
7 commissioner of the department of health and human services and administrative due process
8 pursuant to rules adopted by the commissioner under RSA 541-A. If the commissioner of health and
9 human services objects to a proposed transfer, the commissioners may agree to have the
10 disagreement resolved by a mutually acceptable third party. No transfer may occur under this
11 subparagraph without the prior approval of the superior court. Any person transferred under this
12 subparagraph shall, for purposes of treatment, be under the care and custody of the commissioner of
13 ***the department of*** health and human services [~~but shall for all other purposes, including, but not~~
14 ~~limited to, discharge~~], ***which shall include, but no limited to, treatment decisions, the*** granting
15 ***of supervision status changes as an example of*** privileges, ***assessing readiness for discharge***
16 ***in consultation with the department of corrections, and recommending discharge to the***
17 ***superior court. Upon being granted discharge from the state mental health services system***
18 ***by the superior court, custody shall be transferred to the commissioner of the department of***
19 ***corrections for the purposes of*** parole[;] and recommittal[~~, remain under the jurisdiction of the~~
20 ~~commissioner of the department of corrections and the superior court~~].

21 2 Sentences; Duration of Committal Orders. Amend RSA 651:11-a, II(c) to read as follows:

22 (c) The person [~~suffers from the mental disorder~~] ***continues to suffer significant***
23 ***impairment due to psychiatric illness*** or a substantially similar mental condition as existed at
24 the time he committed the act or acts which constituted the crime of which he was found not guilty
25 by reason of insanity.

26 3 Sentences; Duration of Committal Orders. Amend RSA 651:11-a, III(c) to read as follows:

27 (c) The person [~~suffers from the mental disorder~~] ***continues to suffer significant***
28 ***impairment due their psychiatric illness*** or a substantially similar mental condition as existed
29 at the time he committed the act or acts which constituted the crime of which he was found not
30 guilty by reason of insanity.

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- Page 2 -

1 4 Sentences; Rights of Persons Transferred to State Hospital. Amend RSA 651:11-b to read as
2 follows:

3 651:11-b Rights of Persons Transferred to State Hospital. Persons committed or transferred to
4 the state hospital pursuant to this chapter shall be granted the rights set forth in RSA 135-C:55-59.
5 *The commissioner of the department of health and human services, or designee, may*
6 *determine, based upon advice and information from such person's treatment team,*
7 *granting of privileges, supervision status changes, assessing readiness for discharge and*
8 *recommendations for discharge to the superior court based on clinical grounds.*

9 5 Effective Date. This act shall take effect 60 days after its passage.