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1 **discussion points in highlights**

2 **Section 1**

3 **4 V.S.A. § 33(13) is repealed.**

4 **3 V.S.A. § 3097 is added:**

5 (a) (1) The Division of Community Safety is created within the
6 Agency of Human Services.

7 (2) The Division shall be designated as the Division responsible
8 for maintaining public safety and the custody and care of
9 persons committed to it under Chapter 157 of Title 13.

10 (b) The Division shall be headed by a Director who shall be
11 appointed by the Secretary of Human Services subject to section
12 3054 of this title.

13 (c) The Division shall be entitled to utilize the services,
14 programs, placements, and physical infrastructure of each
15 Department listed at 3 V.S.A. § 3002(a) subject to State and
16 federal constitutional limitations.

17 (d) the Division shall maintain by contract or employment,
18 psychiatric and psychological examiners to conduct evaluations
19 necessary under Chapter 157 of Title 13.

20 (this is done to allow blending of services under Medicaid
21 "single state agency")

22 **Section 2:**

23 The secretary of human services is directed to establish a
24 secure facility for the forensic assessment and safe housing of

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1 justice involved individuals who are subject to any stage of the
2 proceedings provided for under Chapter 157 of Title 13. The
3 facility shall be a "no refusal" facility and shall not require
4 clinical or diagnostic prerequisites. \$xxxxxxxxxx is
5 appropriated for this purpose.

6 (Facility with flexibility to provide secure placement for
7 competency restoration or post adjudication)

8 **Section 3**

9 Chapter 157 of Title 13 is amended:

10 The following sections shall be identified as subchapter 1

11 **§ 4814**

12 (a) Any court before which a criminal prosecution is pending may
13 order the ~~Department of Mental Health~~ Director of Community
14 Safety to have the defendant examined by a psychiatrist at any
15 time before, during, or after trial, and before final judgment
16 in any of the following cases:

17 ~~(1) when the defendant enters a plea of not guilty, or when such~~
18 ~~a plea is entered in the defendant's behalf, and then gives~~
19 ~~notice of the defendant's intention to rely upon the defense of~~
20 ~~insanity at the time of the alleged crime, or to introduce~~
21 ~~expert testimony relating to a mental disease, defect, or other~~
22 ~~condition bearing upon the issue of whether he or she had the~~
23 ~~mental state required for the offense charged;~~

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1 (21) when the defendant, the State, the presiding judge, or an
2 attorney, guardian, or other person acting on behalf of the
3 defendant, raises before such court the issue of whether the
4 defendant is mentally competent to stand trial for the alleged
5 offense;

6 ~~(32) when the court believes that there is doubt as to the
7 defendant's sanity at the time of the alleged offense; or~~

8 (4) when the court believes that there is doubt as to the
9 defendant's mental competency to be tried for the alleged
10 offense.

11 (b) Such order may be issued by the court on its own motion, or
12 on motion of the State, the defendant, or an attorney, guardian,
13 or other person acting on behalf of the defendant.

14 **§ 4815. Place of examination; temporary commitment**

15 (a) It is the purpose of this section to provide a mechanism by
16 which a defendant is examined in the least restrictive
17 environment deemed sufficient to complete the examination and
18 prevent unnecessary pre-trial detention and ~~substantial to~~
19 prevent threat of ~~physical violence~~ harm or further criminal
20 offense to any person or property, including a defendant.

21 (b) The order for examination may provide for an examination at
22 any forensic facility, jail or correctional center, or at the
23 State Hospital, or at its successor in interest, or at such
24 other place as the court shall determine, after hearing a

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1 recommendation by the ~~Commissioner of Mental Health~~ Director of
2 the Division of Community Safety.

3 © A motion for examination shall be made as soon as practicable
4 after a party or the court has good faith reason to believe that
5 there are grounds for an examination. An attorney making such a
6 motion shall be subject to the potential sanctions of Rule 11 of
7 the Vermont Rules of Civil Procedure. Any such motion shall be
8 accompanied by a fully executed release to allow the examiner to
9 procure any and all juvenile or adult court and/or salient
10 health records.

11 (d) Upon the making of a motion for examination, the court shall
12 order a mental health screening to be completed by a designated
13 mental health professional ~~while the defendant is still at the~~
14 ~~court~~.

15 (e) If the screening cannot be commenced and completed ~~at the~~
16 ~~courthouse~~ within two hours from the time of the defendant's
17 appearance before the court, the court may forgo consideration
18 of the screener's recommendations.

19 (f) The court and parties shall review the recommendation of the
20 designated mental health professional and consider the facts and
21 circumstances surrounding the charge and observations of the
22 defendant in court. If the court finds sufficient facts to order
23 an examination, it may be ordered to be completed in the least

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1 restrictive environment deemed sufficient to complete the
2 examination, consistent with subsection (a) of this section.

3 (g) (1) Inpatient examination at the Vermont State Hospital, or
4 its successor in interest, or a designated hospital or at the
5 forensic facility. The court shall not order an inpatient
6 examination unless the designated mental health professional
7 determines that the defendant is a Danger of Harm to Others as
8 defined by this Chapter ~~treatment as defined in 18 V.S.A. §~~
9 ~~7101(17)~~.

10 (2) Before ordering the inpatient examination, the court shall
11 determine what terms, if any, shall govern the defendant's
12 release from custody ~~under sections 7553-7554 of this title~~.

13 (3) An order for inpatient examination shall provide for
14 placement of the defendant in the custody and care of the
15 ~~Commissioner of Mental Health~~ Director of Community Safety.

16 (A) If a Vermont State Hospital psychiatrist, or a psychiatrist
17 of its successor in interest, or a designated hospital
18 psychiatrist determines that the defendant is not in need of
19 inpatient hospitalization prior to admission, the Director shall
20 request leave from the court to release the defendant pursuant
21 to the terms governing the defendant's release from the
22 ~~Commissioner's~~ Director's custody as ordered by the court. The
23 Court may approve or deny the request and the Director shall
24 abide by the direction of the Court. The Director ~~Commissioner~~

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1 ~~of Mental Health~~ shall ensure that all individuals who are
2 determined not to be in need of inpatient hospitalization
3 receive appropriate referrals for outpatient mental health
4 services.

5 (B) If a Vermont State Hospital psychiatrist, or a psychiatrist
6 of its successor in interest, or designated hospital
7 psychiatrist, or the forensic facility determines that the
8 defendant is in need of inpatient hospitalization, or is ordered
9 to receive the individual under the forgoing section:

10 (i) The Director shall obtain an appropriate inpatient placement
11 for the defendant at a secure facility based on the defendant's
12 clinical and security needs. The Director may transfer the
13 defendant between hospitals placements at any time while the
14 order is in effect. A transfer to a designated hospital outside
15 the no refusal system is subject to acceptance of the patient
16 for admission by that hospital.

17
18 (ii) The defendant shall be returned to court for further
19 appearance on the following business day if the defendant is no
20 longer in need of inpatient hospitalization or evaluation,
21 unless the terms established by the court pursuant to
22 subdivision (2) of this section permit the defendant to be
23 released from custody.

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1 (C) The defendant shall be returned to court for further
2 appearance within two business days after the Director
3 ~~Commissioner~~ notifies the court that the examination has been
4 completed, unless the terms established by the court pursuant to
5 subdivision (2) of this section permit the defendant to be
6 released from custody.

7 (4) If the defendant is to be released pursuant to subdivision
8 (3) (A), (3) (B) (ii), or (3) (C) of this subsection and is not in
9 the custody of the Commissioner of Corrections, the defendant
10 shall be returned to the defendant's residence or such other
11 appropriate place within the State of Vermont by the Department
12 of Mental Health at the expense of the court.

13 (5) If it appears that an inpatient examination cannot
14 reasonably be completed within 30 days, the court issuing the
15 original order, on request of the Director and upon good cause
16 shown may order placement ~~at the hospital~~ extended for
17 additional periods of 15 days in order to complete the
18 examination, and the defendant on the expiration of the period
19 provided for in such order shall be returned in accordance with
20 this subsection.

21 ~~(6) For the purposes of this subsection, "in need of inpatient~~
22 ~~hospitalization" means an individual has been determined under~~
23 ~~clinical standards of care to require inpatient treatment.~~

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1 (h) Except upon good cause shown, defendants charged with
2 misdemeanor offenses who are not in the custody of the
3 Commissioner of Corrections shall be examined on an outpatient
4 basis for mental competency. Examinations occurring in the
5 community shall be conducted at a location within 60 miles of
6 the defendant's residence or at another location agreed to by
7 the defendant.

8
9 (i) As used in this section:

10
11 (1) "No refusal system" means a system of forensic facilities,
12 hospitals and intensive residential recovery facilities under
13 contract with the ~~Department of Mental Health~~ Agency of Human
14 Services that provides high intensity services, in which the
15 facilities shall admit any individual for care if the individual
16 meets the eligibility criteria established by the Court or
17 Director.

18
19 (2) "Successor in interest" shall mean the mental health
20 hospital owned and operated by the State that provides acute
21 inpatient care and replaces the Vermont State Hospital.

22 § 4816. Scope of examination; report; evidence

23 (a) Examinations provided for in section 4815 of this title
24 shall have reference to ~~one or both of~~ the following

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1 (1) mental competency of the person examined to stand trial for
2 the alleged offense.

3 ~~(2) sanity of the person examined at the time of the alleged~~
4 ~~offense.~~

5 (b) A competency evaluation for an individual thought to have a
6 developmental disability shall include a current evaluation by a
7 psychologist skilled in assessing individuals with developmental
8 disabilities.

9 (c) (1) As soon as practicable after the examination has been
10 completed, the examining psychiatrist or, if applicable under
11 subsection (b) of this section, the psychiatrist and the
12 psychologist shall prepare a report containing findings in
13 regard to the applicable provisions of subsection (a) of this
14 section. The report shall be transmitted to the court issuing
15 the order for examination, and copies of the report sent to the
16 State's Attorney, to the respondent, to the respondent's
17 attorney if the respondent is represented by counsel, to the
18 ~~Commissioner of Mental Health, and, if applicable, to the~~
19 ~~Department of Disabilities, Aging, and Independent Living~~ the
20 Director of Community Safety.

21 ~~(2) If the court orders examination of both the person's~~
22 ~~competency to stand trial and the person's sanity at the time of~~
23 ~~the alleged offense, those opinions shall be presented in~~
24 ~~separate reports and addressed separately by the court. In such~~

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1 ~~eases, the examination of the person's sanity shall only be~~
2 ~~undertaken if the psychiatrist or, if applicable under~~
3 ~~subsection (b) of this section, the psychiatrist and the~~
4 ~~psychologist are able to form the opinion that the person is~~
5 ~~competent to stand trial, unless the defendant requests that the~~
6 ~~examinations occur concurrently. If the evaluation of the~~
7 ~~defendant's sanity at the time of the alleged offense does not~~
8 ~~occur until the defendant is deemed competent to stand trial,~~
9 ~~the psychiatrist or, if applicable under subsection (b) of this~~
10 ~~section, the psychiatrist and the psychologist shall make a~~
11 ~~reasonable effort to collect and preserve any evidence necessary~~
12 ~~to form an opinion as to sanity if the person regains~~
13 ~~competence.~~

14 (d) No statement made in the course of the examination by the
15 person examined, whether or not he or she has consented to the
16 examination, shall be admitted as evidence in any criminal
17 proceeding for the purpose of proving the commission of a
18 criminal offense or for the purpose of impeaching testimony of
19 the person examined.

20 (e) The relevant portion of a psychiatrist's report shall be
21 admitted into evidence as an exhibit on the issue of the
22 person's mental competency to stand trial and the opinion shall
23 be conclusive on the issue if agreed to by the parties and if
24 found by the court to be relevant and probative on the issue.

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1 (f) Introduction of a report under subsection (d) of this
2 section shall not preclude either party or the court from
3 calling the psychiatrist who wrote the report as a witness or
4 from calling witnesses or introducing other relevant evidence.

5 Any witness called by either party on the issue of the
6 defendant's competency shall be at the ~~State's expense, or, if~~
7 ~~called by the court, at the courtparty's expense~~

8 **§ 4817. Competency to stand trial; determination**

9 (a) A defendant is presumed to be competent.

10 (b) A person shall not be tried for a criminal offense if he or
11 she is incompetent to stand trial.

12 (c) If a person indicted, complained, or informed against for an
13 alleged criminal offense, an attorney or guardian acting in his
14 or her behalf, or the State, at any time before final judgment,
15 raises before the court before which such person is tried or is
16 to be tried, the issue of whether such person is incompetent to
17 stand trial, or if the court has reason to believe that such
18 person may not be competent to stand trial, a hearing shall be
19 held before such court at which evidence shall be received and a
20 finding made regarding his or her competency to stand trial.

21 However, in cases where the court has reason to believe that
22 such person may be incompetent to stand trial due to a mental
23 disease or mental defect, such hearing shall not be held until

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1 an examination has been made and a report submitted by an
2 examining psychiatrist in accordance with sections 4814-4816 of
3 this title.

4 (c) A person who has been found incompetent to stand trial for
5 an alleged offense may be tried for that offense if, upon
6 subsequent hearing, such person is found by the court having
7 jurisdiction of his or her trial for the offense to have become
8 competent to stand trial.

9 (d) A person who has been found incompetent to stand trial for
10 an alleged offense shall be ordered to undergo a competency
11 restoration process overseen by the Division of Community
12 Safety. Such programming may be completed in the community or in
13 a setting as directed by the court, including at the forensic
14 facility.

15 **§ 4818. Failure to indict by reason of insanity**

16 When a grand jury before which an indictment is heard returns
17 the indictment as not found by reason of insanity of the person
18 so charged at the time of the alleged offense, the grand jury
19 shall so certify to the court.

20 **§ 4819. Acquittal by reason of insanity**

21 When a person tried on information, complaint, or indictment is
22 acquitted by a jury by reason of insanity at the time of the
23 alleged offense, the jury shall state in its verdict of not
24 guilty that the same is given for such cause.

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2 **§ 4820. Hearing regarding commitment**

3 (a) When a person charged on information, complaint, or
4 indictment with a criminal offense:

5 ~~(1) Is reported by the examining psychiatrist following
6 examination pursuant to sections 4814-4816 of this title to have
7 been insane at the time of the alleged offense.~~

8 (1~~2~~) Is found upon hearing pursuant to section 4817 of this
9 title to be incompetent to stand trial due to a mental disease
10 or mental defect;~~;~~

11 (2~~3~~) Is not indicted upon hearing by grand jury by reason of
12 insanity at the time of the alleged offense, duly certified to
13 the court; or.

14 (4) Upon trial by court or jury is acquitted by reason of
15 insanity at the time of the alleged offense; the court before
16 which such person is tried or is to be tried for such offense,
17 shall hold a hearing pursuant to subchapter 2 of this Chapter,
18 for the purpose of determining whether such person should be
19 committed to the custody of the Director of Community
20 Safety~~Commissioner of Mental Health~~. Such person may be confined
21 in jail or some other suitable place by order of the court
22 pending hearing for a period not exceeding ~~15~~ 21 days unless
23 extended by order of the court.

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1 ~~(b) When a person is found to be incompetent to stand trial, has~~
2 ~~not been indicted by reason of insanity for the alleged offense,~~
3 ~~or has been acquitted by reason of insanity at the time of the~~
4 ~~alleged offense, the person shall be entitled to have counsel~~
5 ~~appointed from Vermont Legal Aid to represent the person. The~~
6 ~~Department of Mental Health and, if applicable, the Department~~
7 ~~of Disabilities, Aging, and Independent Living shall be entitled~~
8 ~~to appear and call witnesses at the proceeding.~~

9 **§ 4821. Notice of hearing; procedures**

10 The person who is the subject of the proceedings, his or her
11 attorney, the legal guardian, if any, the Director of the
12 Division of Community Safety established at 3 V.S.A. §
13 3097~~Commissioner of Mental Health or the Commissioner of~~
14 ~~Disabilities, Aging, and Independent Living, and the State's~~
15 ~~Attorney or other prosecuting officer representing the State in~~
16 ~~the case shall be given notice of the time and place of a~~
17 ~~hearing under 4820 Subchapter 2 of this title.~~

18 **Section 4**

19 Subchapter 2 is added to read

20 ***Subchapter 2: Commitment And Review Proceedings***

21 • **§-----. Definitions**

22 As used in this subchapter:

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1 (1) "Director" means the Director of the Division
2 of Community Safety established at 3 V.S.A. §
3 3097.

4 (2) "Danger of harm to others" means a person who a
5 judge has found there is probable cause to
6 believe has

7 (A) committed or attempted to commit a crime
8 while using violence, threatening to use
9 violence, while carrying a deadly or dangerous
10 weapon, or an element of which involves
11 violence; or

12 (B) committed an act that would constitute a
13 crime involving an element of sex or lewd and
14 lascivious behavior; or

15 (C) engaged other felonies that a judge finds
16 constitute a danger of harm to others; or (D)
17 engaged in stalking or committed repeated acts
18 that would constitute other misdemeanors.

19 (3) "Designated program" means a program designated
20 by the Director and approved by the Court as
21 adequate to provide public safety and
22 appropriate custody and care to eligible
23 persons receiving services under this
24 subchapter.

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1 (4) "Eligible person" means a person who has been
2 found not competent to stand trial or not
3 guilty by reason of insanity by a jury or who a
4 grand jury has certified a refusal to indict on
5 grounds of insanity.

6 (5) "Forensic Facility" means a secure facility
7 maintained for the purpose of maintaining
8 public safety and for the forensic assessment
9 and safe housing of justice involved
10 individuals who are subject to any stage of the
11 proceedings provided for under Chapter 157 of
12 Title 13.

13 (6) "Person in need of custody and treatment"
14 means:

15 (A) An eligible person;

16 (B) who presents a danger of harm to others.

17 (7) "Person in need of continued custody and treatment,"
18 means a person who was previously found to be a person in need
19 of custody and treatment, and:

20 (A) (i) for whom no party has presented evidence sufficient
21 to establish that the person is not or is no longer an eligible
22 person;

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1 (ii) who, in the absence of the programming provided by the
2 Director, would be likely to pose a danger of harm to others,
3 and;

4 **§ ----- . Jurisdiction and venue**

5 (a)hearings under this subchapter for commitment to the Director
6 for custody and treatment shall be commenced upon a
7 determination that a person is not competent to stand trial or
8 is not guilty by reason of insanity. All proceedings under this
9 Subchapter shall occur in the Criminal Division of the Superior
10 Court for the unit in which the person is or was facing criminal
11 prosecution. Such proceedings shall be open to the public.

12 (b)Subsequent judicial reviews shall proceed according
13 to this Chapter.

14 (c)The rules of evidence applicable in civil cases shall
15 apply, however reliable hearsay shall be admissible.

16 (c) Following the filing of an application for
17 judicial review the Court shall schedule the matter for a
18 status conference. A hearing shall be scheduled thereafter,
19 unless the parties stipulate beforehand.

20 • **§ ____ . Hearing**

21 (a) If this hearing is the first hearing concerning
22 commitment it shall be held within 21 days of the
23 finding that the person is an eligible person.

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1 (b) A review hearing shall be held within 60 days of the
2 filing of a request.

3 (c) The hearing may be continued for good cause shown.

4 (d) The Director or his or her designee shall attend the
5 hearing and, if called, testify.

6 (e) All persons to whom notice is given may attend the
7 hearing and testify...

8 (f)

9 (1) Prior to a hearing under this section the
10 Director shall submit a disposition plan
11 addressing the Director's proposal concerning
12 the plan designated for the care and treatment
13 of the individual.

14 (2) If the State or Defendant objects the Court
15 shall schedule a disposition hearing before
16 adopting a plan.

17 (3) Each plan submitted by the director shall
18 address public safety, restoration of
19 competency if the plan is being imposed after a
20 finding of incompetence, and shall propose a
21 any plan of services concerning the defendant
22 that shall be imposed for the duration of the
23 order.

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(g) The Court may order a defendant held in the custody of the Director at any point pending adoption of the disposition plan. A hearing on whether this status should remain in place pending final disposition shall be held within 72 hours.

(h) At any time after a disposition order is imposed, the Court or the Director may transfer the person who is the subject of the order to the forensic facility for purposes of stabilization, evaluation, or public safety during the period of the order.

• § _____. **Findings and order**

(a) In all cases, the Court shall make specific findings of fact and state its conclusions of law.

(b) If the Court finds that the respondent is a person in need of custody and treatment, it shall order the respondent committed to the custody of the Director in a designated program in the least restrictive environment consistent with the respondent's need for custody and treatment, and for public safety. Any such order may be for an indefinite or a limited period. Any statute of limitation for the underlying offense shall be tolled while the person is in the custody of the Director.

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1 • § _____ **Legal competence**

2 No determination that a person is in need of custody and
3 treatment and no order authorizing commitment shall lead to
4 a presumption of legal incompetence.

5 • § _____. **Judicial review**

6 (a) A person committed under this subchapter may be
7 discharged from custody by a superior judge after judicial
8 review.

9 (b) Procedures for judicial review of persons committed
10 under this subchapter shall be as provided in section -----
11 --- of this title. Proceedings shall be brought in the
12 criminal division of the superior court in the unit which
13 issued the original commitment order.

14 (c) A person committed under this subchapter shall be
15 entitled to a judicial review annually. If no such review
16 is requested by the person, it shall be initiated by the
17 Director. However, such person may initiate a judicial
18 review under this subsection after 90 days of initial
19 commitment but before the end of the first year of the
20 commitment, or if commitment is continued in subsequent
21 years, the person may move 90 days after continued
22 commitment order is issued.

23 (d) If at the completion of the hearing and consideration
24 of the record, the court finds at the time of the hearing

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1 that the person is a person in need of continued custody
2 and treatment , commitment shall continue for an indefinite
3 or limited period. If the court finds at the time of the
4 hearing that the person is no longer in need of custody and
5 treatment, it shall discharge the person from the custody
6 of the Director.

7 (e) The standard for continued commitment is whether the
8 respondent is in need of continued custody and treatment.
9 In determining whether this standard is met the court shall
10 consider:

11 (1) The degree to which the individual has engaged in the
12 treatment provided by the Director;

13 (2) The likelihood that individual will refrain from
14 conduct that poses a risk of physical or sexual harm to
15 others, or harm to property, if discharged from the order;

16 (3) If expressly raised by either party:

17 (A) whether the respondent has an intellectual
18 disability, or;

19 (B) is now competent to stand trial.

20 (i) if the court finds that the person is now
21 competent to stand trial the court shall schedule the
22 matter in the criminal division and address -

23 Pretrial custody of the respondent.

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1 (4) The court, on its own motion or upon motion of the
2 Respondent or the State, may order an examination of respondent
3 to assess whether the respondent continues to meet criteria for
4 intellectual disability. Any such motion shall be made within
5 ten days of receipt of notice of hearing otherwise the most
6 recent evaluation shall be presumed valid.

7 **§ _____ . Orders for designated program; Requirements**

8 (a) An order for initial or continued commitment shall permit
9 the Commissioner to:

10 (1) Place the person in a secure facility including the
11 forensic facility; or,

12 (2) designate a program of community-based supports for
13 the person who is the subject of the order

14 (3) An order for a community or facility placement may:

15 (A) determine of the degree of supervision over the person
16 in need of custody, care and habilitation required in the
17 community;

18 (B) determine appropriate pharmaceutical and non-
19 pharmaceutical therapies for the purpose of restoring
20 competency, improving skills and reducing risk of danger of harm
21 to others.

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1 (2) restrict a committed person's access to places or
2 persons and determine whether the committed person must have
3 supervision when visiting certain persons or places.

4 (3) determine the place where petitioner will reside.

5 (4) require petitioner to take all prescribed medications.

6 (5) enter, visit and inspect the person in need of custody
7 and treatment's place of residence at all reasonable times.

8 (6) access and receive personal health or other information
9 regarding the person under commitment.

10 (7) restrict the ability of the person to smoke, drink,
11 drive, access the internet, or own weapons.

12 (8) in the case of a person who has eloped from the
13 supervision of the Director, have the committed person arrested
14 and either:

15 (A) returned to the designated program, or;

16 (B) held contempt of the Court's order pursuant to 12 V.S.A. §
17 122, or;

18 (C) both.

19 (9) assign such other conditions of Commitment as deemed
20 appropriate by the Director or the Court to protect public
21 safety.

22 (c) An order of discharge may be conditional or absolute and
23 may have immediate or delayed effect.

24 § _____. **Disposition hearing**

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1 (a) Hearing procedure. If disposition is contested, all
2 parties shall have the right to present evidence and examine
3 witnesses. Hearsay may be admitted and may be relied on to the
4 extent of its probative value. If reports are admitted, the
5 parties shall be afforded an opportunity to examine those making
6 the reports, but sources of confidential information need not be
7 disclosed.

8 • (b) the standard of proof shall be by clear and convincing
9 evidence.]\$ _____. **Right to counsel**

10 Persons subject to commitment or judicial review under this
11 subchapter shall have a right to legal counsel.

12 • § _____. **Rulemaking; authority**

13 The Director may promulgate regulations he or she deems
14 necessary to the administration of this Chapter.

15
16 **Renumber - § 4824. Reporting; National Instant Criminal**
17 **Background Check System**

18
19 (a) If the court finds that a person is a person in need in need
20 custody and treatment ~~of treatment pursuant to section 4822 of~~
21 ~~this title~~, the Court Administrator shall within 48 hours report
22 the name of the person subject to the order to the National
23 Instant Criminal Background Check System, established by Section

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1 103 of the Brady Handgun Violence Prevention Act of 1993. The
2 report shall include only information sufficient to identify the
3 person, the reason for the report, and a statement that the
4 report is made in accordance with 18 U.S.C. § 922(g)(4).

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