

**CONFIDENTIAL**  
**LEGISLATIVE BILL REVIEW FORM: 2016**

Bill Number: H.712 Name of Bill: Criminal procedures; insanity as a defense

Agency/Dept: VSP/DPS Author of Bill Lieutenant Daniel Trudeau, VSP  
Review: \_\_\_\_\_

Date of Bill Review: 01-29-2016 Related Bills and Key Players: N/A

Status of Bill: (check one)

XX Upon Introduction \_\_\_\_\_ As passed by 1<sup>st</sup> body \_\_\_\_\_ As passed by both bodies \_\_\_\_\_

Recommended Position:

XX Support \_\_\_\_\_ Oppose \_\_\_\_\_ Remain Neutral \_\_\_\_\_ Support with modifications identified in # 8 below \_\_\_\_\_

**Analysis of Bill**

1. **Summary of bill and issue it addresses.** *This bill proposes to modernize and update Vermont statutes relating to the insanity defense in criminal cases.*
2. **Is there a need for this bill?** *The changes to the bill update terminology and definitions to more politically correct language as well as updated procedural language for mental screening and treatment processes.*
3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?** *There will be no fiscal or programmatic implications for this Department.*
4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?** *It does not appear that there will be any fiscal or programmatic implications to any other state government departments other than the Department of the Commissioner of Mental Health. This department would assist in handling defendant placement or screenings. These cases are not voluminous, so unlikely to be any fiscal or programmatic burdens in anyway.*
5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** *(for example, public, municipalities, organizations, business, regulated entities, etc) It appears that this bill is just a modernized language and procedural cleanup of the former bill and that there will not be any fiscal implications and/or programmatic implications.*
6. **Other Stakeholders:**

**6.1 Who else is likely to support the proposal and why?** *The judicial system would support the language and procedural cleanup of the bill.*

**6.2 Who else is likely to oppose the proposal and why?** *There is likely nobody who would oppose the bill as introduced. The burden of proof is still on the defense to prove insanity as a defense.*

7. **Rationale for recommendation:** *Modernization of terms, definitions and procedure.*
8. **Specific modifications that would be needed to recommend support of this bill:** *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position. N/A*
9. **Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many?** N/A

Secretary/Commissioner has reviewed this document



Date: 2/1/16