



STATE OF VERMONT
AGENCY OF HUMAN SERVICES

MEMORANDUM

TO: Chair Lyons, Senate Committee on Health and Welfare

FROM: Kristin McClure, Deputy Secretary, Agency of Human Services

DATE: March 10, 2026

SUBJECT: S.193 - An act relating to establishing a forensic facility for certain criminal justice-involved persons

Dear Chair Lyons,

The Agency of Human Services appreciates the Committee's continued work on S.193 and the opportunity to provide testimony on this important proposal.

Vermont's public safety and human services systems have long faced a significant gap in how to address individuals charged with the most serious violent offenses who are found incompetent to stand trial or not guilty by reason of insanity (NGRI). S.193 represents an important step toward addressing that gap through the establishment of a secure forensic facility within the Department of Corrections, paired with a clear competency restoration process. The Agency supports this proposal and looks forward to working with the Legislature and stakeholders to further refine and strengthen it.

Establishing a secure forensic option would create an appropriate setting for individuals who are unable to proceed to trial due to incompetency or found NGRI, but whose cases involve clinical concerns and serious public safety considerations. Importantly, this proposal is not intended to replace or disrupt Vermont's existing mental health systems. The Administration is not proposing changes to current processes for individuals who require hospital-level mental health care. Rather, this proposal is designed to fill a specific and longstanding gap in the continuum of care and custody options available to the State.

S.193 advances three essential goals that the Administration strongly supports: protecting public safety while upholding due process and ensuring access to appropriate clinical care. Individuals who are found not competent to stand trial require treatment and a clear legal pathway forward. At the same time, the State must ensure that systems are in place to manage serious cases safely and responsibly. This bill reflects an effort to balance these priorities.

The proposal is also strongly aligned with the Administration's broader public safety agenda, reflecting the growing consensus that Vermont needs a secure forensic option that is separate from the civil mental health system, clearer statutory pathways for competency-related cases, and

mechanisms to reduce the number of individuals who currently cycle between courts, hospitals, the community, and correctional facilities without resolution. Addressing these challenges will improve outcomes for individuals, support the courts, and strengthen public safety.

The Agency also supports the bill's integrated, cross-agency approach. Addressing competency and forensic issues requires coordination across multiple parts of state government, including the Departments of Corrections, Mental Health, Disabilities, Aging, and Independent Living, and the Health Department's Division of Substance Use. People can, and routinely are, found not competent for many reasons not limited to mental health. A cross-agency model helps to ensure that clinical and custodial oversight are appropriately integrated, that lines of accountability are clear, and that coordination across public safety, health, and the judicial system is strengthened. Moving forward with a collaborative framework will help ensure that the resulting system is sustainable and effective.

Subject matter experts from across the Agency of Human Services will provide more detailed input to the Committee on this bill, including representatives from the Departments of Mental Health and Department of Corrections. Their testimony will focus on practical considerations that will help ensure the policy is durable, clinically appropriate, and workable in practice.

In closing, the Administration strongly supports efforts to address this critical gap in Vermont's public safety and human services systems. Establishing a secure forensic option and a clear competency restoration framework will help ensure that Vermont has a system that is safe, humane, and effective. We appreciate the collaboration reflected in S.193 and its alignment with the Administration's broader public safety framework, and we look forward to continuing to work with the Legislature to further refine the proposal where needed to ensure it achieves its intended goals.