

# Senate Judiciary Committee

*Pete Mulvey 271-4063*

**HB 480**, relative to restoration of competency to stand trial for criminal defendants.

**Hearing Date:** May 15, 2025

**Time Opened:** 3:39 p.m.

**Time Closed:** 3:51 p.m.

**Members of the Committee Present:** Senators Gannon, McConkey and Reardon

**Members of the Committee Absent :** Senators Abbas and Altschiller

**Bill Analysis:** This bill directs the committee to study restoration of competency to submit any additional proposals on or before July 1, 2025 and requires, once adequate funding is received, the department of health and human services to establish a 2-year pilot program to create the position of one or more forensic liaisons, who will assist in competency proceedings of criminal defendants.

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**Sponsors:**

Rep. M. Pearson

Rep. Gregg

Rep. Kuttab

Rep. Lynn

Rep. Rhodes

Rep. Roy

Rep. Turer

Sen. Fenton

Sen. Gannon

Sen. Long

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**Who supports the bill:** 13 individuals supported HB 480. Contact [peter.mulvey@gc.nh.gov](mailto:peter.mulvey@gc.nh.gov) for further details.

**Who opposes the bill:** Two individuals opposed HB 480. Contact [peter.mulvey@gc.nh.gov](mailto:peter.mulvey@gc.nh.gov) for further details.

**Who is neutral on the bill:** Jenny O'Higgins and Cyndi Babonis.

**Summary of testimony:**

**Representative Mark Pearson**

**Rockingham – District 34**

- HB 480 is concerned with competency restoration for those deemed incompetent following criminal charges.
- Under current law, there is a time frame for individuals to restore competency, or else the case is dismissed, or the individual is institutionalized if dangerous.
- The State of New Hampshire has no official restoration policy or arrangement in place.
- Over the years, the competency restoration rate in the State has ranged between 30-40%.

- States with focused competency programs had restoration rates between 60-70%, and were even higher if performed as in-patient care.
- HB 480 establishes two ways to assist in restoration. One or more forensic liaisons shall be hired to facilitate a defendant's attendance and initial competency evaluation and following treatments.
- A liaison would assist in obtaining services and communicate progress to the court.
- Second, contracting for service providers is enhanced under HB 480.
- There had been instances where the sentence given to someone found guilty was actually shorter than the period in which they spent in jail or a mental health facility without competency.
- The forensic liaison established by HB 480 would be under the Department of Health and Human Services.
- Two counties in the State had expressed interest in a pilot program.
- It is unknown how many staff members would be requisite for the pilot program. Regardless, the current estimate is that it could cost over \$1m. Rep. Pearson found the figure excessive, and peculiar given that it was an unknown as to how many staffers and to what capacity would be required.
- Rep. Pearson asked for the bill to be rereferred so the establishment of a competency restoration process can be further refined.

**Holly Stevens, esq.**

**Director, Public Policy - National Alliance on Mental Illness N.H**

- NAMI NH concurred with the request to rerefer the bill.
- Given the current budget cycle, and the uncertainty of the language of the bill, more time to work would be beneficial.
- In the absence of competency restoration, individuals reoffend, become homeless, or re-institutionalized.

**Janelle LaPlante**

- Ms. LaPlante spoke in support of HB 480.
- Ms. LaPlante had three years of experience with forensic competency restoration.
- Colorado's forensic navigator program was lauded as a successful competency restoration program.
- Both anecdotal and quantitative research support the efficacy of forensic restoration.
- Ms. LaPlante concurred with the request to rerefer the bill to consider additional mechanisms to provide comprehensive restoration.

**Karen Rosenberg**

**Policy Director - Disability Rights Center**

- Ms. Rosenberg appeared alongside Hannah Roberts, the staff attorney for the Disability Rights Center.
- The DRC supported the concept of rereferral.
- A liaison program made sense, but the pilot program lacked a few key elements.

- Trust needs to be cultivated so a defendant participates with greater engagement.

PM

Date Hearing Report completed: May 16, 2025