

HB 2377 -- MENTAL CAPACITY TO BE TRIED OR CONVICTED

SPONSOR: Cook

This bill requires a judge who has reasonable cause to believe a person accused of a nonviolent misdemeanor lacks mental fitness to proceed in a criminal proceeding to, upon the judge's own motion or motion filed by the State or by or on behalf of the accused person, direct the Director of the Department of Mental Health to have the accused person assessed by a qualified mental health professional. The assessment will determine the treatment needs of the accused person, and will, if appropriate, refer the accused person to community treatment services, which may include involuntary commitment. An assessment performed under this provision must be filed with the court within 14 days of the order unless the court, for good cause, orders otherwise. Upon successful participation in treatment services for at least six months but not longer than the maximum time that would have been served if convicted, the charges against the accused person will be dismissed.

The current processes for assessments and treatment when a judge has reasonable cause to believe the accused person lacks mental fitness to proceed will apply to those charged with a felony or violent misdemeanor.