
Civil Rights & Judiciary Committee

HB 2152

Brief Description: Updating terminology related to criminal insanity and competency to stand trial.

Sponsors: Representatives Thai, Mosbrucker, Reed, Ormsby, Taylor, Farivar, Goodman, Paul, Fosse and Davis.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Updates terminology in laws relating to criminal insanity and competency to stand trial.
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Hearing Date: 1/23/24

Staff: Edie Adams (786-7180).

Background:

State forensic laws govern procedures and requirements relating to competency to stand trial and criminal insanity. If a question regarding a defendant's competency to stand trial is raised, or if a defendant pleads not guilty by reason of insanity, the court must appoint a qualified expert to evaluate and report on the defendant's mental condition.

A person is incompetent to stand trial if the person, as a result of a mental disease or defect, lacks the capacity to understand the nature of the criminal proceedings or to assist in his or her own defense. A person who is incompetent to stand trial may not be tried, convicted, or sentenced for a criminal offense as long as the incompetency continues. If the court finds the defendant is not competent to stand trial, the court must stay the criminal proceedings and, depending on the charged offense, either order a period of competency restoration treatment or dismiss the charges without prejudice.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

A defendant is not guilty by reason of insanity if a judge or jury finds that, at the time of the commission of the offense, the defendant had a mental disease or defect that affected the defendant to such an extent that either the defendant was unable to perceive the nature or the quality of the act charged or was unable to tell right from wrong with reference to the particular act charged.

Summary of Bill:

Terminology relating to competency to stand trial and mental disease or defect is updated in the chapter of law governing criminal insanity and competency to stand trial, as well as other provisions outside of that chapter that refer to these terms. The terminology is changed as follows:

Current Law	House Bill 2152
competent	able to proceed
competent to stand trial	able to proceed to trial
competency	ability to proceed
competency to stand trial	ability to proceed to trial
incompetent	unable to proceed
incompetent to stand trial	unable to proceed to trial
incompetency	inability to proceed
incompetency to stand trial	inability to proceed to trial
capacity	present ability
incapacity	inability
competency evaluation	ability to proceed evaluation
competency restoration	restoration or restoration treatment
mental disease or defect	mental disorder

"Inability to proceed" means a person lacks the present ability to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of a mental disorder. "Ability to proceed" or "able to proceed" refers to the present ability of a person to understand the nature of the criminal proceedings against him or her or to assist in his or her own defense. "Mental disorder" has the same meaning as provided under the Involuntary Treatment Act, and means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions. "Restoration" or "restoration treatment" means a process by which a defendant adjudicated unable to proceed undergoes court ordered mental health treatment combined with didactic instruction for the purpose of rendering the defendant amenable to trial.

Legislative intent is stated that the changes to terminology are not intended to change the meaning of the underlying concepts and do not change the applicability or effect of prior case law related to criminal insanity or inability to proceed to trial.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains multiple effective dates. Please see the bill.