

Bill Summary
2nd Session of the 59th Legislature

Bill No.:	SB 1089
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Bill Analysis

SB 1089 provides that any time period a defendant refuses medication prescribed or ordered that is designed to restore the defendant to competency shall not be used in the calculation of a reasonable period of time. The measure directs the court to hold a hearing to determine whether the person has been restored to competency within 30 days of the expiration of the reasonable period of time. The measure directs the Department of Mental Health and Substance Abuse Services to submit a report to the court, the person's attorney, and the prosecuting agency detailing the person's status and progress in being restored to competency no less than 15 days prior to the hearing. Criminal proceedings shall resume if the court determines the person has been restored to competency. The measure directs the court to determine whether additional competency restoration services are likely to be beneficial in restoring the person to competency if it has not determined the person has been restored. The measure outlines criteria for consideration when determining competency.

The measure directs the Department to continue all appropriate efforts to restore the consumer to competency after the dismissal of criminal charges. Every 60 days, the Department shall notify the consumer, the attorney of the consumer, the prosecuting agency that prosecuted the dismissed criminal action, and the district court that committed the consume 60 days prior to any discharge, leave, granting of visiting status, or transfer of the consumer. The measure provides that the prosecuting agency that prosecuted the consumer may file an objection to the consumer's discharge, leave, granting of visiting status, or transfer within 30 days of receiving the notice. The court shall hold a hearing within 30 days of receiving the filed objection. The consumer shall be entitled to counsel at the hearing and in preparation for the hearing. Any order relating to granting or denying discharge, leave, granting of visiting status, or transfer may be appealed by either the consumer or the prosecuting agency to the Supreme Court.

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