

Bill Summary
1st Session of the 60th Legislature

Bill No.:	SB 1089
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Author:	Sen. Rosino
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Bill Analysis

SB 1089 provides that if a person is found to be incompetent and dangerous as well as charged with certain felony offenses or a violent crime, the district court acting as finder of fact shall conduct a hearing to determine the sufficiency of the evidence. The measure authorizes the use of hearsay evidence in such findings. If the district court finds that there is not clear and convincing evidence to establish that the person committed an offense listed in the measure, the district court shall dismiss the criminal case without prejudice.

If the court does find the defendant meets the qualifications, the district court shall continue the suspension of the criminal proceedings and direct the defendant to remain in the custody of the Department of Mental Health and Substance Abuse Services for treatment. The Department shall hold the person for treatment until the court order the release of the defendant or upon the expiration of the period of time equal to the maximum sentence to which the person would have been subject had the person been convicted in a criminal proceeding of the offense. The measure directs the Department to make periodic reports to the district court as to the competency of the person. The Department shall review the competency of the defendant every 3 months.

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