



PA 18-134—HB 5557

Judiciary Committee

AN ACT CONCERNING THE COMPETENCY OF A DEFENDANT TO STAND TRIAL

SUMMARY: This act decreases the frequency of court-ordered periodic examinations for certain criminal defendants deemed incompetent to stand trial after an initial examination. Generally, the act covers defendants charged with certain sex offenses or crimes that resulted in death or serious physical injury.

Under existing law, as a condition of release or placement with a state agency after a defendant is deemed incompetent to stand trial (see BACKGROUND), the court may order periodic competency examinations at least every six months. The act extends the intervals between examinations to at least every 18 months if the court finds, after the initial periodic examination and based upon the examiner's recommendation, that there is a substantial probability that the defendant will never regain competency even if provided a course of treatment.

Under existing law, unchanged by the act, periodic examinations must continue until the (1) court finds the defendant attained competency or (2) time within which the defendant may be charged for the alleged crime expires, whichever occurs first.

EFFECTIVE DATE: October 1, 2018

BACKGROUND

Competency to Stand Trial

By law, a defendant in a criminal trial may not be tried, convicted, or sentenced while he or she is deemed incompetent (i.e., unable to understand the proceedings or assist in his or her own defense). If treatment for the defendant is unsuccessful and the defendant does not attain competency, the court may order such a defendant (1) released or (2) placed in the custody of the departments of children and families, developmental services, or mental health and addiction services. Defendants placed in a department's custody may receive further treatment or be civilly committed to a psychiatric facility, if appropriate (CGS § 54-56d(m)).