

1 S.8

2 Introduced by Senator Hashim

3 Referred to Committee on

4 Date:

5 Subject: Criminal procedures; competency to stand trial; insanity as a defense

6 Statement of purpose of bill as introduced: This bill proposes to provide that
7 when a person accused of a crime is found incompetent to stand trial or not
8 guilty by reason of insanity, an attorney may be appointed to represent the
9 person from the Office of the Defender General rather than from Vermont
10 Legal Aid.

11 An act relating to appointing counsel to represent a person found
12 incompetent to stand trial or not guilty by reason of insanity

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 13 V.S.A. § 4820 is amended to read:

15 § 4820. HEARING REGARDING COMMITMENT

16 (a) When a person charged on information, complaint, or indictment with a
17 criminal offense:

18 (1) Is reported by the examining psychiatrist following examination
19 pursuant to sections 4814–4816 of this title to have been insane at the time of
20 the alleged offense.

1 (2) Is found upon hearing pursuant to section 4817 of this title to be
2 incompetent to stand trial due to a mental disease or mental defect.

3 (3) Is not indicted upon hearing by grand jury by reason of insanity at
4 the time of the alleged offense, duly certified to the court.

5 (4) Upon trial by court or jury is acquitted by reason of insanity at the
6 time of the alleged offense; the court before which such person is tried or is to
7 be tried for such offense; shall hold a hearing for the purpose of determining
8 whether such person should be committed to the custody of the Commissioner
9 of Mental Health. Such person may be confined in jail or some other suitable
10 place by order of the court pending hearing for a period not exceeding 15 days.

11 (b) When a person is found to be incompetent to stand trial, has not been
12 indicted by reason of insanity for the alleged offense, or has been acquitted by
13 reason of insanity at the time of the alleged offense, the person shall be entitled
14 to have counsel appointed from ~~Vermont Legal Aid~~ the Office of the Defender
15 General to represent the person. The Department of Mental Health and, if
16 applicable, the Department of Disabilities, Aging, and Independent Living
17 shall be entitled to appear and call witnesses at the proceeding.

18 Sec. 2. EFFECTIVE DATE

19 This act shall take effect on passage.