1	S.176
2	Introduced by Senator Hashim
3	Referred to Committee on
4	Date:
5	Subject: Criminal procedures; competency to stand trial; subsequent
6	competency evaluations
7	Statement of purpose of bill as introduced: This bill proposes to provide that a
8	decision by the Department of Mental Health to terminate or no longer extend
9	a treatment order for a criminal defendant shall constitute a changed
10	circumstance that qualifies the defendant for a subsequent psychiatric
11	competency evaluation.
12	An act relating to subsequent evaluations of competency to stand trial
13	It is hereby enacted by the General Assembly of the State of Vermont:
14	Sec. 1. 13 V.S.A. § 4814 is amended to read:
15	§ 4814. ORDER FOR EXAMINATION OF COMPETENCY
16	(a) Any court before which a criminal prosecution is pending may order the
17	Department of Mental Health to have the defendant examined by a psychiatrist
18	at any time before, during, or after trial, and before final judgment in any of the
19	following cases:
20	(1) [Repealed.]

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1	(2) when the defendant, the State, or an attorney, guardian, or other
2	person acting on behalf of the defendant raises before such court the issue of
3	whether the defendant is mentally competent to stand trial for the alleged
4	offense; or
5	(3) [Repealed.]
6	(4) when the court believes that there is doubt as to the defendant's
7	mental competency to be tried for the alleged offense.
8	* * *
9	(e)(1) After an initial competency determination, a court may order
10	subsequent evaluations of a defendant to be performed by the Department of
11	Mental Health only upon a showing of changed circumstances. In determining
12	whether to order subsequent evaluations, the court shall consider a treating
13	physician's clinical evidence, if any, indicating that the defendant's
14	competency may have changed. This section shall not limit the parties'
15	abilities to secure their own evaluations voluntarily or under Vermont Rule of
16	Criminal Procedure 16.1.
17	(2) When the court orders a defendant committed to the care and
18	custody of the Commissioner of Mental Health under 13 V.S.A. § 4822, a
19	decision by the Department to discharge the defendant from custody or to
20	permit the commitment order to expire shall constitute changed circumstances
21	under subdivision (1) of this subsection.

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- 2 Sec. 2. EFFECTIVE DATE
- 3 <u>This act shall take effect on passage.</u>