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H.405

Introduced by Representative LaLonde of South Burlington

Referred to Committee on

Date:

Subject: Criminal procedure; competency to stand trial

Statement of purpose of bill as introduced: This bill proposes to provide that when a person has been found incompetent to stand trial for a criminal offense, the charges against the person shall be dismissed if the person has not regained competency prior to the expiration of the statute of limitations for the offense.

An act relating to competency to stand trial

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

Sec. 1. 13 V.S.A. § 4817 is amended to read:

§ 4817. COMPETENCY TO STAND TRIAL; DETERMINATION;

DISMISSAL

\* \* \*

(b) A person shall not be tried for a criminal offense if the person is found incompetent to stand trial by a preponderance of the evidence.

\* \* \*

(d) A person who has been found incompetent to stand trial for an alleged offense may be tried for that offense if, upon subsequent hearing, such person

1 is found by the court having jurisdiction of the person's trial for the offense to  
2 have become competent to stand trial.

3 (e) When a person has been found incompetent to stand trial for an alleged  
4 offense, the charges against the person shall be dismissed if the person has not  
5 regained competency prior to the expiration of the statute of limitations for the  
6 offense under chapter 151 of this title. Dismissal of charges against a person  
7 pursuant to this subsection shall not affect whether the person may be tried for  
8 the offense after becoming competent as provided for in subsection (d) of this  
9 section.

10 Sec. 2. 13 V.S.A. § 4509 is added to read:

11 § 4509. EFFECT OF FINDING OF INCOMPETENCY TO STAND TRIAL

12 The applicable limitations period for an offense shall resume running when  
13 a person is found incompetent to stand trial for the offense pursuant to section  
14 4817 of this title. If the person is subsequently found competent to stand trial  
15 for the offense, the limitations period shall be tolled upon the date of the  
16 finding.

17 Sec. 3. EFFECTIVE DATE

18 This act shall take effect on passage.