



LAWS OF ALASKA

1966

Source:

SB 15 am by Conference Committee

Chapter No.:

43

AN ACT

Relating to the determination of the mental competency of a person accused of a crime.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 12.45.110 is amended to read:

Sec. 12.45.110. COMMITMENT ON FINDING OF INSANITY.

(a) When the trial court determines, in accordance with sec. 100 of this chapter, that an accused is or was so mentally incompetent that he is unable to understand the proceedings against him or properly to assist in his own defense, the court may commit the accused to the custody of the commissioner of health and welfare or his authorized representative until the accused is mentally competent to stand trial, or until the pending charges against him are disposed of according to law. The accused is not subject to expenses of hospitalization and transportation incurred as a result of his commitment under this section and the liability for payment in AS 47.30.270 does not apply to commitments under this section.

(b) The committing court in its commitment order shall

require the commissioner or his authorized representative to submit periodic written reports upon the mental condition of an accused person who is committed under (a) of this section.

* Sec. 2. AS 12.45 is amended by adding a new section to read:

Sec. 12.45.115. DETERMINATION OF SANITY AFTER RELEASE FROM COMMITMENT. (a) When, in the medical judgment of the custodian of an accused person committed under sec. 110(a) of this chapter, the accused is considered to be mentally competent to stand trial, the committing court shall hold a hearing, after due notice, as soon as conveniently possible after release of the accused from custody. At the hearing, evidence as to the mental condition of the accused may be submitted, including reports by the custodian to whom the accused was committed for care.

(b) If at the hearing the court determines that the accused is presently sane or mentally competent to understand the nature of the proceedings against him or to assist in his own defense, appropriate criminal proceedings shall be commenced against the accused.

(c) If at the hearing the court determines that the accused is still presently insane or mentally incompetent, the court shall recommit the accused as provided in sec. 110(a) of this chapter.

(d) A finding by the court that the accused is mentally competent to stand trial in no way prejudices the accused in a plea of insanity as a defense to the crime charged. This finding may not be introduced in evidence on that issue or

otherwise be brought to the notice of the jury.

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Approved by Governor March 29, 1966
Actual effective date: June 27, 1966