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IN THE SENATE

BY THE JUDICIARY COMMITTEE

SENATE BILL NO. 257

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIRST LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to mental incompetency after arrest and before sentence, or expiration of probation, providing for a procedure upon finding of mental incompetency; and providing for an effective date."

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

Section 1. Whenever after arrest and prior to the imposition of sentence or prior to the expiration of any period of probation the Attorney General or the District Attorney has reasonable cause to believe that a person charged with an offense against the State of Alaska may be presently insane or otherwise so mentally incompetent as to be unable to understand the proceedings against him or properly to assist in his own defense, he shall file a motion for a judicial determination of such mental competency of the accused, setting forth the ground for such belief with the trial court in which proceedings are pending. Upon such a motion or upon a similar motion in behalf of the accused, or upon its own motion, the court shall cause the accused, whether or not previously admitted to bail, to be examined as to his mental condition by at least one qualified psychiatrist, who shall report to the court. For the purpose of the examination the court may order the accused committed for such reasonable period as the court may determine to a suitable hospital or other facility to be designated by the court. If the report of the psychiatrist indicates a state of present

1 insanity or such mental incompetency in the accused, the court
2 shall hold a hearing, upon due notice, at which evidence as to the
3 mental condition of the accused may be submitted, including that
4 of the reporting psychiatrist, and make a finding with respect
5 thereto. No statement made by the accused in the course of any
6 examination into his sanity or mental competency provided for by
7 this section, whether the examination shall be with or without the
8 consent of the accused, shall be admitted in evidence against the
9 accused on the issue of guilt in any criminal proceeding. A find-
10 ing by the judge that the accused is mentally competent to stand
11 trial shall in no way prejudice the accused in a plea of insanity
12 as a defense to the crime charged; such finding shall not be
13 introduced in evidence on that issue nor otherwise be brought to
14 the notice of the jury.

15 Sec. 2. Whenever the trial court shall determine in accord-
16 ance with Section 1 of this Act that an accused is or was mentally
17 incompetent, the court may commit the accused to the custody of
18 the Commissioner of Health and Welfare or his authorized represen-
19 tative, until the accused shall be mentally competent to stand
20 trial or until the pending charges against him are disposed of
21 according to law.

22 Sec. 3. This Act takes effect on the day after its passage
23 and approval or on the day it becomes law without such approval.
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