

1 IN THE SENATE

BY THE RULES COMMITTEE BY REQUEST  
OF THE LEGISLATIVE COUNCIL

2 SENATE BILL NO. 15

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the determination of the  
7 mental competency of a person accused of a  
8 crime."

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

10 \* Section 1. AS 12.45.110 is amended to read:

11 Sec. 12.45.110. ✓ COMMITMENT ON FINDING OF INSANITY. (a)

12 When the trial court determines, in accordance with sec. 100  
13 of this chapter, that an accused is or was so mentally incom-  
14 petent that he is unable to understand the proceedings against  
15 him or properly to assist in his own defense, the court may  
16 commit the accused to the custody of the commissioner of  
17 health and welfare or his authorized representative until the  
18 accused is mentally competent to stand trial, or until the  
19 pending charges against him are disposed of according to law.

20 (b) The committing court shall periodically inquire  
21 about the mental condition of an accused person who is com-  
22 mitted under (a) of this section.

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

24 Sec. 12.45.115. ✓ DETERMINATION OF SANITY AFTER RELEASE  
25 FROM COMMITMENT. (a) When, in the medical judgment of the  
26 custodian of an accused person committed under sec. 110(a)  
27 of this chapter, the accused is considered to be mentally  
28 competent to stand trial, the committing court shall hold a  
29 hearing, after due notice, as soon as conveniently possible

1 after release of the accused from custody. At the hearing,  
2 evidence as to the mental condition of the accused may be  
3 submitted, including reports by the custodian to whom the  
4 accused was committed for care.

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

10 (c) If at the hearing the court determines that the  
11 accused is still presently insane or mentally incompetent,  
12 the court shall recommit the accused as provided in sec.  
13 110(a) of this chapter.

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