

Introduced: 1/27/65
Referred: Judiciary

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 - SECOND 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 The accused is not subject to expenses of hospitalization and
21 transportation incurred as a result of his commitment under
22 this section and the liability for payment in AS 47.30.270
23 does not apply to commitments under this section.

24 (b) The committing court in its commitment order shall
25 require the commissioner or his authorized representative
26 to submit periodic written reports upon the mental condition
27 of an accused person who is committed under (a) of this sec-
28 tion.

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

SB 15 am by Conference Committee

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

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

16 (c) If at the hearing the court determines that the
17 accused is still presently insane or mentally incompetent,
18 the court shall recommit the accused as provided in sec.
19 110(a) of this chapter.

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