

HOUSE BILL NO. 2549 REVIEW
Prepared by Norm Furse, Revisor's Office

Background: The bill relates to institutions or facilities designated to help determine the competency to stand trial of persons who are accused of a misdemeanor or felony, and if such persons are found not competent to stand trial, the institutions or facilities to which such persons are to be committed. The bill also eliminates the statutory list of counties in the two state hospital's catchment area.

Section 1. Currently under the law a court determines the issue of competency of a defendant charged with a crime to stand trial. The court is authorized to order a psychiatric or psychological examination of the defendant. If the defendant is charged with a felony, the court may commit the defendant to the state security hospital for examination and report to the court. If the defendant is charged with a misdemeanor, the court may commit the defendant to any appropriate state, county or private institution for examination and report to the court. This section would allow the court in either misdemeanor or felony cases to commit the defendant to the state security hospital or any appropriate state, county, private institution or facility for examination and report to the court.

Section 2. Under current law a defendant charged with a felony and found incompetent to stand trial is to be committed for evaluation and treatment to the state security hospital or any appropriate county or private institution. A defendant charged with a misdemeanor and found incompetent to stand trial is to be committed for evaluation and treatment to any appropriate state, county or private institution. This section provides that whether the defendant is charged with a felony or misdemeanor the defendant found incompetent to stand trial is to be committed for evaluation and treatment to any appropriate state, county, private institution or facility.

Section 3. Eliminates the definitions of Osawatomie state hospital catchment area and Larned state hospital catchment area. These are counties in the state served by the two state hospitals. The catchment areas (or counties served by the two state hospitals) are set by K.A.R. 30-26-1a. The state security hospital at Larned admits persons from all counties as ordered committed there.