

HB 2636 -- CRIMINAL PROCEEDINGS

SPONSOR: Reiboldt

This bill specifies that, in a conditional or unconditional release of a committed individual, the Department of Mental Health shall submit a report to the court, in writing, with the department's evidence in support of the release; the prosecuting or circuit attorney who originally brought the case against the individual shall be notified upon his or her release; and the guardian appointed to the individual shall be given access to the risk assessment and patient files from the department.

If the individual was charged with one of the offenses specified in the bill and the required report contains an opinion that he or she should be immediately conditionally released to the community by the court, the court shall hold a hearing to determine if an immediate conditional release is appropriate under the procedures for conditional release, specified in the bill. An individual shall not be unconditionally released unless it is determined that he or she does not have, and is not likely to have in the near future, a mental disease or defect rendering him or her dangerous to the safety of himself or herself or others.

The bill also specifies that, if the individual lacks mental capacity to be tried under the provisions of this bill and the alleged offense is a dangerous felony, the court shall order a required report with specified information.