



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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MEMORANDUM

DATE: June 19, 2014

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Ms. Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

RE: H.B. 344 (Criminal Mental Health Code)

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 344 with H.A. 1, which revises Delaware statutes which address procedural issues related to competency to stand trial, not guilty by reason of insanity, and guilty but mentally ill. The effects of the bill include the following:

- A. Individuals determined not guilty by reason of insanity would be authorized to petition the Superior Court to address their status and potential discharge from the Delaware Psychiatric Center. The Court would also enjoy discretion to authorize the individual's participation in "off campus" treatment, employment, and other activities.
- B. The procedures for competency evaluations are specified. If the accused does not agree with the results of a court-ordered evaluation, the accused could solicit approval of a second competency evaluation. Individuals determined incompetent to stand trial may be confined at DPC until their competency is restored. If DPC determines after two years that competency is not likely to be restored, a court hearing would be scheduled to determine if the individual should be released or detained for further treatment.

The SCPD endorses the legislation as amended which implements recommendations of a comprehensive mental health code study group established by HJR 17.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or observations on the proposed legislation.

cc: Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council