

Hall of the House of Representatives

86th General Assembly - Regular Session, 2007

Amendment Form

Subtitle of Senate Bill No. 184

"TO REQUIRE A COPY OF CERTAIN ORDERS REGARDING COMMITMENT TO BE
SUBMITTED TO THE ARKANSAS CRIME INFORMATION CENTER."

Amendment No. 1 to Senate Bill No. 184.

Amend Senate Bill No. 184 as originally introduced:

Delete SECTION 1 in its entirety and substitute the following:

"SECTION 1. Arkansas Code § 5-2-310(b), concerning the procedures required within a reasonable period of time after the commitment of a defendant pursuant to the determination of a court that the defendant lacks fitness to proceed, is amended to read as follows:

(b)(1) Within a reasonable period of time, but in any case within ten (10) months of a commitment pursuant to subsection (a) of this section, the director or his or her designee shall file with the committing court a written report indicating whether the defendant is fit to proceed, or, if not, whether:

(A) The defendant's mental disease or defect is of a nature precluding restoration of fitness to proceed; and

(B) The defendant presents a danger to himself or herself or to the person or property of another.

(2)(A) The court shall make a determination within one (1) year of a commitment pursuant to subsection (a) of this section.

(B) Pursuant to the report of the director or his or her designee or as a result of a hearing on the report, if the court determines that the defendant is fit to proceed, prosecution in ordinary course may commence.

(C) If the defendant lacks fitness to proceed but does not present a danger to himself or herself or to the person or property of another, the court may release the defendant on conditions the court determines to be proper.

(D) If the defendant lacks fitness to proceed and presents a danger to himself or herself or the person or property of another, the court shall order the director to petition for an involuntary admission.

(E) Upon filing of an order finding that the defendant lacks fitness to proceed issued under subdivision (b)(2)(A) of this section with a circuit clerk or a probate clerk, the circuit clerk or the probate clerk shall submit a copy of the order to the Arkansas Crime Information Center.



SECTION 2. Arkansas Code § 5-2-314(b), concerning on acquittal on the grounds of mental disease or defect, is amended to read as follows:

(b)(1) If the circuit court enters a determination based on subdivision (a)(1) or (3) of this section, the circuit court shall order the defendant committed to the custody of the Director of the Department of Health and Human Services for an examination by a psychiatrist or a licensed psychologist.

(2) Upon filing of an order of commitment under subdivision (b)(1) of this section with a circuit clerk, the circuit clerk shall submit a copy of the order to the Arkansas Crime Information Center."

AND

Page 2, line 6, delete "SECTION 2." and substitute "SECTION 3."

AND

Page 2, delete lines 12 and 13, and substitute the following:

"(2) Upon filing of an order under § 5-2-310(b) or an order of commitment entered pursuant to §§ 5-2-314(b), 20-47-214, or 20-47-215 with a circuit"

AND

Page 2, line 25, delete "SECTION 3." and substitute "SECTION 4."

AND

Page 2, line 33, delete "SECTION 4." and substitute "SECTION 5."

AND

Page 3, delete lines 5 through 24

AND

Page 3, line 26, delete "SECTION 7." and substitute "SECTION 6."

The Amendment was read _____

By: Representative D. Johnson

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Chief Clerk