

SESSION OF 2008

SUPPLEMENTAL NOTE ON SENATE BILL NO. 48

As Amended by Senate Committee on
Judiciary

Brief*

SB 48, as amended, would create new law which would allow a municipal court judge to request a determination of the defendant's competency, at any time after being charged with a crime but before sentencing, if the judge has reason to believe the defendant is incompetent to stand trial. The bill would suspend the criminal proceedings in municipal court and the matter would be transferred to the district court for a determination of competency.

The bill also would amend current law to allow the district court to make a determination of competency on cases referred by a municipal court or other misdemeanor criminal cases.

If the defendant is found to be competent, the case would be resumed in the court in which the criminal proceeding was initiated. If the defendant is found to be incompetent, the defendant shall be committed for evaluation and treatment to an appropriate institution.

Background

The proponents of the bill included the sponsor of the bill, Senator Phillip Journey and the Hon. Karen Arnold-Burger, Judge of the Overland Park Municipal Court.

There was no testimony in opposition to the bill.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The Senate Committee on Judiciary amended the bill to allow the district court to determine the competency of defendants charged with a misdemeanor crime.

The fiscal note from the Division of Budget on this bill states it would have no fiscal effect.