

HOUSE BILL NO. HB0020

Criminal procedure-administration of antipsychotic drugs.

Sponsored by: Select Committee on Mental Health and Substance Abuse Services

A BILL

for

1 AN ACT relating to criminal procedure; providing standards
2 for the involuntary administration of antipsychotic
3 medications to a mentally ill person accused of a serious
4 crime; requiring findings; and providing for an effective
5 date.

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7 *Be It Enacted by the Legislature of the State of Wyoming:*

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9 **Section 1.** W.S. 7-11-303(e) is amended to read:

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11 **7-11-303. Examination of accused to determine fitness**
12 **to proceed; reports; commitment; defenses and objections.**

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14 (e) If the initial report contains the recommendation
15 that the accused should be held in a designated facility
16 pending determination of the issue of mental fitness to

1 proceed, the court may order that the accused be committed
2 to or held in a designated facility pending determination
3 of mental fitness to proceed. The court may order the
4 involuntary administration of antipsychotic medications to
5 a person accused of a serious crime as defined in W.S.
6 7-6-102(a)(v) to render the accused competent to stand
7 trial, provided the court finds:

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9 (i) There are important governmental interests
10 at stake including, but not limited to:

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12 (A) Bringing the accused to trial;

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14 (B) Timely prosecution;

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16 (C) Assuring the accused has a fair trial.

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18 (ii) The involuntary administration of
19 antipsychotic medications will significantly further the
20 governmental interest and the administration of the
21 medication is:

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23 (A) Substantially likely to render the
24 accused competent to stand trial; and

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(B) Substantially unlikely to have side effects that will interfere significantly with the ability of the accused to assist counsel in conducting a trial defense, thereby rendering the trial unfair.

(iii) That any alternative and less intrusive treatments are unlikely to achieve substantially the same results; and

(iv) The administration of the antipsychotic medications is medically appropriate and is in the best medical interests of the accused in light of the accused's medical condition.

Section 2. This act is effective July 1, 2009.

(END)