



# House of Representatives *State of Utah*

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February 20, 2006

Mr. Speaker:

The Judiciary Committee reports a favorable recommendation on **H.B. 414**, PETITION FOR INVOLUNTARY MEDICATION OF INCOMPETENT PERSON, by Representative S. Wyatt, with the following amendments:

1. *Page 1, Line 21 through Page 4, Line 101:*

- 21           ▶ requires that upon receipt of notice from the Department of  
                  { **Health** } **Human Services** , the court shall  
                                  \*\*\* *Some lines not shown* \*\*\*
- 53           (3) In the notice under Subsection (2)(a), the executive director shall  
                  { **address** } **state** whether **the executive director believes** :
- 54           (a) medication is necessary to render the defendant competent;
- 55           (b) medication is substantially likely to render the defendant competent;
- 56           (c) medication is substantially unlikely to produce side effects which would  
57 significantly interfere with the defendant's ability to assist in his defense;
- 58           (d) { **any** } **no** less intrusive means are available, and { **if so,**  
59 **if** } **whether** any of those means have been  
60 attempted to render the defendant competent; and
- 61           (e) medication is medically appropriate and is in the defendant's best medical  
62 interest  
63 in light of his medical condition.
- 62           (4) (a) Upon receipt of the notice under Subsection (2)(a), the court shall conduct  
63 a  
64 hearing within { **15** } **30** days, unless the court extends the time for good cause, to  
65 determine whether  
66 the court should convene a hearing regarding the involuntary medication of the defendant.  
67                                   \*\*\* *Some lines not shown* \*\*\*
- 97           (a) { ~~**the court determines the outcome of treatment administered pursuant**~~  
98 **to a final**  
**order issued under Subsection (6)(a)** } **the court has issued a final order for the**  
99 **involuntary medication of the defendant,** and the defendant has been  
100 { **involuntarily** } medicated under

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99    that ~~{ final }~~ order; or  
100            (b) ~~{ the court determines that involuntary medication is not~~  
~~appropriate }~~ the court has issued a final order that the defendant will not be  
involuntarily medicated .  
101            (8) This section applies only when the prosecution seeks an order of involuntary

Respectfully,

James A. Ferrin  
Committee Chair

Voting: 11-0-2

3 HB0414.HC1.WPD 2/20/06 9:30 am jdhowe/JDH SCA/SES

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