1	COMPETENCY AMENDMENTS
2	2024 GENERAL SESSION
3	STATE OF UTAH
4	Chief Sponsor: Stephanie Pitcher
5	House Sponsor:
6	
7	LONG TITLE
8	General Description:
9	This bill amends provisions related to involuntary administration of antipsychotic
10	medication.
11	Highlighted Provisions:
12	This bill:
13	<ul> <li>creates a treatment review committee to make recommendations to the court</li> </ul>
14	regarding involuntary administration of antipsychotic medication for the purpose of
15	maintaining competency to stand trial.
16	Money Appropriated in this Bill:
17	None
18	Other Special Clauses:
19	None
20	<b>Utah Code Sections Affected:</b>
21	ENACTS:
22	<b>77-15-6.6</b> , Utah Code Annotated 1953
23	
24	Be it enacted by the Legislature of the state of Utah:
25	Section 1. Section 77-15-6.6 is enacted to read:
26	77-15-6.6. Treatment review committee Maintenance of restoration to
27	competency.



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28	(1) (a) As used in this section, "treatment review committee" means an ad hoc
29	committee comprised of any number of the following members:
30	(i) an individual representing the Utah State Hospital who is knowledgeable of the
31	defendant's treatment under an order of involuntary administration of antipsychotic medication
32	authorized pursuant to Subsection 77-15-6.5(6)(a);
33	(ii) an individual from the medical staff at the jail in which the defendant is held or, if
34	medical staff is unavailable, the sheriff's designee;
35	(iii) the county prosecutor or the county prosecutor's representative;
36	(iv) the county public defender or the county public defender's representative;
37	(v) an individual representing the local health department; and
38	(vi) an individual representing the local mental health authority.
39	(b) Upon the request of any individual described in Subsections (3)(a)(i) through (iii),
40	the director of the Utah State Hospital, the director of a local health department, the director of
41	a local mental health authority, or the sheriff shall provide the name and contact information
42	for the individual who will act under this section, with respect to any defendant, as the ad hoc
43	member of a treatment review committee for that entity, department, or office.
44	(2) A treatment review committee shall meet in accordance with this section to make
45	recommendations in support or opposition of involuntary administration of antipsychotic
46	medication for the purpose of maintaining a defendant's competency.
47	(3) (a) After a defendant has been restored to competency under Subsection
48	77-15-6.5(6) but before the defendant has been sentenced, the following individuals may file a
49	request for a treatment review committee's recommendation regarding the involuntary
50	administration of antipsychotic medication for the purpose of maintaining a specific
51	defendant's competency:
52	(i) the defendant or the defendant's counsel;
53	(ii) the prosecuting attorney assigned to the defendant's case; or
54	(iii) the sheriff for the county jail in which the defendant is held.
55	(b) The request for a treatment review committee's recommendation under Subsection
56	(3)(a) shall include:
57	(i) a statement of facts and the rationale supporting the request;
58	(ii) the time, date, and location of the meeting;

59	(iii) the method to join the meeting electronically;
60	(iv) the name and contact information for each member of the treatment review
61	committee under Subsection (1); and
62	(v) a certificate of service evidencing that each member of the treatment review
63	committee received a copy of the request for a recommendation.
64	(c) A meeting under Subsection (2) shall occur within 10 days after the day on which
65	the request for a recommendation is filed in accordance with Subsections (3)(a) and (b).
66	(4) Upon the filing of a request for a recommendation under Subsections (3)(a) and (b)
67	the court shall schedule a hearing:
68	(a) for a day at least 25 days after, but not more than 45 days after, the day on which
69	the notice of request was filed; and
70	(b) to consider:
71	(i) the notice of request filed under Subsection (3)(a) or (b); and
72	(ii) any written recommendations filed under Subsection (6); and
73	(c) to make findings and orders regarding the involuntary administration of
74	antipsychotic medication for the purpose of maintaining the defendant's competency in
75	accordance with this section.
76	(5) (a) The treatment review committee, at a meeting under Subsection (2), and the
77	court at a hearing under Subsection (4), shall consider whether the following factors apply:
78	(i) important state interests are at stake in maintaining the defendant's competency; and
79	(ii) involuntary medication will significantly further the important state interests, in
80	that the medication proposed:
81	(A) is substantially likely to render the defendant competent to stand trial; and
82	(B) is substantially unlikely to produce side effects which would significantly interfere
83	with the defendant's ability to assist in the defendant's defense.
84	(b) After those members present at the meeting have considered each factor under
85	Subsection (5)(a), those members shall vote to either support or oppose involuntary
86	administration of antipscyhotic medication to maintain the defendant's competency.
87	(6) (a) If there is a unanimous vote under Subsection (5)(b) in support of involuntary
88	administration of antipsychotic medication for the defendant, the treatment review committee
89	shall agree on one or more members of the committee to prepare a written recommendation

90	that:
91	(i) lists each member of the committee who was present at the meeting under
92	Subsection (2), how that member voted, and whether the member has signed the written
93	recommendation;
94	(ii) lists each of the factors the committee considered, and the facts of the defendant's
95	case relevant to each factor that:
96	(A) support the treatment review committee's recommendation; and
97	(B) do not support the treatment review committee's recommendation;
98	(iii) weighs the factors under Subsection (5)(a) against the facts of the defendant's case;
99	(iv) each member of the committee who voted under Subsection (5)(b) signs, if the
100	member supports the written recommendation.
101	(b) If there is a non-unanimous vote under Subsection (5)(b), each member of the
102	committee who voted may:
103	(i) prepare a written recommendation that meets the requirements of Subsections
104	(6)(a)(i) through (iv); or
105	(ii) sign a written recommendation, prepared by another member of the committee, that
106	meets the requirements of Subsections (6)(a)(i) through (iv).
107	(c) A member of the committee who prepares a written recommendation under
108	Subsection (6)(a) or (b) shall, no more than 14 days after the day on which the vote under
109	Subsection (4)(b) occurs, file the written recommendation in the defendant's criminal case for
110	which competency is at issue.
111	(7) The court shall hold a hearing within 60 days, or sooner if requested by an
112	individual described in Subsections (3)(a)(i) through (iii), to review an order of involuntary
113	administration of antipscyhotic medication to maintain the defendant's competency if the court
114	has issued a final order for the involuntary medication of the defendant under Subsection (4),
115	and the defendant has been medicated under that order.
116	(8) (a) If the court finds by clear and convincing evidence that the involuntary
117	administration of antipsychotic medication for the purpose of maintaining competency to stand
118	trial is appropriate, it shall:
119	(i) make findings addressing each of the factors in Subsection (5)(a); and
120	(ii) issue an order authorizing the department, a peace officer, a state or county medical

121	professional, or another appropriate individual to involuntarily administer antipsychotic
122	medication to the defendant in order to restore the defendant's competency, subject to the
123	periodic reviews and other procedures provided in Section 77-15-6.
124	(b) When issuing an order under Subsection (8)(a), the court shall consider ordering
125	less intrusive means for administering the drugs, such as a court order to the defendant
126	enforceable by the contempt power, before ordering more intrusive methods of involuntary
127	medication.
128	(9) The provisions in Section 77-15-6 establishing time limitations for treatment of
129	incompetent defendants before they must be either released or civilly committed are tolled
130	from the time the request for a treatment review committee's recommendation is filed under
131	Subsection (3) until:
132	(a) the court has issued a final order for the involuntary administration of antipsychotic
133	medication of the defendant for the purpose of maintaining competency under this section, and
134	the defendant has been medicated under that order; or
135	(b) the court has issued a final order that the defendant will not be involuntarily
136	medicated under this section.
137	(10) This section applies only when an order of involuntary medication is sought solely
138	for the purpose of maintaining a defendant competent to stand trial.
139	Section 2. Effective date.
140	This bill takes effect on May 1, 2024.