



Judicial Council of California

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January 19, 2024

Subject Text

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File #: 19-210, **Version:** 1

Title

Rules and Forms | Criminal Procedure: Diversion for Incompetent Defendants and Posttrial Hearings on Competency (Action Required)

Summary

The Criminal Law Advisory Committee recommends amending rule 4.130 of the California Rules of Court relating to mental competency proceedings in criminal cases to incorporate changes due to Assembly Bill 1810 (Stats. 2018, ch. 34), a bill that significantly altered the statutory landscape for mental competency proceedings.

Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council amend rule 4.130 of the California Rules of Court, effective January 1, 2020, to:

1. Require an expert competency report to contain an opinion as to whether the symptoms motivating the defendant's behavior would respond to mental health treatment;
2. Address diversion for defendants found to be incompetent; and
3. Address posttrial hearings on competency, both in "off-ramp" cases under Penal Code section 1370(a)(1)(G) and after a defendant has been terminated from diversion.