



Judicial Council of California

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Subject Text

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File #: 23-081, Version: 1

Title

Rules and Forms | Criminal Procedure: Mental Competency Proceedings (Action Required)

Summary

The Criminal Law Advisory Committee recommends amendments to rule 4.130 of the California Rules of Court to reflect statutory changes to Penal Code section 1369(a) regarding treatment with antipsychotic medication of a defendant found incompetent to stand trial, statutory changes to Penal Code section 1370 deleting language that the presumption of competency does not apply to a posttrial hearing on competence, the relettering of subdivisions in Penal Code section 1001.36, and to make technical revisions.

Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council amend rule 4.130 of the California Rules of Court, effective May 15, 2023, as follows:

1. Subdivision (d)(2)(E) to reflect statutory changes to Penal Code section 1369(a) regarding a recommendation by a psychologist or psychiatrist about treating with antipsychotic medication a defendant found incompetent to stand trial;
2. Subdivision (g) to correct the references to recently relettered subdivisions in Penal Code sections 1001.36;
3. Subdivision (d)(2)(F) to clarify which collateral sources were considered by the examiner and to replace gendered pronouns; and
4. Subdivision (h)(2) to reflect statutory changes to Penal Code section 1370(a)(1)(G) on posttrial hearings on competence by deleting the phrase “except that a presumption of competency does not apply.”