

REFERENCE TITLE: competency; duration of order

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HB 2438

Introduced by
Representative Driggs

AN ACT

AMENDING SECTION 13-4515, ARIZONA REVISED STATUTES; RELATING TO COMPETENCY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-4515, Arizona Revised Statutes, is amended to
3 read:

4 13-4515. Duration of order; excluded time calculation; notice
5 of dismissed charge or voided order; petitions

6 A. An order or combination of orders that is issued pursuant to
7 section 13-4512 or 13-4514 shall not be in effect for more than ~~twenty-one~~
8 TWENTY-FOUR months or the maximum possible sentence the defendant could have
9 received pursuant to section 13-702, section 13-703, section 13-704,
10 subsection A, B, C, D or E, section 13-705, section 13-706, subsection A,
11 section 13-708, subsection D or section 13-751 or any section for which a
12 specific sentence is authorized, whichever is less. In making this
13 determination the court shall not consider the sentence enhancements under
14 section 13-703 or 13-704 for prior convictions.

15 B. The court shall only consider the time a defendant actually spends
16 in a restoration to competency program when calculating the time requirements
17 pursuant to subsection A of this section.

18 C. The court shall notify the prosecutor, the defense attorney, the
19 medical supervisor and the treating facility if the charges against the
20 defendant are dismissed or if an order is voided by the court. No charges
21 shall be dismissed without a hearing prior to the dismissal.

22 D. If a defendant is discharged or released on the expiration of an
23 order or orders issued pursuant to section 13-4512 or 13-4514, the medical
24 supervisor may file a petition stating that the defendant requires further
25 treatment pursuant to title 36, chapter 5 or appointment of a guardian
26 pursuant to title 14.