

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 19.2-169.2 of the Code of Virginia, relating to criminal defendants*  
3 *found incompetent; records for treatment.*

4  
5 Approved

[H 585]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 19.2-169.2 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 19.2-169.2. Disposition when defendant found incompetent.**

9 A. Upon finding pursuant to subsection E of § 19.2-169.1 that the defendant, including a juvenile  
10 transferred pursuant to § 16.1-269.1, is incompetent, the court shall order that the defendant receive  
11 treatment to restore his competency on an outpatient basis or, if the court specifically finds that the  
12 defendant requires inpatient hospital treatment, at a hospital designated by the Commissioner of  
13 Behavioral Health and Developmental Services as appropriate for treatment of persons under criminal  
14 charge. Any *psychiatric records and other information that have been deemed relevant and submitted by*  
15 *the attorney for the defendant pursuant to subsection C of § 19.2-169.1 and any reports submitted*  
16 *pursuant to subsection D of § 19.2-169.1 shall be made available to the director of the community*  
17 *services board or behavioral health authority or his designee or to the director of the treating inpatient*  
18 *facility or his designee within 96 hours of the issuance of the court order requiring treatment to restore*  
19 *the defendant's competency. If the 96-hour period expires on a Saturday, Sunday, or other legal holiday,*  
20 *the 96 hours shall be extended to the next day that is not a Saturday, Sunday, or legal holiday.*

21 B. If, at any time after the defendant is ordered to undergo treatment under subsection A of this  
22 section, the director of the community services board or behavioral health authority or his designee or  
23 the director of the treating inpatient facility or his designee believes the defendant's competency is  
24 restored, the director or his designee shall immediately send a report to the court as prescribed in  
25 subsection D of § 19.2-169.1. The court shall make a ruling on the defendant's competency according to  
26 the procedures specified in subsection E of § 19.2-169.1.

27 C. The clerk of court shall certify and forward forthwith to the Central Criminal Records Exchange,  
28 on a form provided by the Exchange, a copy of an order for treatment issued pursuant to subsection A.

ENROLLED

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