

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 1996]

5 Approved

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. *Notwithstanding the provisions of § 19.2-178, if the court orders inpatient hospital treatment, the*
15 *defendant shall be transferred to and accepted by the hospital designated by the Commissioner as soon*
16 *as practicable, but no later than 10 days, from the receipt of the court order requiring treatment to*
17 *restore the defendant's competency. If the 10-day period expires on a Saturday, Sunday, or other legal*
18 *holiday, the 10 days shall be extended to the next day that is not a Saturday, Sunday, or legal holiday.*
19 Any psychiatric records and other information that have been deemed relevant and submitted by the
20 attorney for the defendant pursuant to subsection C of § 19.2-169.1 and any reports submitted pursuant
21 to subsection D of § 19.2-169.1 shall be made available to the director of the community services board
22 or behavioral health authority or his designee or to the director of the treating inpatient facility or his
23 designee within 96 hours of the issuance of the court order requiring treatment to restore the defendant's
24 competency. If the 96-hour period expires on a Saturday, Sunday, or other legal holiday, the 96 hours
25 shall be extended to the next day that is not a Saturday, Sunday, or legal holiday.

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

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

ENROLLED

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