

1975 Assembly Bill 257

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## CHAPTER 153, Laws of 1975

AN ACT to amend 971.14 (4) and (5) of the statutes, relating to proceedings to determine a criminal defendant's competency to stand trial.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

971.14 (4) and (5) of the statutes are amended to read:

971.14 (4) The defendant's competency to proceed shall be ~~summarily~~ promptly determined by the court. If neither the district attorney, ~~the defendant~~ nor the counsel for the defendant contest the finding of the report filed pursuant to sub. (2), the court may make the determination on the basis of such report. If the finding is contested, the court shall hold a hearing on the issue.

(5) If the court determines that the defendant lacks competency to proceed, the proceeding against him shall be suspended and the court shall commit him to the custody of the department to be placed in an appropriate institution of the department for so long as such condition endures. ~~When the court, on its own motion or upon the application of the department, the defendant or the district attorney, determines, after a hearing pursuant to s. 51.11, The defendant shall be reexamined at 6-month intervals following his commitment, or during any interim period if the department files a written report that the defendant appears to have become competent, that the defendant is not making continual progress toward regaining competency, or it has become apparent that the defendant will not soon become competent to stand trial, and a determination as to his competency shall be made by the court following each reexamination. Each such determination shall be preceded by a hearing unless waived by the district attorney, defendant and defendant's counsel. If it is determined that the defendant has regained competency to proceed, the proceeding shall be resumed. The defendant shall be entitled to a rehearing on the issue of his competency to proceed, but another rehearing shall not be had unless the court is satisfied there is reasonable cause to believe that there is improvement in his mental condition. When the maximum period for which the defendant could have been imprisoned if convicted of the offense charged has elapsed At any time that it is determined that the defendant is not making further progress toward regaining competency, or if the defendant has not regained competency within 24 months of his commitment, the court shall dismiss the case and shall order the defendant to be discharged from the commitment subject to the right of the department or other person to proceed against the defendant under ch. 51.~~

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