

504.110 Alternative handling of defendant depending on whether he is competent or incompetent to stand trial.

- (1) If the court finds the defendant incompetent to stand trial but there is a substantial probability he will attain competency in the foreseeable future, it shall commit the defendant to a treatment facility or a forensic psychiatric facility and order him to submit to treatment for sixty (60) days or until the psychologist or psychiatrist treating him finds him competent, whichever occurs first, except that if the defendant is charged with a felony, he shall be committed to a forensic psychiatric facility unless the secretary of the Cabinet for Health and Family Services or the secretary's designee determines that the defendant shall be treated in another Cabinet for Health and Family Services facility. Within ten (10) days of that time, the court shall hold another hearing to determine whether or not the defendant is competent to stand trial.
- (2) If the court finds the defendant incompetent to stand trial but there is no substantial probability he will attain competency in the foreseeable future, it shall conduct an involuntary hospitalization proceeding under KRS Chapter 202A or 202B.
- (3) If the court finds the defendant competent to stand trial, the court shall continue the proceedings against the defendant.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 99, sec. 655, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 607, effective July 15, 1998. -- Amended 1988 Ky. Acts ch. 139, sec. 17, effective July 15, 1988. -- Created 1982 Ky. Acts ch. 113, sec. 6, effective July 15, 1982.