

**Order #3. Order Committing a Defendant Who is Incompetent to Stand Trial and Dangerous to Self, Others, and/or Property for Further Evaluation after 90 Days.**

This order is to be used in committing a defendant to the custody of the Commissioner of the Department of Health when the defendant has been found by the court to be incompetent and dangerous to self, others, or property as a result of mental illness. See, N.J.S.A. 2C:4-6. This order sets up a review period of three (3) months, during which time the defendant is civilly committed for treatment and observations. The court shall hold a hearing three (3) months after the defendant has been committed and the professional staff shall report on the condition of the defendant regarding both competency and dangerousness as a result of mental illness. At the hearing, the court shall determine whether or not the criminal charges should be held in abeyance or dismissed with prejudice. N.J.S.A. 2C:4-6c.

This order also contemplates that if a defendant becomes competent or is no longer dangerous as a result of mental illness before the three (3) month period has expired the facility clinical staff must notify the court. The order prohibits the movement of the defendant from the State psychiatric hospital into the community without an order from the criminal court. However, this order permits a discharge of the defendant back to the jail from the State psychiatric hospital upon completion of the evaluation with notification to the court and counsel. If the court so chooses it may recommend the defendant for a competency restoration program based upon the availability of such programs at the facility in which the defendant is housed.