

Descriptive Comments

Sanity Order 4. Order Mandating Observation and Treatment of a Defendant Who Refuses to Cooperate With a Psychiatric Evaluation

The text of the following proposed order has been drafted for use when the court has already ordered a psychiatric evaluation of a defendant's fitness to stand trial but the defendant has refused to cooperate.

Under such circumstances, the court may commit the defendant pursuant to N.J.S.A. 2C:4-Sc into the care and custody of the Commissioner for a period of confinement for up to 30 days for observation and consensual treatment in order to attempt to determine his fitness to proceed to trial and his dangerousness to himself, others or property as a result of mental illness.