

Descriptive Comments

Sanity Order 8. Order Mandating Release Upon Conditions of a Defendant Who Has Been Determined Unfit to Proceed to Trial But Not So Dangerous to Self, Others or Property As a Result of Mental Illness As to Require Institutionalization

The text of the following proposed order has been drafted for use when the court has determined that the defendant lacks the fitness to proceed to trial but that the defendant is not so dangerous to self, others or property as a result of mental illness as to require institutionalization. If the court decides not to release the defendant to a specified community placement as provided in proposed order No. 7 or to a correctional facility as provided in proposed order No. 9, the court may decide to release the defendant pursuant to such conditions which the court may order.

Any such conditions must include periodic psychiatric evaluation of defendant to determine whether he is fit to proceed to trial, whether it is substantially probable that the defendant could regain his competence within the foreseeable future and whether defendant has become dangerous to self, others or property as a result of mental illness. Such conditions may include the mandates that the defendant participate in therapy, check-in with a designated person or agency, enroll in a partial care program, avoid alcohol and drugs, continue prescribed medication, avoid certain persons, etc.