

Descriptive Comments

Sanity Order 11. Order Pursuant to N.J.S.A. 30:4-27.10 Civilly Committing a Defendant Who Has Been Determined to be Fit to Stand Trial and Dangerous to Self, Property or Others As a Result of Mental Illness

The text of the following proposed order has been drafted for use in those circumstances when a defendant has been determined to be fit to proceed to trial or has regained his fitness to proceed to trial and the court has determined that the defendant should be committed to an appropriate institution because he is dangerous to self, others or property due to mental illness. Because the defendant is fit to proceed to trial, the court cannot commit the defendant pursuant to N.J.S.A. 2C:4-6. As a result, the court can only commit the defendant under the civil commitment statute, N.J.S.A. 30:4-27.10, which utilizes the same test: is the defendant dangerous to self, others or property as a result of mental illness?