



# OHIO LEGISLATIVE SERVICE COMMISSION

---

## Bill Analysis

Jeff Hobday

### **H.B. 778**

132nd General Assembly  
(As Introduced)

**Rep.** Gavarone

---

## **BILL SUMMARY**

- Prohibits a court from ordering a criminal defendant to undergo inpatient competency evaluations at certain facilities operated or certified by the state, unless the defendant is charged with a felony or an offense of violence.

---

## **CONTENT AND OPERATION**

### **Procedure for court-ordered competency examinations**

If the issue of a criminal defendant's competence to stand trial is raised or a defendant enters a plea of not guilty by reason of insanity, a court may order one or more evaluations of the defendant's present mental condition or, in the case of a plea of not guilty by reason of insanity, of the defendant's mental condition at the time of the offense charged. If a court orders an evaluation, the defendant must be available at the times and places established by the examiners who are to conduct the evaluation.<sup>1</sup>

The bill prohibits a court from ordering a defendant to undergo inpatient competency evaluations at a center, program, or facility operated by the Department of Mental Health and Addiction Services (DMHAS) or the Department of Developmental Disabilities (DODD), unless the defendant is charged with a felony or an offense of violence. Generally, an evaluation ordered by a municipal court must be conducted through community resources, such as a certified forensic center, court probation department, or community mental health services provider. A defendant who has not been released on bail or recognizance may be evaluated at the place of detention.<sup>2</sup>

---

<sup>1</sup> R.C. 2945.371(A) and (C)(1).

<sup>2</sup> R.C. 2945.37(H) and 2945.371(D)(1) and (E).

If a defendant is charged with a felony or an offense of violence, the following provisions in current law would continue to apply:<sup>3</sup>

(1) If a defendant who has been released on bail or recognizance refuses to submit to a competency examination, the court may order the sheriff to take the defendant into custody and deliver the defendant to a center, program, or facility operated or certified by DMHAS or DODD.

(2) If a defendant has not been released on bail or recognizance, upon the examiner's request, the court may order the sheriff to transport the defendant to a program or facility operated or certified by DMHAS or DODD. However, a municipal court may order the inpatient evaluation only upon the request of a certified forensic center examiner.

(3) In both circumstances above, the defendant may be held for inpatient evaluation for a reasonable period of time not exceeding 20 days.

---

## HISTORY

ACTION	DATE
Introduced	11-28-18

H0778-I-132.docx/ec

---

<sup>3</sup> R.C. 2945.371(C)(2) and (D)(2).

