

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1566 Session of
1996

INTRODUCED BY GREENLEAF, BRIGHTBILL, PETERSON AND SALVATORE,
MAY 31, 1996

REFERRED TO JUDICIARY, MAY 31, 1996

AN ACT

1 Amending the act of July 9, 1976 (P.L.817, No.143), entitled "An
2 act relating to mental health procedures; providing for the
3 treatment and rights of mentally disabled persons, for
4 voluntary and involuntary examination and treatment and for
5 determinations affecting those charged with crime or under
6 sentence," further providing for competency determination and
7 burden of proof.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 403(a) of the act of July 9, 1976
11 (P.L.817, No.143), known as the Mental Health Procedures Act, is
12 amended to read:

13 Section 403. Hearing and Determination of Incompetency to
14 Proceed; Stay of Proceedings; Dismissal of Charges.--(a)
15 Competency Determination and Burden of Proof.--The moving party
16 shall have the burden of establishing incompetency to proceed by
17 [clear and convincing] a preponderance of the evidence. The
18 determination shall be made by the court.

19 * * *

20 Section 2. This act shall take effect immediately.