

will be committed but the state pays for it. It's a matter of absolute funding and it's a deplorable situation. And I wish I could come out and say specific charges but, obviously, on something like this, it's very difficult to get the specifics as who is going to come out and say, yes, that's what we have done, but my information says, this is, in fact, beginning to happen out there.

SENATOR WARNER: I would be very curious to see a specific example. I can appreciate you couldn't perhaps do that on the floor, but that seems like a fairly serious accusation. I don't know if it adds support to the bill one way or the other. One other question then, did I understand you that the individual ends up in a proper institution in any event? They just drop the charge. Is that the only difference?

SENATOR BERNARD-STEVENS: That's correct.

SENATOR WARNER: So the individual is still institutionalized appropriately?

SENATOR BERNARD-STEVENS: That is correct. The only difference is if the individual would then be released, there would be no way to follow up on the charge.

SENATOR WARNER: Well, it seems doubtful to me that that would happen very often but it's just almost inconceivable.

SPEAKER BARRETT: Senator Landis, additional discussion.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, I understand Senator Bernard-Stevens' concern to be state payment for the expense of treatment for someone not mentally competent to stand trial. My concern is with respect to the language that appears on page 4 and 5 in which the bill requires a judge to commit somebody who has been found to be mentally incompetent to a state hospital for the mentally ill. And the question that I have...and this will come to the form of a question, it's possible for someone to be mentally incompetent to stand trial because they cannot understand what's going on. They are not able to give a plea since they're not able to understand what is happening and that their liberty is at risk. The standard for involuntary commitments, however, has to do with whether or not an individual is dangerous to the community or to themselves, and the difference between those two is significant because