



March 21, 2022

The Honorable Akilah Weber, M.D.
California State Assembly
1021 O Street, Suite 4130
Sacramento, CA 95814

RE: AB 1630 (Weber) Competence to stand trial: statewide application – SUPPORT

Dear Doctor Weber,

On behalf of the California State Association of Psychiatrists (CSAP), I write in support of your AB 1630, which would require a presumption of incompetency when the court-appointed expert opines that the defendant is incompetent to stand trial and places the burden of proof on the party contesting the expert opinion.

Federal and state laws require that a defendant must be competent in order to stand trial for a criminal charge. Competency means that an accused person must understand the nature of the court process. This includes a grasp of the charges and parties involved. Competency ensures that the criminal defendant can rationally assist in their own defense. This requirement is protected by the Sixth Amendment to the U.S. Constitution.

A doubt of mental competence suspends all court proceedings for a defendant. A “competency hearing” is then scheduled with the goal to determine if the defendant is incompetent. Under existing law, even when court-appointed experts opine that the defendant is incompetent, the court must presume that the defendant is mentally competent, and the defendant must prove that they are not. Competency proceedings are the only civil commitment proceedings in California where the person subject to involuntary commitment has the burden to prove they are mentally ill and need court-ordered treatment.

The misplaced burden leads to disproportionate incarceration for vulnerable individuals with mental illness and disproportionately impacts people of color and other under-resourced groups who cannot afford bail and are less likely to have access to treatment. The Vulnerable Defendant’s Right to a Fair Trial Act, upholds due process for defendants deemed incompetent to stand trial and puts a stop to one of the ways that poor individuals with mental illness are cycled through the criminal legal system instead of receiving adequate treatment.

AB 1630 would ensure that competency to stand trial is established prior to trial for defendants who were previously ruled incompetent to stand trial and were never restored to competency. In addition, this bill will shift the burden of proof on the State to prove that a defendant is competent to stand trial after the court-appointed expert opines that they are not. This legislation also ensures the court records of whether a person has been determined to be incompetent to stand trial or when a court determines

that competency has been restored is included in the person's state summary criminal history information to determine if a defendant can stand trial regardless of jurisdiction or crime.

The fiscal and human cost of prolonged competency determinations and delayed access to treatment is immeasurable, with disproportionate impacts on people of color and other under-resourced groups who are unable to post bail and receive treatment in the community. AB 1630 advances just and reasonable outcomes for these vulnerable individuals in the criminal legal system by increasing legitimacy and efficiency, discouraging unnecessary trials, and promoting timely access to treatment.

For these reasons, CSAP supports AB 1630. Thank you for your authorship of this measure.

Sincerely,

A handwritten signature in blue ink, appearing to read "Yoder", with a stylized, cursive script.

Paul Yoder
Legislative Advocate

CC: Chair & Members, Assembly Appropriations Committee