

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO. \_\_\_\_\_

Criminal procedure-administration of antipsychotic drugs.

Sponsored by: Select Committee on Mental Health and  
Substance Abuse Services

A BILL

for

1 AN ACT relating to criminal procedure; providing standards  
2 for the involuntary administration of antipsychotic  
3 medications to a mentally ill person accused of a serious  
4 crime; requiring findings; and providing for an effective  
5 date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 7-11-303(e) is amended to read:

10

11 **7-11-303. Examination of accused to determine fitness**  
12 **to proceed; reports; commitment; defenses and objections.**

13

1           (e) If the initial report contains the recommendation  
2 that the accused should be held in a designated facility  
3 pending determination of the issue of mental fitness to  
4 proceed, the court may order that the accused be committed  
5 to or held in a designated facility pending determination  
6 of mental fitness to proceed. The court may order the  
7 involuntary administration of antipsychotic medications to  
8 a person accused of a serious crime as defined in W.S. 7-6-  
9 102(a)(v) to render the accused competent to stand trial,  
10 provided the court finds:

11  
12                   (i) There are important governmental interests  
13 at stake including, but not limited to:

14  
15                           (A) Bringing the accused to trial;

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17                           (B) Timely prosecution;

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19                           (C) Assuring the accused has a fair trial.

20  
21                   (ii) The involuntary administration of  
22 antipsychotic medications will significantly further the

1 governmental interest and the administration of the  
2 medication is:

3  
4 (A) Substantially likely to render the  
5 accused competent to stand trial; and

6  
7 (B) Substantially unlikely to have side  
8 effects that will interfere significantly with the ability  
9 of the accused to assist counsel in conducting a trial  
10 defense, thereby rendering the trial unfair.

11  
12 (iii) That any alternative and less intrusive  
13 treatments, including use of the court's contempt  
14 authority, are unlikely to achieve substantially the same  
15 results; and

16  
17 (iv) The administration of the antipsychotic  
18 medications is medically appropriate and is in the best  
19 medical interests of the accused in light of the accused's  
20 medical condition.

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1       **Section 2** This act is effective July 1, 2009

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(END)