

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 6: CRIMINAL PROCEDURE

§ 6608. Treatment After Sentencing.

(a) If, at any time after the imposition of sentence and during the period a person is in the custody of the Department of Public Safety, Division of Corrections, or is subject to a sentence of probation or parole, the Director of Public Safety or person in charge of the Division of Corrections has reasonable cause to believe that the person, as a result of mental illness, disease or defect presents a danger to himself or others, the director shall so report to the Attorney General, who shall file a motion for a judicial determination whether such person should be committed to an evaluation or treatment facility for assessment, care and treatment.

(b) The court, upon the filing of the motion and without a prior hearing, may order commitment in an evaluation facility for a period not to exceed 14 days for assessment, evaluation and observation. The person who is the subject of the motion has a right to a hearing after assessment, evaluation and observation before commitment or transfer to a treatment facility.

(c) If the court finds after a hearing that the person has a mental illness, disease or defect, and presents a danger to himself or others, the court shall order him to be committed to a treatment facility. Time spent in detention at an evaluation or treatment facility shall be counted towards any sentence of confinement previously imposed.

(d) The administrator of the evaluation facility, the administrator of the treatment facility or the person committed may apply for discharge upon the grounds that the person is no longer affected by mental illness, disease or defect, or, if so affected, that he no longer presents a danger to himself or others or that he can be adequately controlled and receive appropriate care and treatment on supervision. Copies of the application and the report shall be transmitted by the clerk of the court to the Attorney General.

(e) The court shall conduct a hearing on such application. If the court finds that the person is no longer suffering from mental illness, disease or defect or that he no longer presents a danger to himself or others, the court shall order him discharged from commitment at the treatment facility. If the court finds that the person is still mentally ill and presents a danger to himself or to others, but can be controlled adequately and receive appropriate care and treatment if he is released on supervision, the court shall order him conditionally released. If the court finds that the person has not recovered from this mental illness, disease or defect and presents a danger to himself or others, and cannot be adequately controlled if released on supervision, the court shall order him remanded for care and treatment at a treatment facility.

(f) The court shall ensure periodic review of the commitment.

Source: PL 8-37 § 5 (§ 6607).

Commission Comment: With respect to the references to the “Director of Public Safety” and the “Department of Public Safety,” see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.