

INFORMATION REGARDING COMPETENCY TREATMENT PERIODS FOR CERTAIN STATES IN SUPPORT OF SB19-223

State	Maximum Defined Competency Treatment Periods
Alaska	180 days for crimes not involving force; 1 year crime of force against another
Arizona	21 months
Arkansas	1 year
California	Misdemeanor charges – lesser of 1 year or maximum sentence; felony – lesser of 3 years or maximum sentence.
Connecticut	Lesser of max sentence or 18 months.
D.C.	180 days total if charge did not involve crime of violence; If crime of violence max is required dismissal of charges at 5 years (except murder or 1st degree sex abuse and 1st degree sex abuse of child, in which case, no requirement to dismiss charges).
Georgia	1 year.
Idaho	270 days.
Illinois	At the end of 1 year, state either asks to dismiss charges or there is a “discharge hearing” in which there must be a finding of guilt “beyond a reasonable doubt,” or person released or civilly committed. If found “guilty” can have treatment for an additional 15 months to 5 years, depending on criminal charge.
Indiana	6 months.
Iowa	Lesser of 18 months or maximum sentence of charged offense
Kansas	6 months.
Kentucky	60 days.
Maine	1 year.
Massachusetts	40 days (plus possible 6 month civil commitment).
Michigan	Lessor of 1/3 of max sentence or 15 months.
Missouri	12 months.
New Hampshire	12 months.

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State	Maximum Defined Competency Treatment Periods
New Mexico	9 months, except if felony involving "infliction of great bodily harm on another person," use of firearm, aggravated arson, criminal sexual penetration or sexual contact of a minor, in which case (unless charges dropped) court may order hearing on "factual guilt" and if found "guilty and dangerous may order continued treatment for period not to exceed max sentence.
New York	90 days misdemeanor; felonies 2/3 of max sentence.
North Carolina	60 days.
Ohio	1 year maximum through tiered system: 3rd or 4th degree misdemeanor = 30 days; 1st or 2nd degree misdemeanor = 60 days; Non-violent felonies = 6 months; Violent felonies = 1 year
Oklahoma	Lesser of max sentence or 2 years.
Oregon	Lesser of 3 years or max sentence.
South Carolina	90 days total.
South Dakota	1 year for other than Class A or B felony; in those cases, maximum sentence could have received.
Texas	180 days maximum.
Utah	36 months if charged with aggravated murder; 18 months serious felony; 1 year all other charges (not to exceed maximum penalty).
Virginia	Misdemeanors max 45 days (except for "peeping into dwelling/enclosure or disorderly conduct in public places); for all other charges – lesser of max penalty or 5 years, except murder charge, no limit.
Washington	Non-felony & no history of violence or previous findings of IST or NGRI = no commitment Non-felony and history of one or more violence acts or previously been found IST or NGRI = 120 days
West Virginia	9 months
Wisconsin	Lesser of 12 months or max sentence

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