

HB515 INTRODUCED



1 HB515
2 XDYXG7E-1
3 By Representative Bolton
4 RFD: Judiciary
5 First Read: 26-Feb-26



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SYNOPSIS:

Under existing law, relating to criminal defendants with mental illness, the definition of "defendant" includes individuals in a criminal case who have been found not guilty by reason of insanity or not guilty by reason of mental disease or defect.

This bill would further define "defendant" to include an individual who the court has determined is incompetent to stand trial and who is not restorable to competency.

This bill would provide that the Department of Mental Health shall not provide custody, care, and treatment for longer than the maximum sentence a defendant could receive for the crime for which he or she is convicted, with exceptions for a defendant charged with capital murder or who otherwise continues to meet civil inpatient commitment criteria.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT



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29
30 Relating to criminal defendants with mental illness; to
31 amend Sections 15-16-61 and 15-16-71, Code of Alabama 1975; to
32 further provide for civil inpatient commitment guidelines for
33 criminal defendants; and to make nonsubstantive, technical
34 revisions to update the existing code language to current
35 style.

36 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

37 Section 1. Sections 15-16-61 and 15-16-71, Code of
38 Alabama 1975, are amended to read as follows:

39 "§15-16-61

40 ~~The following definitions shall apply to this~~
41 ~~article~~For the purposes of this article, the following terms
42 have the following meanings:

43 (1) COURT. The court ~~which~~that committed the defendant
44 pursuant to Section 15-16-43.

45 (2) DEFENDANT. A defendant in a criminal case who has
46 been found not guilty by reason of insanity, or not guilty by
47 reason of mental disease or defect, or is determined by the
48 court to be incompetent to proceed to trial or not restorable
49 to competency within a reasonable time, and has been committed
50 to the custody of the ~~Alabama State~~ Department of Mental
51 Health ~~and Mental Retardation~~ or another facility as provided
52 by Section 15-16-43.

53 (3) DEPARTMENT. The ~~State~~ Department of Mental Health
54 ~~and Mental Retardation~~.

55 (4) DISTRICT ATTORNEY. The district attorney for the
56 judicial circuit of the court ~~which~~that committed the



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57 defendant pursuant to Section 15-16-43.

58 (5) REGIONAL OR COMMUNITY MENTAL HEALTH FACILITY. Any
59 mental health facility providing mental health services
60 pursuant to Sections 22-51-1 through 22-51-14."

61 "§15-16-71

62 (a) If at any time after a defendant has been
63 conditionally released, it appears that removal of some of the
64 conditions or release of the defendant without conditions will
65 not cause the defendant to pose a real and present threat of
66 substantial harm to himself, herself, or to others by being at
67 large, the court, after a hearing, shall remove the
68 unnecessary conditions, or it shall order the defendant
69 released unconditionally and terminate its jurisdiction over
70 the case, as the case may be. All such hearings shall be
71 preceded by notice to the department and to the parties
72 required to be notified in Section 15-16-63.

73 (b) The department, or its designated provider, shall
74 not provide custody, care, and treatment for a period of time
75 exceeding the maximum sentence the defendant could receive if
76 convicted of the crime with which he or she is charged, or no
77 longer than 20 years, whichever is less, notwithstanding Rule
78 11 and Rule 25 of the Alabama Rules of Criminal Procedure,
79 except for a defendant who:

80 (1) Is charged with capital murder; or

81 (2) Otherwise continues to meet civil inpatient
82 commitment criteria.

83 (c) The court shall consider the guidelines in this
84 section when the circuit judge issues his or her initial order



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85 [of commitment to the department.](#)"

86 Section 2. This act shall become effective on October

87 1, 2026.