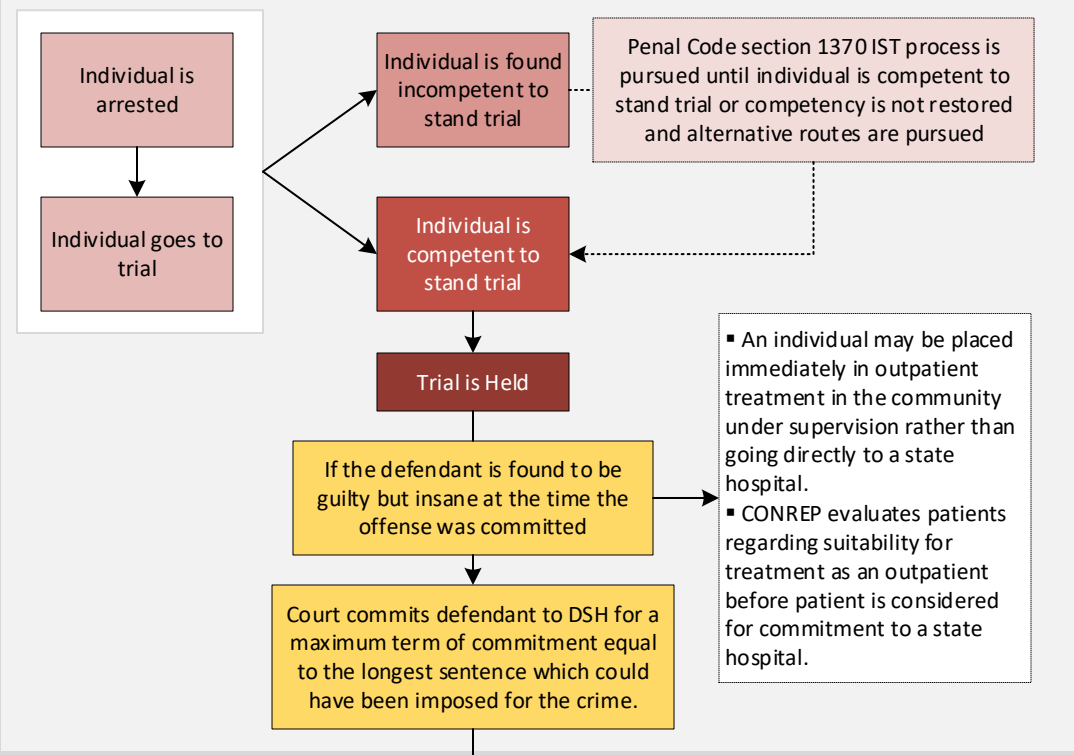


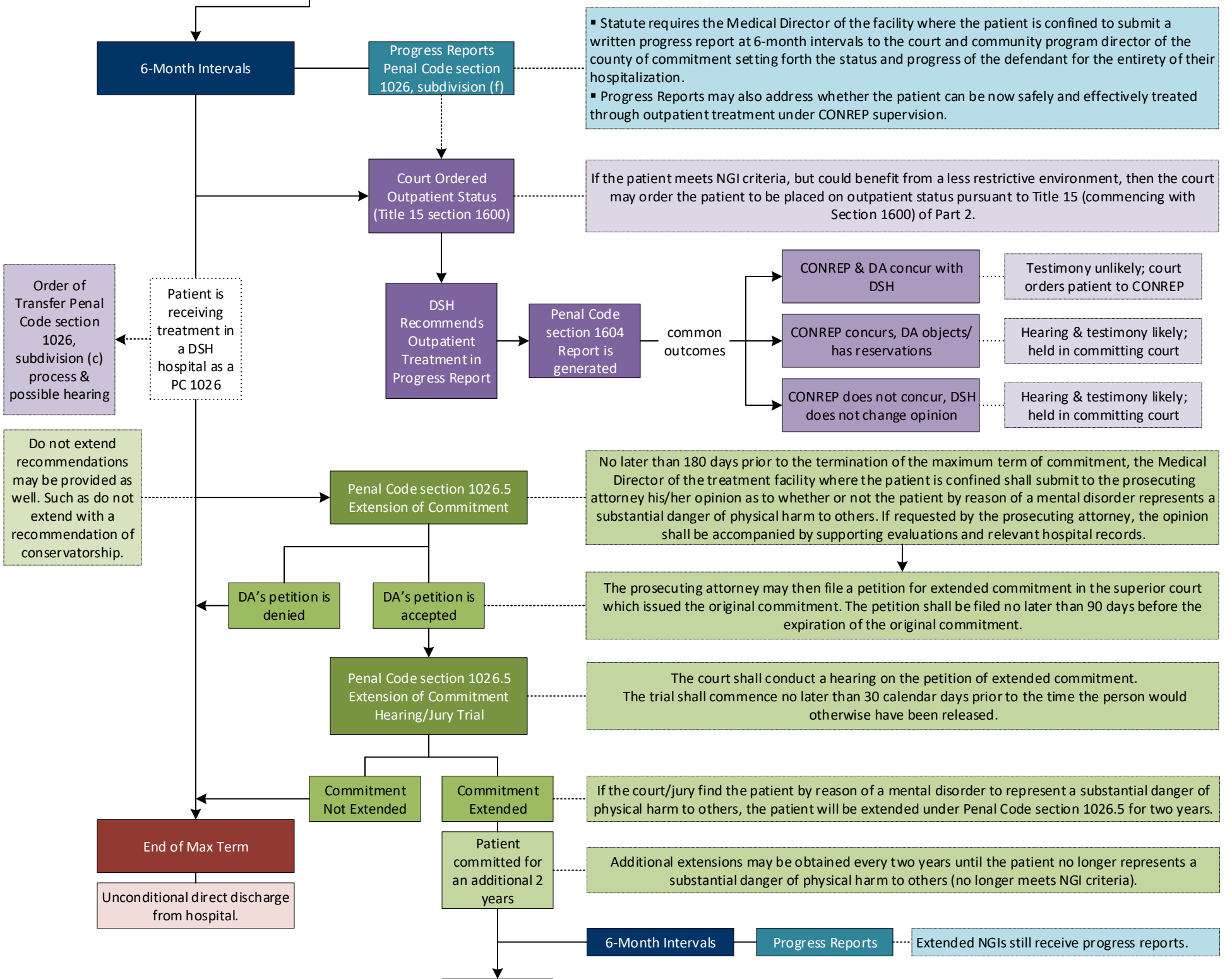
**Individual begins in a County Jail**



**Not Guilty by Reason of Insanity (NGI):** NGI patients are individuals committed to a state hospital for treatment by the courts directly from jail. The individual is committed for no longer than the maximum sentence for which they could have been imprisoned unless due to a mental disease, defect, or disorder, represents a substantial danger of physical harm to others, at which according to Penal Code section 1026.5 successive two-year extensions can be sought. To be released, an NGI or the director of the state hospital must petition the court for release, typically to outpatient treatment, by submitting an application for release pursuant to Penal Code section 1026.2. The term "insanity" connotes a legal definition, not a clinical diagnosis. Individuals may not be deemed insane unless they meet the strict legal test for insanity, which is set by case law and legislation. Restoration of sanity does not necessarily mean that a patient has recovered from his/her mental disorder. The standard for release is not determined by a patient's mental status, but by whether the patient would present a substantial danger to the community because of his/her mental condition.

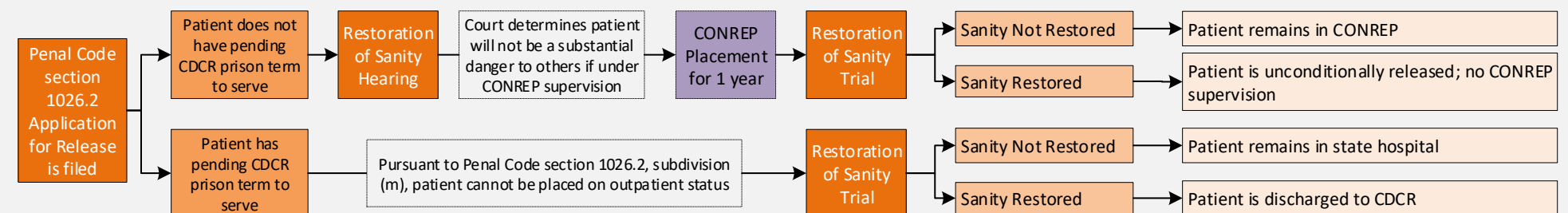
If the patient meets NGI criteria, but could benefit from a less restrictive environment then the court may order the patient to be placed on outpatient status pursuant to Title 15 (commencing with section 1600) of Part 2. If a patient on outpatient status becomes psychiatrically unstable, they can be returned to the state hospital for treatment.

Pursuant to Penal Code section 1026, subdivision (c), the court may, upon receiving the written recommendation of the Medical Director of the state hospital and the community program director that the defendant be transferred from a state hospital to a public or private treatment facility approved by the community program director, order the defendant transferred to that facility. Where either the defendant or the prosecuting attorney chooses to contest either kind of order of transfer, a petition may be filed in the court requesting a hearing which shall be held if the court determines that sufficient grounds exist.



**Penal Code section 1026.2 Application for Release Process**

During a patient's hospitalization, upon the ground that sanity has been restored, an application for release may be made to the superior court of the county of commitment by either the patient (i.e. writ) or Medical Director. The patient must be hospitalized for at least 180 days before a hearing can be held.



- **Restoration of Sanity Hearing** – Determines if the patient would be a danger to the health and safety of others due to their mental disorder if treated in the community. If the court determines that a patient would not be a danger to others if under CONREP supervision, then the patient must spend one year under CONREP supervision before seeking restoration of sanity and unconditional release from CONREP supervision. If a patient is a substantial danger to others even if under CONREP supervision, the patient remains in inpatient care. If the court denies outpatient placement, no new application may be filed for one year.
- **Restoration of Sanity Trial** – After one year under CONREP supervision, a Restoration of Sanity Trial is held to determine if sanity has been restored. If the court denies restoration of sanity, no new application may be filed for one year.