

## About This Brochure

- ✓ This guide is meant to be a basic description of the situation of a person who might possibly be found to be “not criminally responsible by reason of insanity.”
- ✓ The leaflet will tell you some things to expect and some important things for you and your defense attorney to be thinking about.
- ✓ It does not tell you everything you need to know or every decision you need to make, so please be sure to always communicate with your defense attorney.
- ☆ You should remember that the terms “insanity” and “abnormal condition of the mind” are just legal language.

People who...due to a mental abnormality or illness and “grossly distorted view of reality” did not understand right from wrong when they committed the crime.

## DISABILITY RIGHTS MAINE

24 Stone Street, Suite 204

Augusta, ME 04330

Phone: 800.452.1948 (V/TTY)

207.626.2774 (V/TTY)

Fax: 207.621.1419

E-mail: [advocate@drme.org](mailto:advocate@drme.org)



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## MAINE'S CRIMINAL RESPONSIBILITY LAW:

How does it affect me?



## EVALUATION

### Why would I be evaluated for “insanity or abnormal condition of the mind”?

There are three ways this can happen:

- ✓ You have plead “not criminally responsible”
- ✓ You and your defense attorney have asked for the evaluation
- ✓ The prosecutor has asked for the evaluation

### What can I do if the court orders an evaluation?

If the court orders an evaluation, you and your attorney can object to the order. After the evaluation, there will be a report about the evaluation. You should consult with your attorney when that report is released.

### What if I object to the order?

If you object, you will still be examined by Forensics, and a report will still be given to the court and to you. The difference is that it is more difficult, but not impossible, for the prosecutor to see the report. There are two ways the prosecutor can see the report:

- ✓ If you plead “not criminally responsible,” or
- ✓ If you go to trial and show evidence that you have a mental illness.

### What if I do not object to the order?

If you don’t object, then you will be examined by a group of psychologists who work for the State Forensic Service. They will also learn about the details of the accusations against you. This information gets put into a report, and the report goes to you, to the court, and to the prosecutor.

## PLEADING NCR

### What happens if I plead “not criminally responsible”?

If you plead “not criminally responsible,” then somebody in the court will use the report from your evaluation to decide whether or not you are criminally responsible. If you have a jury, then the jury will use the report and decide. If there is no jury, then the judge will decide.

### What happens if I’m in jail or in prison when I plead “not criminally responsible”?

If you’re already incarcerated when you plead “not criminally responsible,” then the state psychologists have to follow some time limits. They must evaluate you within six weeks, and they have to give their report within nine weeks.

## FINDING NCR

### What happens if the judge or jury finds me “not criminally responsible”?

If you’re found not criminally responsible, then the Department of Health and Human Services (DHHS) takes custody of you. DHHS would commit you to an appropriate institution for care and treatment.

### If DHHS commits me to an institution, how long will I be there?

DHHS can keep you in custody as long as it needs to. The time you are released depends on your progress with your mental health and safety in the community.

### Could I be committed to an institution longer than the maximum sentence for the crime I am accused of?

Yes, in some cases you could be in an institution longer than the maximum sentence of the crime you are charged with, **INCLUDING THE REST OF YOUR LIFE.**

### Will I stay in the same facility during my custody?

Maybe not. You can be transferred, but the court has to review and approve each transfer.