

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

**§ 6612. Hearing Rights.**

Whenever a hearing pursuant to this chapter is required to determine whether a defendant is competent to stand trial or be sentenced or for treatment after sentencing, the defendant shall have a full panoply of due process rights, including, but not necessarily limited to, the following:

(a) The right to written motions for all applications to the court, served on the defendant with sufficient time for preparation.

(b) The right to be present throughout the proceedings.

(c) The right to be free of chemical or physical restraints. If the defendant is violent or the court finds other just cause for physical restraints in the courtroom, the court may order physical restraints used. The record must reflect their use and reason for their use.

(d) The right to testify, call witnesses, and present evidence on his own behalf, and the rights against self-incrimination.

(e) The right to cross-examine witnesses, examine evidence offered against him and raise objections.

(f) The right to an attorney throughout the proceedings.

(g) The right to a record.

(h) A decision based on the evidence, with written findings of fact and conclusions of law.

(i) Periodic court review of commitments.

**Source:** PL 8-37, § 5 (§ 6611).