

What does it mean that I am Not Guilty by Reason of Insanity (NGRI)?

It means that a court has decided that you were, as a result of a mental condition:

- **unable to know or understand your actions;**
or
- **unable to tell right from wrong at the time you committed your crime.**

Not Guilty by Reason of Insanity (NGRI) and Restoration of Sanity

Note: When this publication was originally published, we were known as Protection & Advocacy, Inc. (PAI). In October 2008, we changed our name from PAI to Disability Rights California.

How long will I have to stay at the hospital?

The maximum time you will have to stay in the hospital is equal to maximum time you could have spent in prison for the crime(s) you committed.

The court can release you from the hospital when:

- it finds that your **sanity has been restored** at a restoration of sanity hearing and you will be released to an outpatient CONREP program for at least one year;
- the hospital asks the court to release you to CONREP; *or*
- you have been in the hospital as long as the maximum sentence for the crime you committed.

What does “restoration of sanity” mean?

A court can decide that you have recovered your sanity. This means that at a special hearing, the court determines that you are no longer dangerous to the community due to your mental condition.

If, while you are still in the hospital, the court finds that you have recovered your sanity, you will be placed in an outpatient CONREP treatment program for one year. After one year in CONREP, the court holds a trial to decide if you can be released from the outpatient CONREP treatment.

How do I get a “restoration of sanity” hearing so that I can leave the hospital?

Once a year, you can file a petition for restoration of sanity, but only after you have spent at least six months in a hospital or outpatient program. However, you still need to spend at least one year in an outpatient program before you can be completely released from your commitment.

You will need to file a petition in the Superior Court of the county in which you were committed. You may obtain this petition from your patients' rights advocate, the legal library or your attorney.

How can I get completely released and out of CONREP?

After one year of outpatient CONREP treatment, you may have a trial to determine whether you are **no longer dangerous to the health and safety** of others as a result of a mental disease, defect, or disorder. If you win, you will be completely released from CONREP.

Can they continue my commitment past my maximum sentence?

Yes, a court may decide to extend your commitment for two years beyond the maximum time you would have served for your crime, if your crime was a felony and if because of your mental condition, you are dangerous to others.

The court can continue to order this two year extension for as long as it decides it is necessary.

How do they continue my commitment past my maximum term?

First, your hospital or mental health program makes a report and recommends that your commitment be extended past the maximum term. Then the district attorney files a petition to the court for the extension. The court then holds a trial to decide whether or not you are dangerous to others because of your mental condition.

If you are committed past your maximum term, you can still petition the court for a hearing on release to CONREP or the state hospital can apply for CONREP commitment.

Who decides when to release me from the hospital?

The court which decided you were not guilty by reason of insanity also decides whether or not you remain in the hospital, are transferred to another hospital or released to an outpatient treatment program called CONREP.

Depending on the crime you committed, you may have to remain in a state hospital for at least six months before the court can decide to put you in an outpatient CONREP treatment program.