



Legislative Council Staff

Research Note

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Bill Number

Senate Bill 16-019

Sponsors

Senator Cooke
Representatives Saine & Foote

Short Title

Videotape Mental Condition
Evaluations

Research Analyst

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Status

This bill is currently pending before the Senate Judiciary Committee. The research note reflects the introduced version of the bill.

Summary

This bill requires audio-visual recording of court-ordered mental condition examinations. The recording must be preserved and provided with the examination report to all parties to the case and to the court.

Background

Two different types of mental condition examinations are covered by the bill. A sanity examination is ordered by a court in a criminal case where the defendant enters a plea of not guilty by reason of insanity (NGRI). An impaired mental condition examination occurs when the defendant asserts the defense of impaired mental condition. Both types of examinations may take place at a state-run mental health facility, the place where the defendant is being held in custody, or another place designated by the court, with preference being given to the place where the defendant is being held.

The bill does not apply to competency evaluations, which determine, prior to entering a plea in a criminal case, whether a defendant is competent to proceed.