

2005 ASSEMBLY BILL 971

February 2, 2006 – Introduced by Representatives SUDER, MUSSER, TOWNSEND, HINES, GUNDERSON, ALBERS and JESKEWITZ, cosponsored by Senators ZIEN and GROTHMAN. Referred to Committee on Criminal Justice and Homeland Security.

1 **AN ACT** *to amend* 971.16 (4) of the statutes; **relating to:** deadline for
2 distributing a physician’s or psychologist’s report on a criminal defendant or a
3 person committed upon a finding of not guilty by reason of mental disease or
4 defect.

Analysis by the Legislative Reference Bureau

Under current law, if the mental responsibility of the defendant is relevant in a criminal action, the court may appoint a physician or psychologist to examine the defendant and testify at trial. At least ten days before trial, unless another time is specified by the court, the court-appointed examiner must provide the court with a report on the defendant, which the court must distribute to defense counsel and to the prosecution. The defense or prosecution may also arrange for a physician or psychologist to examine the defendant. An examiner selected by the defense or prosecution may not testify at trial regarding the defendant’s mental condition unless a copy of the examiner’s report has been provided to opposing counsel at least three days before trial. The procedures governing examinations and testimony by physicians or psychologists selected by the defense or prosecution also apply at hearings regarding a person who is committed to the Department of Health and Family Services (DHFS) upon a finding of not guilty by reason of mental disease or defect, including hearings on conditional release, termination of custody, or competency to refuse medication or treatment.

This bill provides that a physician or psychologist selected by the defense or prosecution to examine a defendant in a criminal action may not testify at trial

