

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 106, As Amended

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO JUDGMENT; AMENDING SECTION 19-2522, IDAHO CODE, TO
 2 PROVIDE THAT IF A MENTAL HEALTH EXAMINATION OF THE DEFENDANT
 3 HAS PREVIOUSLY BEEN CONDUCTED PURSUANT TO SECTION 19-2524,
 4 IDAHO CODE, AND THE COURT DETERMINES THAT SUCH EXAMINATION
 5 AND REPORT PROVIDE CERTAIN NECESSARY INFORMATION, THEN THE
 6 COURT NEED NOT ORDER AN ADDITIONAL EXAMINATION OF THE
 7 DEFENDANT’S MENTAL CONDITION AT SENTENCING.
 8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Section 19-2522, Idaho Code, be, and the same is hereby amended to
 11 read as follows:

12 19-2522. EXAMINATION OF DEFENDANT FOR EVIDENCE OF MENTAL
 13 CONDITION – APPOINTMENT OF PSYCHIATRISTS OR LICENSED PSYCHOLOGISTS
 14 – HOSPITALIZATION – REPORTS. (1) If there is reason to believe the mental condition of
 15 the defendant will be a significant factor at sentencing and for good cause shown, the court
 16 shall appoint at least one (1) psychiatrist or licensed psychologist to examine and report upon
 17 the mental condition of the defendant. The costs of examination shall be paid by the defendant
 18 if he is financially able. The determination of ability to pay shall be made in accordance
 19 with chapter 8, title 19, Idaho Code. The order appointing or requesting the designation of
 20 a psychiatrist or licensed psychologist shall specify the issues to be resolved for which the
 21 examiner is appointed or designated.

22 (2) In making such examination, any method may be employed which is accepted by the
 23 examiner’s profession for the examination of those alleged to be suffering from a mental illness
 24 or defect.

25 (3) The report of the examination shall include the following:

26 (a) A description of the nature of the examination;

27 (b) A diagnosis, evaluation or prognosis of the mental condition of the defendant;

28 (c) An analysis of the degree of the defendant’s illness or defect and level of functional
 29 impairment;

30 (d) A consideration of whether treatment is available for the defendant’s mental
 31 condition;

32 (e) An analysis of the relative risks and benefits of treatment or nontreatment;

33 (f) A consideration of the risk of danger which the defendant may create for the public if
 34 at large.

35 (4) The report of the examination shall be filed in triplicate with the clerk of the court,
 36 who shall cause copies to be delivered to the prosecuting attorney and to counsel for the
 37 defendant.

1 (5) When the defendant wishes to be examined by an expert of his own choice, such
2 examiner shall be permitted to have reasonable access to the defendant for the purpose of
3 examination.

4 (6) If a mental health examination of the defendant has previously been conducted
5 pursuant to section 19-2524, Idaho Code, and a report of such examination has been submitted
6 to the court, and if the court determines that such examination and report provide the necessary
7 information required by this section, including all of the information specified in subsection (3)
8 of this section, then the court may consider such examination and report as the examination and
9 report required by this section and need not order an additional examination of the defendant's
10 mental condition.

11 (7) Nothing in this section is intended to limit the consideration of other evidence
12 relevant to the imposition of sentence.