MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1539

H.P. 1092

House of Representatives, February 25, 1999

An Act to Require More Timely Court-ordered Psychological Evaluations.

Reference to the Committee on Judiciary suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Representative MacDOUGALL of North Berwick. Cosponsored by Representative SNOWE-MELLO of Poland.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 15 MRSA §101-B, sub-§1, as amended by PL 1989, c. 621, §1, is further amended to read:

The District Court or the Court order; permissive. Superior Court having jurisdiction in any criminal case for cause shown may order the defendant examined to determine defendant's mental condition with reference to the issues of competency, criminal responsibility, abnormal condition of mind and any other issue involving the mental or emotional condition of the defendant. The examination may be conducted by the State Forensic Service or by a psychiatrist or licensed clinical psychologist independent of the State Forensic Service. additional examinations are ordered, the court shall ensure that at least one examination is conducted by the State Forensic Service. The court in selecting an independent practitioner and the site of any examination shall consider proximity to the court, availability of an examiner or examiners and the necessity for security precautions. No A person may not be presented for examination under this subsection without arrangements for that examination with the State Forensic Service or the independent practitioner being first made by the court, clerk of courts or sheriff. If the defendant is incarcerated, the examination is to be completed within 99 30 days from the date of arrest. opinion of the examiner or examiners relative to the competence, criminal responsibility, abnormal condition of mind or any other mental or emotional condition of the respondent must be reported without delay to the court following examination, together with copies to counsel for the respondent and counsel for the State.

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SUMMARY

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This bill changes the time frame for the completion of a court-ordered mental examination of an incarcerated person accused of a crime from 90 days to 30 days from the date of arrest.