

Thank you for this opportunity to provide information about the proposed amendment to S. 3. DRVT continues to agree with MadFreedom and others that there are significant problems with putting barriers in place that limit a person's ability to obtain access to both a court-ordered sanity and competency evaluation, if both are ordered by the Court.

While the proposed amendment acknowledges the severe hardship imposed to a criminal defendant if the evidence of sanity at the time of offense is not collected promptly, the amendment does not identify that the defendant and their counsel will also suffer undue hardship if they are not allowed to timely review the court ordered evaluator's determination of sanity at the time of the offense. That information has a significant impact on a defendant's consideration of defense strategies, expert witnesses and potential plea agreements.

As pointed out by MadFreedom, the current amendment is not consistent with the American Bar Association Criminal Justice Standards on Mental Health, Standard 7-3.4., subdivision (c), that provides a Defendant can request both evaluations be completed at the same time, and does not require proving 'good cause'. That standard states:

An evaluation of the defendant's present competence should not be combined with an evaluation of the defendant's mental condition at the time of the alleged crime, or with an evaluation for any other purpose, **unless the defendant so requests or, for good cause shown, the court so orders**. If an evaluation addresses such discrete issues, a separate report should be prepared on each issue. (emphasis supplied)

DRVT is concerned that not following the ABA standards will cause people with disabling mental health and other conditions to have unnecessarily prolonged and, in some instances, unfair, harmful experiences with the criminal justice system. For this reason DRVT suggests the Committee consider amending the bill to reflect a desire to reduce barriers to the ability of a person to defend one's self when a mental health or other condition is significantly severe enough to be relevant to the question of criminal liability.

Thank you.

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