

S.3; PROPOSED AMENDMENT TO SECTION 1

Sec. 1. 13 V.S.A. § 4816 is amended to read:

§ 4816. SCOPE OF EXAMINATION; REPORT; EVIDENCE

(a) Examinations provided for in section 4815 of this title shall have reference to one or both of the following:

(1) ~~mental~~ Mental competency of the person examined to stand trial for the alleged offense; ~~and~~.

(2) ~~sanity~~ Sanity of the person examined at the time of the alleged offense.

(b) A competency evaluation for an individual thought to have a developmental disability shall include a current evaluation by a psychologist skilled in assessing individuals with developmental disabilities.

(c)(1) As soon as practicable after the examination has been completed, the examining psychiatrist ~~or and~~, if applicable under subsection 4816(b) of this title, the psychiatrist and the psychologist, shall prepare a report containing findings in regard to ~~each of the applicable matters listed in provisions of~~ subsection (a) of this section. The report shall be transmitted to the court issuing the order for examination, and copies of the report sent to the State's Attorney, ~~and, to the respondent~~, to the respondent's attorney if the respondent is represented by counsel, to the Commissioner of Mental Health, and, if applicable, to the Department of Disabilities, Aging, and Independent Living.

(2) If the psychiatrist and, if applicable, the psychologist has been asked to provide opinions as to If the court orders examination of both the person's competency to stand trial and the person's sanity at the time of the alleged offense, those opinions shall be presented in separate reports and addressed separately by the court. In such cases, the

examination of the person's sanity shall only be undertaken if the psychiatrist ~~and or~~, if applicable ~~under subsection 4816(b) of this title, the psychiatrist and the psychologist, is~~ are able to form the opinion that the person is competent to stand trial, ~~unless the defendant requests that the examinations occur concurrently. If the evaluation of the defendant's sanity at the time of the alleged offense does not occur until the defendant is deemed competent to stand trial, provided that~~ the psychiatrist ~~and or~~, if applicable ~~under subsection 4816(b) of this title, the psychiatrist and the psychologist, shall make a reasonable effort to~~ collect and preserve any evidence necessary to form an opinion as to sanity if the person regains competence.

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