BILL ANALYSIS

BACKGROUND AND PURPOSE

Current law establishes the qualifications for an expert who conducts an evaluation and testifies as to a defendant's sanity or insanity in a criminal case in which notice of intention to raise the insanity defense is filed and also for an expert examining a defendant's competency to stand trial. Interested parties note the discrepancy in current law between the expert qualifications for examining a defendant for competency and examining a defendant with respect to the insanity defense and assert that legislative changes are necessary to clarify and conform the criteria necessary to appoint experts. In an effort to ensure that experts appointed to examine and testify with respect to a defendant's sanity or insanity are qualified either by certification or training and in the same manner as experts examining a defendant's competency, H.B. 2572 revises the qualifications for an expert appointed for purposes of insanity defense proceedings.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2572 amends the Code of Criminal Procedure to remove the requirement that a psychiatrist or psychologist have experience in performing criminal forensic evaluations for courts to qualify for appointment as an expert for purposes of insanity defense proceedings. The bill removes the requirement that such an eligible psychiatrist's or psychologist's required continuing education relating to forensic evaluations be documented with the court and requires the additional continuing education in forensic psychiatry or psychology to be approved by the court. The bill's provisions apply to a defendant against whom proceedings involving the insanity defense are initiated before, on, or after the bill's effective date.

EFFECTIVE DATE

September 1, 2013.

13.102.1062