

By: McClendon

H.B. No. 2572

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the qualifications of certain experts authorized to
3 examine a defendant and testify as to the issue of the defendant's
4 sanity or insanity in a criminal case.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Articles 46C.102(a) and (b), Code of Criminal
7 Procedure, are amended to read as follows:

8 (a) The court may appoint qualified psychiatrists or
9 psychologists as experts under this chapter. To qualify for
10 appointment under this subchapter as an expert, a psychiatrist or
11 psychologist must:

12 (1) as appropriate, be a physician licensed in this
13 state or be a psychologist licensed in this state who has a doctoral
14 degree in psychology; and

15 (2) have the following certification [~~or experience~~]
16 or training:

17 (A) as appropriate, certification by:

18 (i) the American Board of Psychiatry and
19 Neurology with added or special qualifications in forensic
20 psychiatry; or

21 (ii) the American Board of Professional
22 Psychology in forensic psychology; or

23 (B) [~~experience or~~] training consisting of:

24 (i) at least 24 hours of specialized

1 forensic training relating to incompetency or insanity
2 evaluations; and

3 (ii) at least [~~five years of experience in~~
4 ~~performing criminal forensic evaluations for courts; and~~

5 [~~(iii)~~] eight [~~or more~~] hours of continuing
6 education relating to forensic evaluations, completed in the 12
7 months preceding the appointment [~~and documented with the court~~].

8 (b) In addition to meeting qualifications required by
9 Subsection (a), to be appointed as an expert a psychiatrist or
10 psychologist must have completed a total of six hours of approved
11 [~~required~~] continuing education [~~in courses~~] in forensic
12 psychiatry or psychology [~~, as appropriate,~~] in the 24 months
13 preceding the appointment.

14 SECTION 2. The change in law made by this Act applies to a
15 defendant against whom proceedings are initiated under Chapter 46C,
16 Code of Criminal Procedure, before, on, or after the effective date
17 of this Act.

18 SECTION 3. This Act takes effect September 1, 2013.