

708 defendant may not receive a reduction under this Subsection (7).

709 (8) (a) (i) Except as provided in Subsection (8)(a)(iv), when the offense is a state  
 710 offense, expenses of examination, observation, and treatment for the defendant shall be paid by  
 711 the department when not paid for by the defendant's insurance.

712 (ii) Travel expenses shall be paid by the county where prosecution is commenced.

713 (iii) Expenses of examination for a defendant charged with a violation of a municipal  
 714 or county ordinance shall be paid by the municipality or county that commenced the  
 715 prosecution.

716 (iv) The department is not responsible for payment for an evaluation described in  
 717 Subsection (3)(b) that is conducted by a forensic evaluator who is privately retained by a party.

718 (b) (i) Provisions in this part for the support at public expense of a defendant with a  
 719 mental condition do not release an insurer of a defendant with a mental condition from liability  
 720 for the care or treatment of the defendant with a mental condition.

721 (ii) The department is authorized to collect amounts spent on a defendant with a mental  
 722 condition from an insurer of the defendant with a mental condition.

723 (iii) A health insurance company may not deny coverage for court-ordered treatment or  
 724 supervision of a defendant with a mental condition ~~§~~→ **[that] solely based on the fact that the**  
 724a **treatment or supervision is ordered by a court if the treatment or supervision is medically**  
 724b **necessary and** ←~~§~~ would otherwise be a covered benefit  
 725 under the defendant's insurance plan ~~§~~→ **[based on the fact that the treatment or supervision is**  
 726 **ordered by a court]** ←~~§~~ .

727 Section 16. Section **77-16a-104** is amended to read:

728 **77-16a-104. Verdict of guilty with a mental condition -- Hearing to determine**  
 729 **present mental state.**

730 (1) Upon a verdict of guilty with a mental ~~[illness]~~ condition for the offense charged, or  
 731 any lesser offense, the court shall conduct a hearing to determine the defendant's present mental  
 732 state.

733 (2) (a) The court may order the department to examine the defendant to determine the  
 734 defendant's mental condition, and may receive the evidence of any public or private expert  
 735 witness offered by the defendant or the prosecutor.

736 (b) The defendant may be placed in the Utah State Hospital for ~~[that]~~ the examination  
 737 described in Subsection (2)(a) only upon approval of the executive director.

738 (3) If the court finds by clear and convincing evidence that the defendant currently has