

2nd Sub. H.B. 385
MENTALLY ILL OFFENDERS AMENDMENTS

Representative **Nelson T. Abbott** proposes the following amendments:

1. *Page 16, Lines 487 through 490:*

487 (4) "Forensic evaluator" means a licensed mental health professional who is:
488 (a) not involved in the defendant's treatment; and
489 (b) trained and qualified { ~~by the department~~ } to conduct a guilty with a mental condition
490 evaluation.

2. *Page 19, Lines 560 through 563:*

560 (A) whether the defendant had a mental condition at the time of the commission of the
561 offense; and
562 (B) whether the defendant could benefit from { ~~available~~ } supervision or treatment.
563 (ii) If the parties stipulate as described in Subsection (1)(a)(i), the court shall enter

3. *Page 19, Lines 567 through 571:*

567 (i) whether the defendant had a mental condition at the time of the commission of the
568 offense; and
569 (ii) whether the defendant could benefit from { ~~available~~ } supervision or treatment.
570 (c) After reviewing the stipulation described in Subsection (1)(a)(i) or conducting a
571 hearing under Subsection (1)(b):

4. *Page 19, Lines 581 through 583:*

581 (i) whether the defendant had a mental condition at the time of the commission of the
582 offense;
583 (ii) whether the defendant could benefit from { ~~available~~ } supervision or treatment; or

5. *Page 20, Lines 591 through 594:*

591 (A) whether the defendant had a mental condition at the time of the commission of the
592 offense;
593 (B) whether the defendant could benefit from { ~~available~~ } supervision or treatment; or
594 (C) whether the defendant currently is competent to enter a plea.

6. *Page 20, Lines 605 through 608:*

605 (5) (a) If a court finds that a defendant had a mental condition at the time of the
606 commission of the offense, the defendant could benefit from ~~{available}~~ supervision or treatment,
607 and has entered a plea of guilty with a mental condition in accordance with Subsection
608 (1)(c)(i), the court:

7. *Page 21, Lines 623 through 625:*

623 and make appropriate modifications to the recommendations if necessary; and
624 (iii) order the defendant to comply with all ~~{available}~~ treatment and supervision
625 recommendations that the court finds are in the best interest of the defendant and public safety.

8. *Page 24, Lines 709 through 711:*

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

9. *Page 24, Lines 713 through 715:*

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

10. *Page 24, Lines 716 through 718:*

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