

Introduced: 1/22/85
Referred: Health, Education and Social Services,
Judiciary and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 80

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the number of psychiatrists or
7 psychologists appointed to examine a criminal defen-
8 dant; and providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 12.47.070(a) is amended to read:

11 (a) If a defendant has filed a notice of intention to rely on
12 the affirmative defense of insanity under AS 12.47.010 or has filed
13 notice under AS 12.47.020(a), or there is reason to doubt the defen-
14 dant's fitness to proceed, or there is reason to believe that a mental
15 disease or defect of the defendant will otherwise become an issue in
16 the case, the court shall appoint at least two qualified psychiatrists
17 or two forensic psychologists certified by the American Board of
18 Forensic Psychology to examine and report upon the mental condition of
19 the defendant. However, if both the defendant and the prosecuting
20 attorney waive this requirement for the appointment of at least two
21 such psychiatrists or psychologists, the court shall appoint one such
22 psychiatrist or psychologist. If the court appoints a psychiatrist
23 [PSYCHIATRISTS], the psychiatrist [PSYCHIATRISTS] may select a
24 psychologist [PSYCHOLOGISTS] to provide assistance. If the defendant
25 has filed notice under AS 12.47.090(a), the report shall consider
26 whether the defendant can still be committed under AS 12.47.090(c).
27 The court may order the defendant to be committed to a secure facility
28 for the purpose of the examination for not more than 60 days or such
29 longer period as the court determines to be necessary for the purpose

1 and may direct that a qualified psychiatrist retained by the defendant
2 be permitted to witness and participate in the examination.
3 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
4 10.070(c).