

COMMITTEE REPORT
SENATE

FURTHER:

1/22/86

Date 2/4/86

Mr. President

The Committee on FINANCE considered SB 80

number of psychiatrists or psychologists appointed to examine a criminal defendant; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 80 (HESS)
- new title
- same title and recommends "DO PASS"
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation 20 FN (AB)
(Jan-1/86 ds)
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Rick Halford
Paul Fieble
W. G. ...
Jerome ...
John ...

MEMBERS HAVING
OTHER RECOMMENDATIONS

Jan Fieble
Chairman
I do pass
Chairman recommendation

STATE OF ALASKA 1986 LEGISLATIVE
FISCAL NOTE

2/6/86

New & fiscal notes prepared after bill was reported out of Committee.

REQUEST

Bill/Resolution No.: CSSB 80 (HESS)
 Title: Number of psychiatrists to examine a criminal defendant
 Sponsor: Senate HESS
 Requestor: _____
 Date of Request: _____

FISCAL DE

Agency Affect: _____
 BRU: Soc
 Division: _____
 Developer: _____
 Components: _____
 Institution: _____

New & notes simply meet statutory requirements for 5-yr. projection and reference to version of the bill passed from committee

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY		
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by: _____ Phone: 465-4523
 Division: Senator Jan Parks, Co-Chairman Date: 2/6/86
Senate Finance Committee
 Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSSB 80 (HESS)
 Title : Number of psychiatrists to examine a criminal defendant
 Sponsor : Senate HESS
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Dept. of Health and Social Services
 BRU : Social Services
Division of Mental Health & Developmental Disabilities API
 Components : Mental Health Institutions and Administration

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Senator Jan Faiks, Co-Chairman Phone : 465-4523
 Division : Senate Finance Committee Date : 2/6/86

Approved by Commissioner : _____ Date : _____
 Agency : _____

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSSB 80 (HESS)
 Title : Number of psychiatrists to
 examine a criminal defendant
 Sponsor : Senate HESS
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Dept of Law
 BRU : Prosecution - Administration
 of Justice
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : _____
 Division : Senator Jan Faiks, Co-Chairman
Senate Finance Committee

Phone : 465-4523
 Date : 2/6/86

Approved by Commissioner : _____
 Agency : _____

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

116

Revision Date: _____

REQUEST

Bill/Resolution No.: SL 80
 Title: "...the number of psychiatrists...to examine a crim. defendant."
 Sponsor: Senate Rules/Governor
 Requestor: Governor's Ofc./OMB
 Date of Request: 12/18/84

FISCAL DETAIL

Agency Affected: Department of Law
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Prosecution

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

This bill would allow a criminal defendant and the prosecuting attorney to waive the requirement that the court appoint two qualified psychiatrists or forensic psychologists to examine certain defendants. If that requirement is waived, the court would only have to appoint one psychiatrist or psychologist, saving considerable expense on the part of the Division of Mental Health and Developmental Disabilities. This bill will not have a fiscal impact on the Department of Law's operations.

Prepared By: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: 12/19/84

Approved by Commissioner: Norman C. Gorsuch Date: 12/19/84
 Agency: Department of Law

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 80
 Title: An Act relating to the number of psychiatrists appointed
 Sponsor: Rules Committee
 Requestor: Governor
 Date of Request: January 28, 1985

FISCAL DETAIL

Department of Health
 Agency Affected: and Social Services
 Program Category Affected: Division of Mental Health and Developmental Disabilities & API
 BRU, Program or Subprogram(s) Affected: Mental Health Institutions and Administration

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING		0				
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See Attached

Prepared By: James L. Scoles
 Division: Mental Health & Developmental Disabilities

Phone: 465-3370
 Date: 1-28-85

Approved by Commissioner: [Signature]
 Agency: Health & Social Services

Date: 1/30/85 JCC

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

78

The Division of Mental Health and Developmental Disabilities does not foresee any decrease in our personnel services expenditures as a result of the passage of Senate Bill 80. In those cases in which the defendant and the prosecuting attorney waive the requirement that two psychiatrists perform the examination, the second Alaska Psychiatric Institute psychiatrist will simply continue with his in-house treatment responsibilities for mentally ill patients at the hospital. It should, however, result in the addition of more direct treatment services being available inside Alaska Psychiatric Institute as a result of the reduction in staff time by the second psychiatrist that is currently necessary to perform these court-ordered exams in the correctional centers.

Offered: 4/11/85
Referred: Judiciary

Original sponsor: Rules/Governor

1 IN THE SENATE
2
3 CS FOR SENATE BILL NO. 80 (HESS)
4 IN THE LEGISLATURE OF THE STATE OF ALASKA
5 FOURTEENTH LEGISLATURE - FIRST SESSION
6 A BILL
7 For an Act entitled: "An Act relating to the number of psychiatrists or
8 psychologists appointed to examine a criminal defen-
9 dant; and providing for an effective date."
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
11 * Section 1. AS 12.47.070(a) is amended to read:
12 (a) If a defendant has filed a notice of intention to rely on
13 the affirmative defense of insanity under AS 12.47.010 or has filed
14 notice under AS 12.47.020(a), or there is reason to doubt the defen-
15 dant's fitness to proceed, or there is reason to believe that a mental
16 disease or defect of the defendant will otherwise become an issue in
17 the case, the court shall appoint at least two qualified psychiatrists
18 or two forensic psychologists certified by the American Board of
19 Forensic Psychology to examine and report upon the mental condition of
20 the defendant. However, if both the defendant and the prosecuting
21 attorney waive the requirement for the appointment of at least two
22 psychiatrists or psychologists, the court shall appoint one psychia-
23 trist or psychologist. If the court appoints a psychiatrist [PSYCHIA-
24 TRISTS], the psychiatrist [PSYCHIATRISTS] may select a psychologist
25 [PSYCHOLOGISTS] to provide assistance. If the defendant has filed
26 notice under AS 12.47.090(a), the report shall consider whether the
27 defendant can still be committed under AS 12.47.090(c). The court may
28 order the defendant to be committed to a secure facility for the
29 purpose of the examination for not more than 60 days or such longer
period as the court determines to be necessary for the purpose and may

1 direct that a qualified psychiatrist retained by the defendant be
2 permitted to witness and participate in the examination.

3 * Sec. 2. AS 12.47.100(b) is amended to read:

4 (b) When, after arrest and before the imposition of sentence or
5 before the expiration of any period of probation, the attorney gener-
6 al, the prosecuting attorney, or the attorney for the accused has
7 reasonable cause to believe that a person charged with a crime may be
8 presently suffering from a mental disease or defect or is otherwise so
9 mentally incompetent that the accused is unable to understand the
10 proceedings or to properly assist in the accused's own defense, the
11 attorney general, prosecuting attorney, or the attorney for the
12 accused may file a motion for a judicial determination of the mental
13 competency of the accused. Upon that motion or upon a similar motion
14 on behalf of the accused, or upon its own motion, the court shall
15 appoint at least two qualified psychiatrists to examine and report
16 upon the mental condition of the defendant. However, if both the
17 defendant and the prosecuting attorney waive the requirement for the
18 appointment of at least two psychiatrists, the court shall appoint one
19 psychiatrist [HAVE THE ACCUSED, WHETHER OR NOT PREVIOUSLY ADMITTED TO
20 BAIL, EXAMINED BY AT LEAST ONE QUALIFIED PSYCHIATRIST, WHO SHALL
21 REPORT TO THE COURT CONCERNING THE MENTAL CONDITION OF THE ACCUSED].
22 For the purpose of the examination the court may order the accused
23 committed for a reasonable period as the court may determine to a
24 suitable hospital or other facility to be designated by the court. If
25 the report of the psychiatrist indicates a state of present mental
26 disease or defect or of other mental incompetency in the accused, the
27 court shall hold a hearing, upon due notice, at which evidence as to
28 the mental condition of the accused may be submitted, including that
29 of the reporting psychiatrist, and make a finding with respect to the

1 mental condition of the accused. No statement made by the accused in
2 the course of an examination into the mental competency of the accused
3 provided for by this section, whether the examination is with or
4 without the consent of the accused, may be admitted in evidence
5 against the accused on the issue of guilt in a criminal proceeding
6 unless the accused later relies on a defense under AS 12.47.010 or
7 12.47.020. A finding by the judge that the accused is mentally compe-
8 tent to stand trial in no way prejudices the accused in a defense
9 based on insanity; the finding may not be introduced in evidence on
10 that issue or otherwise be brought to the notice of the jury.

11 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
12 10.070(c).

SECTIONAL ANALYSIS FOR SENATE BILL 80

An Act relating to the number of psychiatrists or psychologists appointed to examine a criminal defendant and providing for an effective date

Section 1

Amends Title 12, (Code of Criminal Procedure) Chapter 47, having to do with Psychiatric Examinations. Under current law, when a defendant that files a notice of intent to rely on the defense of insanity, the court is required to appoint at least two psychiatrists or psychologists to examine the defendant. This bill would establish a waiver process whereby only one psychiatrist or psychologist would have to be appointed if both the defense and prosecution agreed.

Section 2

This section also amends Chapter 47, Incompetency to Proceed. When the prosecution or defense attorneys determine that a defendant is mentally incapable of assisting in his or her own defense, the court must appoint at least two psychiatrists or psychologists to examine the defendant. This section would amend that requirement by and allow only one psychiatrist or psychologist to examine the defendant of both the defense and prosecution agreed.

Section 3

Immediate effective date.

Fiscal Impact

There is no fiscal impact because the Division of Mental Health "does not foresee any decrease in personnel services expenditures." However, they do say that passage of this legislation will result in the addition of more direct treatment services being available inside Alaska Psychiatric Institute.

POSITION PAPER

CS for Senate Bill No. 80 (HESS)

"An Act relating to the number of psychiatrists or psychologists appointed to examine a criminal defendant; and providing for an effective date."

The Committee Substitute for Senate Bill 80 does not alter the language or intent of Section 1 in the original version of Senate Bill 80. Thus our earlier Position Paper, dated January 30, 1985 (copy attached), accurately reflects our analysis and position with regard to Section 1 of the Committee Substitute.

The CS for SB 80 adds a new Section 2. This section, which amends A.S. 12.47.100, would tend to make this statute consistent with A.S. 12.47.070 by requiring the court to appoint two psychiatrists to examine a criminal defendant for competency to stand trial unless the defendant and the prosecuting attorney waive this requirement. In our opinion, it is indeed appropriate that these two statutes be consistent with respect to the number and types of examiners that are required to perform examinations on defendants undergoing criminal proceedings when mental disease or defect may become an issue.

Accordingly, we recommend that the same language that is in Section 1, line 16 through line 24 regarding the number and types of examiners under A.S. 12.47.070 should be repeated in Section 2 which refers to examinations under A.S. 12.47.100 and replace the language currently on line 15 through line 19. The existing language in Section 2 only requires that two qualified psychiatrists be appointed. This change will permit the court the option of appointing two qualified psychiatrists or two forensic psychologists to perform these exams. It will also authorize the psychiatrists that are appointed the opportunity to select psychologists to provide assistance in completing the examinations under A.S. 12.47.100.

The Department of Health and Social Services supports passage of the Committee Substitute for Senate Bill 80 with the recommended change that is noted above.

Recommended by: PPH for Mel Henry
Mel Henry, Ph.D., M.P.A.

Date: 4/18/85

Approved by: John Pugh
John Pugh, Commissioner

Date: 4/23/85

POSITION PAPER

SENATE BILL 80

"An Act relating to the number of psychiatrists or psychologists appointed to examine a criminal defendant; and providing for an effective date."

In October, 1982, Chapter 143, SLA 1982 became effective. That Act, among other things, revised Alaska's criminal laws relating to insanity and competency to stand trial. One revision that was contained in the Act requires that two psychiatrists or two forensic psychologists must be appointed to examine defendants under A.S. 12.47.070. Prior to the 1982 revision only one psychiatrist was required by statute to perform these examinations. The amendment proposed in Senate Bill 80 would give the court the option of appointing only one psychiatrist or forensic psychologist if the requirement under A.S. 12.47.070 that two psychiatrists or forensic psychologists examine the defendant is waived by both the defendant and the prosecuting attorney.

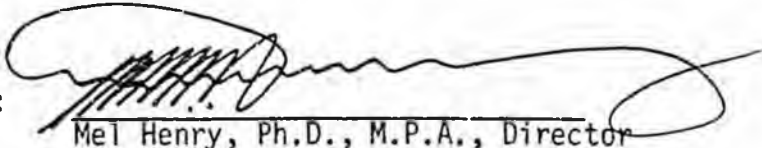
We believe that many, if not most, of these examinations can be adequately performed by utilizing only one psychiatrist or forensic psychologist. A large percentage of these exams are currently being done by the Forensic Services Team from Alaska Psychiatric Institute. The exams are performed in the Anchorage area correctional centers. If the court is required to routinely appoint two psychiatrists or forensic psychologists to examine these defendants, and Alaska Psychiatric Institute is ordered to perform the exam, a second psychiatrist that has in-hospital responsibilities must be detailed to the correctional center in order to perform the second psychiatric examination.

According to the staff at Alaska Psychiatric Institute, approximately 170 defendants per year are ordered by the courts to undergo psychiatric examinations by the Forensic Services Team. Of those that are referred to the Forensic Team, approximately 30 specifically require two psychiatrists to perform the same psychiatric examination. After completing the first psychiatric examination by the Forensic Team, if the second psychiatric examination is deemed to be unnecessary or would needlessly duplicate the findings of the first examination, the court is notified. In about half of these cases, the court agrees to limit the number of psychiatric examinations to one rather than two conducting the examinations as specified in A.S. 12.47.070. Basically, what is currently happening in practice is what is being proposed in Senate Bill 80. The amendment will simply codify the existing practice.

POSITION PAPER
Senate Bill 80
Page 2

It is our position that this practice of routinely appointing two psychiatrists or forensic psychologists to examine criminal defendants oftentimes an unnecessary duplication of effort that can be avoided by passage of Senate Bill 80. Accordingly, the Department of Health and Social Services supports the passage of this bill.

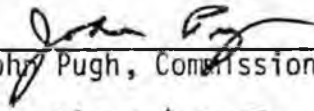
Recommended by:


Mel Henry, Ph.D., M.P.A., Director

Date:

1-28-85

Approved by:


John Pugh, Commissioner

Date:

1/30/85

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 RE 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).

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 80
 Title: An Act relating to the number of psychiatrists appointed
 Sponsor: Rules Committee
 Requestor: Governor
 Date of Request: January 28, 1985

FISCAL DETAIL

Department of Health
 Agency Affected: and Social Services
 Program Category Affected: Division of Mental Health and Developmental Disabilities & API
 BRU, Program or Subprogram(s) Affected: Mental Health Institutions and Administration

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING		0				
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

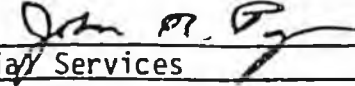
POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See Attached

Prepared By: James L. Scoles  Phone: 465-3370
 Division: Mental Health & Developmental Disabilities Date: 1-28-85

Approved by Commissioner:  Date: 1/30/85 *JCC*
 Agency: Health & Social Services

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

AV

The Division of Mental Health and Developmental Disabilities does not foresee any decrease in our personnel services expenditures as a result of the passage of Senate Bill 80. In those cases in which the defendant and the prosecuting attorney waive the requirement that two psychiatrists perform the examination, the second Alaska Psychiatric Institute psychiatrist will simply continue with his in-house treatment responsibilities for mentally ill patients at the hospital. It should, however, result in the addition of more direct treatment services being available inside Alaska Psychiatric Institute as a result of the reduction in staff time by the second psychiatrist that is currently necessary to perform these court-ordered exams in the correctional centers.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

AB

Revision Date: _____

REQUEST

Bill/Resolution No.: 26 ~~87~~ 80
 Title: "...the number of psychia-
 trists...to examine a crim. defendant."
 Sponsor: Senate Rules/Governor
 Requestor: Governor's Ofc./OMB
 Date of Request: 12/18/84

FISCAL DETAIL

Agency Affected: Department of Law
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Prosecution

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

This bill would allow a criminal defendant and the prosecuting attorney to waive the requirement that the court appoint two qualified psychiatrists or forensic psychologists to examine certain defendants. If that requirement is waived, the court would only have to appoint one psychiatrist or psychologist, saving considerable expense on the part of the Division of Mental Health and Developmental Disabilities. This bill will not have a fiscal impact on the Department of Law's operations.

Prepared By: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: 12/19/84

Approved by Commissioner: Richard I. Pegues / FOR Date: 12/19/84
 Agency: Department of Law

- Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 22, 1985

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that allows a criminal defendant and prosecuting attorney to waive the requirement that the court appoint two qualified psychiatrists or forensic psychologists to examine certain criminal defendants. If that requirement is waived, the court would only have to appoint one such psychiatrist or psychologist.

Under present law (AS 12.47.070(a)), if a defendant has filed notice of intent to rely on the defense of insanity or notice of intent to rely on evidence tending to negate a culpable mental state; if there is reason to doubt the defendant's fitness to proceed; or if there is reason to believe that a mental disease or defect of the defendant will otherwise become an issue in the case, the court is required to appoint at least two psychiatrists or psychologists to examine the defendant. The waiver authorized by this bill would avoid unnecessary duplication in cases in which the prosecution is satisfied with the appointment of a single psychiatrist, and the defendant does not wish to undergo more than one court-ordered examination. This waiver will be especially helpful in cases in which two state psychiatrists from the Alaska Psychiatric Institute would be appointed to perform the examinations.

Experience has shown that the requirement to appoint two psychiatrists is not always necessary, either to assist the court or to protect the public or the defendant. Experience has also shown that simply reducing this requirement to only one psychiatrist or psychologist would tend to weaken protection of the public since appointment of a prosecution expert would not be assured. This bill, based on that experience, seeks to achieve the most equitable result.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Sheffield".

Bill Sheffield
Governor

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

4/11/85

Date 1-21-86

Mr. President

The Committee on JUDICIARY considered SB 80

number of psychiatrists or psychologists appointed to examine a criminal defendant; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB80 (HESS)
- new title
- same title, and recommends Do Pass
- and attached a "LETTER OF INTENT" [] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

James Farber

Tom Kelly

Zig

MEMBERS HAVING
OTHER RECOMMENDATIONS

Robert R. ...

Chairman

Do Pass

Chairman Recommendation

COMMITTEE REPORT
SENATE

FURTHER: JUDICIARY
FINANCE

1/22/85

Date 4-9-85

Mr. President

The Committee on HESS considered SB 80

number of psychiatrists or psychologist appointed to examine a criminal defendant; eid.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 80 (HESS)
- ^{new title}
- same title and recommends ~~same~~
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Edna De Vito
William Sturgis
Joe Joseph
Paul Fisk

MEMBERS HAVING
OTHER RECOMMENDATIONS

Dennis Zukunsky
Chairman
Do Pass
Chairman recommendation