

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill in section 3 in §101-D in subsection 2 by striking out all of paragraph A (page 2, lines 18 to 39 in L.D.) and inserting the following:

'A. Upon motion by the defendant or by the State, a court having jurisdiction in any criminal case may for cause shown order that the defendant be examined by the State Forensic Service for evaluation of the defendant's mental state at the time of the crime with reference to criminal responsibility under Title 17-A, section 39 and abnormal condition of the mind under Title 17-A, section 38.

(1) When ordered to evaluate a defendant under this paragraph, the State Forensic Service shall promptly examine the defendant and the circumstances of the crime and provide a report of its evaluation to the court. If, based upon its examination, the State Forensic Service concludes that further examination is necessary to fully evaluate the defendant's mental state at the time of the crime, the report must so state and must set forth recommendations as to the nature and scope of any further examination.

(2) The court shall forward any report filed by the State Forensic Service to the defendant or the defendant's attorney and, unless the defendant had objected to the order for examination or unless the attorney for the State has agreed that the report need not be forwarded to the State except as set forth in subparagraph (3), to the attorney for the State.

(3) If the court orders an examination under this paragraph over the objection of the defendant, any report filed by the State Forensic Service may not be shared with the attorney for the State, unless with reference to criminal responsibility the defendant enters a plea of not criminally responsible by reason of insanity or with reference to an abnormal condition of mind the defendant provides notice to the attorney for the State of the intention to introduce testimony as to the defendant's abnormal condition of mind pursuant to the Maine Rules of Criminal Procedure, Rule 16A(a).

## SUMMARY

This amendment restructures part of the bill concerning evaluation with reference to insanity or abnormal condition of mind.

The bill provides that the court shall forward any report filed by the State Forensic Service to both the defendant or the defendant's attorney and the State, unless the defendant has objected to the order for the examination, in which case the report is not provided to the State. This amendment provides that the report is not provided to the State if the State has agreed that the report need not be forwarded to the

attorney for the State except when the defendant enters a plea of not criminally responsible by reason of insanity or the defendant provides notice of the intention to introduce testimony as to the defendant's abnormal condition of mind.

The amendment rewords the language with regard to the disposition of reports when the court orders an examination over the objection of the defendant. The report may not be shared with the attorney for the State unless the defendant enters a plea of not criminally responsible by reason of insanity or the defendant provides notice of the intention to introduce testimony as to the defendant's abnormal condition of mind.