

HOUSE BILL NO. HB0082

Defendant mental illness examinations-amendments.

Sponsored by: Representative(s) Larsen, L, Oakley, Washut
and Zwonitzer, Dn and Senator(s) Baldwin,
Ellis, Nethercott and Schuler

A BILL

for

1 AN ACT relating to criminal procedure; specifying that
2 orders for examination of mentally ill criminal defendants
3 charged with misdemeanors shall not occur at the state
4 hospital on an inpatient basis; and providing for an
5 effective date.

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7 *Be It Enacted by the Legislature of the State of Wyoming:*

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9 **Section 1.** W.S. 7-11-303(b) is amended to read:

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11 **7-11-303. Examination of accused to determine fitness**
12 **to proceed; reports; commitment; defenses and objections.**

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14 (b) The court shall order an examination of the
15 accused by a designated examiner. If the accused is charged

1 with at least one (1) felony offense, the order may
2 include, but is not limited to, an examination of the
3 accused at the Wyoming state hospital on an inpatient or
4 outpatient basis, at a local mental health center on an
5 inpatient or outpatient basis, or at his place of
6 detention. If the accused is charged only with misdemeanor
7 offenses, the order may include, but is not limited to, an
8 examination of the accused at a local mental health center
9 on an inpatient or outpatient basis, at his place of
10 detention or at the Wyoming state hospital on an outpatient
11 basis, unless the outpatient examination at the Wyoming
12 state hospital indicates that an inpatient examination at
13 the Wyoming state hospital is warranted. In selecting the
14 examination site, the court may consider proximity to the
15 court, availability of an examiner, and the necessity for
16 security precautions. If the order provides for commitment
17 of the accused to a designated facility, the commitment
18 shall continue no longer than a thirty (30) day period for
19 the study of the mental condition of the accused. The
20 prosecuting attorney and counsel for the accused shall
21 cooperate in providing the relevant information and
22 materials to the designated examiner, and the court may

1 order as necessary that relevant information be provided to
2 the examiner.

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4 **Section 2.** This act is effective July 1, 2023.

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(END)