



January 19, 2011

SENATE BILL No. 262

DIGEST OF SB 262 (Updated January 18, 2011 11:47 am - DI yl)

Citations Affected: IC 35-36.

Synopsis: Psychiatrist examination requirement for insanity defense. Removes the requirement that at least one of the persons appointed by a court to examine a defendant who raises an insanity defense must be a psychiatrist.

Effective: July 1, 2011.

Steele, Bray

January 6, 2011, read first time and referred to Committee on Rules and Legislative Procedure.
January 18, 2011, amended; reassigned to Committee on Corrections, Criminal, and Civil Matters.

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SB 262—LS 6066/DI 13+



January 19, 2011

First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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SENATE BILL No. 262



A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-36-2-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) At the trial of a
3 criminal case in which the defendant intends to interpose the defense
4 of insanity, evidence may be introduced to prove the defendant's sanity
5 or insanity at the time at which the defendant is alleged to have
6 committed the offense charged in the indictment or information.

7 (b) When notice of an insanity defense is filed, the court shall
8 appoint two (2) or three (3) competent disinterested psychiatrists,
9 psychologists endorsed by the state psychology board as health service
10 providers in psychology, or physicians ~~at least one (1) of whom must~~
11 ~~be a psychiatrist~~, to examine the defendant and to testify at the trial.
12 This testimony shall follow the presentation of the evidence for the
13 prosecution and for the defense, including testimony of any medical
14 experts employed by the state or by the defense.

15 (c) If a defendant does not adequately communicate, participate, and
16 cooperate with the medical witnesses appointed by the court, after
17 being ordered to do so by the court, the defendant may not present as

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1 evidence the testimony of any other medical witness:
2 (1) with whom the defendant adequately communicated,
3 participated, and cooperated; and
4 (2) whose opinion is based upon examinations of the defendant;
5 unless the defendant shows by a preponderance of the evidence that the
6 defendant's failure to communicate, participate, or cooperate with the
7 medical witnesses appointed by the court was caused by the defendant's
8 mental illness.
9 (d) The medical witnesses appointed by the court may be
10 cross-examined by both the prosecution and the defense, and each side
11 may introduce evidence in rebuttal to the testimony of such a medical
12 witness.

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COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 262, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Corrections, Criminal, and Civil Matters.

(Reference is to SB 262 as introduced.)

LONG, Chairperson

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