

**CHAPTER NO. 978**

**HOUSE BILL NO. 1612**

**By Representative Hargrove**

**Substituted for: Senate Bill No. 1563**

**By Senator Crutchfield**

AN ACT to amend Tennessee Code Annotated, Section 33-7-301, relative to mental evaluations of criminal defendants.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 33-7-301, is amended by redesignating subsection (a) as subsection (a)(1) and by inserting the following language immediately after subsection (a)(1):

(a)(2) At any stage of a felony criminal proceeding, including a pre-trial hearing, trial, sentencing, or post-conviction proceeding, if the defendant gives notice that he intends to offer testimony about his mental condition, whether in support of a defense of insanity or for any other purpose, the State may move or petition the court to authorize the District Attorney General to designate a qualified expert to examine the defendant. The court may authorize the District Attorney General to designate a qualified expert, who is willing to be appointed, to examine the defendant, if:

(A) In the case of a pre-trial proceeding the court receives notice from an inpatient evaluator under subsection (a)(1) that:

(1) the type or extent of assessment required exceeds the expertise or resources available to the evaluator, or

(2) the type or extent of assessment required exceeds the scope of analysis of the defendant's competency to stand trial, satisfaction of criteria for the insanity defense, or committability under standards of Section 33-6-104; OR

(B) In any other type of felony criminal proceeding, the court determines that examination of the defendant by a qualified expert for the State is necessary to adjudicate fairly the matter before it.

SECTION 2. The amount and payment of expert fees shall be determined and paid by the Tennessee District Attorneys General Conference.

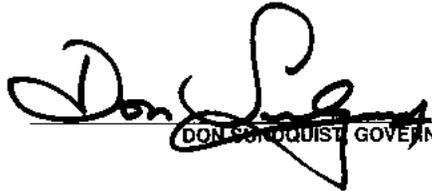
SECTION 3. This act shall take effect on July 1, 1998, the public welfare requiring it.

PASSED: April 29, 1998

  
JIMMY RAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

APPROVED this 18<sup>th</sup> day of May 1998

  
DON S. QUIST, GOVERNOR