

COMMITTEE BILL ANALYSIS

Bill: House Bill 21

Printer's No.: 114

Sponsor: Representative Grell

Prepared by: Gregg Warner

Synopsis: This bill amends the Mental Health Procedures Act, 1976 Act 143, allowing licensed psychologists to conduct an incompetency examination ordered for an individual charged with a crime and to serve as a witness in determining whether an individual is criminally responsible for a crime.

Summary:

Section 402

This section governs incompetency examinations. Currently a psychiatrist may conduct the examination relating to the determination of competency to proceed to trial and criminal responsibility for the crime charged. This legislation allows licensed psychologists to conduct the examination as well.

The court may allow a psychiatrist or licensed psychologist retained by the defendant and a psychiatrist or licensed psychologist retained by the Commonwealth to witness and participate in the examination. Whenever a defendant who is financially unable to retain such an expert has a substantial objection to the conclusions reached by the court-appointed psychiatrist or licensed psychologist, the court shall allow reasonable compensation for the employment of a psychiatrist or licensed psychologist selected by the defendant.

A definition of "licensed psychologist" is added meaning an individual licensed under 1972 Act 52, known as the Professional Psychologists Practice Act.

Section 404

This section governs whether a defendant is criminally responsible for the commission of the crime charged. Currently at a hearing on incompetency or at trial on the issue of criminal responsibility or mental capacity, a psychiatrist appointed by the court may be called as a witness by the attorney for the Commonwealth or by the defendant and each party may also summon any other psychiatrist to testify. This legislation allows licensed psychologists to be witnesses as well.

A definition of "licensed psychologist" is added meaning an individual licensed under 1972 Act 52, known as the Professional Psychologists Practice Act.

Applicability

The amendments to sections 402 and 404 shall apply to actions initiated on or after the effective date.

Effective date

This act takes effect in 60 days.

Background: The House of Representatives passed House Bill 21 on October 23, 2013 by a vote of 198 to 0.

House Bill 21 does not make any change in procedure other than allowing licensed psychologists to serve in the same capacities that are now limited to psychiatrists in conducting competency examinations and serving as witnesses.

Legislative history

Last session this legislation was introduced as House Bill 1405. The House of Representatives passed House Bill 1405 by a vote of 193 to 0. The Senate Judiciary Committee reported House Bill 1405 from committee but the Senate tabled the bill.