



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

Senate: JUD DP 7-1-0-0 | 3rd Read 27-3-0-0

House: JUD DP 10-0-0-0 | 3rd Read 57-2-1-0

SB 1266: competency evaluation; records; appointments

Sponsor: Senator Petersen, LD 12

Transmitted to the Governor

Overview

Modifies the number of mental health experts required to examine the competency of a defendant charged only with a misdemeanor.

History

Any party or the court in a case for a criminal offense may submit a written request for the defendant to be examined to determine the defendant's competency to stand trial. The parties must provide all medical and criminal history records to the court within three days after the filing of the motion to examine the defendant ([A.R.S. § 13-4503](#)).

If the court decides to hold a competency examination, the court is required to appoint two or more mental health experts to examine the defendant, issue a report and testify, if necessary, about the defendant's competency to stand trial ([A.R.S. § 13-4505](#)).

Provisions

1. Removes the requirement that parties must provide all available medical and criminal history records to the court within three working days after a motion is filed to examine the defendant's competency to stand trial. (Sec. 1)
2. Requires the court to appoint one or more mental health experts to examine a defendant's competency to stand trial if the defendant is charged with only a misdemeanor. (Sec. 2)
3. Clarifies that the court must appoint two or more mental health experts to examine a defendant's competency to stand trial if the defendant is charged with a felony. (Sec. 2)
4. Makes conforming changes. (Sec. 1, 2)
5. Makes technical changes. (Sec. 2)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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