



Judicial Council of California

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Subject Text

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Title

Criminal Procedure: Court-Appointed Expert's Report in Mental Competency Proceeding (Action Required)

Summary

The Criminal Law Advisory Committee recommends amending rule 4.130 of the California Rules of Court relating to mental competency proceedings in criminal cases to implement recommendations from the Judicial Council's mental health task forces. The proposal amends this rule to identify the information that must be included in a court-appointed expert's report on a criminal defendant's competency to stand trial.

Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2018 amend:

1. Rule 4.130(d)(2) of the California Rules of Court to require that competency evaluations include:
 - a. A brief statement of the examiner's relevant training and previous experience;
 - b. A summary of the examination, including a current diagnosis, if possible, of the defendant's mental disorder and a summary of the defendant's mental status;
 - c. A detailed analysis of the defendant's competence to stand trial;
 - d. A summary of an assessment conducted for malingering or feigning symptoms, if clinically indicated;
 - e. A statement on whether treatment with antipsychotic medication is medically appropriate, or a recommendation that a psychiatrist examine the defendant if the examining psychologist is of the opinion that referral to a psychiatrist is necessary to address medication issues;
 - f. A list of all sources of information considered by the examiner; and
 - g. A recommendation, if possible, for a placement or type of placement or treatment program that is most appropriate for restoring the defendant to competency; and
2. Rule 4.130(a) to clarify that the above amendments apply only to formal competency evaluations, not to brief preliminary evaluations, under certain conditions.