

ENROLLED ACT NO. 16, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

AN ACT relating to criminal procedure; specifying that orders for examination of mentally ill criminal defendants charged with misdemeanors shall not occur at the state hospital on an inpatient basis; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 7-11-303(b) is amended to read:

7-11-303. Examination of accused to determine fitness to proceed; reports; commitment; defenses and objections.

(b) The court shall order an examination of the accused by a designated examiner. If the accused is charged with at least one (1) felony offense, the order may include, but is not limited to, an examination of the accused at the Wyoming state hospital on an inpatient or outpatient basis, at a local mental health center on an inpatient or outpatient basis, or at his place of detention. If the accused is charged only with misdemeanor offenses, the order may include, but is not limited to, an examination of the accused at a local mental health center on an inpatient or outpatient basis, at his place of detention or at the Wyoming state hospital on an outpatient basis, unless an outpatient examination indicates that an inpatient examination is warranted. In selecting the examination site, the court may consider proximity to the court, availability of an examiner, and the necessity for security precautions. If the order provides for commitment of the accused to a designated facility, the commitment shall continue no longer than a thirty (30) day period for the study of the mental condition of the accused. The prosecuting attorney and counsel for the accused shall

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cooperate in providing the relevant information and materials to the designated examiner, and the court may order as necessary that relevant information be provided to the examiner.

Section 2. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk