

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 71
HOUSE BILL 2053

AN ACT

AMENDING SECTION 13-4509, ARIZONA REVISED STATUTES; RELATING TO
INCOMPETENCE TO STAND TRIAL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-4509, Arizona Revised Statutes, is amended to
3 read:

4 13-4509. Expert's report

5 A. An expert who is appointed pursuant to section 13-4505 shall
6 submit a written report of the examination to the court within ten working
7 days after the examination is completed. The report shall include at
8 least the following information:

9 1. The name of each mental health expert who examines the
10 defendant.

11 2. A description of the nature, content, extent and results of the
12 examination and any test conducted.

13 3. The facts on which the findings are based.

14 4. An opinion as to the competency of the defendant.

15 B. If the mental health expert determines that the defendant is
16 incompetent to stand trial, the report shall also include the following
17 information:

18 1. The nature of the mental disease, defect or disability that is
19 the cause of the incompetency.

20 2. The defendant's prognosis.

21 3. The most appropriate form and place of treatment in this state,
22 based on the defendant's therapeutic needs and potential threat to public
23 safety.

24 4. Whether the defendant is incompetent to refuse treatment and
25 should be subject to involuntary treatment.

26 C. If the mental health examiner determines that the defendant is
27 currently competent by virtue of ongoing treatment with psychotropic
28 medication, ~~the report shall address the necessity of continuing that~~
29 ~~treatment and shall include a description of any limitations that the~~
30 ~~medication may have on competency~~ THE COURT, IN ITS DISCRETION, MAY
31 APPOINT A MENTAL HEALTH EXPERT WHO IS A PHYSICIAN TO ADDRESS THE NECESSITY
32 OF CONTINUING THAT TREATMENT AND ANY LIMITATIONS THAT THE MEDICATION MAY
33 HAVE ON COMPETENCY.

APPROVED BY THE GOVERNOR APRIL 11, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2019.