

# COMMITTEE REPORT

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## MADAM PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 262, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete the title and insert the following:  
2 A BILL FOR AN ACT to amend the Indiana Code concerning  
3 courts and court officers.  
4 Delete everything after the enacting clause and insert the  
5 following:  
6 SECTION 1. IC 35-36-2-2 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) At the trial of a  
8 criminal case in which the defendant intends to interpose the defense  
9 of insanity, evidence may be introduced to prove the defendant's sanity  
10 or insanity at the time at which the defendant is alleged to have  
11 committed the offense charged in the indictment or information.  
12 (b) When notice of an insanity defense is filed, the court shall  
13 appoint two (2) or three (3) competent disinterested psychiatrists,  
14 psychologists endorsed by the state psychology board as health service  
15 providers in psychology, or physicians ~~at least one (1) of whom must~~  
16 ~~be a psychiatrist~~, to examine the defendant and to testify at the trial.  
17 This testimony shall follow the presentation of the evidence for the  
18 prosecution and for the defense, including testimony of any medical  
19 experts employed by the state or by the defense.  
20 (c) If a defendant does not adequately communicate, participate,  
21 and cooperate with the medical witnesses appointed by the court, after  
22 being ordered to do so by the court, the defendant may not present as  
23 evidence the testimony of any other medical witness:  
24 (1) with whom the defendant adequately communicated,  
25 participated, and cooperated; and  
26 (2) whose opinion is based upon examinations of the defendant;

1 unless the defendant shows by a preponderance of the evidence that the  
2 defendant's failure to communicate, participate, or cooperate with the  
3 medical witnesses appointed by the court was caused by the defendant's  
4 mental illness.

5 (d) The medical witnesses appointed by the court may be  
6 cross-examined by both the prosecution and the defense, and each side  
7 may introduce evidence in rebuttal to the testimony of such a medical  
8 witness.

(Reference is to SB 262 as introduced.)

**and when so amended that said bill be reassigned to the Senate Committee on Corrections, Criminal, and Civil Matters.**

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LONG, Chairperson