

532.135 Determination by court that defendant has a serious intellectual disability or serious mental illness.

- (1) At least one hundred twenty (120) days before trial, the defendant shall file a motion with the trial court wherein the defendant may allege that he or she is a defendant with a serious intellectual disability or a defendant with serious mental illness and present evidence with regard thereto. The Commonwealth may offer evidence in rebuttal.
- (2) At least ninety (90) days before the beginning of the trial, the court shall determine whether or not the defendant is a defendant with a serious intellectual disability or a defendant with serious mental illness, in accordance with the criteria set forth in KRS 532.130.
- (3) The decision of the court shall be placed in the record.
- (4) The pretrial determination of the trial court shall not preclude the defendant from raising any legal defense during the trial. If it is determined the defendant is a defendant with a serious intellectual disability or a defendant with serious mental illness, he or she shall be sentenced as provided in KRS 532.140.

Effective: July 14, 2022

History: Amended 2022 Ky. Acts ch. 109, sec. 2, effective July 14, 2022. -- Amended 2012 Ky. Acts ch. 146, sec. 134, effective July 12, 2012. -- Created 1990 Ky. Acts ch. 488, sec. 2, effective July 13, 1990.