

**504.080 Court-ordered examination -- Conditions -- Persons to be present at hearing -- Termination of criminal proceedings not bar to civil proceedings.**

- (1) (a) The court may order a defendant to be examined on an outpatient basis when the defendant:
  1. Is believed to be incompetent to stand trial;
  2. Intends to assert a defense of insanity at the time of the commission of the offense; or
  3. Intends to introduce evidence of mental illness or intellectual disability bearing on the issue of guilt, punishment, or both.
- (b) The examination shall be done by an examiner from a treatment facility designated by the secretary to perform evaluations required by this chapter.
- (c) If the examiner concludes that inpatient examination is needed, the court may order the defendant be:
  1. Committed to a forensic psychiatric facility or its designee for no more than thirty (30) days for further examination; and
  2. Treated for his or her mental condition subject to the availability of the facility, if necessary.
- (2) (a) No later than ten (10) days after the examination, the examiner shall issue and deliver a report prepared under this chapter consistent with the terms of the referring court order.
- (b) The court shall order the report be filed under seal, with notice of filing to all parties, and shall schedule the case for a status conference or hearing no more than thirty (30) days after the filing of the report.
- (3) The defendant shall be present at any hearing on his or her mental condition unless he or she waives the right to be present.
- (4) The examiner shall appear at any hearing on the defendant's mental condition unless the defendant waives his or her right to have the examiner appear.
- (5) An examiner retained by the defendant shall be permitted to participate in any examination under this chapter.
- (6) The Cabinet for Health and Family Services, if the cabinet or its agent or employee does not provide the examination, shall pay a reasonable fee to any examiner ordered to examine, treat, or report on a defendant's mental condition.
- (7) The termination of criminal proceedings under this chapter is not a bar to the institution of civil commitment proceedings.

**Effective:** July 15, 2024

**History:** Amended 2024 Ky. Acts ch. 138, sec. 4, effective July 15, 2024. -- Amended 2005 Ky. Acts ch. 99, sec. 654, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 606, effective July 15, 1998. -- Amended 1988 Ky. Acts ch. 139, sec. 16, effective July 15, 1988. -- Created 1982 Ky. Acts ch. 113, sec. 3, effective July 15, 1982.

**Legislative Research Commission Note (7/15/2024).** 2024 Ky. Acts ch. 138, sec. 7, provides that the Act, which amended this section and KRS 311.631, 504.060, 504.070, 504.100, and 504.110, may be cited as Seth's Law.