

**UPDATED SUMMARY
SENATE BILL 16-019**

Second Regular Session - Seventieth Colorado General Assembly

This summary applies to the reengrossed version of this bill as introduced in the second house. It does not reflect any amendments that may be subsequently adopted. This summary reflects only the main points of the legislation.

The bill requires a court-ordered mental condition examination to be video and audio recorded *if the defendant is charged with a class 1 or class 2 felony or a felony sex crime. Any court-ordered mental condition examination requested by the defendant must be video and audio recorded.* A copy of the recording must be included with the evaluator's report.

A jail or other facility where the court orders the examination to take place must permit the recording to occur and must provide the space and equipment for the recording. If space and equipment are not available, the sheriff or facility director shall attempt to coordinate a location and the availability of equipment with the court, which may consult with the district attorney and defense counsel for an agreed upon location. If no agreement is reached, the court shall order the location of the examination, which may include the Colorado mental health institute at Pueblo.

Prior to or during any examination, the evaluator shall assess whether recording the examination could cause or is causing mental or physical harm to the defendant or others or will make the examination not useful to the expert forensic opinion. If such a determination is made and documented contemporaneously in writing, the evaluator shall not record the examination or shall cease recording the examination, and the evaluator shall document the reasons for the decision in a written report to the court. If only a partial recording is made, the evaluator shall provide the partial recording to the court and the parties, and the partial recording may be used by any psychiatrist or forensic psychologist in forming an opinion, submitting a report, or testifying on the issue of the defendant's mental health.