

504.080 Commitment to facility for examination -- Persons to be present at hearing -- Termination of criminal proceedings not bar to civil proceedings.

- (1) A court may commit a defendant to a treatment facility or forensic psychiatric facility for up to thirty (30) days so that a psychologist or psychiatrist can examine, treat, and report on the defendant's mental condition, except that if the defendant is charged with a felony and it is determined that inpatient examination or treatment is required, the defendant shall be committed to a forensic psychiatric facility unless the secretary of the Cabinet for Health and Family Services or the secretary's designee determines that the defendant shall be examined and treated in another Cabinet for Health and Family Services facility.
- (2) Reports on a defendant's mental condition prepared under this chapter shall be filed within ten (10) days of the examination.
- (3) The defendant shall be present at any hearing on his mental condition unless he waives his right to be present.
- (4) The examining psychologist or psychiatrist shall appear at any hearing on defendant's mental condition unless the defendant waives his right to have him appear.
- (5) A psychologist or psychiatrist 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 psychologist or psychiatrist ordered to examine, treat, and 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: June 20, 2005

History: 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.