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Amend A.B. 156 Section 9 as follows:

1. Where on a trial a defense of insanity is interposed by the defendant and he is acquitted by reason of that defense, the finding of the jury pending the judicial determination pursuant to subsection 2 has the same effect as if he were regularly adjudged insane, and the judge must:

(a) Order a peace officer to take the person into protective custody and transport him to *Lakes Crossing center* ~~[a mental health facility or hospital]~~ for detention pending a hearing to determine his mental health;

(b) ~~[Appoint]~~ *Order the examination of the person by two psychiatrists, two psychologists, or one psychiatrist and one psychologist, [to examine the person.] employed by a division facility, as defined by NRS 433.094 and designated by 433.233. NRS 178.435 and NRS 178.440 will apply;* and

(c) At a hearing in open court, receive the report of the examining advisers and allow counsel for the State and for the person to examine the advisers, introduce other evidence and cross-examine witnesses.

2. If the court finds, after the hearing:

(a) That there is not clear and convincing evidence that the person is a mentally ill person, the court must order his discharge;

or

(b) That there is clear and convincing evidence that the person is a mentally ill person, the court must order that he be committed to the custody of the Administrator of the Division of Mental Health and Developmental Services of the Department of Human

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ASSEMBLY JUDICIARY

DATE: 3/31/03 ROOM: 3138 EXHIBIT 11

SUBMITTED BY: Betsy NEIGHBORS

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Resources until he is regularly discharged therefrom in accordance with law. The court shall issue its finding within 90 days after the defendant is acquitted.

3. The Administrator shall make the same reports and the court shall proceed in the same manner in the case of a person committed to the custody of the Division of Mental Health and Developmental Services pursuant to this section as of a person committed because he is incompetent to stand trial pursuant to NRS 178.400 to 178.460, inclusive, except that the determination to be made by the Administrator and the district judge on the question of release is whether the person has recovered from his mental illness or has improved to such an extent that he is no longer a mentally ill person.

4. As used in this section, unless the context otherwise requires, "mentally ill person" has the meaning ascribed to it in NRS 433A.115.