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AN ACT relating to criminal procedure; revising the provision governing the time in which the court may order a determination of competency; providing that the district court must determine the competency of a defendant to stand trial under certain circumstances; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 178.405 is hereby amended to read as follows:

178.405 ~~When a complaint, indictment or information is called for~~ *Any time before* trial, or *when* upon conviction the defendant is brought up for judgment, if doubt arises as to the competence of the defendant, the court shall suspend the trial or the pronouncing of the judgment, as the case may be, until the question of competence is determined.

Sec. 2. NRS 178.415 is hereby amended to read as follows:

178.415 1. Except as otherwise provided in this subsection, the court shall appoint two psychiatrists, two psychologists, or one psychiatrist and one psychologist, to examine the defendant. If the defendant is accused of a misdemeanor, the court of jurisdiction shall appoint a psychiatric social worker, or other person who is especially qualified by the Division of Mental Health and Developmental Services of the Department of Human Resources, to examine the defendant.

2. ~~At~~ *Except as otherwise provided in this subsection, at a hearing in open court, the court that orders the examination must* receive the report of the examination . ~~and~~ *If a justice's court orders the examination of a defendant who is charged with a gross misdemeanor or felony, the district court must receive the report of the examination.*

3. *The court that receives the report of the examination* shall permit counsel for both sides to examine the person or persons appointed to examine the defendant. The prosecuting attorney and the defendant may introduce other evidence and cross-examine one another's witnesses.

~~3-~~ 4. The court *that receives the report of the examination* shall then make and enter its finding of competence or incompetence.

Sec. 3. This act becomes effective on July 1, 2003.