

STATE OF NEW YORK

4290

2023-2024 Regular Sessions

IN ASSEMBLY

February 14, 2023

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to payment of certain costs associated with the psychiatric examination of defendants to determine mental fitness

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 7 of section 730.20 of the criminal procedure
2 law, as amended by chapter 692 of the laws of 1972, is amended to read
3 as follows:

4 7. A psychiatric examiner is entitled to his reasonable traveling
5 expenses, a fee of fifty dollars for each examination of a defendant and
6 a fee of fifty dollars for each appearance at a court hearing or trial
7 but not exceeding two hundred dollars in fees for examination and testi-
8 mony in any one case; except that if such psychiatric examiner be an
9 employee of the state of New York he shall be entitled only to reason-
10 able traveling expenses, unless such psychiatric examiner makes the
11 examination or appears at a court hearing or trial outside his hours of
12 state employment in a county in which the director of community mental
13 health services certifies to the fiscal officer thereof that there is a
14 shortage of qualified psychiatrists available to conduct examinations
15 under the criminal procedure law in such county, in which event he shall
16 be entitled to the foregoing fees and reasonable traveling expenses.
17 Such fees and traveling expenses and the costs of sending a defendant to
18 another place of detention or to a hospital for examination, of his
19 maintenance therein and of returning him shall, when approved by the
20 court, be a charge of the [~~county in which the defendant is being tried~~]
21 state.

22 § 2. This act shall take effect immediately and shall apply to
23 expenses occurring on and after such date.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD03562-01-3