

**Order #S2 - Order Mandating a Psychiatric Evaluation of Defendant's Criminal Responsibility at the Time of the Crime (Sanity Evaluation) – (Defendant Detained)**

The text of the following proposed order has been drafted for use when the court needs an expert report pursuant to N.J.S.A. 2C:4-1 due to questions regarding a defendant's criminal responsibility at the time of the offense. This order is to be used when the prosecutor and defense counsel agree that professional staff from the Department of Health (DOH) should perform a sanity evaluation. This form of order is to be used for defendants who are currently detained at the time the evaluation is ordered. The language in the order pertaining to what the elements of the evaluation is found in N.J.S.A. 2C:4-1. The Order directs the defendant to undergo an evaluation from a qualified expert designated by the Commissioner of the DOH. The evaluation is to be conducted at the place where the defendant is in custody. Discovery is to be provided by the prosecutor to the Court, who will then furnish it to DOH.

It should be noted that this order is not to be used for an evaluation as to diminished capacity under N.J.S.A. 2C:4-2.