

Alabama Rules of Criminal Procedure

Rule 25. Procedure after verdict or finding of not guilty by reason of mental disease or defect.

Rule 25.5. Disclosure of mental health evidence.

(a) **REPORTS OF MENTAL HEALTH EXPERTS.** Both parties shall provide to the opposite party the names and addresses of all mental health experts who have personally examined the defendant or any evidence in the particular case, and shall make available to the opposite party for examination and reproduction the results of any mental examinations and scientific tests, experiments, or comparisons, including all written reports or statements made by the experts in connection with the particular case. These reports shall not be made a part of public record, unless otherwise ordered by the court.

(b) **TIMING OF DISCLOSURES.** Disclosures required by this rule shall be made within seven (7) days of demand or receipt of the reports, whichever is later, unless otherwise ordered by the court.

Committee Comments

This rule provides that the public shall not be entitled to obtain mental health examination reports but that the parties to the commitment proceeding shall be entitled to procure such records. In balancing the strong policy of public disclosure of all relevant matters considered by the court, the need for confidentiality must be considered as a basis for obtaining necessary private information which is available only if revealed to the mental health experts by the defendant.