

**21st Century Department of Justice Appropriations Authorization Act**  
**Public Law No: 107-273**

**SEC. 11019. PRETRIAL DISCLOSURE OF EXPERT TESTIMONY RELATING TO DEFENDANT'S MENTAL CONDITION.**

(a) MODIFICATION OF PROPOSED AMENDMENTS- The proposed amendments to the Federal Rules of Criminal Procedure that are embraced by an order entered by the Supreme Court of the United States on April 29, 2002, shall take effect on December 1, 2002, as otherwise provided by law, but with the amendments made in subsection (b).

(b) PRETRIAL DISCLOSURE OF EXPERT TESTIMONY- Rule 16 of the Federal Rules of Criminal Procedure is amended--

(1) in subdivision (a)(1), by amending subparagraph (G) to read as follows:

“(G) EXPERT WITNESSES- At the defendant's request, the government must give to the defendant a written summary of any testimony that the government intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence during its case-in-chief at trial. If the government requests discovery under subdivision (b)(1)(C)(ii) and the defendant complies, the government must, at the defendant's request, give to the defendant a written summary of testimony that the government intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence as evidence at trial on the issue of the defendant's mental condition. The summary provided under this subparagraph must describe the witness's opinions, the bases and reasons for those opinions, and the witness's qualifications.”; and

(2) in subdivision (b)(1), by amending subparagraph (C) to read as follows:

“(C) EXPERT WITNESSES- The defendant must, at the government's request, give to the government a written summary of any testimony that the defendant intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence as evidence at trial, if--

“(i) the defendant requests disclosure under subdivision (a)(1)(G) and the government complies; or

“(ii) the defendant has given notice under Rule 12.2(b) of an intent to present expert testimony on the defendant's mental condition.

This summary must describe the witness's opinions, the bases and reasons for those opinions, and the witness's qualifications’.

(c) EFFECTIVE DATE- The amendments made by subsection (b) shall take effect on December 1, 2002.