

SB 1326 Reporting Guidance

Q: Who is responsible for SB 1326 reporting? The magistrate, the trial court, and the district clerk or county clerk.

Mental health assessments:

- The **magistrate** is required to provide copies of the assessment to the defense counsel, the attorney representing the state, and the **trial court** (district or county court).
- The **magistrate** should send the assessment to the custodian of the district or county court records—the **district clerk or county clerk**—for inclusion in the defendant’s case file.
- The number of written assessments will be captured from district and county courts on Judicial Council Monthly District and County Court Activity Reports, submitted by **district clerks and county clerks**.

Competency evaluation reports:

- The **trial court** is required to report the number of competency evaluation reports received. The court should ensure that the **clerk** has the information necessary to report this information on the Judicial Council Monthly Court Activity Report.

Role	Action Required to Report to OCA
Municipal or Justice Court Judges Serving as Magistrates, Justice or Municipal Court Clerks	Forward copy of MH/ID assessments to district clerk or county clerk
All Other Magistrates	Forward copy of MH/ID assessments to district clerk or county clerk
District and County Judges, Court Coordinators	Ensure that the district or county clerk is getting the information that they need to report to OCA
District and County Clerks	Report MH/ID assessments and competency evaluations on the Judicial Council Monthly Court Activity Report

Q: My office has never received a mental health assessment. Those are done by the magistrates. How are we supposed to report the assessments on the Judicial Council Monthly District and County Court Activity Reports? The requirement for the magistrate to provide a copy of the assessment to the trial court is not new. SB 1326 only added a requirement that the assessment be on a specific form and that the number of assessments be reported to OCA. Given the now widespread awareness of the requirements, you should start receiving copies from the magistrates.