



794632

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2011	.	
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The Committee on Children, Families, and Elder Affairs (Detert) recommended the following:

**Senate Amendment**

Delete lines 62 - 74  
and insert:

(d) "Mental injury" means injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment in the ability of the child to function within the normal range of performance and behavior as supported by expert testimony. A person may not give expert testimony regarding mental injury unless that person is a physician licensed under chapter 458 or chapter 459, board certified in psychiatry, or a psychologist licensed under



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13 chapter 490, and, during the 3 years immediately preceding the  
14 date of the alleged injury, has devoted professional time to the  
15 active clinical practice of, or consulting with respect to, a  
16 specialty that includes the evaluation, diagnosis, or treatment  
17 of the condition that is the subject of the offense. The expert  
18 testimony requirements apply only to criminal court cases, not  
19 to family court or dependency court cases.