

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL 1583

By: Rozell

COMMITTEE SUBSTITUTE

[criminal procedure - competency - effective date]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 22 O.S. 2001, Section 1175.1, is amended to read as follows:

Section 1175.1 As used in Sections 1175.1 through 1176 of this title:

1. "Competent" or "competency" means the present ability of a person arrested for or charged with a crime to understand the nature of the charges and proceedings brought against him or her and to effectively and rationally assist in his or her defense;

2. "Criminal proceeding" means every stage of a criminal prosecution after arrest and before judgment, including, but not limited to, interrogation, lineup, preliminary hearing, motion dockets, discovery, pretrial hearings and trial;

3. "Incompetent" or "incompetency" means the present inability of a person arrested for or charged with a crime to understand the nature of the charges and proceedings brought against him or her and to effectively and rationally assist in his or her defense;

~~3. "Criminal proceeding" means every stage of a criminal prosecution after arrest and before judgment, including, but not limited to, interrogation, lineup, preliminary hearing, motion dockets, discovery, pretrial hearings and trial; and~~

4. "Qualified forensic examiner" means any:

- a. psychiatrist with forensic training and experience,
- b. psychologist with forensic training and experience, or
- c. ~~either~~ a licensed mental health professional whose forensic training and experience enable them to form expert opinions regarding mental illness, competency and dangerousness and who have been approved to render such opinions by the court;

5. "Reasonable period of time" shall not exceed the lesser of:

- a. the maximum sentence specified for the most serious offense with which the defendant is charged, or
- b. a maximum period of two (2) years.

SECTION 2. AMENDATORY 22 O.S. 2001, Section 1175.8, is amended to read as follows:

Section 1175.8 If the medical supervisor reports that the person appears to have achieved competency after a finding of incompetency, the court shall hold another competency hearing to determine if the person has achieved competency. If competency has been achieved, the criminal proceedings shall be resumed. A person committed to a public institution pursuant to the provisions of this title who is subsequently sentenced for the crime charged at the time of commitment may be credited with all or any part of the time the person was confined in such public institution.

SECTION 3. This act shall become effective November 1, 2004.

49-2-2868

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