

CS for SB 1583

1 THE STATE SENATE
2 Tuesday, February 24, 2004

3 Committee Substitute for
4 Senate Bill No. 1583

5 COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1583 - By: ROZELL of the
6 Senate and ASKINS of the House.

7 [criminal procedure - competency - effective date]

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

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

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

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

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

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

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

5 4. "Qualified forensic examiner" means any:

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

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

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

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

19 Section 1175.8 If the medical supervisor reports that the
20 person appears to have achieved competency after a finding of
21 incompetency, the court shall hold another competency hearing to
22 determine if the person has achieved competency. If competency has
23 been achieved, the criminal proceedings shall be resumed. A person

1 committed to a public institution pursuant to the provisions of this
2 title who is subsequently sentenced for the crime charged at the
3 time of commitment may be credited with all or any part of the time
4 the person was confined in such public institution.

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

6 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-18-04 - DO
7 PASS, As Amended and Coauthored.