

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 1800

By: Paddack

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5  
6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22  
8 O.S. 2001, Section 1175.1, as amended by Section 2,  
9 Chapter 106, O.S.L. 2004 (22 O.S. Supp. 2009, Section  
10 1175.1), which relates to determination of  
11 competency; adding definition; and providing an  
12 effective date.

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

14 SECTION 1. AMENDATORY 22 O.S. 2001, Section 1175.1, as  
15 amended by Section 2, Chapter 106, O.S.L. 2004 (22 O.S. Supp. 2009,  
16 Section 1175.1), is amended to read as follows:

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

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

23 2. "Incompetent" or "incompetency" means the present inability  
24 of a person arrested for or charged with a crime to understand the

1 nature of the charges and proceedings brought against him or her and  
2 to effectively and rationally assist in his or her defense;

3 3. "Dangerous" means a person who poses a substantial risk of  
4 harm to self or others as defined in Section 1-103(18)(a) or (b) of  
5 Title 43A of the Oklahoma Statutes;

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

10 5. "Qualified forensic examiner" means any:

- 11 a. psychiatrist with forensic training and experience,
- 12 b. psychologist with forensic training and experience, or
- 13 c. a licensed mental health professional whose forensic  
14 training and experience enable him or her to form  
15 expert opinions regarding mental illness, competency  
16 and dangerousness and who has been approved to render  
17 such opinions by the court;

18 6. "Reasonable period of time" means a period not to exceed the  
19 lesser of:

- 20 a. the maximum sentence specified for the most serious  
21 offense with which the defendant is charged, or
  - 22 b. a maximum period of two (2) years; ~~and~~
- 23  
24

1       7. "Public guardian" means the Office of Public Guardian as  
2 established under the Oklahoma Public Guardianship Act in Section 6-  
3 101 et seq. of Title 30 of the Oklahoma Statutes; and

4       8. "Person" shall include a child alleged to be a delinquent  
5 child or juvenile as defined in paragraph 13 of Section 2-1-103 of  
6 Title 10A of the Oklahoma Statutes.

7       SECTION 2. This act shall become effective November 1, 2010.

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