

1 ENGROSSED SENATE AMENDMENTS
TO

2 ENGROSSED HOUSE
BILL NO. 1271

By: Coody of the House

3
4 and

Barrington of the Senate

5
6
7 An Act relating to mental health; amending 43A O.S.
2001, Section 1-103, as last amended by Section 1,
8 Chapter 287, O.S.L. 2010 (43A O.S. Supp. 2010,
Section 1-103), which relates to definitions;
9 modifying definition; deleting definition; amending
43A O.S. 2001, Section 5-410, as last amended by
10 Section 18, Chapter 97, O.S.L. 2006 (43A O.S. Supp.
2010, Section 5-410), which relates to a petition
11 regarding a person requiring treatment; expanding
list of those persons authorized to file a petition;
12 and providing an effective date.

13

14 AMENDMENT NO. 1. Page 4, lines 21 and 22, after the word
"means" on line 21 and before the first word
15 "a" on line 22, strike all language and
renumber subsequent subdivisions as
16 divisions (1) through (5)

17 AMENDMENT NO. 2. Page 5, line 9, after the comma insert the
word "or"

18 AMENDMENT NO. 3. Page 5, line 14, after the comma insert the
19 word "or"

20 AMENDMENT NO. 4. Page 5, line 19, after the comma insert the
word "or"

21 AMENDMENT NO. 5. Page 6, line 7, before the word "The" delete
22 the language "(2)" and insert the language
"b." and reletter subsequent subparagraphs

23 AMENDMENT NO. 6. Page 12, line 9 1/2, insert a new Section 3
24 to read

1 "SECTION 3. AMENDATORY 22 O.S. 2001, Section 1175.1, as
2 amended by Section 2, Chapter 106, O.S.L. 2004 (22 O.S. Supp. 2010,
3 Section 1175.1), is amended to read as follows:

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

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

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

14 3. "Dangerous" means a person who ~~poses a substantial risk of~~
15 ~~harm to self or others~~ is a person requiring treatment as defined in
16 Section 1-103-~~(18)~~ (a) ~~or (b)~~ of Title 43A of the Oklahoma Statutes;

17 4. "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 5. "Qualified forensic examiner" means any:

- 22 a. psychiatrist with forensic training and experience,
- 23 b. psychologist with forensic training and experience, or

24

1 c. a licensed mental health professional whose forensic
2 training and experience enable him or her to form
3 expert opinions regarding mental illness, competency
4 and dangerousness and who has been approved to render
5 such opinions by the court;

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

8 a. the maximum sentence specified for the most serious
9 offense with which the defendant is charged, or

10 b. a maximum period of two (2) years; and

11 7. "Public guardian" means the Office of Public Guardian as
12 established under the Oklahoma Public Guardianship Act in Section 6-
13 101 et seq. of Title 30 of the Oklahoma Statutes."

14 and renumber subsequent section

15 and amend the title to conform

16 Passed the Senate the 30th day of March, 2011.

17
18 _____
19 Presiding Officer of the Senate

20 Passed the House of Representatives the ____ day of _____,
21 2011.

22
23 _____
24 Presiding Officer of the House
of Representatives