

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 57th Legislature (2019)

4   ENGROSSED SENATE  
5   BILL NO. 415

By: Newhouse of the Senate

and

Dills of the House

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9           An Act relating to the Oklahoma Juvenile Code;  
10   amending Section 6, Chapter 398, O.S.L. 2015 (10A  
11   O.S. Supp. 2018, Section 2-2-401.6), which relates to  
12   competency hearing; authorizing use of  
13   videoconference for certain hearing; and providing an  
14   effective date.

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

16           SECTION 1.        AMENDATORY        Section 6, Chapter 398, O.S.L.  
17   2015 (10A O.S. Supp. 2018, Section 2-2-401.6), is amended to read as  
18   follows:

19           Section 2-2-401.6.   A.   Not more than fifteen (15) judicial days  
20   after receiving the evaluator's report, the court shall conduct a  
21   hearing to determine the child's competency to participate in the  
22   proceeding.   The court may continue the hearing for good cause  
23   shown.  
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1 B. The competency evaluation report shall be admissible in  
2 evidence. The evaluator may be called as a witness and be subject  
3 to cross examination by all parties. If authorized by the court,  
4 hearings held pursuant to this section may be conducted via  
5 teleconference or videoconference. If the court contacts the  
6 evaluator to obtain clarification of the report contents, the court  
7 shall promptly inform all parties and allow each party to  
8 participate in each contact.

9 C. In determining the competency of the child to participate in  
10 the proceeding the court shall consider the content of all  
11 competency evaluation reports admitted as evidence. The court may  
12 consider additional evidence introduced at the hearing by the  
13 district attorney and the child's attorney.

14 D. 1. Except as otherwise provided, the court shall make a  
15 written determination as to the child's competency based on a  
16 preponderance of the evidence within ten (10) judicial days after  
17 completion of the hearing. The burden of proof shall be on the  
18 moving party.

19 2. The court shall not find a child incompetent to proceed  
20 solely because the child is receiving or has received in-patient  
21 treatment as a voluntary or involuntary mentally ill patient  
22 pursuant to Section 5-501 et seq. of Title 43A of the Oklahoma  
23 Statutes, or is receiving or has received psychotropic or other  
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1 medication, even if the child might become incompetent to proceed  
2 without that medication.

3 SECTION 2. This act shall become effective November 1, 2019.  
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5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04/02/2019 - DO  
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