

HOUSE BILL No. 2465

By Committee on Judiciary

1-14

1 AN ACT concerning criminal procedure; relating to competency;
2 amending K.S.A. 22-3301 and repealing the existing section.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 22-3301 is hereby amended to read as follows: 22-
6 3301. ~~(1)~~(a) For the purpose of this article, a person is "incompetent to
7 stand trial" when ~~he~~ *such person* is charged with a crime and, because of
8 mental illness or defect is unable:

9 ~~(a)~~(1) To understand the nature and purpose of the proceedings
10 ~~against him~~; or

11 ~~(b)~~(2) to make or assist in making ~~his~~ a defense. *To make or assist in*
12 *making a defense, the defendant must have the ability to make decisions*
13 *about:*

14 (A) *Whether to proceed without counsel;*

15 (B) *what pleas to enter;*

16 (C) *whether to accept a plea offer;*

17 (D) *whether to cooperate with or provide substantial assistance to*
18 *the government;*

19 (E) *whether to waive a jury trial;*

20 (F) *whether to testify;*

21 (G) *whether to speak at sentencing; and*

22 (H) *any other issue that requires a decision by the defendant to assist*
23 *in making a defense.*

24 ~~(2)~~(b) Whenever the words "competent," "competency,"
25 "incompetent" and "incompetency" are used without qualification in this
26 article, they shall refer to the defendant's competency or incompetency to
27 stand trial, as defined in subsection ~~(1)~~ (a) of this section.

28 Sec. 2. K.S.A. 22-3301 is hereby repealed.

29 Sec. 3. This act shall take effect and be in force from and after its
30 publication in the statute book.