

HOUSE BILL No. 2777

By Representative Owens

1-31

9 AN ACT concerning municipal courts; relating to the accused person's
10 competency to stand trial.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. At any time after the accused person has been served with
14 the complaint and before pronouncement of sentence, the municipal
15 judge may request a determination of the accused person's competency
16 to stand trial. If the municipal judge before whom the complaint is pend-
17 ing finds that there is reason to believe that the accused person is incom-
18 petent to stand trial, the proceedings shall be suspended and the munic-
19 ipal judge shall order a mental health evaluation of the accused person
20 by a mental health center to determine the competency of the accused
21 person.

22 (b) The municipal judge shall review the mental health evaluation of
23 the accused person.

24 (c) If the municipal judge finds the accused person to be competent,
25 the proceedings which have been suspended shall be resumed for
26 adjudication.

27 (d) If the municipal judge finds the accused person to be incompetent
28 to stand trial, the municipal judge shall refer the mental health evaluation
29 to the department of social and rehabilitation services for review and
30 possible treatment pursuant to the care and treatment act for mentally ill
31 persons, K.S.A. 59-2945, and amendments thereto.

32 (e) The cost of mental health evaluation shall be assessed as court
33 costs. If the municipal judge finds the accused person is indigent, the city
34 shall pay for the cost of the evaluation.

35 (f) As used in this section:

36 (1) An accused person is "incompetent to stand trial" when such per-
37 son is charged with a crime and, because of mental illness or defect is
38 unable:

39 (A) To understand the nature and purpose of the proceedings against
40 such person; or

41 (B) to make or assist in making such person's defense.

42 (2) "Mental health center" has the meaning ascribed thereto in
43 K.S.A. 59-2946, and amendments thereto.

- 1 (3) Other terms used in this section shall have the meanings ascribed
2 thereto in K.S.A. 12-4113, and amendments thereto.
- 3 (g) This section shall be part of and supplemental to the Kansas code
4 of procedure for municipal courts.
- 5 Sec. 2. This act shall take effect and be in force from and after its
6 publication in the statute book.