

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 811

By: Daniels

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 2021, Section 1175.6a, which relates to competency restoration; requiring the Department of Mental Health and Substance Abuse Services to implement certain pilot program; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 22 O.S. 2021, Section 1175.6a, is amended to read as follows:

Section 1175.6a. A. If the person is found to be incompetent prior to conviction because he or she is a person requiring treatment as defined in Section 1-103 of Title 43A of the Oklahoma Statutes, but capable of achieving competence with treatment within a reasonable period of time as defined by Section 1175.1 of this title, the court shall suspend the criminal proceedings and order the Department of Mental Health and Substance Abuse Services to provide treatment, therapy or training which is calculated to allow the person to achieve competency. The Department may designate a willing entity to provide such competency restoration services on

1 behalf of the Department, provided the entity has qualified
2 personnel. The court shall further order the Department to take
3 custody of the individual as soon as a forensic bed becomes
4 available, unless both the Department and the county jail where the
5 person is being held determine that it is in the best interests of
6 the person to remain in the county jail. Such competency
7 restoration services shall begin within a reasonable period of time
8 after the court has determined that the person is not competent to
9 stand trial.

10 The person shall remain in the custody of the county jail until
11 such time as the Department has a bed available at the forensic
12 facility unless competency restoration services are provided by a
13 designee of the Department, in which case custody of the person
14 shall be transferred to the Department.

15 The Department shall develop and implement a pilot program to
16 provide community-based competency restoration services as ordered
17 by the consent decree for Briggs V. Friesen, 23-cv-00081-GKF-JFJ.

18 B. The Department of Mental Health and Substance Abuse Services
19 or designee shall make periodic reports to the court as to the
20 competency of the defendant.

21 C. If the person is determined by the Department of Mental
22 Health and Substance Abuse Services or designee to have regained
23 competency, or is no longer incompetent because the person is a
24

1 person requiring treatment as defined by Title 43A of the Oklahoma
2 Statutes, a hearing shall be scheduled within twenty (20) days:

3 1. If found competent by the court or a jury after such
4 rehearing, criminal proceedings shall be resumed;

5 2. If the person is found to continue to be incompetent because
6 the person is a person requiring treatment as defined in Title 43A
7 of the Oklahoma Statutes, the person shall be returned to the
8 custody of the Department of Mental Health and Substance Abuse
9 Services or designee;

10 3. If the person is found to be incompetent because the person
11 is intellectually disabled as defined by Title 10 of the Oklahoma
12 Statutes, the court shall issue the appropriate order as set forth
13 in Section 1175.6b of this title;

14 4. If the person is found to be incompetent for reasons other
15 than the person is a person requiring treatment as defined by Title
16 43A of the Oklahoma Statutes, and other than the person is
17 intellectually disabled as defined in Title 10 of the Oklahoma
18 Statutes, and is also found to be not dangerous as defined by
19 Section 1175.1 of this title, the court shall issue the appropriate
20 order as set forth in Section 1175.6b of this title; or

21 5. If the person is found to be incompetent for reasons other
22 than the person is a person requiring treatment as defined by Title
23 43A of the Oklahoma Statutes, and other than the person is
24 intellectually disabled as defined in Title 10 of the Oklahoma

1 Statutes, but is also found to be dangerous as defined by Section
2 1175.1 of this title, the court shall issue the appropriate order as
3 set forth in Section 1175.6c of this title.

4 D. If the person is found to be incompetent because the person
5 is a person requiring treatment as defined by Section 1-103 of Title
6 43A of the Oklahoma Statutes, but not capable of achieving
7 competence with treatment within a reasonable period of time as
8 defined by Section 1175.1 of this title, the court shall commence
9 civil commitment proceedings pursuant to Title 43A and shall dismiss
10 without prejudice the criminal proceeding. If the person is
11 subsequently committed to the Department of Mental Health and
12 Substance Abuse Services pursuant to Title 43A, the statute of
13 limitations for the criminal charges which were dismissed by the
14 court shall be tolled until the person is discharged from the
15 Department of Mental Health and Substance Abuse Services pursuant to
16 Section 7-101 of Title 43A of the Oklahoma Statutes.

17 SECTION 2. This act shall become effective July 1, 2025.

18 SECTION 3. It being immediately necessary for the preservation
19 of the public peace, health or safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

22
23 60-1-1097 DC 1/19/2025 5:43:55 AM
24
25