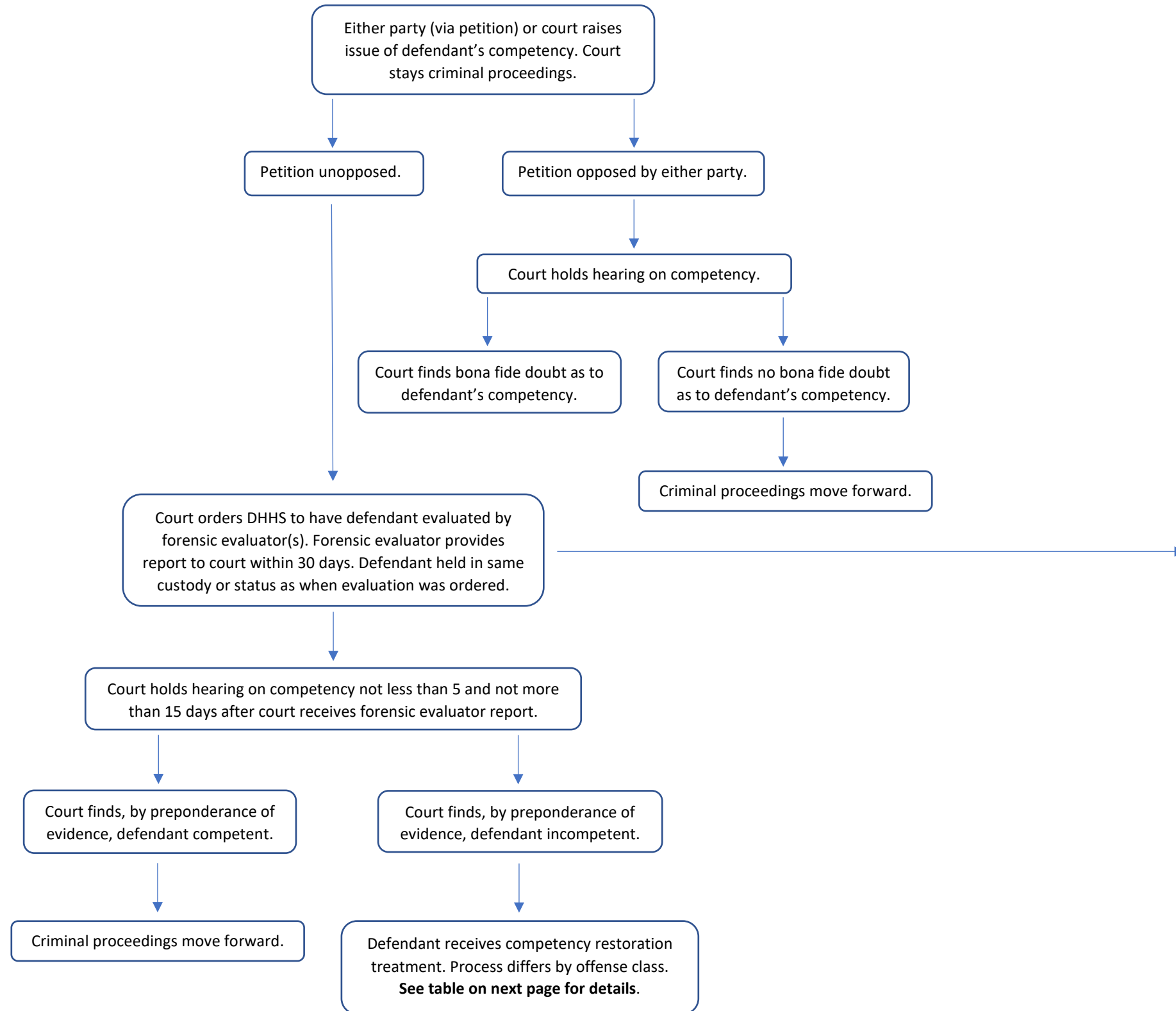


## Competency to Stand Trial Process

[Title 77, Chapter 15](#)

Updated 7/6/22



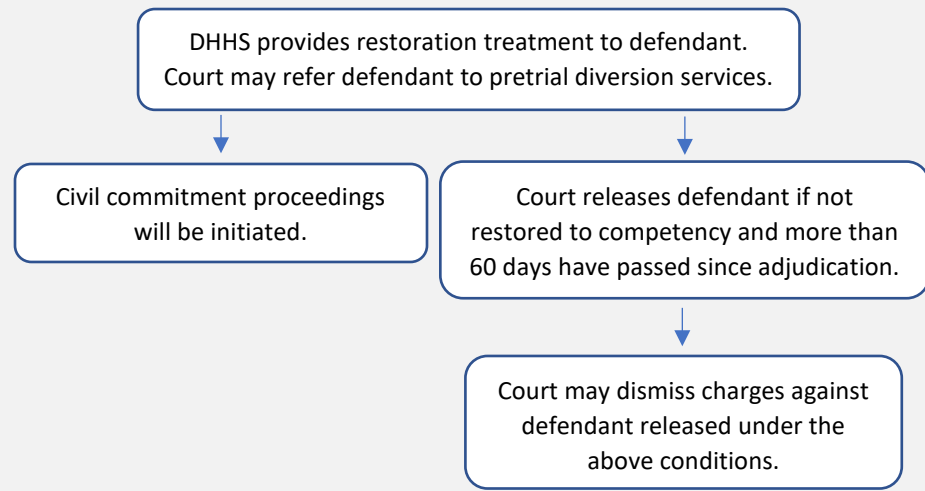
### Competency Evaluation Factors

Per Subsection 77-15-5(5), a forensic evaluator shall consider and address the following factors when determining competency:

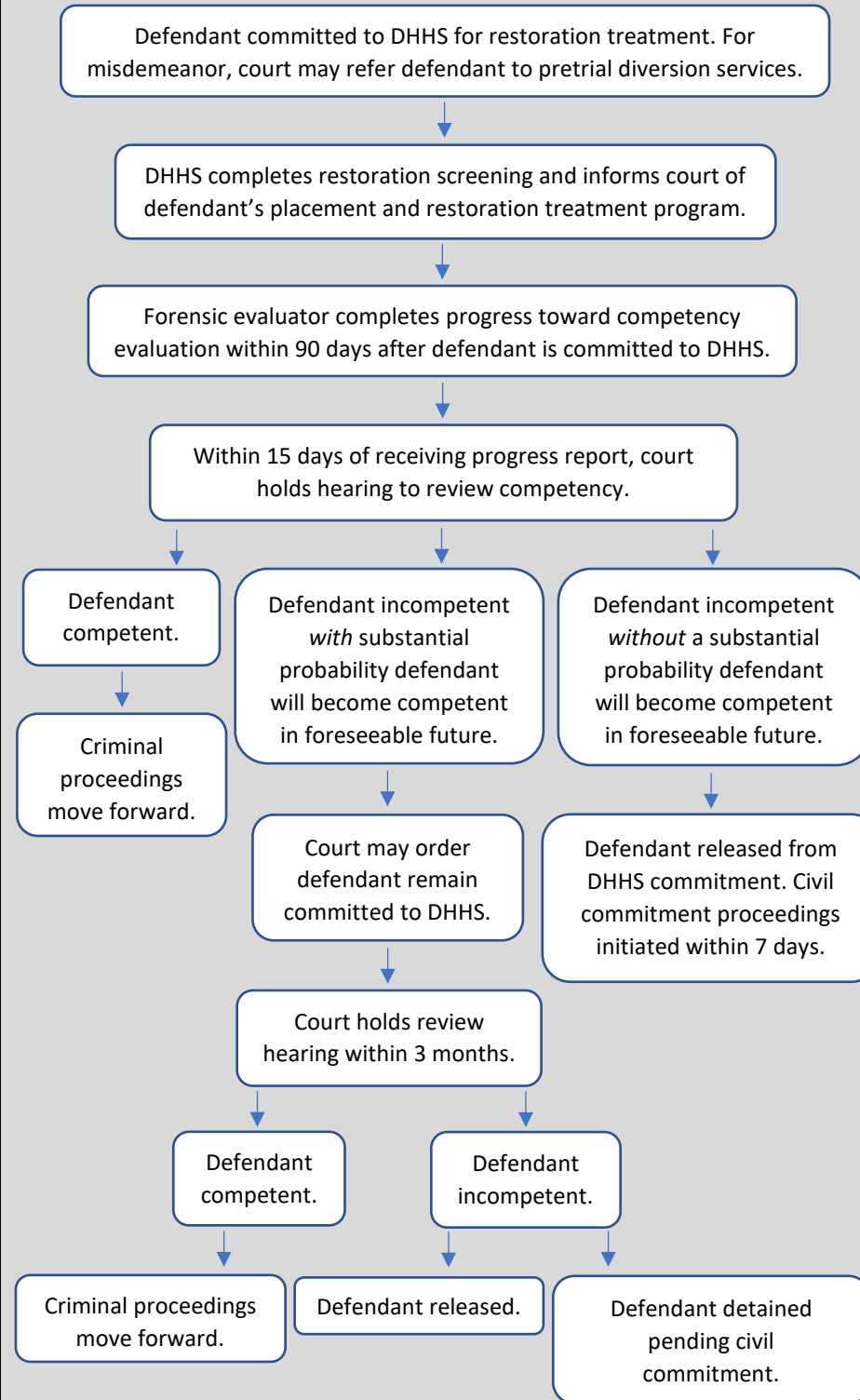
- The defendant's ability to:
  - rationally and factually understand the criminal proceedings against the defendant;
  - consult with the defendant's legal counsel with a reasonable degree of rational understanding in order to assist in the defense;
  - understand the charges or allegations against the defendant;
  - communicate facts, events, and states of mind;
  - understand the range of possible penalties associated with the charges or allegations against the defendant;
  - engage in reasoned choice of legal strategies and options;
  - understand the adversarial nature of the proceedings against the defendant;
  - manifest behavior sufficient to allow the court to proceed; and
  - testify relevantly, if applicable;
- the impact of the mental disorder or intellectual disability, if any, on the nature and quality of the defendant's relationship with counsel;
- if psychoactive medication is currently being administered:
  - whether the medication is necessary to maintain the defendant's competency; and
  - whether the medication may have an effect on the defendant's demeanor, affect, and ability to participate in the proceedings; and
- whether the defendant is exhibiting false or exaggerated physical or psychological symptoms relevant to the defendant's capacity to stand trial.

## Competency Restoration Tracks by Offense Class

### Class B/C Misdemeanor



### Class A Misdemeanor and 2<sup>nd</sup>/3<sup>rd</sup> Degree Felony



### Murder, Manslaughter, 1<sup>st</sup> Degree Felony

