

## H.B. 346

### AMENDMENTS REGARDING COMPETENCY TO STAND TRIAL

HOUSE COMMITTEE AMENDMENTS

AMENDMENT 1

FEBRUARY 24, 2012 5:54 PM

Representative **Kay L. McIff** proposes the following amendments:

1. *Page 1, Lines 15 through 16:*

15 trial to ~~{include}~~ provide for the court's consideration ~~{all-available-and-relevant~~  
evidence} the totality of the circumstances ,  
16 including ~~{testimony-of-witnesses-who-have-been-in-contact-with-the-defendant}~~ testimony of lay  
witnesses ; and

2. *Page 5, Lines 130 through 133:*

130 (11) ~~{(a) The court, in}~~ In determining the defendant's competency to stand trial, the  
court shall  
131 consider the totality of the circumstances, which ~~{includes}~~ may include . ~~{the information~~  
presented under  
132 Subsection (11)(b)} the testimony of lay witnesses. in addition to the expert testimony, studies, and  
reports provided under this  
133 section.

3. *Page 5, Lines 134 through 141:*

134 ~~{(b) The information to be considered by the court shall include all available and~~  
135 relevant evidence, witnesses, and testimony to ensure that there is no manipulation of the  
136 process or a wrongful or artificial attempt or motivation on the part of the defendant to avoid  
137 being found competent to stand trial.  
138 ~~——(c) All witnesses and evidence regarding the defendant's personal contact with~~  
139 individuals which may relate to the competency of the defendant to stand trial shall be  
140 considered by the court and applied to its determination of the defendant's competency under  
141 this section.}