

77-15-2 "Incompetent to proceed" defined.

For the purposes of this chapter, a person is incompetent to proceed if he is suffering from a mental disorder or mental retardation resulting either in:

- (1) his inability to have a rational and factual understanding of the proceedings against him or of the punishment specified for the offense charged; or
- (2) his inability to consult with his counsel and to participate in the proceedings against him with a reasonable degree of rational understanding.

Amended by Chapter 162, 1994 General Session