

2023 Kansas Statutes

22-3301. Definitions. For the purpose of this article:

- (a) A person is "incompetent to stand trial" when such person is charged with a crime and, because of mental illness or defect is unable:
- (1) To understand the nature and purpose of the proceedings against such person; or
 - (2) to make or assist in making such person's defense.
- (b) Whenever the words "competent," "competency," "incompetent" and "incompetency" are used without qualification in this article, they shall refer to the defendant's competency or incompetency to stand trial, as defined in subsection (a).
- (c) "Appropriate state, county or private institution or facility" means a facility with sufficient resources, staffing and space to conduct the evaluation or restoration treatment of the defendant. "Appropriate state, county or private institution or facility" does not include a jail or correctional facility as a location where evaluation and restoration treatment services are provided unless the administrative head or law enforcement official in charge of the jail or correctional facility agrees that the facility has the appropriate physical and care capabilities that such services may be provided by:
- (1) The state security hospital or its agent or a state hospital or its agent;
 - (2) a qualified mental health professional as defined in K.S.A. 59-2946, and amendments thereto, who is qualified by training and expertise to conduct competency restoration treatment;
 - (3) an individual who is qualified by training and experience to conduct competency evaluations and restoration treatment and is licensed by the behavioral sciences regulatory board; or
 - (4) a physician who is qualified by training and experience to conduct competency evaluations and restoration treatment and is licensed by the state board of healing arts.

History: L. 1970, ch. 129, § 22-3301; L. 2022, ch. 76, § 6; July 1.