

Cherokee Nation Code Annotated

Title 22: Criminal Procedure

Chapter 22: Insanity of Accused

§ 1175.5. Questions to be answered in determining competency

Cite as: 22 CNCA § 1175.5

The jury or the Court, as the case may be, shall answer the following questions in determining the disposition of the person whose competency is in question:

1. Is the person incompetent to undergo further criminal proceedings at this time? If the answer is no, criminal proceedings shall be resumed. If the answer is yes, the following question shall be answered.
2. Can the incompetency of the person be corrected within a reasonable period of time, as defined by the Court, by treatment, therapy or training? If the answer is yes, the Court shall make the appropriate order. If the answer is no, the following questions shall be answered.
3. Is the person mentally ill, mentally retarded or a person requiring treatment as defined by 43A O.S. § 1-103?
4. Is the person a threat to the safety of himself or others if released?

Historical Data

LA 10-90, eff. November 13, 1990.