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SENATE BILL NO. 89—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA DISTRICT  
JUDGES ASSOCIATION)

FEBRUARY 11, 2003

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing determination of competency of defendant to stand trial. (BDR 14-603)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to criminal procedure; clarifying the courts that have authority to order a determination of competency of a defendant to stand trial and to take certain other actions upon a determination that the defendant is incompetent; revising the provision governing the time in which the court may order a determination of competency; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     **Section 1.** Chapter 178 of NRS is hereby amended by adding  
2     thereto a new section to read as follows:  
3     *As used in NRS 178.400 to 178.460, inclusive, unless the*  
4     *context otherwise requires, “court” means a district court,*  
5     *justice’s court or municipal court, as applicable.*  
6     **Sec. 2.** NRS 178.405 is hereby amended to read as follows:  
7     178.405 ~~When a complaint, indictment or information is~~  
8     ~~called for~~ *Any time before* trial, or *when* upon conviction the  
9     defendant is brought up for judgment, if doubt arises as to  
10    the competence of the defendant, the court shall suspend the trial or



1 the pronouncing of the judgment, as the case may be, until the  
2 question of competence is determined.  
3 **Sec. 3.** This act becomes effective on July 1, 2003.

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