

Cherokee Nation Code Annotated

Title 22: Criminal Procedure

Chapter 22: Insanity of Accused

§ 1175.1. Definitions

Cite as: 22 CNCA § 1175.1

As used in this act:

1. **"Competent"** or **"competency"** means the present ability of a person arrested for or charged with a crime to understand the nature of the charges and proceedings brought against him, and is able to effectively and rationally assist in his defense. A person may be incompetent due to physical disability;
2. **"Criminal proceeding"** means every stage of a criminal prosecution after arrest and before judgment, including, but not limited to, interrogation, line up, preliminary hearing, motion dockets, discovery, pretrial hearings and trial;
3. **"Doctor"** means any physician, psychiatrist, psychologist or equivalent expert;
4. **"Incompetent"** or **"incompetency"** means any person who is not presently competent;
5. **"Physical disability"** means deafness, muteness, blindness or some combination thereof.

Historical Data

LA 10–90, eff. November 13, 1990.