

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 6: CRIMINAL PROCEDURE

§ 6606. Incompetency to Stand Trial or be Sentenced: Initiation.

(a) At any time before the commencement of the trial, either party may make a motion for a hearing on the defendant's competency to be proceeded against, or the court on its own motion may order such a hearing. Thereupon, the court shall suspend all proceedings in the criminal prosecution and order a psychiatric examination pursuant to 6 CMC § 6604.

(b) At any time after the commencement of the trial, but before sentence, if it appears on the motion of either party or the court's own motion that there is reasonable cause to believe the defendant is incompetent to be proceeded against or sentenced the court shall suspend all proceedings in the criminal prosecution and order a psychiatric examination pursuant to 6 CMC § 6604. The trial jury in the criminal prosecution may be discharged or retained at the discretion of the court until the defendant's competency is determined. The dismissal of the trial jury pursuant to this section shall not be a bar to further prosecution.

(c) If the court for any reason once proceeds under this section or upon a second or subsequent motion under this section, then the court does not have to suspend the proceedings in the criminal prosecution and again proceed, except upon a showing of good cause or changed conditions.

Source: PL 8-37, § 5 (§ 6605).