

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "INCOMPETENT" MEANS THE STATE OF MIND OF AN INMATE WHO, AS A RESULT OF A MENTAL DISORDER OR MENTAL RETARDATION, LACKS AWARENESS:

- (I) OF THE FACT OF THE INMATE'S IMPENDING EXECUTION; AND
- (II) THAT THE INMATE IS TO BE EXECUTED FOR THE CRIME OF MURDER

(3) "INMATE" MEANS AN INDIVIDUAL WHO HAS BEEN CONVICTED OF MURDER AND SENTENCED TO DEATH.

(B) TREATMENT AND MEDICATION.

AN INMATE IS NOT INCOMPETENT UNDER THIS SECTION MERELY BECAUSE THE INMATE'S COMPETENCE DEPENDS ON CONTINUING TREATMENT, INCLUDING THE USE OF MEDICATION.

(C) PROHIBITION AGAINST EXECUTION.

THE STATE MAY NOT EXECUTE A SENTENCE OF DEATH AGAINST AN INMATE WHO HAS BECOME INCOMPETENT.

(D) PETITION ALLEGING INCOMPETENCE.

(1) A PETITION THAT ALLEGES THAT AN INMATE IS INCOMPETENT AND THAT SEEKS TO REVOKE A WARRANT OF EXECUTION AGAINST THE INMATE MAY BE FILED BY:

- (I) THE INMATE;
- (II) IF THE INMATE IS REPRESENTED BY COUNSEL, COUNSEL FOR THE INMATE; OR
- (III) IF THE INMATE IS NOT REPRESENTED BY COUNSEL, ANY OTHER PERSON ON THE INMATE'S BEHALF.

(2) THE PETITION SHALL BE FILED IN THE CIRCUIT COURT OF THE COUNTY IN WHICH THE INMATE IS CONFINED.

(3) ON THE FILING OF THE PETITION, THE COURT MAY STAY ANY WARRANT OF EXECUTION THAT WAS PREVIOUSLY ISSUED AND HAS NOT YET EXPIRED.

(4) THE PETITION MUST BE ACCOMPANIED BY AN AFFIDAVIT OF AT LEAST ONE PSYCHIATRIST THAT:

- (I) IS BASED, AT LEAST IN PART, ON PERSONAL EXAMINATION;
- (II) STATES THAT IN THE PSYCHIATRIST'S MEDICAL OPINION THE INMATE IS INCOMPETENT; AND