**R671. Pardons (Board of), Administration.**

**R671-206. Competency of Offenders.**

**R671-206-1. Stay to Determine Offender Competence.**

(1) If an offender's competency is questioned by a hearing official, Department of Corrections (Department), counsel for the State, or counsel for an offender, as defined in this rule or as defined in Utah Code Section 77-15-2, then all proceedings shall be stayed pending a decision by the Board regarding the offender's competence.

(2) A stay of proceedings under this rule does not toll any time served nor does it affect an offender's sentence expiration date.

**R671-206-2. Proceedings When Competence Is Questioned.**

If there is reason to believe that an offender is or may be incompetent, the Board may:

(1) request a mental health evaluation from the Department or a private mental health expert to assist in determining whether the offender is competent or is likely to become competent while housed in the custody of the Department;

(2) appoint one or more contract psychologists to examine the offender and report in writing to the Board, specifically addressing the issue of competency, as defined in this rule and pursuant to Utah Code Subsection 77-27-7(5); or

(3) request that the Board's counsel from the Attorney General's office file a petition on behalf of the Board with the district court for a competency hearing pursuant to Utah Code Section 77-15-3.

**R671-206-3. Determination of Competence.**

If the Board or the district court, pursuant to Utah Code Section 77-15-3, determines the offender is competent, the Board shall proceed with scheduled hearings or other actions.

**KEY: criminal competency**

**Date of Last Change: December 24, 2025**

**Notice of Continuation: October 3, 2022**

**Authorizing, and Implemented or Interpreted Law: 77-15-2; 77-15-3; 77-15-5; 77-27-2; 77-27-7**