

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

January 24, 2023
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB23-1012 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 10, line 9, strike "CHARGE WOULD BE" and
2 substitute "CHARGED ACT CONSTITUTES".

3 Page 10, line 14, strike "CHARGE WOULD BE" and substitute "CHARGED
4 ACT CONSTITUTES".

5 Page 10, strike lines 18 through 27 and substitute:

6 "(III) IF THE HIGHEST CHARGED ACT CONSTITUTES A CLASS 3
7 FELONY OR A LEVEL 1 OR 2 DRUG FELONY, EXCEPT FOR A CHARGE THAT
8 CONSTITUTES AN ACT THAT ALLEGES THE JUVENILE IS AN AGGRAVATED
9 JUVENILE OFFENDER PURSUANT TO SECTION 19-2.5-1125 (4), AND THE
10 JUVENILE IS NOT RESTORED TO COMPETENCY AFTER A PERIOD OF TWO
11 YEARS, THE COURT SHALL FIND THE JUVENILE UNRESTORABLE TO
12 COMPETENCY; OR

13 (IV) IF THE HIGHEST CHARGED ACT CONSTITUTES A CLASS 1 OR 2
14 FELONY OR FOR A CHARGE THAT CONSTITUTES AN ACT THAT ALLEGES THE
15 JUVENILE IS AN AGGRAVATED JUVENILE OFFENDER PURSUANT TO SECTION
16 19-2.5-1125 (4) AND THE JUVENILE IS NOT RESTORED TO COMPETENCY
17 AFTER A PERIOD OF FIVE YEARS, THE COURT SHALL FIND THE JUVENILE
18 UNRESTORABLE TO COMPETENCY."

19 Page 11, strike 1 through 6 and substitute:

20 "(b) UPON A MOTION FROM THE PROSECUTING ATTORNEY FILED
21 PRIOR TO THE EXPIRATION OF THE TIME LIMITS SET FORTH IN SUBSECTION
22 (2.5)(a) OF THIS SECTION, THE COURT MAY EXTEND THE TIME LIMITS SET
23 FORTH IN SUBSECTION (2.5)(a) OF THIS SECTION FOR AN ADDITIONAL
24 THREE MONTHS IF THE COURT, AFTER A HEARING, MAKES FACTUAL
25 FINDINGS THAT:

1 (I) THE JUVENILE HAS FAILED TO ATTEND OR SUBSTANTIALLY
2 COOPERATE WITH RESTORATION TREATMENT;

3 (II) THERE IS A REASONABLE LIKELIHOOD OF RESTORATION IN THE
4 FORESEEABLE FUTURE IF THE JUVENILE COOPERATES WITH RESTORATION
5 TREATMENT; AND

6 (III) THE JUVENILE'S LACK OF COOPERATION IS NOT THE RESULT OF
7 AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY, MENTAL OR
8 BEHAVIORAL HEALTH DISORDER, OR A LACK OF MENTAL CAPACITY."

9 Reletter succeeding paragraph accordingly.

10 Page 12, line 15, strike "If A".

11 Page 12, strike lines 16 through 19 and substitute "A JUVENILE HAS THE
12 RIGHT".

13 Page 12, strike lines 23 through 25 and substitute "IF A JUVENILE WANTS
14 A SECONDEVALUATION TO BE CONDUCTED BY A COMPETENCY EVALUATOR
15 OF THE JUVENILE'S CHOICE IN CONNECTION WITH A PROCEEDING HELD
16 PURSUANT TO THIS ARTICLE 2.5, THE COURT, UPON TIMELY MOTION, SHALL
17 ORDER THAT THE COMPETENCY EVALUATOR BE GIVEN REASONABLE
18 OPPORTUNITY TO CONDUCT THE SECOND EVALUATION PRIOR TO ANY
19 COMPETENCY OR RESTORATION HEARING."

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