

SB252_L.002

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB18-252 be amended as follows:

- 1 Amend proposed committee amendment (SB252_L.001), page 3, line 20,
2 strike "COMPETENCY".
- 3 Page 3, strike lines 35 through 37 and substitute "in custody, at the place
4 where the defendant is in custody, ~~The defendant shall be released on~~
5 ~~bond if otherwise eligible for bond~~ EXCEPT AS PROVIDED IN SUBSECTION
6 (1)(b) OF THIS SECTION. IF THE DEPARTMENT CONDUCTS THE EVALUATION
7 ON AN IN-CUSTODY BASIS, THE DEPARTMENT SHALL BEGIN THE
8 EVALUATION NO LATER THAN SEVEN DAYS AFTER THE DEPARTMENT'S
9 RECEIPT OF A COURT ORDER DIRECTING THE EVALUATION AND THE
10 RECEIPT OF COLLATERAL MATERIALS. THE DEPARTMENT SHALL COMPLETE
11 THE IN-CUSTODY EVALUATION NO LATER THAN FORTY-FIVE DAYS AFTER
12 THE RECEIPT OF SUCH DOCUMENTS, UNLESS THE COURT EXTENDS THE
13 TIMELINE FOR GOOD CAUSE SHOWN."
- 14 Page 8, line 6, strike "INPATIENT" and substitute "OUTPATIENT".
- 15 Page 8, line 8, strike "INPATIENT" and substitute "OUTPATIENT".
- 16 Page 8, after line 26 insert:
17 "(III) THE COURT SHALL COMMIT THE DEFENDANT TO THE
18 CUSTODY OF THE DEPARTMENT FOR INPATIENT RESTORATION SERVICES IF
19 THE DEFENDANT HAS BEEN RECEIVING OUTPATIENT AND IN-CUSTODY
20 RESTORATION SERVICES AND HAS NOT BEEN RESTORED TO COMPETENCY
21 IN ONE HUNDRED AND FIFTY DAYS, UNLESS THE COURT EXTENDS THE
22 TIMELINE FOR GOOD CAUSE SHOWN. THE TIMELINE MUST EXCLUDE TIME
23 DURING WHICH THE DEFENDANT REFUSES TO ACCEPT SERVICES OR
24 TREATMENT, PROVIDED THAT SUCH REFUSAL IS NOT THE RESULT OF A
25 DEVELOPMENTAL DISABILITY OR MENTAL DISABILITY."
- 26 Page 11, line 9, strike "SECTION; OR" and substitute "SECTION".
- 27 Page 13, line 11, strike "OR" and substitute "AND".
- 28 Page 13, line 12, strike "ATTORNEY, AS APPROPRIATE," and substitute
29 "ATTORNEY".

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