

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB23-1012 be amended as follows:

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:

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

28 (II) THERE IS A REASONABLE LIKELIHOOD OF RESTORATION IN THE  
29 FORESEEABLE FUTURE IF THE JUVENILE COOPERATES WITH RESTORATION  
30 TREATMENT; AND

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

34 Reletter succeeding paragraph accordingly.

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