

First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 23-0153.02 Jane Ritter x4342

**HOUSE BILL 23-1012**

**HOUSE SPONSORSHIP**

**Amabile**, Bacon, Boesenecker, Brown, deGruy Kennedy, Dickson, Epps, Garcia, Gonzales-Gutierrez, Herod, Jodeh, Joseph, Lieder, Lindsay, Lindstedt, Mabrey, McCormick, Parenti, Ricks, Story, Velasco, Weissman, Young

**SENATE SPONSORSHIP**

**Rodriguez**, Simpson

**House Committees**

Judiciary  
Appropriations

**Senate Committees**

**A BILL FOR AN ACT**

101 CONCERNING ISSUES RELATED TO JUVENILE COMPETENCY TO  
102 PROCEED, AND, IN CONNECTION THEREWITH, MAKING AN  
103 APPROPRIATION.

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Legislative Oversight Committee Concerning the Treatment of Persons with Behavioral Health Disorders in the Criminal and Juvenile Justice Systems.** The bill addresses issues related to a determination of juvenile competency to proceed (competency) and restoration of competency (restoration). The bill allows:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.*

HOUSE  
3rd Reading Unamended  
March 20, 2023

HOUSE  
Amended 2nd Reading  
March 17, 2023

- The district attorney, defense attorney, guardian ad litem, department of human services, a competency evaluator, a restoration treatment provider, and the court, without written consent of the juvenile or further order of the court, to access competency evaluations and restoration evaluations, including all second evaluations; information and documents related to competency evaluations; the competency evaluator, for the purpose of discussing the competency evaluation; and the providers of court-ordered restoration services for the purpose of discussing such services;
- Parties to exchange names, addresses, reports, and statements of physicians or psychologists who examined or treated the juvenile for competency;
- The court or any party to raise, at any time, the issue of a need for a restoration evaluation of the juvenile's competency; and
- A juvenile to be examined by a competency evaluator of the juvenile's own choice and to request a second evaluation in response to a court-ordered competency evaluation or a court-ordered restoration evaluation.

If the court determines that the juvenile is incompetent to proceed and unlikely to be restored to competency in the reasonably foreseeable future, a time frame is set forth for the dismissal of charges based on the severity and type of charge.

---

1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, 19-2.5-102, **repeal**  
 3 (8), (25), and (44) as follows:

4           **19-2.5-102. Definitions.** In addition to the terms defined in  
 5 section 19-1-103, as used in this article 2.5, unless the context otherwise  
 6 requires:

7           (8) ~~"Competent to proceed" means that a juvenile has sufficient~~  
 8 ~~present ability to consult with the juvenile's attorney with a reasonable~~  
 9 ~~degree of rational understanding in order to assist in the defense and that~~  
 10 ~~the juvenile has a rational as well as a factual understanding of the~~  
 11 ~~proceedings.~~

1           (25) "~~Incompetent to proceed~~" means that, based on an intellectual  
2 ~~or developmental disability, mental health disorder, or lack of mental~~  
3 ~~capacity, a juvenile does not have sufficient present ability to consult with~~  
4 ~~the juvenile's attorney with a reasonable degree of rational understanding~~  
5 ~~in order to assist in the defense or that the juvenile does not have a~~  
6 ~~rational as well as a factual understanding of the proceedings taking~~  
7 ~~place.~~

8           (44) "~~Restoration to competency hearing~~" means a hearing to  
9 ~~determine whether a juvenile who has previously been determined to be~~  
10 ~~incompetent to proceed has achieved or is restored to competency.~~

11           **SECTION 2.** In Colorado Revised Statutes, **add** 19-2.5-701.5 as  
12 follows:

13           **19-2.5-701.5. Definitions.** AS USED IN THIS PART 7, UNLESS THE  
14 CONTEXT OTHERWISE REQUIRES:

15           (1) "COMPETENCY EVALUATION" MEANS AN EVALUATION  
16 CONDUCTED BY A COMPETENCY EVALUATOR THAT MEETS THE  
17 REQUIREMENTS DESCRIBED IN SECTION 19-2.5-703 (4). "COMPETENCY  
18 EVALUATION" INCLUDES BOTH COURT-ORDERED EVALUATIONS  
19 PERFORMED BY THE DEPARTMENT AND SECOND EVALUATIONS.

20           (2) "COMPETENCY EVALUATOR" MEANS AN INDIVIDUAL WITH THE  
21 QUALIFICATIONS DESCRIBED IN SECTION 19-2.5-703 (4)(b).

22           (3) "COMPETENCY HEARING" MEANS AN INITIAL HEARING TO  
23 DETERMINE WHETHER A JUVENILE IS COMPETENT TO PROCEED.

24           (4) "COMPETENT TO PROCEED" MEANS THAT A JUVENILE HAS THE  
25 SUFFICIENT PRESENT ABILITY TO CONSULT WITH THE JUVENILE'S  
26 ATTORNEY, WITH A REASONABLE DEGREE OF RATIONAL UNDERSTANDING,  
27 TO ASSIST THE ATTORNEY IN THE JUVENILE'S DEFENSE, AND THAT THE

1 JUVENILE HAS A RATIONAL AS WELL AS FACTUAL UNDERSTANDING OF THE  
2 PROCEEDINGS.

3 (5) "INCOMPETENT TO PROCEED" MEANS THAT, BASED ON AN  
4 INTELLECTUAL OR DEVELOPMENTAL DISABILITY, MENTAL HEALTH  
5 DISORDER, OR LACK OF MENTAL CAPACITY, A JUVENILE DOES NOT HAVE  
6 SUFFICIENT PRESENT ABILITY TO CONSULT WITH THE JUVENILE'S  
7 ATTORNEY WITH A REASONABLE DEGREE OF RATIONAL UNDERSTANDING  
8 IN ORDER TO ASSIST THE ATTORNEY IN THE JUVENILE'S DEFENSE OR THAT  
9 THE JUVENILE DOES NOT HAVE A RATIONAL AS WELL AS A FACTUAL  
10 UNDERSTANDING OF THE PROCEEDINGS.

11 (6) "RESTORATION EVALUATION" MEANS AN EVALUATION  
12 CONDUCTED BY A COMPETENCY EVALUATOR TO DETERMINE IF THE  
13 JUVENILE HAS BECOME COMPETENT TO PROCEED OR WILL BE ABLE TO BE  
14 RESTORED TO COMPETENCY IN THE REASONABLY FORESEEABLE FUTURE.  
15 "RESTORATION EVALUATION" INCLUDES BOTH COURT-ORDERED  
16 EVALUATIONS BY THE DEPARTMENT AND SECOND EVALUATIONS.

17 (7) "RESTORATION PROGRESS REVIEW HEARING" MEANS A  
18 HEARING IN WHICH THE JUVENILE'S PROGRESS IN RESTORATION TO  
19 COMPETENCY EDUCATION AND OTHER APPLICABLE SERVICES IS REVIEWED,  
20 BASED ON RESTORATION EDUCATION, TREATMENT RECORDS, AND ANY  
21 PRIOR COMPETENCY EVALUATION REPORTS.

22 (8) "RESTORATION TO COMPETENCY HEARING" MEANS A HEARING  
23 TO DETERMINE WHETHER A JUVENILE WHO HAS PREVIOUSLY BEEN  
24 DETERMINED TO BE INCOMPETENT TO PROCEED IS NOW COMPETENT TO  
25 PROCEED.

26 (9) "SECOND EVALUATION" MEANS AN EVALUATION IN RESPONSE  
27 TO A COURT-ORDERED COMPETENCY EVALUATION OR COURT-ORDERED

1 RESTORATION EVALUATION REQUESTED BY THE JUVENILE THAT IS  
2 PERFORMED BY A COMPETENCY EVALUATOR AND THAT IS NOT PERFORMED  
3 BY, UNDER THE DIRECTION OF, OR PAID FOR BY THE DEPARTMENT.

4 **SECTION 3.** In Colorado Revised Statutes, 19-2.5-702, **amend**  
5 (2) as follows:

6 **19-2.5-702. Incompetent to proceed - effect - how and when**  
7 **raised.** (2) A juvenile must not be tried or sentenced if the juvenile is  
8 incompetent to proceed, as defined in ~~section 19-2.5-102~~ SECTION  
9 19-2.5-701.5, at that stage of the proceedings. Juveniles, like adults, are  
10 presumed competent to proceed, as defined in ~~section 19-2.5-102~~ SECTION  
11 19-2.5-701.5, until such time as they are found incompetent to proceed  
12 through a decision by the court. A determination of competency must  
13 include an evaluation of intellectual and developmental disabilities,  
14 mental health disorders, and mental capacity. Age alone is not  
15 determinative of incompetence without a finding that the juvenile actually  
16 lacks the relevant capacities for competence.

17 **SECTION 4.** In Colorado Revised Statutes, 19-2.5-703, **amend**  
18 (4)(c) as follows:

19 **19-2.5-703. Determination of incompetency to proceed.**  
20 (4) (c) The competency evaluation must, at a minimum, include an  
21 opinion regarding whether the juvenile is incompetent to proceed as  
22 defined in ~~section 19-2.5-102~~ SECTION 19-2.5-701.5. If the evaluation  
23 concludes the juvenile is incompetent to proceed, the evaluation must  
24 include a recommendation as to whether there is a likelihood that the  
25 juvenile may achieve or be restored to competency IN THE REASONABLY  
26 FORESEEABLE FUTURE and identify appropriate services to restore the  
27 juvenile to competency.

1           **SECTION 5.** In Colorado Revised Statutes, **add** 19-2.5-703.5 as  
2 follows:

3           **19-2.5-703.5. Waiver of privilege - exchange of information -**  
4 **admissibility of statements.** (1) WHEN THE COURT DETERMINES THAT A  
5 JUVENILE IS INCOMPETENT TO PROCEED, ANY CLAIM OF CONFIDENTIALITY  
6 OR PRIVILEGE BY THE JUVENILE OR THE JUVENILE'S PARENT OR LEGAL  
7 GUARDIAN IS DEEMED WAIVED WITHIN THE CASE TO ALLOW THE COURT  
8 AND PARTIES TO DETERMINE ISSUES RELATED TO THE JUVENILE'S  
9 COMPETENCY, RESTORATION, AND ANY MANAGEMENT PLAN DEVELOPED  
10 BY THE COURT PURSUANT TO SECTION 19-2.5-704 (3). THE DISTRICT  
11 ATTORNEY, DEFENSE ATTORNEY, GUARDIAN AD LITEM, THE DEPARTMENT,  
12 ANY COMPETENCY EVALUATORS, ANY RESTORATION TREATMENT  
13 PROVIDERS, AND THE COURT ARE GRANTED ACCESS, WITHOUT WRITTEN  
14 CONSENT OF THE JUVENILE OR FURTHER ORDER OF THE COURT, TO:

15           (a) COMPETENCY EVALUATIONS AND RESTORATION EVALUATIONS,  
16 INCLUDING ALL SECOND EVALUATIONS;

17           (b) INFORMATION AND DOCUMENTS RELATED TO COMPETENCY  
18 EVALUATIONS THAT ARE CREATED, OBTAINED, REVIEWED, OR RELIED ON  
19 BY A COMPETENCY EVALUATOR PERFORMING A COURT-ORDERED  
20 COMPETENCY EVALUATION;

21           (c) INFORMATION AND DOCUMENTS RELATING TO COMPETENCY  
22 RESTORATION THAT ARE CREATED, OBTAINED, REVIEWED, OR RELIED ON  
23 BY A COMPETENCY PROVIDER PERFORMING COURT-ORDERED RESTORATION  
24 SERVICES;

25           (d) THE COMPETENCY EVALUATOR, FOR THE PURPOSE OF  
26 DISCUSSING THE COMPETENCY EVALUATION; AND

27           (e) THE PROVIDERS OF COURT-ORDERED RESTORATION SERVICES

1 FOR THE PURPOSE OF DISCUSSING SUCH SERVICES.

2 (2) UPON A REQUEST BY EITHER PARTY OR THE COURT FOR  
3 INFORMATION DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE  
4 COMPETENCY EVALUATOR OR RESTORATION SERVICES PROVIDER SHALL  
5 PROVIDE THE INFORMATION TO THE PARTY OR COURT FOR USE IN  
6 PREPARING FOR A COMPETENCY HEARING, RESTORATION PROGRESS  
7 REVIEW HEARING, RESTORATION TO COMPETENCY HEARING, OR HEARING  
8 REGARDING A MANAGEMENT PLAN PURSUANT TO SECTION 19-2.5-704 (3)  
9 AND FOR USE IN ANY SUCH HEARING.

10 (3) A COMPETENCY EVALUATOR OR RESTORATION SERVICES  
11 PROVIDER ASSIGNED PURSUANT TO A COURT ORDER ISSUED PURSUANT TO  
12 THIS ARTICLE 2.5 SHALL PROVIDE PROCEDURAL INFORMATION TO THE  
13 DISTRICT ATTORNEY, DEFENSE ATTORNEY, GUARDIAN AD LITEM, THE  
14 DEPARTMENT, ANY COMPETENCY EVALUATORS, ANY RESTORATION  
15 TREATMENT PROVIDERS, AND THE COURT CONCERNING:

- 16 (a) THE JUVENILE'S LOCATION;
- 17 (b) THE JUVENILE'S HOSPITAL OR FACILITY ADMISSION STATUS;
- 18 (c) THE STATUS OF EVALUATION PROCEDURES;
- 19 (d) THE STATUS OF RESTORATION SERVICES PROCEDURES; AND
- 20 (e) ANY OTHER PROCEDURAL INFORMATION RELEVANT TO THE  
21 JUVENILE'S COMPETENCY, RESTORATION, OR MANAGEMENT PLAN.

22 (4) NOTHING IN THIS SECTION LIMITS THE COURT'S ABILITY TO  
23 ORDER, IN ADDITION TO THE INFORMATION SET FORTH IN SUBSECTIONS (1)  
24 AND (3) OF THIS SECTION, ADDITIONAL INFORMATION BE PROVIDED TO THE  
25 DISTRICT ATTORNEY, DEFENSE ATTORNEY, THE GUARDIAN AD LITEM, THE  
26 DEPARTMENT, ANY COMPETENCY EVALUATOR, ANY RESTORATION  
27 TREATMENT PROVIDER, AND THE COURT, UNLESS IT IS OTHERWISE

1 PROTECTED FROM DISCLOSURE BY OTHER LAW. NOTHING IN THIS SECTION  
2 LIMITS THE INFORMATION THAT IS AVAILABLE WITH THE WRITTEN  
3 CONSENT OF THE JUVENILE.

4 (5) THE COURT SHALL ORDER THE PARTIES TO EXCHANGE THE  
5 NAMES, ADDRESSES, REPORTS, AND STATEMENTS OF EACH PHYSICIAN OR  
6 PSYCHOLOGIST WHO EXAMINED OR TREATED THE JUVENILE FOR  
7 COMPETENCY.

8 (6) EVIDENCE OBTAINED DURING A COMPETENCY EVALUATION OR  
9 DURING COMPETENCY RESTORATION SERVICES THAT IS RELATED TO THE  
10 JUVENILE'S COMPETENCY OR INCOMPETENCY IS ONLY ADMISSIBLE TO  
11 DETERMINE THE JUVENILE'S COMPETENCY, INCOMPETENCY, OR TO  
12 DETERMINE ORDERS RELATED TO RESTORATION, RESTORATION SERVICES,  
13 OR A MANAGEMENT PLAN AND IS NOT ADMISSIBLE ON THE ISSUES RAISED  
14 BY A PLEA OF NOT GUILTY.

15 **SECTION 6.** In Colorado Revised Statutes, 19-2.5-704, **amend**  
16 (2)(a) and (3)(a); and **add** (2)(c) and (2.5) as follows:

17 **19-2.5-704. Procedure after determination of competency or**  
18 **incompetency.** (2) (a) If the court finally determines pursuant to section  
19 19-2.5-703 that the juvenile is incompetent to proceed but may be  
20 restored to competency IN THE REASONABLY FORESEEABLE FUTURE, the  
21 court shall stay the proceedings and order that the juvenile receive  
22 services designed to restore the juvenile to competency, based upon  
23 recommendations in the competency evaluation, unless the court makes  
24 specific findings that the recommended services in the competency  
25 evaluation are not justified. The court shall order that the restoration  
26 services ordered are provided in the least-restrictive environment, taking  
27 into account the public safety and the best interests of the juvenile, and



1 that the provision of the services and the juvenile's participation in those  
2 services occur in a timely manner. The court shall ~~review the provision~~  
3 ~~of and the juvenile's participation in the services and the juvenile's~~  
4 ~~progress toward competency~~ HOLD A RESTORATION PROGRESS REVIEW  
5 HEARING at least every ninety-one days until competency is restored,  
6 unless the juvenile is in custody, in which event the court shall ~~review the~~  
7 ~~case~~ HOLD A RESTORATION PROGRESS REVIEW HEARING every thirty-five  
8 days to ensure the prompt provision of services in the least-restrictive  
9 environment. The court shall not maintain jurisdiction longer than the  
10 maximum possible sentence for the ~~original~~ MOST SERIOUS offense, unless  
11 the court makes specific findings of good cause to retain jurisdiction.  
12 However, the juvenile court's jurisdiction shall not extend beyond the  
13 juvenile's twenty-first birthday.

14 (c) THE COURT OR A PARTY MAY RAISE, AT ANY TIME, THE NEED  
15 FOR A RESTORATION EVALUATION OF A JUVENILE'S COMPETENCY. IF  
16 RAISED, THE COURT SHALL ORDER A RESTORATION EVALUATION ONLY  
17 WHEN THERE IS CREDIBLE INFORMATION THAT THE JUVENILE'S  
18 CIRCUMSTANCES HAVE CHANGED, THE COURT CANNOT FAIRLY DETERMINE  
19 WHETHER THE JUVENILE HAS BEEN RESTORED TO COMPETENCY OR WILL BE  
20 ABLE TO BE RESTORED TO COMPETENCY IN THE REASONABLY  
21 FORESEEABLE FUTURE, AND THE CAUSE FOR A RESTORATION EVALUATION  
22 OUTWEIGHS THE NEGATIVE IMPACT OF A RESTORATION EVALUATION UPON  
23 THE JUVENILE AND ANY DELAY THAT WILL BE CAUSED BY A RESTORATION  
24 EVALUATION. THE COURT MAY HOLD A HEARING TO DETERMINE IF A  
25 RESTORATION EVALUATION MUST BE ORDERED. IF THE COURT ORDERS A  
26 RESTORATION EVALUATION, SUCH EVALUATION MUST MEET THE  
27 REQUIREMENTS OF SECTION 19-2.5-703 (4).

1 (2.5) (a) IF THE COURT FINDS A JUVENILE IS INCOMPETENT TO  
2 PROCEED AND THE JUVENILE HAS BEEN INCOMPETENT TO PROCEED FOR A  
3 PERIOD OF TIME THAT EXCEEDS THE TIME LIMITS SET FORTH IN THIS  
4 SUBSECTION (2.5), THE COURT SHALL ENTER A FINDING THAT THE  
5 JUVENILE IS UNRESTORABLE TO COMPETENCY AND SHALL DETERMINE  
6 WHETHER A MANAGEMENT PLAN FOR THE JUVENILE IS NECESSARY  
7 PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION. THE TIME LIMITS ARE  
8 AS FOLLOWS:

9 (I) IF THE HIGHEST CHARGED ACT CONSTITUTES A MISDEMEANOR,  
10 A MISDEMEANOR DRUG OFFENSE, A PETTY OFFENSE, OR A TRAFFIC  
11 OFFENSE, AND THE JUVENILE IS NOT RESTORED TO COMPETENCY AFTER A  
12 PERIOD OF SIX MONTHS, THE COURT SHALL FIND THE JUVENILE  
13 UNRESTORABLE TO COMPETENCY;

14 (II) IF THE HIGHEST CHARGED ACT CONSTITUTES A CLASS 4, 5, OR  
15 6 FELONY, OR A LEVEL 3 OR 4 DRUG FELONY, AND THE JUVENILE IS NOT  
16 RESTORED TO COMPETENCY AFTER A PERIOD OF ONE YEAR, THE COURT  
17 SHALL FIND THE JUVENILE UNRESTORABLE TO COMPETENCY;

18 (III) IF THE HIGHEST CHARGED ACT CONSTITUTES A CLASS 3  
19 FELONY OR A LEVEL 1 OR 2 DRUG FELONY, EXCEPT FOR A CHARGE THAT  
20 CONSTITUTES AN ACT THAT ALLEGES THE JUVENILE IS AN AGGRAVATED  
21 JUVENILE OFFENDER PURSUANT TO SECTION 19-2.5-1125 (4), AND THE  
22 JUVENILE IS NOT RESTORED TO COMPETENCY AFTER A PERIOD OF TWO  
23 YEARS, THE COURT SHALL FIND THE JUVENILE UNRESTORABLE TO  
24 COMPETENCY; OR

25 (IV) IF THE HIGHEST CHARGED ACT CONSTITUTES A CLASS 1 OR 2  
26 FELONY OR FOR A CHARGE THAT CONSTITUTES AN ACT THAT ALLEGES THE  
27 JUVENILE IS AN AGGRAVATED JUVENILE OFFENDER PURSUANT TO SECTION

1 19-2.5-1125 (4) AND THE JUVENILE IS NOT RESTORED TO COMPETENCY  
2 AFTER A PERIOD OF FIVE YEARS, THE COURT SHALL FIND THE JUVENILE  
3 UNRESTORABLE TO COMPETENCY.

4 (b) UPON A MOTION FROM THE PROSECUTING ATTORNEY FILED  
5 PRIOR TO THE EXPIRATION OF THE TIME LIMITS SET FORTH IN SUBSECTION  
6 (2.5)(a) OF THIS SECTION, THE COURT MAY EXTEND THE TIME LIMITS SET  
7 FORTH IN SUBSECTION (2.5)(a) OF THIS SECTION FOR AN ADDITIONAL  
8 THREE MONTHS IF THE COURT, AFTER A HEARING, MAKES FACTUAL  
9 FINDINGS THAT:

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

12 (II) THERE IS A REASONABLE LIKELIHOOD OF RESTORATION IN THE  
13 FORESEEABLE FUTURE IF THE JUVENILE COOPERATES WITH RESTORATION  
14 TREATMENT; AND

15 (III) THE JUVENILE'S LACK OF COOPERATION IS NOT THE RESULT OF  
16 AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY, MENTAL OR  
17 BEHAVIORAL HEALTH DISORDER, OR A LACK OF MENTAL CAPACITY.

18 (c) NOTHING IN THIS SUBSECTION (2.5) PRECLUDES A COURT FROM  
19 DETERMINING A JUVENILE IS UNLIKELY TO BE RESTORED TO COMPETENCY  
20 IN THE REASONABLY FORESEEABLE FUTURE AND ENTERING AN ORDER  
21 THAT THE JUVENILE IS UNRESTORABLE TO COMPETENCY PURSUANT TO  
22 SUBSECTION (3)(a) OF THIS SECTION THROUGH A COMPETENCY HEARING  
23 OR RESTORATION TO COMPETENCY HEARING CONDUCTED AT ANY TIME  
24 PRIOR TO THE EXPIRATION OF THE TIME LIMITS SET FORTH IN SUBSECTION  
25 (2.5)(a) OF THIS SECTION, BASED UPON THE AVAILABLE EVIDENCE.

26 (3) (a) If the court finally determines pursuant to section  
27 19-2.5-703 OR 19-2.5-703.5 that the juvenile is incompetent to proceed

1 and cannot be restored to competency IN THE REASONABLY FORESEEABLE  
2 FUTURE, the court shall ENTER AN ORDER FINDING THE JUVENILE  
3 UNRESTORABLE TO COMPETENCY AND SHALL determine whether a  
4 management plan for the juvenile is necessary, taking into account the  
5 public safety and the best interests of the juvenile. If the court determines  
6 a management plan is necessary, the court shall develop the management  
7 plan after ordering that the juvenile be placed in the least-restrictive  
8 environment, taking into account the public safety and best interests of  
9 the juvenile. If the court determines a management plan is unnecessary,  
10 the court may continue any treatment or plan already in place for the  
11 juvenile. The management plan must, at a minimum, address treatment  
12 for the juvenile, identify the party or parties responsible for the juvenile,  
13 and specify appropriate behavior management tools, if they are not  
14 otherwise part of the juvenile's treatment.

15 **SECTION 7.** In Colorado Revised Statutes, 19-2.5-705, **amend**  
16 (1) as follows:

17 **19-2.5-705. Restoration to competency hearing.** (1) The court  
18 may order a restoration to competency hearing, as defined in ~~section~~  
19 ~~19-2.5-102~~ SECTION 19-2.5-701.5, at any time on its own motion, on  
20 motion of the prosecuting attorney, or on motion of the juvenile. The  
21 court shall order a restoration of competency hearing if a competency  
22 evaluator with the qualifications described in section 19-2.5-703 (4)(b)  
23 files a report certifying that the juvenile is competent to proceed.

24 **SECTION 8.** In Colorado Revised Statutes, **add** 19-2.5-707 as  
25 follows:

26 **19-2.5-707. Evaluation at the request of the juvenile.** A  
27 JUVENILE HAS THE RIGHT TO REQUEST A SECOND EVALUATION IN

1 RESPONSE TO A COURT-ORDERED COMPETENCY EVALUATION OR A  
2 COURT-ORDERED RESTORATION EVALUATION WITHIN SEVEN DAYS AFTER  
3 THE RECEIPT OF AN EVALUATION. IF A JUVENILE WANTS A SECOND  
4 EVALUATION TO BE CONDUCTED BY A COMPETENCY EVALUATOR OF THE  
5 JUVENILE'S CHOICE IN CONNECTION WITH A PROCEEDING HELD PURSUANT  
6 TO THIS ARTICLE 2.5, THE COURT, UPON TIMELY MOTION, SHALL ORDER  
7 THAT THE COMPETENCY EVALUATOR BE GIVEN REASONABLE OPPORTUNITY  
8 TO CONDUCT THE SECOND EVALUATION PRIOR TO ANY COMPETENCY OR  
9 RESTORATION HEARING.

10 **SECTION 9. Appropriation.** (1) For the 2023-24 state fiscal  
11 year, \$120,000 is appropriated to the judicial department. This  
12 appropriation is from the general fund. To implement this act, the  
13 department may use this appropriation as follows:

14 (a) \$100,800 for use by the office of the state public defender for  
15 mandated costs; and

16 (b) \$19,200 for use by the office of the alternate defense counsel  
17 for mandated costs.

18 **SECTION 10. Act subject to petition - effective date.** This act  
19 takes effect at 12:01 a.m. on the day following the expiration of the  
20 ninety-day period after final adjournment of the general assembly; except  
21 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
22 of the state constitution against this act or an item, section, or part of this  
23 act within such period, then the act, item, section, or part will not take  
24 effect unless approved by the people at the general election to be held in  
25 November 2024 and, in such case, will take effect on the date of the  
26 official declaration of the vote thereon by the governor.