HOUSE COMMITTEE OF REFERENCE AMENDMENT
Committee on <u>Judiciary</u>.
<u>SB25-041</u> be amended as follows:

1   Amend reengrossed bill, page 16, after line 21 insert:

2   "**SECTION 13.** In Colorado Revised Statutes, 19-2.5-701.5,

3   **amend** (1) and (6) as follows:

4   **19-2.5-701.5. Definitions.** As used in this part 7, unless the

5   context otherwise requires:

6   (1)   "Competency evaluation" means ~~an evaluation~~ A

7   COURT-ORDERED EVALUATION PERFORMED BY THE DEPARTMENT, OR A

8   SECOND EVALUATION CONDUCTED PURSUANT TO SECTION 19-2.5-707,

9   conducted by a competency evaluator that meets the requirements

10   described in section 19-2.5-703 (4). ~~"Competency evaluation" includes~~

11   ~~both court-ordered evaluations performed by the department and second~~

12   ~~evaluations.~~

13   (6)   "Restoration evaluation" means ~~an evaluation~~ A

14   COURT-ORDERED EVALUATION PERFORMED BY THE DEPARTMENT, OR A

15   SECOND EVALUATION CONDUCTED PURSUANT TO SECTION 19-2.5-707,

16   conducted by a competency evaluator to determine if the juvenile has

17   become competent to proceed or will be able to be restored to competency

18   in the reasonably foreseeable future. ~~"Restoration evaluation" includes~~

19   ~~both court-ordered evaluations by the department and second evaluations.~~

20   **SECTION 14.** In Colorado Revised Statutes, 19-2.5-704, **amend**

21   (2)(b) and (2)(c) as follows:

22   **19-2.5-704. Procedure after determination of competency or**

23   **incompetency.** (2) (b) Pursuant to section 27-60-105, the department is

24   the entity responsible for the oversight of restoration education and

25   coordination of services necessary to competency restoration. THE

26   DEPARTMENT SHALL ONLY CONDUCT A RESTORATION EVALUATION WITH

27   A COURT ORDER PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION.

28   (c) (I) The court, ~~or a party,~~ OR THE DEPARTMENT may raise, at any

29   time, the need for a restoration evaluation of a juvenile's competency.

30   THE REQUEST MUST INCLUDE THE FACTUAL GROUNDS THAT SUPPORT THE

31   NEED FOR A RESTORATION EVALUATION.

32   (II) (A) THE COURT MUST ENSURE PROMPT RESOLUTION OF ANY

33   REQUEST FOR A RESTORATION EVALUATION.

34   (B) THE COURT SHALL ORDER EACH PARTY TO STATE THEIR

35   POSITION AND PROVIDE INPUT ON THE REQUEST NO LATER THAN FOURTEEN

36   DAYS AFTER WHEN THE PARTY WAS NOTIFIED OF THE REQUEST; EXCEPT IF

37   THE JUVENILE IS IN CUSTODY OR INPATIENT RESTORATION, THE COURT

38   SHALL ALLOW SEVEN DAYS FOR A PARTY TO OBJECT TO THE REQUEST. IF

39   THE PARTIES ARE BEFORE THE COURT, THE COURT MAY TAKE POSITIONS ON

40   THE RECORD, OR THE COURT MAY ORDER A WRITTEN POSITION FROM EACH

1   PARTY AS NECESSARY.

2   (C) IF NO PARTY OBJECTS, THE COURT SHALL ORDER THE
3   RESTORATION EVALUATION FORTHWITH.

4   (D) IF A PARTY OBJECTS, THE PARTY SHALL STATE THE GROUNDS
5   FOR THEIR OBJECTION.

6   (III) If ~~raised~~ A PARTY TIMELY OBJECTS TO A RESTORATION
7   EVALUATION BEING ORDERED, the court shall order a restoration
8   evaluation only when there is credible information that the juvenile's
9   circumstances have changed, the court cannot fairly determine whether
10 the juvenile has been restored to competency or will be able to be restored
11 to competency in the reasonably foreseeable future WITHOUT AN
12 EVALUATION, and the cause for a restoration evaluation outweighs the
13 negative impact of a restoration evaluation upon the juvenile. ~~and any~~
14 ~~delay that will be caused by a restoration evaluation.~~ THE COURT MAY
15 RULE ON A REQUEST BASED ON THE INFORMATION RECEIVED WITH THE
16 REQUEST AND WITH ANY OBJECTION WITHOUT A HEARING, OR IF THE
17 COURT FINDS A HEARING IS NECESSARY TO RULE ON THE REQUEST, the
18 court may hold a hearing WITHIN FOURTEEN DAYS AFTER RECEIVING AN
19 OBJECTION to determine if a restoration evaluation must be ordered. If the
20 court orders a restoration evaluation, such evaluation must meet the
21 requirements of section 19-2.5-703 (4).".

22 Renumber succeeding section accordingly.

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