

HB1025_L.020

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB15-1025 be amended as follows:

- 1 Amend printed bill, page 2, line 2, after "**add**" insert "(3.3),".
- 2 Page 2, line 3, strike "(9.6),".
- 3 Page 2, after line 4 insert:
 - 4 "(3.3) "COMPETENT TO PROCEED" MEANS THAT A JUVENILE HAS
 - 5 SUFFICIENT PRESENT ABILITY TO CONSULT WITH HIS OR HER ATTORNEY
 - 6 WITH A REASONABLE DEGREE OF RATIONAL UNDERSTANDING IN ORDER TO
 - 7 ASSIST IN THE DEFENSE AND THAT HE OR SHE HAS A RATIONAL AS WELL AS
 - 8 A FACTUAL UNDERSTANDING OF THE PROCEEDINGS AGAINST HIM OR HER."
- 9 Page 2, line 15, strike "THAT" and substitute "THAT, BASED ON A
- 10 DEVELOPMENTAL DISABILITY, MENTAL DISABILITY, OR LACK OF MENTAL
- 11 CAPACITY,".
- 12 Page 2, strike lines 21 through 25.
- 13 Page 3, strike lines 1 through 14.
- 14 Page 3, line 17, strike "COMPREHEND AND APPRECIATE" and substitute
- 15 "APPRECIATE".
- 16 Page 3, strike lines 19 through 25 and substitute:
 - 17 "(b) APPRECIATE THE NATURE OF THE ADVERSARIAL PROCESS,
 - 18 INCLUDING:
 - 19 (I) HAVING A FACTUAL UNDERSTANDING OF THE PARTICIPANTS IN
 - 20 THE PROCEEDING, INCLUDING THE JUDGE, DEFENSE COUNSEL, ATTORNEY
 - 21 FOR THE STATE, MENTAL HEALTH EXPERT, AND GUARDIAN AD LITEM,
 - 22 WHERE APPLICABLE; AND
 - 23 (II) HAVING A RATIONAL UNDERSTANDING OF THE ROLE OF EACH
 - 24 PARTICIPANT IN THE PROCEEDINGS;
 - 25 (c) APPRECIATE THE RANGE AND NATURE OF ALLOWABLE
 - 26 DISPOSITIONS THAT MAY BE IMPOSED AGAINST THE JUVENILE IN THE
 - 27 PROCEEDINGS;".
- 28 Page 4, line 1, strike "DISPLAY" and substitute "GENERALLY DISPLAY".

- 1 Page 4, line 14, strike "DEFENDANT" and substitute "JUVENILE".
- 2 Page 4, strike lines 21 through 26.
- 3 Reletter succeeding paragraphs accordingly.
- 4 Page 5, line 5, strike "FORMAL COMPETENCY EVALUATION;" and substitute
- 5 "DECISION BY THE COURT;".
- 6 Page 7, after line 18 insert:
- 7 "SECTION 7. **Effective date.** This act takes effect July 1, 2015."
- 8 Renumber succeeding section accordingly.

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