

HB1253_L.002

HOUSE COMMITTEE OF REFERENCE REPORT

 Chairman of Committee

 Date
Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB09-1253 be amended as follows:

1 Amend printed bill, page 2, after line 1, add the following:

2 "SECTION 1. 16-8.5-108 (1) (a) and (b), Colorado Revised
3 Statutes, are amended to read:

4 **16-8.5-108. Evidence.** (1) (a) Except as otherwise provided in
5 this subsection (1), evidence acquired directly or indirectly for the first
6 time from a communication derived from the defendant's mental
7 processes during the course of a competency evaluation OR INVOLUNTARY
8 MEDICATION PROCEEDING is not admissible against the defendant on the
9 issues raised by a plea of not guilty, or, if the offense occurred before July
10 1, 1995, a plea of not guilty by reason of impaired mental condition.
11 Such evidence may be admissible at trial to rebut evidence introduced by
12 the defendant of the defendant's mental condition to show incapacity of
13 the defendant to form a culpable mental state; and, in such case, the
14 evidence may only be considered by the trier of fact as bearing upon the
15 question of capacity to form a culpable mental state, and the jury shall be
16 so instructed at the request of either party.

17 (b) Evidence acquired directly or indirectly for the first time from
18 a communication derived from the defendant's mental processes during
19 the course of a competency evaluation OR INVOLUNTARY MEDICATION
20 PROCEEDING is admissible at any sentencing hearing held pursuant to
21 section 18-1.3-1201, 18-1.3-1302, or 18-1.4-102, C.R.S., only to prove
22 the existence or absence of any mitigating factor."

23 Renumber succeeding sections accordingly.

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