

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 19, 2024
Date

Committee on Appropriations.

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

HB24-1034 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend the Judiciary Committee Report, dated January 30, 2024, page 1,
- 2 after line 12 insert:
 - 3 "Page 6 of the bill, strike lines 8 through 27.
 - 4 Page 7 of the bill, strike lines 1 through 18.
 - 5 Renumber succeeding sections accordingly."
 - 6 Page 1 of the report, strike lines 13 through 20.
 - 7 Page 2 of the report, strike lines 1 through 20.
 - 8 Page 2 of the report, after line 22 insert "Page 7 of the bill, line 20, strike
 - 9 "(5)(c),".
 - 10 Page 2 of the report, after line 24 insert "Page 7 of the bill, line 22, strike
 - 11 "and (5)(c.5)".
 - 12 Page 3 of the report, after line 33 insert:
 - 13 "Page 9 of the bill, strike lines 7 through 27.
 - 14 Page 10 of the bill, strike lines 1 and 2."
 - 15 Page 3 of the report, before line 34 insert:
 - 16 "Page 10 of the bill, line 13, strike "(A)" and substitute "(A)".

1 Page 10 of the bill, strike lines 26 and 27 and substitute:

2 "~~(C)~~ (B) IF POSSIBLE, when the defendant is diagnosed with a
3 moderate to severe intellectual or developmental disability, acquired or
4 traumatic brain".

5 Page 11 of the bill, strike lines 1 through 11 and substitute "injury, or
6 dementia, which either alone or together with a co-occurring mental
7 illness affects the defendant's ability to gain or maintain competency, the
8 evaluator shall provide an opinion as to whether there is a substantial
9 probability that the defendant with restoration services will attain
10 competency within the reasonably foreseeable future. When the opinion
11 is that there is a substantial probability of attaining competency, the
12 evaluator shall specifically state whether the evaluator believes there are
13 unique or different services outside the standard competency restoration
14 curriculum developed by the department that the defendant may need in
15 order to be restored to competency within the reasonably foreseeable
16 future."."

17 Page 4 of the report, after line 10, insert:

18 "Page 20 of the bill, strike lines 24 through 27."

19 Page 4 of the report, strike lines 11 through 13.

20 Page 4 of the report, before line 14, insert:

21 "Page 21 of the bill, strike lines 1 and 2 and substitute "THE EVALUATOR
22 OPINES, PURSUANT TO SECTION 16-8.5-105 (5)(e)(I)(B), OR ANOTHER
23 QUALIFIED EXPERT OPINES THAT THE DEFENDANT'S DIAGNOSIS LIKELY
24 INCLUDES A MODERATE TO SEVERE INTELLECTUAL OR DEVELOPMENTAL
25 DISABILITY, ACQUIRED TRAUMATIC BRAIN INJURY, OR DEMENTIA, WHICH
26 EITHER ALONE OR TOGETHER WITH A CO-OCCURRING MENTAL ILLNESS
27 AFFECTS THE"."

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