

HOUSE COMMITTEE OF REFERENCE REPORT

	April 22, 2025
Chair of Committee	Date

Committee on Judiciary.

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

SB25-041 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 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

1 time, the need for a restoration evaluation of a juvenile's competency.  
2 THE REQUEST MUST INCLUDE THE FACTUAL GROUNDS THAT SUPPORT THE  
3 NEED FOR A RESTORATION EVALUATION.  
4 (II) (A) THE COURT MUST ENSURE PROMPT RESOLUTION OF ANY  
5 REQUEST FOR A RESTORATION EVALUATION.  
6 (B) THE COURT SHALL ORDER EACH PARTY TO STATE THEIR  
7 POSITION AND PROVIDE INPUT ON THE REQUEST NO LATER THAN FOURTEEN  
8 DAYS AFTER WHEN THE PARTY WAS NOTIFIED OF THE REQUEST; EXCEPT IF  
9 THE JUVENILE IS IN CUSTODY OR INPATIENT RESTORATION, THE COURT  
10 SHALL ALLOW SEVEN DAYS FOR A PARTY TO OBJECT TO THE REQUEST. IF  
11 THE PARTIES ARE BEFORE THE COURT, THE COURT MAY TAKE POSITIONS ON  
12 THE RECORD, OR THE COURT MAY ORDER A WRITTEN POSITION FROM EACH  
13 PARTY AS NECESSARY.  
14 (C) IF NO PARTY OBJECTS, THE COURT SHALL ORDER THE  
15 RESTORATION EVALUATION FORTHWITH.  
16 (D) IF A PARTY OBJECTS, THE PARTY SHALL STATE THE GROUNDS  
17 FOR THEIR OBJECTION.  
18 (III) If ~~raised~~ A PARTY TIMELY OBJECTS TO A RESTORATION  
19 EVALUATION BEING ORDERED, the court shall order a restoration  
20 evaluation only when there is credible information that the juvenile's  
21 circumstances have changed, the court cannot fairly determine whether  
22 the juvenile has been restored to competency or will be able to be restored  
23 to competency in the reasonably foreseeable future WITHOUT AN  
24 EVALUATION, and the cause for a restoration evaluation outweighs the  
25 negative impact of a restoration evaluation upon the juvenile. ~~and any~~  
26 ~~delay that will be caused by a restoration evaluation.~~ THE COURT MAY  
27 RULE ON A REQUEST BASED ON THE INFORMATION RECEIVED WITH THE  
28 REQUEST AND WITH ANY OBJECTION WITHOUT A HEARING, OR IF THE  
29 COURT FINDS A HEARING IS NECESSARY TO RULE ON THE REQUEST, the  
30 court may hold a hearing WITHIN FOURTEEN DAYS AFTER RECEIVING AN  
31 OBJECTION to determine if a restoration evaluation must be ordered. If the  
32 court orders a restoration evaluation, such evaluation must meet the  
33 requirements of section 19-2.5-703 (4).".  
34 Renumber succeeding section accordingly.

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