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January 31, 2018

House Judiciary Members  
Colorado State House of Representatives  
Denver, Colorado 80203

Dear Representatives Lee, Salazar, Benavidez, Carver, Foote, Herod, Lundeen, Melton, Weissman, Willett, and Wist:

The Colorado Psychiatric Society (CPS), in conjunction with our forensic psychiatry interest group, supports the passage of House Bill 18-1050, Concerning Competency To Proceed For Juveniles Involved In The Juvenile Justice System.

If, at any stage of the proceedings, concerns about a juvenile defendant's competency arise, the court may order a competency evaluation. To meet the Dusky standard, a defendant must have a rational as well as factual understanding of their charges and the proceedings and be able to assist their lawyer with their defense. Adults may be found incompetent to proceed because of a mental disability or developmental disability. There is an additional factor that must be considered when evaluating juveniles: mental capacity.

This bill defines mental capacity, mental and developmental disabilities, competent to proceed, incompetent to proceed, and restoration to competency specifically for juveniles. By including juveniles lacking mental capacity in addition to those with developmental disabilities and mental disabilities involved in juvenile and criminal proceedings, this bill provides additional constitutional protections for a small number of juveniles lacking capacity to participate in proceedings. This bill would support appropriate forensic opinions of incompetency in a vulnerable population of juveniles, who, up until now, have not had this protection.

HB 18-1050 is the result of a lengthy and productive collaborative process with affected stakeholders via a subcommittee of the Treatment of Persons with Mental Health Disorders in the Criminal Justice System Task Force. We urge you to support SB 18-1050.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Martinez".

Richard Martinez, MD  
Member, Treatment of Persons with Mental Health Disorders in the Criminal Justice System Task Force

CC:

Debbie Wagner, CPS Lobbyist

Jennifer Hagman, MD, Co-Chair, CPS Legislative Committee

George Kalousek, MD, Co-Chair, CPS Legislative Committee