

SB289\_L.004

## HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.SB17-289 be amended as follows:

- 1 Amend reengrossed bill, page 2, line 15, after "(2);", add "OR".
- 2 Page 2, line 17, strike "OR" and substitute "AND".
- 3 Page 2, strike lines 18 and 19.
- 4 Page 3, line 4, strike "UNFIT OR".
- 5 Page 3, line 5, strike "JUVENILE" and substitute "DIVISION OF YOUTH  
6 CORRECTIONS".
- 7 Page 3, line 10, strike "PARTIES" and substitute "PARTIES, APPOINT  
8 COUNSEL FOR THE INDIVIDUAL,".
- 9 Page 3, after line 11 insert:  
10       "(c) WHEN THE COURT NOTIFIES INTERESTED PARTIES PURSUANT  
11 TO SUBSECTION (12)(b) OF THIS SECTION, THE COURT SHALL ORDER THE  
12 INDIVIDUAL TO SUBMIT TO, AND COOPERATE WITH, A PSYCHOLOGICAL  
13 EVALUATION AND RISK ASSESSMENT BY A MENTAL HEALTH PROFESSIONAL  
14 OF THE DEPARTMENT OF HUMAN SERVICES TO DETERMINE WHETHER THE  
15 INDIVIDUAL IS A DANGER TO HIMSELF OR HERSELF OR TO OTHERS. THE  
16 MENTAL HEALTH PROFESSIONAL WHO PERFORMS THE PSYCHOLOGICAL  
17 EVALUATION AND RISK ASSESSMENT MAY NOT HAVE BEEN PREVIOUSLY  
18 INVOLVED IN THE TREATMENT OF THE INDIVIDUAL. THE MENTAL HEALTH  
19 PROFESSIONAL SHALL PREPARE A WRITTEN REPORT AND PROVIDE A COPY  
20 OF THE REPORT TO THE COURT AND TO THE INDIVIDUAL'S COUNSEL AT  
21 LEAST FOURTEEN DAYS BEFORE THE HEARING.
- 22       (d) AT THE HEARING, THE COURT MAY EITHER TRANSFER THE  
23 CUSTODY OF, AND THE JURISDICTION OVER, THE INDIVIDUAL TO THE  
24 DEPARTMENT OF CORRECTIONS FOR PLACEMENT IN A CORRECTIONAL  
25 FACILITY AND, AT THE DISCRETION OF THE DEPARTMENT OF CORRECTIONS,  
26 PLACEMENT IN THE YOUTHFUL OFFENDER SYSTEM, OR ORDER THAT THE  
27 CUSTODY OF, AND THE JURISDICTION OVER, THE INDIVIDUAL SHALL  
28 REMAIN WITH THE DEPARTMENT OF HUMAN SERVICES. IN MAKING ITS  
29 DETERMINATION, THE COURT SHALL CONSIDER:  
30       (I) THE RESULTS OF THE COURT-ORDERED PSYCHOLOGICAL  
31 EVALUATION AND RISK ASSESSMENT DESCRIBED IN SUBSECTION (12)(C) OF  
32 THIS SECTION;



- 1 (II) THE NATURE OF THE ADULT CRIME COMMITTED BY THE  
2 INDIVIDUAL AND THE NATURE OF ANY OTHER CRIMES COMMITTED BY THE  
3 INDIVIDUAL AS AN ADULT;  
4 (III) THE INDIVIDUAL'S PRIOR CRIMINAL HISTORY;  
5 (IV) THE MATURITY OF THE INDIVIDUAL;  
6 (V) THE INDIVIDUAL'S BEHAVIOR WHILE IN THE CUSTODY OF THE  
7 DEPARTMENT OF HUMAN SERVICES;  
8 (VI) THE INDIVIDUAL'S PROGRESS AND PARTICIPATION IN CLASSES,  
9 PROGRAMS, AND EDUCATIONAL IMPROVEMENT WHILE IN THE CUSTODY OF  
10 THE DEPARTMENT OF HUMAN SERVICES;  
11 (VII) THE IMPACT OF THE INDIVIDUAL'S ADULT CRIME ON VICTIMS  
12 OF THE CRIME; AND  
13 (VIII) THE LIKELIHOOD OF THE INDIVIDUAL'S REHABILITATION."

14 Reletter succeeding paragraphs accordingly.

15 Page 3, line 17, strike "UNFIT OR".

16 Page 3, line 18, strike "JUVENILE" and substitute "DIVISION OF YOUTH  
17 CORRECTIONS".

18 Page 3, line 22, strike "JUVENILE" and substitute "DIVISION OF YOUTH  
19 CORRECTIONS".

20 Page 4, after line 11 insert:

21 "(i) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136  
22 (11)(a)(I), ON JULY 1, 2018, AND ON JULY 1 EACH YEAR THEREAFTER, THE  
23 DEPARTMENT OF HUMAN SERVICES SHALL REPORT TO THE CHAIRS OF THE  
24 JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE,  
25 TO THE CHAIR OF THE PUBLIC HEALTH CARE AND HUMAN SERVICES  
26 COMMITTEE OF THE HOUSE OF REPRESENTATIVES, AND TO THE CHAIR OF  
27 THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR TO  
28 THE CHAIR OF ANY SUCCESSOR COMMITTEE:

29 (I) THE NUMBER OF INDIVIDUALS FOR WHOM THE DEPARTMENT  
30 PETITIONED FOR A TRANSFER OF CUSTODY PURSUANT TO THIS SUBSECTION  
31 (12); AND

32 (II) THE NUMBER OF SUCH PETITIONS THAT RESULTED IN THE  
33 TRANSFER OF CUSTODY OF THE INDIVIDUAL WHO WAS THE SUBJECT OF THE  
34 PETITION."

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