

Hall of the House of Representatives

95th General Assembly - Regular Session, 2025

Amendment Form

Subtitle of Senate Bill 313

CONCERNING FORENSIC MENTAL HEALTH EVALUATIONS AND TREATMENT; AND
TO PROMOTE AND IMPROVE EFFICIENCIES AND QUALITY IN THE DEPARTMENT OF
HUMAN SERVICES.

Amendment No. 1 to Senate Bill 313

Amend Senate Bill 313 as engrossed S3/6/25 (version: 3/6/25 02:16:11 PM):

Page 2, delete lines 34 through 36, and substitute the following:

"(2)(A) By written motion of the prosecutor or defense counsel
stating that the request is made in good faith and not for the purpose of
delay, and containing the facts and observations in support of the request.

(B) If the motion is denied, defense counsel may request
an ex parte or in camera filing and hearing if an ex parte or in camera
filing and hearing are necessary because the motion is based in whole or in
part on information protected by the attorney-client privilege.

(d) For good cause shown, a request for an evaluation may be made by
oral motion in court if the request:

(1) Is made in good faith and not for the purpose of delay; and

(2) Contains sufficient facts and observations in support of the
request for the court to consider the request."

AND

Page 3, line 1, delete "(d)" and substitute "(e)"

AND

Page 3, line 4, delete "(e)" and substitute "(f)"



AND

Page 4, delete lines 8 through 12, and substitute the following:

"(F) The court may order the administration of medication to maintain the fitness to proceed of an incarcerated defendant if the defendant is a danger to himself or herself or others and refuses to take the medication required to maintain his or her fitness to proceed.

(G) The court may order the administration of medication to maintain the fitness to proceed of an incarcerated defendant if the defendant is not a danger to himself or herself or others and refuses to take the medication required to maintain his or her fitness to proceed if the court finds that:

(i) The treatment is medically appropriate;

(ii) All less intrusive alternatives have been considered;

(iii) The treatment is substantially unlikely to produce a side effect that may undermine the fairness of the trial; and

(iv) There is a substantial government interest in the prosecution of the defendant.

(H) Days spent in the physical custody of the department under this subsection are considered days spent in custody for determining credit for time served."

AND

Page 6, delete lines 26 and 27, and substitute the following:

"(a)(1)(A) Any party, by written motion, or the court, on the court's own motion, may raise the issue of the defendant's fitness to proceed."

AND

Page 6, delete line 33, and substitute the following:

"motion for examination of the defendant.

(C) If the motion is denied, defense counsel may request an ex parte or in camera filing and hearing if an ex parte or in camera

filing and hearing are necessary because the motion is based in whole or in part on information protected by the attorney-client privilege.

(D) For good cause shown, a request for an evaluation may be made by oral motion in court if the request:

(i) Is made in good faith and not for the purpose of delay; and

(ii) Contains sufficient facts and observations in support of the request for the court to consider the request."

The Amendment was read _____
By: Representative K. Moore
CEB/CEB - 03-17-2025 12:46:45
CEB207 _____ Chief Clerk