

## **Juvenile Competency and Mandatory Treatment Act**

### **Section 1. Short Title.**

This act may be cited as the Juvenile Competency and Mandatory Treatment Act.

### **Section 2. Legislative Intent.**

The legislature finds that juveniles who are charged with felony offenses or firearms-related offenses and who are found incompetent to stand trial often face dismissal of charges without meaningful treatment or accountability. Such outcomes endanger public safety and increase the risk of recidivism. It is the intent of this act to provide treatment, rehabilitation, and reasonable accountability measures for juveniles who are found incompetent, while ensuring due process and public safety.

### **Section 3. Applicability.**

A. This act applies to any child under the age of eighteen (18) charged with:

1. Any felony offense; or
2. Any firearms-related offense, whether misdemeanor or felony.

B. For purposes of this act, “firearms-related offense” includes any crime involving the unlawful possession, carrying, use, sale, or transfer of a firearm.

### **Section 4. Mandatory Competency Restoration and Treatment.**

A. If a juvenile subject to this act is found incompetent to stand trial, the court shall not dismiss the case outright but shall order the child to participate in a competency restoration program, treatment program, or both, as recommended by a qualified mental health professional and approved by the court.

B. Treatment may include, but is not limited to:

1. Competency restoration classes;
2. Mental health treatment;
3. Substance abuse counseling;
4. Educational or behavioral therapy programs; and
5. Any other rehabilitative services reasonably calculated to restore competency and reduce the risk of re-offending.

C. The duration of such treatment shall not exceed one (1) year for misdemeanor charges or two (2) years for felony charges, unless extended by court order upon good cause shown.

### **Section 5. Monitoring and Reporting.**

A. The treatment provider shall submit progress reports to the court every ninety (90) days, addressing the juvenile's compliance, progress toward competency restoration, and risk of re-offense.

B. The court shall conduct review hearings at least every one hundred twenty (120) days to determine whether continued treatment is necessary.

### **Section 6. Sanctions for Failure to Complete Treatment.**

A. A juvenile who willfully fails to participate in or satisfactorily complete treatment may be subject to graduated sanctions, including but not limited to:

1. Extension of the treatment period;
2. Contempt of court proceedings;
3. Detention in a secure juvenile facility for the purpose of treatment compliance, not to exceed fifteen (15) days per violation; or
4. Referral for placement in a more restrictive treatment environment.

### **Section 7. Enhanced Sanctions for Re-offense After Treatment.**

A. If a juvenile previously found incompetent and ordered to treatment under this act is later charged with a new felony or firearms-related offense, the court shall:

1. Mandate placement in a secure residential treatment facility for a minimum period of six (6) months, unless the court finds compelling reasons to order a less restrictive alternative; and
2. Impose enhanced probationary conditions upon release, including mandatory counseling, curfews, electronic monitoring, or other measures tailored to the juvenile's rehabilitative needs and risk level.

B. A second re-offense after treatment shall create a rebuttable presumption that the juvenile is a danger to public safety and shall justify placement in a secure juvenile facility for treatment and rehabilitation purposes for a period not less than one (1) year and not to exceed the juvenile's twenty-first (21st) birthday.

### **Section 8. Dismissal of Charges.**

A. Charges shall not be dismissed solely on the basis of incompetency until the juvenile has completed the court-ordered treatment period or the court determines that further treatment will not result in competency restoration and no substantial risk to public safety exists.

### **Section 9. Severability.**

If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application.