

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

April 12, 2019

Committee on Judiciary.

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

SB19-223 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 4, line 15, strike "FACILITY." and substitute
- 2 "FACILITY THAT DOES NOT MEET THE DEFINITION OF INPATIENT."

- 3 Page 5, line 21, strike "FOR WHOM" and substitute "AS A RESULT OF THE
- 4 DETERMINATION MADE PURSUANT TO SUBSECTION (19)(b) OF THIS
- 5 SECTION,".

- 6 Page 7, line 15, after "(6)" insert "and (7)".

- 7 Page 7, line 26, strike "20," and substitute "1,".

- 8 Page 8, line 2, strike "IF" and substitute "ON AND AFTER JULY 1, 2020, IF".

- 9 Page 8, after line 6 insert:
- 10 "(II) AT THE TIME ANY EVALUATION IS ORDERED, THE COURT
- 11 SHALL ORDER THAT THE COLLATERAL MATERIALS BE TRANSMITTED TO THE
- 12 DEPARTMENT WITHIN TWENTY-FOUR HOURS AFTER THE ORDER BY THE
- 13 APPROPRIATE PARTY WITH A CERTIFICATE OF SERVICE OF THE MATERIALS
- 14 PROVIDED TO THE COURT AND OTHER NECESSARY PARTIES BY THE PARTY
- 15 ORDERED TO TRANSMIT THE COLLATERAL MATERIALS."

- 16 Renumber succeeding subparagraph accordingly.

- 17 Page 10, line 15, strike "WHEN" and substitute "ON AND AFTER JULY 1,
- 18 2020, WHEN".

- 1 Page 10, strike lines 18 through 20 and substitute "COURT ORDER AND
2 COLLATERAL MATERIALS. THE COURT SHALL REVIEW".
- 3 Page 10, line 21, strike "THIRTY" and substitute "TWENTY-ONE".
- 4 Page 12, line 1, strike "The" and substitute "ON AND AFTER JULY 1, 2020,
5 the".
- 6 Page 13, line 6, strike "PRIOR" and substitute "A LIST OF RECENT".
- 7 Page 13, line 8, strike "AND".
- 8 Page 13, after line 8 insert:
9 "(g) THE COMPETENCY EVALUATOR'S OPINION AS TO WHETHER THE
10 DEFENDANT MEETS THE CRITERIA FOR A TIER I OR TIER II DESIGNATION,
11 AS DEFINED IN SECTION 16-8.5-101(19) AND (20); AND".
- 12 Reletter succeeding paragraph accordingly.
- 13 Page 13, line 17, after "ATTORNEY" insert "OR DISTRICT ATTORNEY
14 REQUIRED TO CONDUCT PROCEEDINGS PURSUANT TO SECTION 27-65-111
15 (6)".
- 16 Page 14, after line 1 insert:
17 "(7) A COMPETENCY EVALUATOR IS NOT LIABLE FOR DAMAGES IN
18 ANY CIVIL ACTION FOR FAILURE TO WARN OR PROTECT A SPECIFIC PERSON
19 OR PERSONS, INCLUDING THOSE IDENTIFIABLE BY THEIR ASSOCIATION WITH
20 A SPECIFIC LOCATION OR ENTITY, AGAINST THE VIOLENT BEHAVIOR OF A
21 DEFENDANT BEING EVALUATED BY THE COMPETENCY EVALUATOR, AND
22 ANY COMPETENCY EVALUATOR MUST NOT BE HELD CIVILLY LIABLE FOR
23 FAILURE TO PREDICT SUCH VIOLENT BEHAVIOR, EXCEPT WHERE THE
24 DEFENDANT HAS COMMUNICATED TO THE COMPETENCY EVALUATOR A
25 SERIOUS THREAT OF IMMINENT PHYSICAL VIOLENCE AGAINST A SPECIFIC
26 PERSON OR PERSONS, INCLUDING THOSE IDENTIFIABLE BY THEIR
27 ASSOCIATION WITH A SPECIFIC LOCATION OR ENTITY."
- 28 Page 14, line 14, after "ATTORNEY" insert "OR DISTRICT ATTORNEY
29 REQUIRED TO CONDUCT PROCEEDINGS PURSUANT TO SECTION 27-65-111
30 (6)".

- 1 Page 16, line 10, strike "REPORTS" and substitute "DETERMINES".
- 2 Page 16, strike lines 12 through 18 and substitute "OUTPATIENT BASIS,
3 THE DEPARTMENT SHALL NOTIFY THE COURT WITHIN FOURTEEN DAYS
4 AFTER ITS DETERMINATION, AT WHICH POINT THE COURT SHALL REVIEW
5 THE CASE AND DETERMINE WHAT INTERIMMENTAL HEALTH SERVICES CAN
6 BE PROVIDED WITHIN THE COMMUNITY BY THE DEPARTMENT OR OTHER
7 COMMUNITY PROVIDER. THE DEPARTMENT SHALL REPORT TO THE COURT
8 LIAISON EVERY TEN DAYS THEREAFTER CONCERNING THE AVAILABILITY
9 OF RESTORATION SERVICES ON AN OUTPATIENT BASIS."
- 10 Page 17, line 3, strike "THE" and substitute "FOR TIER 2 DEFENDANTS,
11 THE".
- 12 Page 17, strike lines 4 through 6 and substitute "THE COURT AND THE
13 COURT LIAISON EVERY TEN DAYS AFTER THE INITIAL TWENTY-EIGHT DAY
14 PERIOD REGARDING THE AVAILABILITY OF A BED AND WHEN ADMISSION
15 WILL BE OFFERED."
- 16 Page 21, line 22, strike "AT" and substitute "ON AND AFTER JULY 1, 2020,
17 AT".
- 18 Page 22, line 25, after "ADDITIONALLY," insert "ON AND AFTER JULY 1,
19 2020,".
- 20 Page 24, line 8, after "ATTORNEY" insert "OR DISTRICT ATTORNEY
21 REQUIRED TO CONDUCT PROCEEDINGS PURSUANT TO SECTION 27-65-111
22 (6)".
- 23 Page 24, line 24, after "ATTORNEY" insert "OR DISTRICT ATTORNEY
24 REQUIRED TO CONDUCT PROCEEDINGS PURSUANT TO SECTION 27-65-111
25 (6)".
- 26 Page 25, line 7, strike "THE" and substitute "ON AND AFTER JULY 1, 2020,
27 THE".
- 28 Page 27, line 21, after "SUBSECTION" insert "(1), (6)".
- 29 Page 28, line 2, after "ATTORNEY" insert "OR DISTRICT ATTORNEY
30 REQUIRED TO CONDUCT PROCEEDINGS PURSUANT TO SECTION 27-65-111
31 (6)".

- 1 Page 28, line 4, after "ATTORNEY" insert "OR DISTRICT ATTORNEY".
- 2 Page 28, line 18, strike "THE" and substitute "ON AND AFTER JULY 1,
3 2020, THE".
- 4 Page 29, line 7, strike "AND".
- 5 Page 29, line 8, strike "COMPETENCY." and insert "COMPETENCY;".
- 6 Page 29, after line 8 insert:
 - 7 "(e) INPATIENT BED SPACE;
 - 8 (f) COMMUNITY RESTORATION CAPACITY; AND
 - 9 (g) FINANCIAL ESTIMATES OF COSTS OF EACH INPATIENT AND
10 OUTPATIENT PROGRAM TO IDENTIFY INEFFICIENCIES.".
- 11 Page 30, line 8, strike "CENTERS." and substitute "PROVIDERS.".
- 12 Page 31, strike line 1 and substitute "(4) introductory portion as follows:".
- 13 Page 31, strike lines 7 through 19.

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