

HOUSE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chair of Committee

\_\_\_\_\_  
Date

April 26, 2022

Committee on Judiciary.

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

HB22-1386 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 3, line 22, strike "(2)(b)" and substitute
- 2 "(2)(b)(II)(C)".
- 3 Strike page 4.
- 4 Page 5, strike lines 1 through 21.
- 5 Page 5, line 22, strike "(C)" and substitute "(b) (II) (C)".
- 6 Page 5, line 26, strike "bond." and substitute "bond AND OUTPATIENT
- 7 RESTORATION SERVICES."
- 8 Page 6, strike lines 2 through 4 and substitute "to overcome the
- 9 presumption of a release ~~and the clinical recommendation for outpatient~~
- 10 ~~treatment~~ by clear and convincing evidence. IF THE COURT DENIES A
- 11 PERSONAL RECOGNIZANCE BOND, THE COURT SHALL NOTIFY THE
- 12 DEPARTMENT OF THE SPECIFIC FACTS AND FINDINGS WHICH IT RELIED UPON
- 13 IN THE ORDER FOR RESTORATION TREATMENT."
- 14 Page 7, strike lines 13 through 15 and substitute:
- 15 "(i) FOR A DEFENDANT ALLOWED TO RESIDE OUT OF THE STATE OF
- 16 COLORADO, THE DEPARTMENT MAY OFFER ASSISTANCE TO AN
- 17 OUT-OF-STATE PROVIDER PROVIDING RESTORATION SERVICES TO THE
- 18 DEFENDANT IN THE STATE WHERE THE DEFENDANT RESIDES."
- 19 Page 7, line 17, strike "(7)(a)(III), (8)(a)(III), (9)(a)," and substitute
- 20 "(8)(a)(I),".

1 Page 9, strike lines 12 through 19.

2 Page 9, strike lines 25 through 27 and substitute:

3 "(I) Is charged with a class 5 or class 6 felony, except for those  
4 offenses enumerated in section 24-4.1-302 (1), OR with a level 3 or level  
5 4 drug felony; ~~or with any misdemeanor offense that is not included in~~  
6 ~~subsection (7) of this section;~~".

7 Page 10, strike lines 1 through 13.

8 Page 10, after line 26 insert:

9 "SECTION 5. In Colorado Revised Statutes, **add** 16-8.5-123 as  
10 follows:

11 **16-8.5-123. Competency services - inpatient beds - funding -**  
12 **repeal.** (1) THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE  
13 DEPARTMENT THIRTY MILLION DOLLARS FROM THE ECONOMIC RECOVERY  
14 AND RELIEF CASH FUND CREATED IN SECTION 24-75-228 (2)(a) TO  
15 CONTRACT FOR ADDITIONAL INPATIENT BEDS FOR COMPETENCY SERVICES  
16 PROVIDED PURSUANT TO SECTION 16-8.5-111 OR FOR ADDITIONAL  
17 INPATIENT BEDS FOR INDIVIDUALS RECEIVING MENTAL HEALTH CARE AND  
18 TREATMENT PURSUANT TO ARTICLE 65 OF TITLE 27. IF ANY UNEXPENDED  
19 OR UNENCUMBERED MONEY APPROPRIATED FOR A FISCAL YEAR REMAINS  
20 AT THE END OF THAT FISCAL YEAR, THE DEPARTMENT MAY EXPEND THE  
21 MONEY FOR THE SAME PURPOSES IN THE NEXT FISCAL YEAR WITHOUT  
22 FURTHER APPROPRIATION.

23 (2) THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE  
24 DEPARTMENT EIGHT HUNDRED THOUSAND DOLLARS FROM THE  
25 BEHAVIORAL AND MENTAL HEALTH CASH FUND CREATED IN SECTION  
26 24-75-230 (2)(a) TO CONTRACT FOR A FEASIBILITY STUDY OF RENOVATING  
27 A FACILITY IN ADAMS COUNTY TO PROVIDE INPATIENT BEDS FOR  
28 COMPETENCY SERVICES PROVIDED PURSUANT TO SECTION 16-8.5-111.

29 (3) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2024.

30 **SECTION 6. Act subject to petition - effective date.** This act  
31 takes effect at 12:01 a.m. on the day following the expiration of the  
32 ninety-day period after final adjournment of the general assembly; except  
33 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
34 of the state constitution against this act or an item, section, or part of this  
35 act within such period, then the act, item, section, or part will not take  
36 effect unless approved by the people at the general election to be held in  
37 November 2022 and, in such case, will take effect on the date of the  
38 official declaration of the vote thereon by the governor."

- 1 Page 10, strike line 27.
- 2 Strike pages 11 through 14.

\*\* \*\*\* \*\* \*\*\* \*\*