

First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

**BILL E**

LLS NO. 25-0116.01 Conrad Imel x2313

**SENATE BILL**

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**SENATE SPONSORSHIP**

**Michaelson Jenet**, Cutter

**HOUSE SPONSORSHIP**

**Bradfield and English**, Amabile

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**Senate Committees**

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING PERSONS WHO MAY BE INCOMPETENT TO STAND TRIAL,**  
102 **AND, IN CONNECTION THEREWITH, PERMITTING CERTAIN**  
103 **SERVICES FOR PERSONS WHO ARE INCOMPETENT TO PROCEED,**  
104 **COLLECTING RESIDENCY INFORMATION ABOUT PERSONS WHO**  
105 **ARE INCOMPETENT TO PROCEED, AND REQUIRING BOND SETTING**  
106 **FOR PERSONS WHO MAY BE INCOMPETENT TO PROCEED.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Legislative Oversight Committee Concerning the Treatment**

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.

**of Persons with Behavioral Health Disorders in the Criminal and Juvenile Justice Systems.** Under existing law, when criminal charges are dismissed against a person receiving inpatient restoration services from the department of human services (DHS), DHS must stop providing services to the person. The bill permits DHS to continue to provide services for up to 90 days after the person's case is dismissed because the person is incompetent to proceed. DHS is permitted to enter into an agreement with an organization to provide permanent supportive housing for a person whose case is dismissed because the person is incompetent to proceed or the person has successfully completed a bridges wraparound care program, and for a person who has been referred to the bridges wraparound care program.

The bill requires DHS to collect information for each person whose charges are dismissed following a determination by the court that the person is incompetent to proceed or following satisfactory completion of a bridges wraparound care program, or who has been referred to the bridges wraparound care program, concerning where the person lives or intends to live following the dismissal or referral. DHS shall share that information with the division of housing in the department of local affairs.

The bill requires the judicial department to develop a form for a court to use to notify DHS of the court's specific findings when the court denies a personal recognizance bond and orders inpatient restoration services for a defendant who is in custody for a misdemeanor, petty offense, or traffic offense, and who the court determines is incompetent to proceed but there is a substantial probability that the defendant, with restoration services, will attain competency in the reasonably foreseeable future.

The bill states that a defendant's competency status does not affect the defendant's eligibility for release on bond and is not a basis for a no-bond hold or mental health stay. A court shall not consider competency status as a factor in setting or modifying a monetary condition of bond. The bill requires a court to convert an order for in-custody or inpatient evaluation or restoration to an order for out-of-custody and outpatient evaluation or restoration if the defendant is released on bond while awaiting an in-custody or inpatient evaluation or restoration.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 27-60-105.5 as  
3 follows:

4 **27-60-105.5. Post-dismissal services for persons receiving**

1 **inpatient restoration services - continuation of services after dismissal**  
2 **- supportive housing - post-dismissal living information collection -**

3 **definition.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT  
4 OTHERWISE REQUIRES, "BRIDGES WRAPAROUND CARE PROGRAM" MEANS  
5 THE BRIDGES WRAPAROUND CARE PROGRAM CREATED IN SECTION  
6 16-8.6-103.

7 (2) IF THE CHARGES AGAINST A PERSON WHO IS RECEIVING  
8 INPATIENT RESTORATION SERVICES, AS DESCRIBED IN ARTICLE 8.5 OF TITLE  
9 16, ARE DISMISSED PURSUANT TO SECTION 16-8.5-111 OR 16-8.5-116.5  
10 FOLLOWING A DETERMINATION BY THE COURT THAT THE PERSON IS  
11 INCOMPETENT TO PROCEED, THE STATE DEPARTMENT MAY CONTINUE TO  
12 PROVIDE SERVICES TO THE PERSON FOR UP TO NINETY DAYS AFTER THE  
13 CHARGES ARE DISMISSED. A PERSON IS NOT REQUIRED TO BE IN CUSTODY  
14 TO RECEIVE SERVICES FROM THE STATE DEPARTMENT PURSUANT TO THIS  
15 SUBSECTION (2) AFTER CHARGES ARE DISMISSED, AND A COURT SHALL NOT  
16 ORDER A PERSON TO REMAIN IN CUSTODY AS A CONDITION OF CONTINUING  
17 TO RECEIVE SERVICES FROM THE STATE DEPARTMENT.

18 (3) THE STATE DEPARTMENT MAY ENTER INTO AN AGREEMENT  
19 WITH AN ORGANIZATION TO PROVIDE PERMANENT SUPPORTIVE HOUSING  
20 FOR PERSONS WHOSE CHARGES ARE DISMISSED PURSUANT TO SECTION  
21 16-8.5-111 OR 16-8.5-116.5 FOLLOWING A DETERMINATION BY THE COURT  
22 THAT THE PERSON IS INCOMPETENT TO PROCEED OR PURSUANT TO SECTION  
23 16-8.6-110 FOLLOWING SATISFACTORY COMPLETION OF A BRIDGES  
24 WRAPAROUND CARE PROGRAM, OR FOR PERSONS WHO HAVE BEEN  
25 REFERRED TO THE BRIDGES WRAPAROUND CARE PROGRAM.

26 (4) (a) THE STATE DEPARTMENT SHALL COLLECT INFORMATION  
27 CONCERNING WHERE A PERSON LIVES OR INTENDS TO LIVE AFTER:

1 (I) THE CHARGES AGAINST THE PERSON ARE DISMISSED PURSUANT  
2 TO SECTION 16-8.5-111 OR 16-8.5-116.5 FOLLOWING A DETERMINATION BY  
3 THE COURT THAT THE PERSON IS INCOMPETENT TO PROCEED;

4 (II) THE CHARGES AGAINST THE PERSON ARE DISMISSED PURSUANT  
5 TO SECTION 16-8.6-110 FOLLOWING SATISFACTORY COMPLETION OF THE  
6 BRIDGES WRAPAROUND CARE PROGRAM; OR

7 (III) THE PERSON HAS BEEN REFERRED TO THE BRIDGES  
8 WRAPAROUND CARE PROGRAM.

9 (b) THE STATE DEPARTMENT SHALL SHARE THE INFORMATION  
10 COLLECTED PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION WITH THE  
11 DIVISION OF HOUSING IN THE DEPARTMENT OF LOCAL AFFAIRS ON A  
12 SCHEDULE AGREED UPON BY THE DEPARTMENTS, BUT AT LEAST  
13 QUARTERLY.

14 (c) THE STATE DEPARTMENT SHALL WORK WITH THE OFFICE OF  
15 BRIDGES OF COLORADO ESTABLISHED PURSUANT TO SECTION 13-95-103  
16 TO COLLECT THE INFORMATION DESCRIBED IN SUBSECTION (4)(a) OF THIS  
17 SECTION, AND THE OFFICE OF BRIDGES OF COLORADO SHALL PROVIDE THE  
18 INFORMATION TO THE STATE DEPARTMENT.

19 **SECTION 2.** In Colorado Revised Statutes, 13-95-105, **add** (4)  
20 as follows:

21 **13-95-105. Bridges of Colorado - programs - administration.**

22 (4) THE OFFICE SHALL PROVIDE INFORMATION TO THE STATE DEPARTMENT  
23 OF HUMAN SERVICES ABOUT WHERE PERSONS WHO HAVE BEEN REFERRED  
24 TO THE BRIDGES WRAPAROUND CARE PROGRAM LIVE OR INTEND TO LIVE,  
25 AS DESCRIBED IN SECTION 27-60-105.5 (4).

26 **SECTION 3.** In Colorado Revised Statutes, 16-8.5-105, **amend**  
27 (1)(a)(III) as follows:



1           **16-8.5-111. Procedure after determination of competency or**  
2 **incompetency - bond determinations. (2) Restoration services**  
3 **ordered.** If the final determination made pursuant to section 16-8.5-103  
4 is that the defendant is incompetent to proceed and the court finds there  
5 is substantial probability that the defendant, with restoration services, will  
6 attain competency in the reasonably foreseeable future, the court has the  
7 following requirements and options:

8           (b) If the court determines the defendant is incompetent to  
9 proceed and is in custody on a misdemeanor, petty offense, or traffic  
10 offense, the court ~~shall~~ MUST set a hearing on bond within seven days  
11 after the court's final determination that the defendant is incompetent to  
12 proceed. At the bond hearing, there is a presumption that the court shall  
13 order a personal recognizance bond and enter an order for restoration  
14 services pursuant to subsection (2)(a) of this section. In order to deny the  
15 defendant a personal recognizance bond and enter an order to commit the  
16 defendant for inpatient restoration services pursuant to subsection (2)(c)  
17 of this section, the court shall make findings of fact that extraordinary  
18 circumstances exist to overcome the presumption of release by clear and  
19 convincing evidence. If the court denies a personal recognizance bond,  
20 the court ~~shall~~ MUST notify the department of the specific findings the  
21 court made to deny the personal recognizance bond. THE JUDICIAL  
22 DEPARTMENT SHALL DEVELOP A FORM FOR A COURT TO USE TO NOTIFY THE  
23 DEPARTMENT OF THE COURT'S FINDINGS THAT ARE REQUIRED BY THIS  
24 SUBSECTION (2)(b).

25           (2.5) ARTICLE II, SECTION 19 OF THE COLORADO CONSTITUTION,  
26 ARTICLE 4 OF THIS TITLE 16, AND THE COLORADO RULES OF CRIMINAL  
27 PROCEDURE DETERMINE ELIGIBILITY FOR BAIL AND THE FACTORS

1 CONSIDERED IN SETTING MONETARY CONDITIONS OF RELEASE. A COURT  
2 SHALL ENSURE THAT A DEFENDANT'S RIGHT TO HAVE BOND SET IS NOT  
3 INTERRUPTED WHILE THE DEFENDANT AWAITS COMPETENCY EVALUATION,  
4 COMPETENCY DETERMINATION, OR COMPETENCY RESTORATION. EXCEPT  
5 AS PERMITTED IN SECTION 16-8.5-105 (1)(b), A DEFENDANT'S STATUS  
6 RELATED TO COMPETENCY, INCLUDING AN ORDER FOR IN-CUSTODY OR  
7 INPATIENT EVALUATION, DOES NOT AFFECT THE DEFENDANT'S ELIGIBILITY  
8 FOR RELEASE ON BOND AND IS NOT A BASIS FOR A NO-BOND HOLD OR  
9 MENTAL HEALTH STAY. A COURT SHALL NOT CONSIDER COMPETENCY  
10 STATUS AS A FACTOR IN SETTING OR MODIFYING A MONETARY CONDITION  
11 OF BOND; EXCEPT THAT THE COURT MAY REMOVE OR REDUCE A  
12 MONETARY CONDITION OF BOND TO ALLOW A DEFENDANT TO ACCESS AN  
13 OUT-OF-CUSTODY COMPETENCY EVALUATION, RESTORATION SERVICES,  
14 AND ANY OTHER NECESSARY MENTAL HEALTH SERVICES. IF A DEFENDANT  
15 IS RELEASED ON BOND WHILE AWAITING AN IN-CUSTODY OR INPATIENT  
16 RESTORATION, THE COURT SHALL CONVERT THE ORDER FOR IN-CUSTODY  
17 OR INPATIENT RESTORATION TO AN ORDER FOR OUT-OF-CUSTODY AND  
18 OUTPATIENT RESTORATION.

19 **SECTION 5. Act subject to petition - effective date.** This act  
20 takes effect at 12:01 a.m. on the day following the expiration of the  
21 ninety-day period after final adjournment of the general assembly; except  
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
23 of the state constitution against this act or an item, section, or part of this  
24 act within such period, then the act, item, section, or part will not take  
25 effect unless approved by the people at the general election to be held in  
26 November 2026 and, in such case, will take effect on the date of the  
27 official declaration of the vote thereon by the governor.