

HOUSE COMMITTEE OF REFERENCE AMENDMENT
Committee on Judiciary.

HB23-1138 be amended as follows:

1 Amend printed bill, page 14, after line 26 add:

2 **"SECTION 6.** In Colorado Revised Statutes, 13-5-142, **amend**
3 (1)(c) as follows:

4 **13-5-142. National instant criminal background check system**

5 **- reporting.** (1) On and after March 20, 2013, the state court
6 administrator shall send electronically the following information to the
7 Colorado bureau of investigation created pursuant to section 24-33.5-401,
8 referred to in this section as the "bureau":

9 (c) The name of each person with respect to whom the court has
10 entered an order for involuntary certification for short-term treatment of
11 a mental health disorder pursuant to section 27-65-108.5 OR 27-65-109,
12 for extended certification for treatment of a mental health disorder
13 pursuant to section 27-65-109 (10), or for long-term care and treatment
14 of a mental health disorder pursuant to section 27-65-110.

15 **SECTION 7.** In Colorado Revised Statutes, 13-5-142.5, **amend**
16 (2)(a)(III) as follows:

17 **13-5-142.5. National instant criminal background check**
18 **system - judicial process for awarding relief from federal**
19 **prohibitions - legislative declaration.** (2) **Eligibility.** A person may
20 petition for relief pursuant to this section if:

21 (a) (III) The court has entered an order for the person's involuntary
22 certification for short-term treatment of a mental health disorder pursuant
23 to section 27-65-108.5 OR 27-65-109, for extended certification for
24 treatment of a mental health disorder pursuant to section 27-65-109 (10),
25 or for long-term care and treatment of a mental health disorder pursuant
26 to section 27-65-110; and

27 **SECTION 8.** In Colorado Revised Statutes, **amend** 13-5-142.8
28 as follows:

29 **13-5-142.8. Notice by professional persons.** Under sections
30 13-9-123 (1), 13-9-124 (2), 13-5-142 (1), and 13-5-142.5 (2), an order for
31 involuntary certification for short-term treatment of a mental health
32 disorder pursuant to section 27-65-108.5 OR 27-65-109 must also include
33 a notice filed by a professional person pursuant to section 27-65-108.5 OR
34 27-65-109, and an order for extended certification for treatment of a
35 mental health disorder pursuant to section 27-65-109 (10) must also
36 include a notice filed by a professional person pursuant to section
37 27-65-109 (10).

38 **SECTION 9.** In Colorado Revised Statutes, 13-9-123, **amend**
39 (1)(c) as follows:

1 **13-9-123. National instant criminal background check system**
2 - **reporting.** (1) On and after March 20, 2013, the state court
3 administrator shall send electronically the following information to the
4 Colorado bureau of investigation created pursuant to section 24-33.5-401,
5 referred to in this section as the "bureau":

6 (c) The name of each person with respect to whom the court has
7 entered an order for involuntary certification for short-term treatment of
8 a mental health disorder pursuant to section 27-65-108.5 OR 27-65-109,
9 for extended certification for treatment of a mental health disorder
10 pursuant to section 27-65-109 (10), or for long-term care and treatment
11 of a mental health disorder pursuant to section 27-65-110.

12 **SECTION 10.** In Colorado Revised Statutes, 13-9-124, **amend**
13 (2)(a)(III) as follows:

14 **13-9-124. National instant criminal background check system**
15 - **judicial process for awarding relief from federal prohibitions -**
16 **legislative declaration.** (2) **Eligibility.** A person may petition for relief
17 pursuant to this section if:

18 (a) (III) The court has entered an order for the person's involuntary
19 certification for short-term treatment of a mental health disorder pursuant
20 to section 27-65-108.5 OR 27-65-109, for extended certification for
21 treatment of a mental health disorder pursuant to section 27-65-109 (10),
22 or for long-term care and treatment of a mental health disorder pursuant
23 to section 27-65-110; and

24 **SECTION 11.** In Colorado Revised Statutes, 25-3-102.1, **amend**
25 (1)(c) as follows:

26 **25-3-102.1. Deemed status for certain facilities.** (1) (c) Upon
27 submission of a completed application for license renewal, the department
28 of public health and environment shall accept proof of the accreditation
29 in lieu of licensing inspections or other requirements. Nothing in this
30 section exempts an accredited health facility from inspections or from
31 other forms of oversight by the department as necessary to ensure public
32 health and safety. Nothing in this section prevents the department of
33 public health and environment from conducting an inspection of a
34 hospital or other health facility described in section 25-3-101 to
35 investigate a complaint regarding the provisions of section 27-65-106,
36 27-65-107, **27-65-108.5**, 27-65-109, 27-65-110, or 27-65-119 to the
37 extent the complaint is applicable to health facilities licensed by the
38 department of public health and environment.

39 **SECTION 12.** In Colorado Revised Statutes, 26-20-103, **amend**
40 (3) as follows:

41 **26-20-103. Basis for use of restraint or seclusion.** (3) In
42 addition to the circumstances described in subsection (1) of this section,
43 a facility, as defined in section 27-65-102, that is designated by the

1 commissioner of the behavioral health administration in the state
2 department to provide treatment pursuant to section 27-65-106,
3 27-65-108, **27-65-108.5**, 27-65-109, or 27-65-110 to an individual with
4 a mental health disorder, as defined in section 27-65-102, may use
5 seclusion to restrain an individual with a mental health disorder when the
6 seclusion is necessary to eliminate a continuous and serious disruption of
7 the treatment environment.".

8 Renumber succeeding sections accordingly.

9 Page 16, after line 4, insert:

10 **"SECTION 15.** In Colorado Revised Statutes, 27-65-112, **amend**
11 **as it will become effective July 1, 2024**, (1) as follows:

12 **27-65-112. Termination of certification for short-term and**
13 **long-term treatment.** (1) An original or extended certification for
14 short-term treatment issued pursuant to section 27-65-108.5 OR
15 27-65-109, or an order or extension for certification for long-term care
16 and treatment pursuant to section 27-65-110 terminates as soon as the
17 professional person in charge of treatment of the respondent and the BHA
18 determine the respondent has received sufficient benefit from the
19 treatment for the respondent to end involuntary treatment. Whenever a
20 certification or extended certification is terminated pursuant to this
21 section, the professional person in charge of providing treatment shall
22 notify the court in writing within five days after the termination.".

23 Renumber succeeding sections accordingly.

24 Page 17, after line 15, insert:

25 **"SECTION 17.** In Colorado Revised Statutes, 27-65-119, **amend**
26 **as it will become effective July 1, 2023**, (1) introductory portion as
27 follows:

28 **27-65-119. Rights of respondents certified for short-term**
29 **treatment or long-term care and treatment.** (1) Each EACH respondent
30 certified for short-term treatment or long-term care and treatment on an
31 inpatient basis pursuant to sections **27-65-108.5**, 27-65-109, and
32 27-65-110 has the following rights and shall be advised of such rights by
33 the facility:

34 **SECTION 18.** In Colorado Revised Statutes, 27-66.5-102,
35 **amend** (3)(a)(II) as follows:

36 **27-66.5-102. Definitions.** As used in this article 66.5, unless the
37 context otherwise requires:

18 Renumber succeeding sections accordingly.

*** * * * *