

SB149\_L.040

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB26-149 be amended as follows:

1 Amend printed bill, page 5, strike lines 7 and 8 and substitute:

2 "(a) A CIVIL PROCEEDING REGARDING CERTIFICATION FOR  
3 SHORT-TERM TREATMENT PURSUANT TO SECTION 27-65-108.5, 27-65-109,  
4 OR 27-65-109.5;"

5 Page 8, strike lines 17 through 19.

6 Renumber succeeding subsections accordingly.

7 Page 9, line 22, strike "SUBSECTION (26)(b)" and substitute "SUBSECTION  
8 (25)(b)".

9 Page 15, lines 16 and 17, strike "OFFICE OF CIVIL AND FORENSIC MENTAL  
10 HEALTH," and substitute "DEPARTMENT,".

11 Page 17, lines 2 and 3, strike "TWENTY-FOUR HOURS" and substitute "TWO  
12 BUSINESS DAYS".

13 Page 17, line 8, strike "TWO" and substitute "TWENTY-ONE".

14 Page 21, strike lines 2 through 4 and substitute "restoration services  
15 provider.".

16 Page 24, lines 16 and 17, strike "VIOLENCE SUBJECT TO THE "VICTIM  
17 RIGHTS ACT", SECTION 18-1.3-406;" and substitute "VIOLENCE, AS  
18 DEFINED IN SECTION 18-1.3-406 (2);".

19 Page 27, strike lines 19 through 25 and substitute:

20 "(I) THE COMPETENCY EVALUATOR'S OPINION AS TO WHETHER  
21 DIAGNOSTIC TESTING EXISTS BEYOND WHAT THE COMPETENCY  
22 EVALUATOR CAN PERFORM THAT IS NECESSARY TO PROVIDE AN OPINION  
23 AS TO WHETHER THE DEFENDANT IS INCOMPETENT TO PROCEED OR  
24 RESTORABLE; AND".

25 Page 28, strike lines 23 through 26.

26 Page 48, lines 23 and 24, strike "VIOLENCE SUBJECT TO THE "VICTIM  
27 RIGHTS ACT", SECTION 18-1.3-406;" and substitute "VIOLENCE, AS  
28 DEFINED IN SECTION 18-1.3-406 (2);".

1 Page 50, strike lines 12 through 19 and substitute:

2 "(c) IF THE COURT RECEIVES THE COMPETENCY EVALUATOR'S  
3 OPINION THAT THE DEFENDANT IS UNRESTORABLE PRIOR TO ENTERING AN  
4 INITIAL ORDER FOR RESTORATION SERVICES, THE COURT SHALL SET A  
5 RESTORABILITY HEARING IN LIEU OF ORDERING RESTORATION SERVICES."

6 Page 59, line 24, strike "SHALL" and substitute "SHALL, UNLESS THE  
7 COURT FINDS THERE IS AN ACCEPTABLE CARE COORDINATION  
8 ALTERNATIVE ALREADY IN PLACE,".

9 Page 60, after line 6 insert:

10 "(III) IDENTIFYING AND INFORMING THE COURT AND PARTIES OF  
11 APPROPRIATE LONG-TERM LEVEL OF CARE RECOMMENDATIONS AND  
12 PLACEMENT AVAILABILITY;".

13 Renumber succeeding subparagraphs accordingly.

14 Page 60, line 10, strike "OR".

15 Page 60, strike lines 11 through 13 and substitute:

16 "(V) COORDINATING, AS NEEDED, WITH THE OFFICE OF PUBLIC  
17 GUARDIANSHIP, AN APPOINTED EMERGENCY GUARDIAN, CDHS, THE  
18 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, OR THE  
19 BEHAVIORAL HEALTH ADMINISTRATION FOR THE PURPOSE OF PROVIDING  
20 LONG-TERM CONTINUUM OF CARE FOR THE DEFENDANT."

21 Page 60, strike lines 14 and 15 and substitute:

22 "(b) IF THE COURT DETERMINES THAT THE APPOINTMENT OF AN  
23 EMERGENCY GUARDIAN IS APPROPRIATE PURSUANT TO SECTION 15-14-312  
24 (1), THE COURT SHALL APPOINT THE OFFICE OF PUBLIC GUARDIANSHIP AS  
25 THE DEFENDANT'S EMERGENCY GUARDIAN."

26 Page 63, line 8, strike "THE COURT".

27 Page 64, after line 7 insert:

28 "(6) NOTWITHSTANDING SUBSECTIONS (3) AND (5) OF THIS  
29 SECTION, IF AN APPOINTED EMERGENCY GUARDIAN BELIEVES IN THEIR  
30 PROFESSIONAL JUDGMENT THAT A CIVIL PROCEEDING SHOULD BE

- 1 INITIATED, THE COURT SHALL ALLOW THE EMERGENCY GUARDIAN TO  
2 INITIATE THE CIVIL PROCEEDING IN LIEU OF ORDERING THE COUNTY  
3 ATTORNEY TO INITIATE THE CIVIL PROCEEDING."
- 4 Renumber succeeding subsections accordingly.
- 5 Page 65, line 7, strike "(6)," and substitute "(7),".
- 6 Page 65, line 10, strike "(6)(b)" and substitute "(7)(b)".
- 7 Page 65, line 14, strike "(6)," and substitute "(7),".
- 8 Page 66, line 14, strike "(8)" and substitute "(9)".
- 9 Page 66, strike line 18 and substitute "OBJECTION BY".
- 10 Page 67, line 14, strike "**defendants.**" and substitute "**defendants -**  
11 **report - repeal.**".
- 12 Page 68, line 10, after "PARTIES;" insert "AND".
- 13 Page 68, line 14, strike "OPTIONS; AND" and substitute "OPTIONS".
- 14 Page 68, strike lines 15 through 17.
- 15 Page 69, after line 27 insert:
- 16           "(5) (a) THE DEFENDANT MAY REQUEST TO STIPULATE THAT THE  
17 COURT ORDER CIVIL COMMITMENT OR ENHANCED PROTECTIVE PLACEMENT  
18 RATHER THAN CONTESTING THE MATTER AT A TRIAL. THE COURT SHALL  
19 ALLOW THE DEFENDANT TO STIPULATE TO THE COURT ORDERING A CIVIL  
20 COMMITMENT OR ENHANCED PROTECTIVE PLACEMENT ONLY IF:
- 21           (I) THE COURT CONFIRMS THE DEFENDANT HAS BEEN FULLY  
22 ADVISED OF THE CONSEQUENCES AND THE RIGHTS THE DEFENDANT IS  
23 WAIVING, INCLUDING THE RIGHT TO A COURT TRIAL;
- 24           (II) THE STIPULATION IS IN WRITING AND STATED ON THE RECORD  
25 AT A HEARING AT WHICH THE DEFENDANT APPEARS, WITH THE CONSENT OF  
26 ANY GUARDIAN THAT HAS BEEN APPOINTED;
- 27           (III) THE COURT FINDS THE DEFENDANT UNDERSTANDS THE  
28 STIPULATION AND THAT THE STIPULATION IS VOLUNTARILY DESPITE THE  
29 DEFENDANT BEING INCOMPETENT TO PROCEED; AND
- 30           (IV) THE PARTIES ESTABLISH A FACTUAL BASIS.
- 31           (b) ANY STIPULATION OR ADMISSION MADE AS PART OF THE

1 STIPULATION TO IMPOSITION OF A CIVIL COMMITMENT OR ENHANCED  
2 PROTECTIVE PLACEMENT IS NOT ADMISSIBLE IN ANY FUTURE CRIMINAL  
3 PROSECUTION TO PROVE ANY ACT ALLEGED IN THE WRITTEN NOTICE  
4 SEEKING THE CIVIL COMMITMENT OR ENHANCED PROTECTIVE  
5 PLACEMENT."

6 Renumber succeeding subsections accordingly.

7 Page 81, after line 4 insert:

8 "(16) (a) NO LATER THAN JANUARY 2030, CDHS SHALL INCLUDE,  
9 AS PART OF ITS PRESENTATION DURING ITS "SMART ACT" HEARING  
10 REQUIRED BY SECTION 2-7-203, INFORMATION CONCERNING PROTECTIVE  
11 PLACEMENTS, ENHANCED PROTECTIVE PLACEMENTS, AND CIVIL  
12 COMMITMENTS SOUGHT PURSUANT TO THIS SECTION. AT A MINIMUM, THE  
13 PRESENTATION MUST INCLUDE THE FOLLOWING INFORMATION FROM JULY  
14 1, 2026, TO JULY 1, 2029:

15 (I) THE NUMBER OF PETITIONS FILED FOR PROTECTIVE  
16 PLACEMENTS, ENHANCED PROTECTIVE PLACEMENTS, AND CIVIL  
17 COMMITMENTS;

18 (II) THE NUMBER OF PETITIONS THAT WERE GRANTED FOR  
19 PROTECTIVE PLACEMENTS, ENHANCED PROTECTIVE PLACEMENTS, AND  
20 CIVIL COMMITMENTS;

21 (III) THE AVERAGE LENGTH OF TIME AND LONGEST LENGTH OF  
22 TIME A PERSON WAS CERTIFIED OR PLACED UNDER A PROTECTIVE  
23 PLACEMENT, ENHANCED PROTECTIVE PLACEMENT, AND CIVIL  
24 COMMITMENT;

25 (IV) THE NUMBER OF PEOPLE WHO HAD A PLACEMENT OTHER THAN  
26 INPATIENT CARE AND THE NUMBER OF PEOPLE WHO DEFAULTED TO  
27 PLACEMENT IN INPATIENT CARE; AND

28 (V) THE AVERAGE LENGTH OF TIME AND LONGEST LENGTH OF TIME  
29 A PERSON WAS CERTIFIED OR PLACED UNDER A PROTECTIVE PLACEMENT,  
30 ENHANCED PROTECTIVE PLACEMENT, AND CIVIL COMMITMENT AND  
31 REMAINED IN JAIL.

32 (b) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING  
33 AND THE JUDICIAL DEPARTMENT SHALL PROVIDE ANY NECESSARY  
34 INFORMATION TO ASSIST CDHS IN ITS PRESENTATION.

35 (17) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2031."

36 Page 85, after line 4 insert:

37 "**SECTION 2.** In Colorado Revised Statutes, **add** 27-65-101.5 as  
38 follows:

1           **27-65-101.5. Nonapplicability of article if individual has**  
2 **intellectual and developmental disability or neurocognitive disorder.**

3           THE PROVISIONS OF PART 5 OF ARTICLE 10 OF TITLE 25.5 APPLY AND  
4 THIS ARTICLE 65 DOES NOT APPLY IF A PERSON HAS AN INTELLECTUAL AND  
5 DEVELOPMENTAL DISABILITY OR A NEUROCOGNITIVE DISORDER, AS THOSE  
6 TERMS ARE DEFINED IN SECTION 25.5-10-501, WITHOUT ANY OTHER  
7 MENTAL HEALTH DISORDER THAT IS NOT AN INTELLECTUAL AND  
8 DEVELOPMENTAL DISABILITY OR NEUROCOGNITIVE DISORDER AND THAT  
9 SUBSTANTIALLY CONTRIBUTES TO WHETHER THE RESPONDENT IS A  
10 DANGER TO THE RESPONDENT'S SELF OR A DANGER TO OTHERS, OR IS  
11 GRAVELY DISABLED."

12           Renumber succeeding sections accordingly.

13           Page 85, line 6, after "(11)," insert "(21),".

14           Page 85, strike lines 9 through 21 and substitute:

15           "(10) "Danger to ~~the person's self or others~~" means  
16           ~~(a) A person poses a substantial risk of physical harm to the~~  
17 ~~person's self as manifested by evidence of recent threats of or attempts at~~  
18 ~~suicide or serious bodily harm to the person's self; or~~  
19           (b) a person poses a substantial risk of physical harm to another  
20 person or persons, as manifested by evidence of recent homicidal or other  
21 violent behavior by the person in question, or by evidence that others are  
22 placed in reasonable fear of violent behavior and serious physical harm  
23 to them, as evidenced by a recent overt act, attempt, or threat to do serious  
24 physical harm by the person in question."

25           Page 86, after line 1 insert:

26           "(21) "Lay person" means a person identified by another person  
27 who is detained on an involuntary emergency mental health hold pursuant  
28 to section 27-65-106, certified for short-term treatment pursuant to  
29 ~~section 27-65-109~~ SECTION 27-65-108.5, 27-65-109, OR 27-65-109.5, or  
30 certified for long-term care and treatment pursuant to section 27-65-110  
31 who is authorized to participate in activities related to the person's  
32 involuntary emergency mental health hold, short-term treatment, or  
33 long-term treatment, including court appearances, discharge planning, and  
34 grievances. The person may rescind the lay person's authorization at any  
35 time."

36           Page 86, strike lines 12 through 14.

- 1 Page 87, line 8, after "ACT" insert "AGAINST A PERSON".
- 2 Page 87, strike lines 10 through 12 and substitute "ANOTHER PERSON, OR  
3 IS LIKELY TO CAUSE SERIOUS EMOTIONAL DISTRESS TO A REASONABLE  
4 PERSON."
- 5 Page 90, line 12, after "REASON;" insert "OR".
- 6 Page 90, strike lines 13 through 15.
- 7 Renumber succeeding subparagraph accordingly.
- 8 Page 92, line 25, strike "JAIL, LOCKUP, OR ANOTHER" and substitute  
9 "JAIL,".
- 10 Page 92, strike line 26.
- 11 Page 92, line 27, strike "A PENAL OFFENSE,".
- 12 Page 93, strike lines 9 and 10 and substitute "CHARGE IN JAIL MAY BE  
13 PLACED ONLY".
- 14 Page 94, strike lines 13 through 15 and substitute "FOR A CRIMINAL  
15 CHARGE IN JAIL."
- 16 Page 97, strike lines 4 through 27.
- 17 Strike pages 98 through 107.
- 18 Page 108, strike lines 1 through 20.
- 19 Renumber succeeding sections accordingly.
- 20 Page 108, strike lines 26 and 27.
- 21 Page 109, strike lines 1 through 18 and substitute:  
22 "(1) A RESPONDENT MAY BE CERTIFIED FOR SHORT-TERM  
23 TREATMENT PURSUANT TO SECTION 27-65-108.5, 27-65-109, OR  
24 27-65-109.5, OR CERTIFIED FOR LONG-TERM CARE AND TREATMENT  
25 PURSUANT TO SECTION 27-65-110, IF:  
26 (a) THE RESPONDENT HAS BEEN ADVISED OF THE AVAILABILITY OF,  
27 BUT HAS NOT ACCEPTED, VOLUNTARY TREATMENT;

1 (b) WITH THE CONSIDERATION OF ALL REASONABLY AVAILABLE  
2 INFORMATION, INCLUDING THE RELEVANT HISTORY OF THE RESPONDENT,  
3 THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE RESPONDENT  
4 WILL NOT REMAIN IN A VOLUNTARY TREATMENT PROGRAM;

5 (c) THE RESPONDENT, BY CLEAR AND CONVINCING EVIDENCE, HAS  
6 A MENTAL HEALTH DISORDER AND, AS A RESULT OF THE MENTAL HEALTH  
7 DISORDER, THE RESPONDENT IS A DANGER TO THE RESPONDENT'S SELF, A  
8 DANGER TO OTHERS, OR GRAVELY DISABLED; OR

9 (d) THE RESPONDENT, BY CLEAR AND CONVINCING EVIDENCE, HAS  
10 A PERSISTENT MENTAL HEALTH DISORDER."

11 Page 111, line 5, strike "(2.6), (2.7), and (7.5)" and substitute "(7.1), (7.5),  
12 and (13)".

13 Strike page 113.

14 Page 114, strike lines 1 through 18.

15 Page 115, strike lines 1 through 8 and substitute "criminal case and any  
16 attorney appointed pursuant to ~~section 27-65-113~~ SECTION 27-65-113.5.  
17 The court shall ask the respondent to designate one other person whom  
18 the respondent wants to be informed regarding the petition. If the  
19 respondent is incapable of making such a designation at the time the  
20 petition is delivered, the court may ask the respondent to designate such  
21 person as soon as the respondent is capable.

22 (7) The respondent may knowingly and voluntarily consent in  
23 writing to the petition.

24 (7.1) (a) IF THE RESPONDENT IS CERTIFIED FOR SHORT-TERM".

25 Page 117, strike lines 6 through 27.

26 Strike page 118 through 127.

27 Page 128, strike lines 1 through 26 and substitute:

28 "**SECTION 11.** In Colorado Revised Statutes, 27-65-109, **amend**  
29 (1), (2) introductory portion, (2)(a), and (9); **repeal** (7); and **add** (11) as  
30 follows:

31 **27-65-109. Certification for short-term treatment - procedure.**

32 (1) A person may be certified for not more than three months for  
33 short-term treatment under the following conditions:

34 (a) The professional staff of the facility detaining the person on  
35 an emergency mental health hold has evaluated the person and has found

1 ~~the person has a mental health disorder and, as a result of the mental~~  
2 ~~health disorder, is a danger to the person's self or others or is gravely~~  
3 ~~disabled~~ MEETS THE CRITERIA FOR CERTIFICATION FOR SHORT-TERM  
4 TREATMENT PURSUANT TO SECTION 27-65-108.3 (1);

5 ~~(b) The person has been advised of the availability of, but has not~~  
6 ~~accepted, voluntary treatment; but, if reasonable grounds exist to believe~~  
7 ~~that the person will not remain in a voluntary treatment program, the~~  
8 ~~person's acceptance of voluntary treatment does not preclude certification;~~

9 ~~(c) (b) The facility or community provider that will provide~~  
10 ~~short-term treatment has been designated by the commissioner to provide~~  
11 ~~such treatment; and~~

12 ~~(d) (c) The person, the person's legal guardian, and the person's~~  
13 ~~lay person, if applicable, have been advised of the person's right to an~~  
14 ~~attorney and to contest the certification for short-term treatment.~~

15 (2) The notice of certification must be signed by a professional  
16 person who participated in the evaluation CONDUCTED PURSUANT TO  
17 SUBSECTION (1)(a) OF THIS SECTION. The notice of certification must:

18 (a) State facts sufficient to establish reasonable grounds to believe  
19 that the respondent ~~has a mental health disorder and, as a result of the~~  
20 ~~mental health disorder, is a danger to the respondent's self or others or is~~  
21 ~~gravely disabled~~ MEETS THE CRITERIA FOR CERTIFICATION FOR  
22 SHORT-TERM TREATMENT PURSUANT TO SECTION 27-65-108.3 (1);

23 (7) ~~Records and papers in proceedings pursuant to this section~~  
24 ~~must be maintained separately by the clerks of the several courts. Upon~~  
25 ~~the release of any respondent in accordance with section 27-65-112, the~~  
26 ~~facility shall notify the clerk of the court within five days after the release,~~  
27 ~~and the clerk shall immediately seal the record in the case and omit the~~  
28 ~~name of the respondent from the index of cases in the court until and~~  
29 ~~unless the respondent becomes subject to an order of certification for~~  
30 ~~long-term care and treatment pursuant to section 27-65-110 or until and~~  
31 ~~unless the court orders the records opened for good cause shown. In the~~  
32 ~~event a petition is filed pursuant to section 27-65-110, the certification~~  
33 ~~record may be opened and become a part of the record in the long-term~~  
34 ~~care and treatment case and the name of the respondent indexed.~~

35 (9) IN ACCORDANCE WITH THE PROCEDURES DESCRIBED IN SECTION  
36 27-65-112, a respondent certified for short-term treatment may be  
37 discharged upon the signature of the treating medical professional and the  
38 medical director of the facility. A respondent certified for short-term  
39 treatment on an outpatient basis may be discharged upon the signature of  
40 the approved professional person overseeing the respondent's treatment,  
41 and the professional person shall notify the BHA prior to the discharge.  
42 A facility or program shall make the respondent's discharge instructions  
43 available to the respondent, the respondent's attorney, and the

1 respondent's legal guardian, if applicable, within seven days after  
2 discharge, if requested. A facility or program that is transferring a  
3 respondent to a different treatment facility or to an outpatient provider  
4 shall provide all treatment records to the facility or provider accepting the  
5 respondent at least twenty-four hours prior to the transfer.

6 (11) THE DEPARTMENT AND THE BHA MAY RECEIVE AND POSSESS  
7 ALL INFORMATION RELEVANT TO THE PROCEEDINGS HELD PURSUANT TO  
8 THIS SECTION, INCLUDING COMPETENCY AND MENTAL HEALTH  
9 EVALUATIONS; ANY MEDICAL AND MENTAL HEALTH RECORDS FOR WHICH  
10 A WAIVER OR PRIVILEGE HAS BEEN FOUND IN PROCEEDINGS HELD  
11 PURSUANT TO THIS SECTION OR PURSUANT TO ARTICLE 8 OR 8.5 OF TITLE  
12 16; AND RELEVANT CRIMINAL JUSTICE RECORDS, INCLUDING ANY  
13 CRIMINAL HISTORY OF THE RESPONDENT. THE DEPARTMENT MAY SHARE  
14 AND DISCUSS THE RELEVANT INFORMATION WITH THE PARTIES TO THE  
15 PROCEEDINGS.

16 **SECTION 12.** In Colorado Revised Statutes, add 27-65-109.5 as  
17 follows:

18 **27-65-109.5. Certification for short-term outpatient treatment.**

19 (1) A PERSON MAY BE CERTIFIED FOR NOT MORE THAN THREE  
20 MONTHS FOR SHORT-TERM OUTPATIENT TREATMENT IF A PROFESSIONAL  
21 PERSON OR INTERVENING PROFESSIONAL ACTING WITHIN THE SCOPE OF  
22 THEIR AUTHORITY AND LICENSURE:

23 (a) HAS AN ESTABLISHED TREATMENT RELATIONSHIP WITH THE  
24 PERSON, INCLUDING HAVING PROVIDED CARE TO THE PERSON IN THE PAST  
25 THREE MONTHS, WHICH CARE FORMS THE BASIS FOR REQUESTING THE  
26 OUTPATIENT CERTIFICATION;

27 (b) HAS EVALUATED THE PERSON WITHIN THE PAST THREE MONTHS  
28 AND OPINED THAT THE PERSON MEETS THE CRITERIA FOR CERTIFICATION  
29 FOR SHORT-TERM TREATMENT PURSUANT TO SECTION 27-65-108.3 (1);  
30 AND

31 (c) FILES WITH THE COURT A SIGNED OUTPATIENT CERTIFICATION.

32 (2)(a) THE PROFESSIONAL PERSON OR INTERVENING PROFESSIONAL  
33 ACTING WITHIN THE SCOPE OF THEIR AUTHORITY AND LICENSURE IS THE  
34 PETITIONER.

35 (b) PRIOR TO FILING THE PETITION, THE PETITIONER SHALL:

36 (I) ASK THE RESPONDENT TO DESIGNATE A LAY PERSON WHOM THE  
37 RESPONDENT WISHES TO BE INFORMED REGARDING THE OUTPATIENT  
38 CERTIFICATION;

39 (II) PROVIDE THE RESPONDENT WITH A COPY OF THE OUTPATIENT  
40 CERTIFICATION; AND

41 (III) PROVIDE THE RESPONDENT WITH THE CONTACT INFORMATION  
42 FOR THE COURT IN WHICH THE OUTPATIENT CERTIFICATION WILL BE FILED  
43 AND FOR ANY DESIGNATED PROVIDER THAT IS WILLING TO HOLD THE

1 OUTPATIENT CERTIFICATION AND THAT HAS BEEN IDENTIFIED BY THE  
2 COMMISSIONER TO PROVIDE TREATMENT.

3 (3) THE SIGNED OUTPATIENT CERTIFICATION MUST:

4 (a) STATE SUFFICIENT FACTS TO ESTABLISH REASONABLE GROUNDS  
5 THAT THE RESPONDENT MEETS THE CRITERIA SET FORTH IN SECTION  
6 27-65-108.3;

7 (b) BE FILED WITH THE COURT WITHIN FOURTEEN DAYS,  
8 EXCLUDING SATURDAYS, SUNDAYS, AND COURT HOLIDAYS, AFTER THE  
9 INITIATING PARTY RECEIVED THE COURT ORDER FROM THE CRIMINAL  
10 COURT INITIATING THE OUTPATIENT CERTIFICATION, AND A COPY MUST BE  
11 PROVIDED TO CDHS AND THE BHA WITHIN TWENTY-FOUR HOURS AFTER  
12 FILING THE OUTPATIENT CERTIFICATION;

13 (c) PROVIDE ALL CONTACT INFORMATION THAT THE PETITIONER  
14 HAS FOR THE RESPONDENT;

15 (d) PROVIDE THE NAME AND CONTACT INFORMATION FOR THE LAY  
16 PERSON DESIGNATED BY THE RESPONDENT, OR FOR ANY FAMILY OR  
17 FRIENDS OF THE RESPONDENT IF THE RESPONDENT WAS UNWILLING OR  
18 INCAPABLE OF DESIGNATING A LAY PERSON; AND

19 (e) IDENTIFY ANY DESIGNATED PROVIDER THAT IS WILLING TO  
20 HOLD THE OUTPATIENT CERTIFICATION AND THAT HAS BEEN IDENTIFIED BY  
21 THE COMMISSIONER TO PROVIDE TREATMENT, OR INCLUDE A STATEMENT  
22 THAT A DESIGNATED PROVIDER NEEDS TO BE IDENTIFIED.

23 (4) ONCE THE BHA RECEIVES THE NOTICE OF OUTPATIENT  
24 CERTIFICATION, IF NO DESIGNATED PROVIDER HAS BEEN IDENTIFIED, THE  
25 BHA SHALL PROVIDE CARE COORDINATION PURSUANT TO SECTION  
26 27-65-108, WHICH INCLUDES MAKING DILIGENT EFFORTS TO IDENTIFY A  
27 DESIGNATED PROVIDER TO HOLD THE OUTPATIENT CERTIFICATION AND  
28 PROVIDE CARE TO THE RESPONDENT. THE BHA SHALL KEEP THE COURT,  
29 PETITIONER, AND COUNTY ATTORNEY INFORMED IN WRITING REGARDING  
30 ANY DESIGNATED PROVIDER THAT WILL HOLD THE OUTPATIENT  
31 CERTIFICATION AND PROVIDE CARE TO THE RESPONDENT.

32 (5) IF THE RESPONDENT HAS NOT DESIGNATED A LAY PERSON  
33 WHOM THE RESPONDENT WISHES TO BE INFORMED REGARDING THE  
34 OUTPATIENT CERTIFICATION, THE RESPONDENT MUST BE ASKED AND  
35 ALLOWED TO DESIGNATE A LAY PERSON AS SOON AS THE RESPONDENT IS  
36 CAPABLE AND WILLING TO DO SO.

37 (6) WHENEVER AN OUTPATIENT CERTIFICATION IS FILED WITH THE  
38 COURT BY A PROFESSIONAL PERSON OR INTERVENING PROFESSIONAL, THE  
39 COURT SHALL IMMEDIATELY APPOINT AN ATTORNEY TO REPRESENT THE  
40 RESPONDENT. THE RESPONDENT HAS THE RIGHT TO AN ATTORNEY FOR ALL  
41 PROCEEDINGS CONDUCTED PURSUANT TO THIS SECTION, INCLUDING ANY  
42 APPEALS. THE ATTORNEY REPRESENTING THE RESPONDENT MUST BE  
43 PROVIDED WITH A COPY OF THE OUTPATIENT CERTIFICATION AND ALL

1 SUPPORTING DOCUMENTATION IMMEDIATELY UPON THE ATTORNEY'S  
2 APPOINTMENT. THE RESPONDENT MAY ONLY WAIVE COUNSEL WHEN THE  
3 RESPONDENT MAKES A KNOWING AND INTELLIGENT WAIVER IN FRONT OF  
4 THE COURT.

5 (7) THE RESPONDENT OR THE RESPONDENT'S ATTORNEY MAY AT  
6 ANY TIME FILE A WRITTEN REQUEST THAT THE CERTIFICATION FOR  
7 SHORT-TERM TREATMENT OR THE TREATMENT BE REVIEWED BY THE  
8 COURT OR THAT THE TREATMENT BE ON AN OUTPATIENT BASIS. IF A  
9 REVIEW IS REQUESTED, THE COURT SHALL HEAR THE MATTER WITHIN TEN  
10 DAYS AFTER THE REQUEST, AND THE COURT SHALL GIVE NOTICE TO THE  
11 RESPONDENT AND THE RESPONDENT'S ATTORNEY AND THE CERTIFYING  
12 AND TREATING PROFESSIONAL PERSON OR INTERVENING PROFESSIONAL OF  
13 THE TIME AND PLACE OF THE HEARING. THE HEARING MUST BE HELD IN  
14 ACCORDANCE WITH SECTION 27-65-113.1. AT THE CONCLUSION OF THE  
15 HEARING, THE COURT MAY ENTER OR CONFIRM THE OUTPATIENT  
16 CERTIFICATION FOR SHORT-TERM TREATMENT, DISCHARGE THE  
17 RESPONDENT, OR ENTER ANY OTHER APPROPRIATE ORDER.

18 (8) THIS SECTION DOES NOT REQUIRE A COURT APPEARANCE IF THE  
19 RESPONDENT DOES NOT CONTEST THE OUTPATIENT CERTIFICATION AND A  
20 DESIGNATED PROVIDER IS IDENTIFIED TO HOLD THE OUTPATIENT  
21 CERTIFICATION AND THE DESIGNATED PROVIDER MAKES CONTACT WITH  
22 THE RESPONDENT WITHIN SEVEN DAYS AFTER THE DESIGNATED PROVIDER  
23 BEGINS HOLDING THE OUTPATIENT CERTIFICATION.

24 (9) THE COURT SHALL SET A HEARING IF:

25 (a) THE RESPONDENT REQUESTS TO CONTEST, MODIFY, OR  
26 TERMINATE THE OUTPATIENT CERTIFICATION;

27 (b) THE OUTPATIENT CERTIFICATION WAS FILED AND A  
28 DESIGNATED PROVIDER WAS NOT IDENTIFIED WITHIN SEVEN DAYS AFTER  
29 THE FILING OF THE OUTPATIENT CERTIFICATION; OR

30 (c) THE DESIGNATED PROVIDER DID NOT MAKE CONTACT WITH THE  
31 RESPONDENT WITHIN SEVEN DAYS AFTER THE DESIGNATED PROVIDER  
32 BEGAN HOLDING THE OUTPATIENT CERTIFICATION.

33 (10) THE COURT MAY SET A COURT REVIEW OR HEARING FOR GOOD  
34 CAUSE SHOWN AT ANY TIME UPON THE REQUEST OF A PARTY, THE COUNTY  
35 ATTORNEY RESPONSIBLE FOR PROCEEDINGS, OR THE COURT'S OWN  
36 MOTION.

37 (11) THE BHA MAY RECEIVE AND POSSESS ALL INFORMATION  
38 RELEVANT TO THE PROCEEDINGS PURSUANT TO THIS SECTION, INCLUDING  
39 COMPETENCY AND MENTAL HEALTH EVALUATIONS; ANY MEDICAL AND  
40 MENTAL HEALTH RECORDS FOR WHICH A WAIVER OR PRIVILEGE HAS BEEN  
41 FOUND IN PROCEEDINGS PURSUANT TO THIS SECTION OR PURSUANT TO  
42 ARTICLE 8 OR 8.5 OF TITLE 16; AND RELEVANT CRIMINAL JUSTICE  
43 RECORDS, INCLUDING ANY CRIMINAL HISTORY OF THE RESPONDENT. THE

1 BHA MAY SHARE AND DISCUSS THE RELEVANT INFORMATION WITH THE  
2 PARTIES TO THE PROCEEDINGS.

3 (12) IN ACCORDANCE WITH THE PROCEDURES DESCRIBED IN  
4 SECTION 27-65-112, A RESPONDENT CERTIFIED FOR SHORT-TERM  
5 TREATMENT ON AN OUTPATIENT BASIS MAY BE DISCHARGED UPON THE  
6 SIGNATURE OF THE APPROVED PROFESSIONAL PERSON OVERSEEING THE  
7 RESPONDENT'S TREATMENT, AND THE PROFESSIONAL PERSON SHALL  
8 NOTIFY THE BHA PRIOR TO THE DISCHARGE. A FACILITY OR PROGRAM  
9 SHALL MAKE THE RESPONDENT'S DISCHARGE INSTRUCTIONS AVAILABLE TO  
10 THE RESPONDENT, THE RESPONDENT'S ATTORNEY, AND THE RESPONDENT'S  
11 LEGAL GUARDIAN, IF APPLICABLE, WITHIN SEVEN DAYS AFTER DISCHARGE,  
12 IF REQUESTED. A FACILITY OR PROGRAM THAT IS TRANSFERRING A  
13 RESPONDENT TO A DIFFERENT TREATMENT FACILITY OR TO AN OUTPATIENT  
14 PROVIDER SHALL PROVIDE ALL TREATMENT RECORDS TO THE FACILITY OR  
15 PROVIDER ACCEPTING THE RESPONDENT AT LEAST TWENTY-FOUR HOURS  
16 PRIOR TO THE TRANSFER.

17 (13) IF THE PROFESSIONAL PERSON IN CHARGE OF THE EVALUATION  
18 AND TREATMENT BELIEVES THAT A PERIOD LONGER THAN THREE MONTHS  
19 IS NECESSARY TO TREAT THE RESPONDENT, THE PROFESSIONAL PERSON  
20 SHALL FILE WITH THE COURT AN EXTENDED CERTIFICATION AT LEAST  
21 THIRTY DAYS PRIOR TO THE EXPIRATION DATE OF THE ORIGINAL  
22 CERTIFICATION. AN EXTENDED CERTIFICATION FOR TREATMENT MUST NOT  
23 BE FOR A PERIOD OF MORE THAN THREE MONTHS. THE RESPONDENT IS  
24 ENTITLED TO A HEARING ON THE EXTENDED CERTIFICATION UNDER THE  
25 SAME CONDITIONS AS AN ORIGINAL CERTIFICATION. THE ATTORNEY  
26 INITIALLY REPRESENTING THE RESPONDENT SHALL CONTINUE TO  
27 REPRESENT THE RESPONDENT, UNLESS THE COURT APPOINTS ANOTHER  
28 ATTORNEY.

29 (14) THIS SECTION DOES NOT PRECLUDE ANY PROCEEDINGS OR  
30 ACTIONS PURSUANT TO SECTION 27-65-106, 27-65-108.5, OR 27-65-109.".

31 Renumber succeeding sections accordingly.

32 Page 133, strike lines 8 through 27.

33 Page 134, strike lines 1 through 8 and substitute:

34 "(1) (a) An original or extended certification for short-term  
35 treatment issued pursuant to section 27-65-108.5 or 27-65-109, or an  
36 order or extension for certification for long-term care and treatment  
37 pursuant to section 27-65-110, terminates ~~as soon as~~ WHEN the  
38 professional person in charge of treatment of the respondent and the  
39 BHA, AFTER A REASONABLE OBSERVATION AND TREATMENT PERIOD,

1 determine the respondent ~~has received sufficient benefit from the~~  
2 ~~treatment for the respondent to end involuntary treatment. Whenever a~~  
3 ~~certification or extended certification is terminated pursuant to this~~  
4 ~~section, the professional person in charge of providing treatment shall~~  
5 ~~notify the court in writing within five days after the termination~~ NO  
6 LONGER MEETS THE CRITERIA FOR CERTIFICATION FOR SHORT-TERM  
7 TREATMENT PURSUANT TO SECTION 27-65-108.3 (1).

8 (b) THE PROFESSIONAL PERSON IN CHARGE OF THE RESPONDENT'S  
9 CARE SHALL NOT APPROVE THE TERMINATION OF THE CERTIFICATION  
10 UNLESS TWO PROFESSIONAL PERSONS INDEPENDENTLY EVALUATE THE  
11 RESPONDENT AND INDEPENDENTLY OPINE THAT THE RESPONDENT NO  
12 LONGER MEETS THE CRITERIA FOR CERTIFICATION FOR SHORT-TERM  
13 TREATMENT. ONE OF THE OPINIONS MUST BE FROM THE PROFESSIONAL  
14 PERSON WHO IS MOST RESPONSIBLE FOR INTERACTING WITH AND  
15 PROVIDING DIRECT CARE AND TREATMENT TO THE RESPONDENT. THIS  
16 REQUIREMENT DOES NOT APPLY IF A PROVIDER EMPLOYS AND CONTRACTS  
17 WITH ONLY ONE PROFESSIONAL PERSON."

18 Page 139, line 9, after "27-65-109," insert "27-65-109.5,".

19 Page 140, strike lines 14 through 22 and substitute "16-8.5-118, UNLESS  
20 EXPRESSLY RELIEVED OR MODIFIED BY STATUTE;

21 (b) TO ASSIST A NONPROFESSIONAL INDIVIDUAL WHO IS  
22 ATTEMPTING TO INITIATE A REQUEST TO THE COURT FOR AN EVALUATION,  
23 PURSUANT TO SECTION 27-65-106 (1)(b), OF A PERSON WHOM THE  
24 NONPROFESSIONAL INDIVIDUAL BELIEVES MEETS THE CRITERIA FOR A  
25 CERTIFICATION BY PROVIDING INFORMATION AND ASSISTING IN MAKING  
26 FILINGS TO THE COURT;"

27 Page 142, line 12, strike "and (10)" and substitute "(10), and (11)".

28 Page 144, after line 17 insert:

29 "(11) THE DISTRICT ATTORNEY MAY PROVIDE INFORMATION TO A  
30 VICTIM WHEN NECESSARY TO COMPLY WITH THE "VICTIM RIGHTS ACT",  
31 PART 3 OF ARTICLE 4.1 OF TITLE 24."

32 Page 145, after line 12 insert:

33 "SECTION 19. In Colorado Revised Statutes, **add** part 2 to  
34 article 65 of title 27 as follows:

35 PART 2  
36 CIVIL COMMITMENT OF INCOMPETENT AND

1 UNRESTORABLE PERSON

2 **27-65-201. Court supervision of incompetent and unrestorable**  
3 **person ordered into civil commitment - repeal.**

4 (1) ONCE A CRIMINAL COURT HAS TRANSFERRED JURISDICTION OF  
5 A CIVIL COMMITMENT PURSUANT TO SECTION 16-8.5-118 TO A CIVIL COURT  
6 WITH JURISDICTION PURSUANT TO SECTION 27-65-113, THE CIVIL COURT  
7 HAS EXCLUSIVE JURISDICTION OVER THE CIVIL COMMITMENT.

8 (2) UPON RECEIVING JURISDICTION OF A CIVIL COMMITMENT, THE  
9 CIVIL COURT SHALL:

10 (a) NOTIFY THE COUNTY ATTORNEY;

11 (b) APPOINT AN ATTORNEY TO REPRESENT THE RESPONDENT AND  
12 PROVIDE COPIES OF ANY DOCUMENTS SENT FROM THE CRIMINAL COURT TO  
13 THE RESPONDENT'S ATTORNEY; AND

14 (c) SET A REVIEW HEARING AND ORDER THE RESPONDENT  
15 BROUGHT BEFORE THE COURT.

16 (3) AT THE REVIEW HEARING, THE COURT SHALL:

17 (a) ENSURE THE RESPONDENT IS REPRESENTED BY COUNSEL; AND

18 (b) ADVISE THE RESPONDENT OF THE FOLLOWING RIGHTS:

19 (I) THE RIGHT TO APPEAR IN PERSON AT ANY PROCEEDING, UNLESS  
20 WAIVED BY THE RESPONDENT;

21 (II) THE RIGHT TO BE REPRESENTED BY PRIVATELY RETAINED  
22 COUNSEL, OR COURT-APPOINTED COUNSEL IF THE RESPONDENT DOES NOT  
23 HAVE PRIVATELY RETAINED COUNSEL, DURING ANY PROCEEDING HELD  
24 PURSUANT TO THIS ARTICLE 65, INCLUDING ANY APPEALS;

25 (III) THE RIGHT TO REQUEST MODIFICATION OF THE TERMS OF THE  
26 CIVIL COMMITMENT; AND

27 (IV) THE RIGHT TO PERIODIC REVIEW OF THE CIVIL COMMITMENT  
28 AND THE RIGHT TO CONTEST, INCLUDING BY TRIAL, WHETHER THE  
29 RESPONDENT QUALIFIES FOR TERMINATION OF CIVIL COMMITMENT.

30 (4) AT ANY TIME DURING THE CIVIL COMMITMENT, THE COURT  
31 MAY:

32 (a) MODIFY ANY COURT ORDER OR ANY TERM OF THE CIVIL  
33 COMMITMENT UPON REQUEST OF THE PARTIES AFTER GIVING THE PARTIES  
34 AN OPPORTUNITY TO OBJECT AND BE HEARD;

35 (b) ISSUE A WARRANT FOR THE RESPONDENT'S ARREST AND ORDER  
36 THE RESPONDENT BE BROUGHT BEFORE THE COURT IF THE COURT  
37 DETERMINES THE RESPONDENT HAS FAILED TO COMPLY WITH ANY OF THE  
38 COURT'S ORDERS, INCLUDING THE RESPONDENT'S UNAUTHORIZED  
39 DEPARTURE FROM THE PHYSICAL CUSTODY OF A PROVIDER;

40 (c) ORDER CDHS TO PROVIDE TO THE COURT:

41 (I) AN UPDATED OPINION ON WHETHER THE RESPONDENT MEETS  
42 THE CRITERIA FOR TERMINATION OF CIVIL COMMITMENT PURSUANT TO  
43 SECTION 27-65-202; AND

1 (II) AN OPINION ON WHETHER THE RESPONDENT HAS AN  
2 INTELLECTUAL AND DEVELOPMENTAL DISABILITY OR NEUROCOGNITIVE  
3 DISORDER, AS THOSE TERMS ARE DEFINED IN SECTION 25.5-10-501,  
4 WITHOUT HAVING ANY OTHER MENTAL HEALTH DISORDER THAT IS NOT AN  
5 INTELLECTUAL AND DEVELOPMENTAL DISABILITY OR NEUROCOGNITIVE  
6 DISORDER AND THAT SUBSTANTIALLY CONTRIBUTES TO WHETHER THE  
7 RESPONDENT IS A DANGER TO THE RESPONDENT'S SELF OR A DANGER TO  
8 OTHERS, OR IS GRAVELY DISABLED.

9 (d) UPON THE REQUEST OF ANY PARTY, THE REQUEST OF THE  
10 INDIVIDUAL OR ENTITY WITH PHYSICAL CARE AND CUSTODY OF THE  
11 RESPONDENT, OR THE COURT'S OWN MOTION, CONDUCT A REVIEW OF THE  
12 RESPONDENT'S PLACEMENT AND ENTER ANY ORDERS NECESSARY FOR  
13 SHARING OR RECEIVING INFORMATION NECESSARY TO REVIEW AND MODIFY  
14 THE PLACEMENT;

15 (e) ORDER, AS NECESSARY, APPROPRIATE ENTITIES, INCLUDING THE  
16 SHERIFF, TO BRING THE RESPONDENT BEFORE THE COURT OR TAKE THE  
17 RESPONDENT TO THE PLACEMENT WHERE PHYSICAL CUSTODY OF THE  
18 RESPONDENT HAS BEEN ORDERED;

19 (f) APPOINT A LEGAL GUARDIAN PURSUANT TO ARTICLE 14 OF  
20 TITLE 15; OR

21 (g) ISSUE ORDERS AS NECESSARY TO EFFECTUATE AND ENFORCE  
22 THE COURT'S POWERS AND RESPONSIBILITIES PURSUANT TO THIS SECTION,  
23 INCLUDING AUTHORIZATION FOR THE REASONABLE USE OF FORCE,  
24 WARRANTS FOR THE ARREST OF THE RESPONDENT, OR CONTEMPT  
25 PROCEEDINGS AGAINST A NONCOMPLIANT INDIVIDUAL OR ENTITY.

26 (5) (a) THE COURT SHALL ENSURE THE RESPONDENT IS PLACED IN  
27 THE LEAST-RESTRICTIVE PLACEMENT ADEQUATE TO PROTECT THE VICTIM  
28 AND THE COMMUNITY AND PROVIDE, TO THE GREATEST EXTENT POSSIBLE,  
29 THE APPROPRIATE LEVEL OF CARE, TREATMENT, AND SUPERVISION OF THE  
30 RESPONDENT.

31 (b) PRIOR TO MODIFYING THE CIVIL COMMITMENT TO CHANGE THE  
32 RESPONDENT'S PROVIDER OR PLACEMENT, THE COURT SHALL REVIEW THE  
33 APPROPRIATENESS OF THE PROPOSED PROVIDER OR PLACEMENT,  
34 INCLUDING WHETHER THE PROVIDER FITS THE RESPONDENT'S DIAGNOSIS  
35 AND TREATMENT NEEDS AND WHETHER THE PLACEMENT SUFFICIENTLY  
36 PROTECTS THE COMMUNITY FROM THE SUBSTANTIAL RISK OF SERIOUS  
37 HARM TO OTHERS POSED BY THE RESPONDENT.

38 (c) UPON REQUEST, THE COURT SHALL PERMIT CDHS, THE  
39 PARTIES, OR THE APPOINTED LEGAL GUARDIAN THE OPPORTUNITY TO  
40 OBJECT AND BE HEARD PRIOR TO THE COURT'S DECISION. THE COURT MAY  
41 PERMIT TESTIMONY IF THE COURT BELIEVES IT WOULD BE HELPFUL TO THE  
42 COURT'S DECISION.

43 (d) WHEN DECIDING WHETHER TO APPROVE THE NEW PROVIDER OR

1 PLACEMENT, THE COURT SHALL GIVE DUE DEFERENCE TO CDHS AND THE  
2 OPINION OF ANY MEDICAL PROFESSIONAL ON THE APPROPRIATENESS OF  
3 THE PROVIDER AND PLACEMENT FOR THE RESPONDENT, VICTIMS, AND  
4 COMMUNITY, BUT DEFERENCE MUST NOT BE GIVEN TO CDHS OR A  
5 MEDICAL PROFESSIONAL AS TO WHETHER THE PLACEMENT SUFFICIENTLY  
6 PROTECTS ANY VICTIMS AND THE COMMUNITY FROM THE SUBSTANTIAL  
7 RISK OF SERIOUS HARM TO OTHERS POSED BY THE RESPONDENT. WHEN  
8 CONSIDERING THE APPROPRIATENESS OF THE PLACEMENT FOR THE  
9 RESPONDENT, VICTIMS, AND COMMUNITY, THE COURT SHALL CONSIDER  
10 THE TOTALITY OF THE CIRCUMSTANCES, INCLUDING:

11 (I) THE RESPONDENT'S STATEMENTS AND INSIGHTS INTO THE  
12 RESPONDENT'S MENTAL HEALTH DISORDER;

13 (II) THE CLINICAL DIAGNOSIS AND CLINICAL PERSPECTIVE ON THE  
14 RESPONDENT'S CURRENT MENTAL STATE AND PROGNOSIS;

15 (III) THE RESPONDENT'S WILLINGNESS AND DEMONSTRATED  
16 ABILITY TO VOLUNTARILY SEEK AND COMPLY WITH A TREATMENT PLAN IN  
17 THE REASONABLY FORESEEABLE FUTURE;

18 (IV) RECENT OVERT ACTS BY THE RESPONDENT TO THREATEN,  
19 CAUSE, OR ATTEMPT TO CAUSE HARM TO THE RESPONDENT'S SELF OR  
20 OTHERS;

21 (V) PREVIOUS PATTERNS OF DETERIORATION THAT RESULTED IN  
22 THE RESPONDENT'S HOSPITALIZATION, ARREST, OR CERTIFICATION FOR  
23 SHORT-TERM TREATMENT;

24 (VI) WHETHER THE RESPONDENT WAS FOUND IN A CONDITION  
25 WHERE THE RESPONDENT WAS NOT ABLE TO CARE FOR THE RESPONDENT'S  
26 OWN BASIC NEEDS IN ORDER TO AVOID THE RISK OF SERIOUS PHYSICAL  
27 HARM; AND

28 (VII) THE FREQUENCY, RECENCY, AND SEVERITY OF THE  
29 CONSIDERATIONS DESCRIBED IN SUBSECTIONS (5)(d)(II) TO (5)(d)(VI) OF  
30 THIS SECTION AND THE LIKELIHOOD THAT THE CONDITIONS AND EVENTS  
31 WILL REOCCUR WITHOUT INPATIENT TREATMENT.

32 (e) THE COURT SHALL NOT MODIFY THE CIVIL COMMITMENT TO  
33 PLACE THE RESPONDENT INTO A STATE HOSPITAL UNLESS THE COURT HAS  
34 EXHAUSTED ALL REASONABLE ATTEMPTS TO FIND AN ALTERNATIVE AND  
35 NO OTHER LESS-RESTRICTIVE PLACEMENTS ARE ADEQUATE TO PROTECT  
36 THE VICTIM AND THE COMMUNITY.

37 (f) THE COURT SHALL NOT PERMIT OR ORDER A RESPONDENT TO BE  
38 PLACED INTO A COMMUNITY-BASED SETTING OUTSIDE OF INPATIENT CARE  
39 FOR THE FIRST TIME SINCE BEING CIVILLY COMMITTED UNLESS:

40 (I) ANY VICTIMS HAVE BEEN NOTIFIED OF A CRITICAL STAGE, AS  
41 DEFINED IN SECTION 24-4.1-302 (2)(q.3), AND GIVEN THE OPPORTUNITY TO  
42 BE HEARD; AND

43 (II) THE DISTRICT ATTORNEY IN THE CASE THAT SOUGHT CIVIL

1 COMMITMENT OR ENHANCED PROTECTIVE PLACEMENT HAS BEEN NOTIFIED  
2 AND GIVEN AN OPPORTUNITY TO OBJECT AND BE HEARD.

3 (g) IF THE COURT MODIFIES THE RESPONDENT'S PROVIDER OR  
4 PLACEMENT, THE COURT SHALL ISSUE ANY ORDERS NECESSARY TO  
5 MITIGATE THE RESPONDENT'S RISK TO ANY VICTIMS OR THE COMMUNITY,  
6 INCLUDING ORDERING THE PROVIDER TO TAKE REASONABLE AND  
7 PRACTICABLE PROTECTIVE MEASURES TO PREVENT THE RESPONDENT FROM  
8 CONTACTING ANY VICTIMS; EXCEPT THAT THE COURT SHALL NOT ORDER  
9 THE RESPONDENT TO COMPLY WITH ANY CONDITIONS THAT ARE NOT  
10 NECESSARY TO MITIGATE THE RESPONDENT'S RISK OR WITH WHICH THE  
11 RESPONDENT CANNOT COMPLY.

12 (6) (a) IF THE COURT ORDERS THE RESPONDENT TO BE PLACED  
13 WITHIN CDHS, THE EXECUTIVE DIRECTOR OF CDHS SHALL DESIGNATE  
14 THE STATE FACILITY AT WHICH THE RESPONDENT IS HELD FOR CARE AND  
15 TREATMENT AND MAY TRANSFER THE RESPONDENT FROM ONE FACILITY TO  
16 ANOTHER IF, IN THE OPINION OF THE EXECUTIVE DIRECTOR, IT IS  
17 APPROPRIATE TO DO SO IN THE INTEREST OF THE PROPER CARE, CUSTODY,  
18 AND TREATMENT OF THE RESPONDENT OR FOR THE PROTECTION OF THE  
19 PUBLIC OR PERSONNEL AT THE FACILITIES IN QUESTION.

20 (b) NOTWITHSTANDING SUBSECTION (6)(a) OF THIS SECTION,  
21 CDHS SHALL:

22 (I) ENSURE THE RESPONDENT IS PLACED IN THE  
23 LEAST-RESTRICTIVE PLACEMENT ADEQUATE TO PROTECT THE VICTIM AND  
24 THE COMMUNITY AND PROVIDE, TO THE GREATEST EXTENT POSSIBLE, THE  
25 APPROPRIATE LEVEL OF CARE, TREATMENT, AND SUPERVISION OF THE  
26 RESPONDENT; AND

27 (II) NOT PLACE THE RESPONDENT IN A COMMUNITY-BASED  
28 SETTING FOR THE FIRST TIME SINCE THE RESPONDENT WAS CIVILLY  
29 COMMITTED WITHOUT PRIOR APPROVAL OF THE COURT PURSUANT TO  
30 SUBSECTION (5) OF THIS SECTION.

31 (7) TERMINATION OF THE CIVIL COMMITMENT IS GOVERNED BY  
32 SECTION 27-65-202.

33 (8) THE PROVIDER CHARGED WITH THE PHYSICAL CARE AND  
34 CUSTODY OF THE RESPONDENT SHALL SUBMIT A REPORT TO THE COURT  
35 AND THE PARTIES ANNUALLY BY THE DATE THE RESPONDENT WAS CIVILLY  
36 COMMITTED UNLESS A SUBSTANTIALLY SIMILAR EXAMINATION WAS  
37 ORDERED BY THE COURT WITHIN THE PREVIOUS TWELVE MONTHS. THE  
38 REPORT MUST INCLUDE:

39 (a) THE PROVIDER'S OPINION ABOUT WHETHER THE RESPONDENT:

40 (I) MEETS THE CRITERIA FOR SHORT-TERM CERTIFICATION  
41 PURSUANT TO SECTION 27-65-108.3 (1) OR SHORT-TERM PROTECTIVE  
42 PLACEMENT PURSUANT TO SECTION 25.5-10-503 (1);

43 (II) CONTINUES TO MEET THE CRITERIA FOR CIVIL COMMITMENT

1 PURSUANT TO SECTION 16-8.5-118;

2 (III) MEETS THE CRITERIA FOR ENHANCED PROTECTIVE  
3 PLACEMENT PURSUANT TO SECTION 16-8.5-118;

4 (IV) IS APPROPRIATELY PLACED; AND

5 (V) MEETS THE CRITERIA FOR TERMINATION OF THE CIVIL  
6 COMMITMENT PURSUANT TO SECTION 27-65-202;

7 (b) A SUMMARY OF THE MATERIALS REVIEWED, ASSESSMENTS  
8 CONDUCTED, AND OTHER BASES OF OPINIONS RENDERED;

9 (c) THE RESPONDENT'S DIAGNOSIS AND WHETHER THE  
10 RESPONDENT'S SYMPTOMS ARE IN REMISSION;

11 (d) A SUMMARY OF THE SERVICES OR TREATMENT PROVIDED TO  
12 THE RESPONDENT SINCE THE LAST REPORT AND THE RESPONDENT'S  
13 PROGRESS;

14 (e) A SUMMARY OF THE RESPONDENT'S COMPLIANCE WITH  
15 TREATMENT OR SERVICES, INCLUDING INFORMATION ABOUT MEDICATIONS  
16 CURRENTLY PRESCRIBED TO THE RESPONDENT AND WHETHER THE  
17 RESPONDENT IS COMPLIANT WITH TAKING THE PRESCRIBED MEDICATIONS;

18 (f) AN ASSESSMENT OF THE RESPONDENT'S RISK OF HARM TO  
19 OTHERS;

20 (g) A SUMMARY OF THE RESPONDENT'S TREATMENT OR SERVICE  
21 NEEDS BY UTILIZING EVIDENCE-BASED STANDARDS OF INDIVIDUALIZED  
22 TREATMENT AND MANAGEMENT OF INDIVIDUALS CIVILLY COMMITTED;

23 (h) A SUMMARY OF THE SPECIFIC TREATMENT OR SERVICE OPTIONS  
24 AVAILABLE TO THE RESPONDENT IN THE COMMUNITY AND THE SPECIFIC  
25 TREATMENT OR SERVICE OPTIONS AVAILABLE TO THE RESPONDENT AT A  
26 FACILITY DESIGNATED BY THE EXECUTIVE DIRECTOR OF CDHS;

27 (i) A SUMMARY OF WHETHER AND HOW ONGOING RISKS COULD BE  
28 MITIGATED IF THE RESPONDENT WERE PLACED IN THE COMMUNITY; AND

29 (j) SPECIFIC FACTS AND EVIDENCE SUPPORTING EACH OPINION  
30 MADE PURSUANT TO SUBSECTION (8)(a) OF THIS SECTION.

31 (9) THE COURT MAY ORDER ANY TREATMENT OR SERVICE  
32 PROVIDER WHO HAS AGREED OR WHO HAS BEEN ORDERED TO PROVIDE  
33 SERVICES OR TREATMENT TO THE RESPONDENT TO ISSUE REGULAR  
34 PROGRESS REPORTS CONTAINING INFORMATION REQUIRED PURSUANT TO  
35 SUBSECTION (8) OF THIS SECTION OR OTHER INFORMATION DEEMED  
36 NECESSARY FOR THE COURT'S SUPERVISION OF THE CIVIL COMMITMENT.

37 (10) (a) THE COURT MAY, UPON A SHOWING OF GOOD CAUSE,  
38 ORDER AN EXAMINATION BY A PSYCHOLOGIST OR PSYCHIATRIST  
39 REGARDING THE RESPONDENT'S PROGRESS WITH TREATMENT AND  
40 WHETHER THE RESPONDENT MEETS THE CRITERIA FOR CONVERSION OF THE  
41 CIVIL COMMITMENT TO AN ENHANCED PROTECTIVE PLACEMENT,  
42 CERTIFICATION FOR SHORT-TERM TREATMENT, OR SHORT-TERM  
43 PROTECTIVE PLACEMENT, OR MEETS THE CRITERIA FOR TERMINATION OF

1 THE CIVIL COMMITMENT PURSUANT TO SECTION 27-65-202. THE  
2 RESPONDENT SHALL COOPERATE WITH ANY EXAMINATIONS ORDERED  
3 PURSUANT TO THIS SUBSECTION (10)(a).

4 (b) STATEMENTS MADE BY THE RESPONDENT DURING AN  
5 EXAMINATION CONDUCTED PURSUANT TO THIS SUBSECTION (10) MUST NOT  
6 BE USED IN ANY CRIMINAL PROSECUTION.

7 (c) GOOD CAUSE INCLUDES A RESPONDENT'S TIMELY REQUEST FOR  
8 AN EVALUATION THAT ALLOWS A COMPETENCY EVALUATOR TO PROVIDE  
9 A SECOND OPINION IN RESPONSE TO THE REPORT PROVIDED PURSUANT TO  
10 SUBSECTION (8) OF THIS SECTION THAT OPINES THAT THE RESPONDENT  
11 DOES NOT MEET THE CRITERIA FOR TERMINATION.

12 (11) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2030.

13 **27-65-202. Termination of civil commitment - repeal.**

14 (1) THE COURT SHALL TERMINATE A RESPONDENT'S CIVIL  
15 COMMITMENT ORDERED PURSUANT TO SECTION 27-65-201 IF THE  
16 RESPONDENT:

17 (a) NO LONGER POSES A SUBSTANTIAL RISK OF SERIOUS HARM TO  
18 OTHERS; OR

19 (b) DOES NOT HAVE A MENTAL HEALTH DISORDER THAT IS LIKELY  
20 TO CAUSE THE RESPONDENT TO BE A DANGER TO THE RESPONDENT'S SELF  
21 OR A DANGER TO OTHERS AND THE RESPONDENT HAS DEMONSTRATED  
22 SUFFICIENT CAPACITY AND WILLINGNESS TO CONFORM THE RESPONDENT'S  
23 CONDUCT TO THE REQUIREMENTS OF THE LAW.

24 (2) IF A TREATMENT PROVIDER CHARGED WITH THE PHYSICAL CARE  
25 AND CUSTODY OF THE RESPONDENT DETERMINES THAT THE RESPONDENT  
26 MEETS THE STANDARD FOR TERMINATION FROM CIVIL COMMITMENT  
27 PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE PROVIDER OR THE  
28 PROVIDER'S DESIGNEE SHALL REPORT THE DETERMINATION TO THE COURT  
29 THAT PLACED THE RESPONDENT INTO THE PROVIDER'S CARE AND CUSTODY,  
30 THE COUNTY ATTORNEY, AND THE DISTRICT ATTORNEY WHO ORIGINALLY  
31 SOUGHT CIVIL COMMITMENT OR AN ENHANCED PROTECTIVE PLACEMENT  
32 PURSUANT TO SECTION 16-8.5-118. THE COURT SHALL FURNISH A COPY OF  
33 ANY REPORTS RECEIVED TO THE RESPONDENT AND THE RESPONDENT'S  
34 COUNSEL.

35 (3)(a) THE RESPONDENT MAY REQUEST TERMINATION OF THE CIVIL  
36 COMMITMENT IN WRITING AT ANY TIME THE RESPONDENT WOULD NOT BE  
37 PROHIBITED FROM HAVING A SUBSEQUENT TERMINATION TRIAL PURSUANT  
38 TO SUBSECTION (7) OF THIS SECTION.

39 (b) THE COURT SHALL DENY THE REQUEST UNLESS THE REQUEST  
40 FOR TERMINATION INCLUDES AN OPINION FROM A PROFESSIONAL PERSON  
41 THAT THE RESPONDENT CURRENTLY MEETS THE CRITERIA FOR  
42 TERMINATION OF THE CIVIL COMMITMENT PURSUANT TO SUBSECTION (1)  
43 OF THIS SECTION.

1 (4) (a) If the court does not deny the request for  
2 termination without a hearing, the court shall permit the  
3 county attorney and the district attorney who originally  
4 sought civil commitment or enhanced protective placement  
5 pursuant to section 16-8.5-118 fourteen days to object to  
6 termination or request an opportunity to conduct an  
7 independent evaluation by an expert of the county attorney's or  
8 district attorney's own choosing and expense.

9 (b) If neither the county attorney nor the district  
10 attorney object or request an opportunity to request an  
11 independent evaluation, the court shall terminate the  
12 respondent's civil commitment.

13 (c) If either the county attorney or the district attorney  
14 request an opportunity to conduct an independent evaluation,  
15 the court shall grant that request, order the respondent to  
16 comply with the evaluation, and permit the county attorney or  
17 district attorney a reasonable period of time to identify an  
18 expert, conduct the evaluation, and issue a report. If both the  
19 county attorney and district attorney request an independent  
20 evaluation, the court shall treat the request as a joint request  
21 for a single independent evaluation.

22 (d) If the respondent does not cooperate with the  
23 evaluation, the court may grant additional time or deny the  
24 respondent's request for termination.

25 (e) Upon receipt of the independent evaluation report, the  
26 county attorney or district attorney must provide a copy to  
27 respondent's counsel and the court within fourteen days.

28 (f) If neither the county attorney nor district attorney  
29 object within the time permitted by the court, the court shall  
30 terminate the respondent's civil commitment.

31 (5) (a) If either the county attorney or district attorney  
32 timely objects, the court shall, as soon as practicable, bring the  
33 respondent before the court, ensure the respondent and the  
34 respondent's counsel received a copy of the report, and advise  
35 the respondent of the right to demand a trial by the court or  
36 the right to demand, in writing, a jury trial of not more than six  
37 individuals to determine whether the respondent meets the  
38 criteria for termination pursuant to subsection (1) of this  
39 section.

40 (b) If the respondent demands a trial before the court, the  
41 court shall schedule the trial to begin within thirty-five days  
42 after the demand. If the respondent demands a jury trial, the  
43 court shall schedule the trial to begin within seventy-two days

1 AFTER THE DEMAND. A DELAY ATTRIBUTABLE TO THE RESPONDENT IS  
2 EXCLUDED FROM THE TIME LIMITATIONS IN THIS SUBSECTION (5)(b). IF THE  
3 COURT DOES NOT BEGIN THE TRIAL WITHIN THE TIME PERMITTED  
4 PURSUANT TO THIS SUBSECTION (5)(b), THE COURT SHALL TERMINATE THE  
5 CIVIL COMMITMENT AND RELEASE THE RESPONDENT FROM THE PROVIDER'S  
6 CARE AND CUSTODY.

7 (c) IF THE COUNTY ATTORNEY DOES NOT OBJECT TO TERMINATION  
8 BUT THE DISTRICT ATTORNEY DOES, THE DISTRICT ATTORNEY HAS  
9 STANDING TO SERVE AS THE COUNTY ATTORNEY FOR THE LIMITED PURPOSE  
10 OF TRIAL AND ANY APPEALS RELATED TO THE TRIAL. THE COUNTY  
11 ATTORNEY SHALL TIMELY PROVIDE THE DISTRICT ATTORNEY ALL  
12 INFORMATION AND RECORDS RELEVANT TO THE TRIAL IN THE COUNTY  
13 ATTORNEY'S POSSESSION OR CONTROL WITHOUT SUBPOENA OR COURT  
14 ORDER. THE DISTRICT ATTORNEY'S LIMITED STANDING DOES NOT EXTEND  
15 TO ANY OTHER MATTERS RELATED TO THE CIVIL COMMITMENT AND  
16 TERMINATES UPON RESOLUTION OF THE TRIAL AND ANY RELATED APPEALS.

17 (6) (a) AT THE TRIAL, IF ANY EVIDENCE IS INTRODUCED THAT  
18 SHOWS THE RESPONDENT DOES NOT MEET THE CRITERIA FOR TERMINATION  
19 OF THE CIVIL COMMITMENT PURSUANT TO SUBSECTION (1) OF THIS  
20 SECTION, THE RESPONDENT HAS THE BURDEN TO SHOW BY A  
21 PREPONDERANCE OF THE EVIDENCE THAT THE RESPONDENT MEETS THE  
22 CRITERIA FOR TERMINATION PURSUANT TO SUBSECTION (1) OF THIS  
23 SECTION.

24 (b) IF THE TRIER OF FACT FINDS, BY A PREPONDERANCE OF THE  
25 EVIDENCE, THAT THE RESPONDENT MEETS THE CRITERIA FOR TERMINATION  
26 PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE COURT SHALL ORDER  
27 THE RESPONDENT RELEASED FROM THE PROVIDER'S CARE AND CUSTODY  
28 AND TERMINATE THE RESPONDENT'S CIVIL COMMITMENT. IF THE TRIER OF  
29 FACT FINDS, BY A PREPONDERANCE OF THE EVIDENCE, THAT THE  
30 RESPONDENT DOES NOT MEET THE CRITERIA FOR TERMINATION PURSUANT  
31 TO SUBSECTION (1) OF THIS SECTION, THE COURT SHALL CONTINUE THE  
32 CIVIL COMMITMENT AND MAY ENTER OR MODIFY ANY ORDERS TO ASSIST  
33 IN PROGRESSING THE TREATMENT OF THE RESPONDENT OR THAT ARE  
34 NECESSARY TO PROTECT THE PUBLIC.

35 (7) IF THE TRIER OF FACT FINDS THE RESPONDENT DOES NOT MEET  
36 THE CRITERIA FOR TERMINATION PURSUANT TO SUBSECTION (1) OF THIS  
37 SECTION, THE RESPONDENT IS NOT ENTITLED TO ANOTHER TERMINATION  
38 TRIAL WITHIN ONE YEAR AFTER THE CONCLUSION OF THE PREVIOUS TRIAL  
39 FOR TERMINATION.

40 (8) IF THE RESPONDENT DOES NOT MEET THE CRITERIA FOR  
41 TERMINATION PURSUANT TO SUBSECTION (1) OF THIS SECTION AND HAS A  
42 MENTAL HEALTH DISORDER THAT IS AN INTELLECTUAL AND  
43 DEVELOPMENTAL DISABILITY OR A NEUROCOGNITIVE DISORDER, AS THOSE

1 TERMS ARE DEFINED IN SECTION 25.5-10-501, WITHOUT HAVING ANY  
2 OTHER MENTAL HEALTH DISORDER THAT IS NOT AN INTELLECTUAL AND  
3 DEVELOPMENTAL DISABILITY OR NEUROCOGNITIVE DISORDER AND THAT  
4 SUBSTANTIALLY CONTRIBUTES TO WHETHER THE RESPONDENT IS A  
5 DANGER TO THE RESPONDENT'S SELF OR A DANGER TO OTHERS, OR IS  
6 GRAVELY DISABLED, THE COURT SHALL CONVERT THE CIVIL COMMITMENT  
7 TO AN ENHANCED PROTECTIVE PLACEMENT AND MAY MODIFY THE TERMS  
8 OF THE ENHANCED PROTECTIVE PLACEMENT IN ACCORDANCE WITH  
9 SECTION 25.5-10-507.

10 (9) IF THE DEFENDANT DOES NOT MEET THE CRITERIA FOR  
11 TERMINATION PURSUANT TO SUBSECTION (1) OF THIS SECTION AND HAS  
12 CO-OCCURRING MENTAL HEALTH DISORDERS THAT INCLUDE AN  
13 INTELLECTUAL AND DEVELOPMENTAL DISABILITY OR A NEUROCOGNITIVE  
14 DISORDER, AS THOSE TERMS ARE DEFINED IN SECTION 25.5-10-501, THE  
15 COURT MAY, UPON THE RECOMMENDATION OF CDHS, CONVERT A CIVIL  
16 COMMITMENT TO AN ENHANCED PROTECTIVE PLACEMENT AND MODIFY  
17 THE TERMS OF THE ENHANCED PROTECTIVE PLACEMENT IN ACCORDANCE  
18 WITH SECTION 25.5-10-507.

19 (10) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2030."

20 Page 147, strike lines 1 through 7 and substitute:

21 "(1) THE COURT MAY ORDER THE PROTECTIVE PLACEMENT OF A  
22 RESPONDENT IF:

23 (a) THE RESPONDENT, BY CLEAR AND CONVINCING EVIDENCE, HAS  
24 A NEUROCOGNITIVE DISORDER;

25 (b) WITH THE CONSIDERATION OF ALL REASONABLY AVAILABLE  
26 INFORMATION, INCLUDING THE RELEVANT HISTORY OF THE RESPONDENT,  
27 THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE RESPONDENT  
28 WILL NOT REMAIN IN A VOLUNTARY TREATMENT PROGRAM; AND

29 (c) THE RESPONDENT, BY CLEAR AND CONVINCING EVIDENCE, IS A  
30 DANGER TO THE RESPONDENT'S SELF OR A DANGER TO OTHERS."

31 Page 148, strike lines 18 through 27.

32 Strike pages 149 through 153.

33 Page 154, strike lines 1 through 21 and substitute:

34 **"25.5-10-503. Short-term protective placement for**  
35 **incompetent defendants in a criminal matter.**

36 (1) UPON PETITION OF A PROFESSIONAL PERSON OR INTERVENING  
37 PROFESSIONAL ACTING WITHIN THE SCOPE OF THEIR AUTHORITY AND

1 LICENSURE, AN APPOINTED LEGAL GUARDIAN, OR A REPRESENTATIVE OF  
2 THE BHA OR HCPF, A COURT MAY CERTIFY A PERSON FOR SHORT-TERM  
3 PROTECTIVE PLACEMENT FOR NOT MORE THAN THREE MONTHS UNDER THE  
4 FOLLOWING CONDITIONS:

5 (a) THE PERSON IS A RESPONDENT IN A CRIMINAL MATTER IN WHICH  
6 THE PERSON HAS BEEN FOUND INCOMPETENT TO PROCEED;

7 (b) THE COURT HEARING THE CRIMINAL MATTER REFERRED THE  
8 MATTER FOR FILING OF A PETITION PURSUANT TO SECTION 16-8.5-117;

9 (c) A PROFESSIONAL PERSON OR INTERVENING PROFESSIONAL  
10 ACTING WITHIN THE SCOPE OF THEIR AUTHORITY AND LICENSURE:

11 (I) HAS AN ESTABLISHED TREATMENT RELATIONSHIP WITH THE  
12 PERSON, INCLUDING HAVING PROVIDED CARE TO THE PERSON IN THE PAST  
13 THREE MONTHS, WHICH CARE FORMS THE BASIS FOR REQUESTING THE  
14 SHORT-TERM PROTECTIVE PLACEMENT; AND

15 (II) HAS EVALUATED THE PERSON WITHIN THE PAST THREE  
16 MONTHS AND PRODUCED A WRITTEN OPINION THAT THE PERSON MEETS  
17 THE CRITERIA FOR PROTECTIVE PLACEMENT PURSUANT TO SECTION  
18 25.5-10-502;

19 (d) THERE IS A SKILLED NURSING FACILITY, A REGIONAL CENTER,  
20 OR ANOTHER PLACEMENT WILLING TO ACCEPT CARE AND CUSTODY OF THE  
21 RESPONDENT AND TO HOLD THE PROTECTIVE PLACEMENT; AND

22 (e) THE PERSON, THE PERSON'S LEGAL GUARDIAN, AND THE  
23 PERSON'S LAY PERSON, IF APPLICABLE, HAVE BEEN ADVISED OF THE  
24 PERSON'S RIGHT TO AN ATTORNEY AND TO CONTEST THE SHORT-TERM  
25 PROTECTIVE PLACEMENT.

26 (2) THE PETITION FILED PURSUANT TO SUBSECTION (1) OF THIS  
27 SECTION MUST:

28 (a) STATE SUFFICIENT FACTS TO ESTABLISH REASONABLE GROUNDS  
29 THAT THE RESPONDENT MEETS THE CRITERIA FOR SHORT-TERM  
30 PROTECTIVE PLACEMENT PURSUANT TO SECTION 25.5-10-502, INCLUDING  
31 ATTACHING THE PROFESSIONAL PERSON'S OR INTERVENING  
32 PROFESSIONAL'S WRITTEN OPINION PRODUCED PURSUANT TO SUBSECTION  
33 (1)(c)(II) OF THIS SECTION;

34 (b) BE FILED WITHIN FOURTEEN DAYS AFTER THE INITIATING PARTY  
35 RECEIVED THE COURT ORDER FROM THE CRIMINAL COURT INITIATING THE  
36 SHORT-TERM PROTECTIVE PLACEMENT; AND

37 (c) BE FILED WITH THE COURT IN THE COUNTY WHERE THE  
38 RESPONDENT RESIDED OR WAS PHYSICALLY PRESENT IMMEDIATELY PRIOR  
39 TO THE FILING OF THE PETITION; EXCEPT THAT, IF THE PERSON WAS  
40 ARRESTED FOR THE PRIOR CASE AND HELD IN CUSTODY, THE PETITION MAY  
41 BE FILED IN THE COUNTY WHERE THE RESPONDENT RESIDED OR WAS  
42 PHYSICALLY PRESENT IMMEDIATELY PRIOR TO THE RESPONDENT'S ARREST.

43 (3) WITHIN TWENTY-FOUR HOURS AFTER CERTIFICATION, COPIES

1 OF THE SHORT-TERM PROTECTIVE PLACEMENT MUST BE PERSONALLY  
2 DELIVERED TO THE RESPONDENT AND HCPF WHO SHALL RETAIN A COPY  
3 OF THE CERTIFICATION AS PART OF THE RESPONDENT'S RECORD. IF THE  
4 CRIMINAL CASE IS PENDING, OR NOT YET DISMISSED, THE PETITIONING  
5 PARTY SHALL PROVIDE NOTICE OF THE FILING OF THE PETITION TO THE  
6 CRIMINAL COURT. THE CRIMINAL COURT SHALL PROVIDE THE NOTICE TO  
7 THE PROSECUTING AND DEFENSE ATTORNEYS IN THE CRIMINAL CASE AND  
8 ANY ATTORNEY APPOINTED THE RESPONDENT PURSUANT TO SUBSECTION  
9 (5) OF THIS SECTION.

10 (4) THE PETITIONER SHALL ASK THE RESPONDENT TO DESIGNATE  
11 ONE OTHER PERSON WHOM THE RESPONDENT WANTS TO BE INFORMED  
12 REGARDING THE PETITION. IF THE RESPONDENT IS INCAPABLE OF MAKING  
13 A DESIGNATION AT THE TIME THE PETITION IS DELIVERED, THE COURT MAY  
14 ASK THE RESPONDENT TO DESIGNATE A PERSON AS SOON AS THE  
15 RESPONDENT IS CAPABLE. IF THE PETITIONER FAILS TO ASK THE  
16 RESPONDENT TO DESIGNATE A PERSON, THE RESPONDENT'S ATTORNEY  
17 APPOINTED PURSUANT TO SUBSECTION (5) OF THIS SECTION SHALL REPORT  
18 TO THE COURT ANY PERSON WHOM THE RESPONDENT WANTS TO BE  
19 INFORMED REGARDING THE PETITION.

20 (5) WHENEVER A PETITION IS FILED PURSUANT TO THIS SECTION,  
21 THE COURT SHALL IMMEDIATELY APPOINT AN ATTORNEY TO REPRESENT  
22 THE RESPONDENT. THE COURT SHALL PROVIDE THE RESPONDENT WITH A  
23 WRITTEN NOTICE THAT THE RESPONDENT HAS A RIGHT TO A HEARING ON  
24 THE PETITION AND MAY MAKE A WRITTEN REQUEST FOR A JURY TRIAL. THE  
25 RESPONDENT HAS THE RIGHT TO AN ATTORNEY FOR ALL PROCEEDINGS  
26 CONDUCTED PURSUANT TO THIS SECTION, INCLUDING ANY APPEALS. THE  
27 ATTORNEY REPRESENTING THE RESPONDENT MUST BE PROVIDED WITH A  
28 COPY OF THE PETITION AND ANY SUPPORTING MATERIALS IMMEDIATELY  
29 UPON THE ATTORNEY'S APPOINTMENT. THE RESPONDENT MAY ONLY WAIVE  
30 COUNSEL WHEN THE RESPONDENT MAKES A KNOWING AND VOLUNTARY  
31 WAIVER IN FRONT OF THE COURT.

32 (6) UPON FILING A PETITION PURSUANT TO THIS SECTION AND  
33 AFFORDING THE RESPONDENT A CHANCE TO CONTEST THE PETITION, THE  
34 COURT MAY GRANT OR DENY THE PROTECTIVE PLACEMENT BASED ON THE  
35 FACTS ESTABLISHED IN THE PETITION, SUBJECT TO THE COURT'S FURTHER  
36 REVIEW OR A JURY TRIAL.

37 (7) WITHIN FOURTEEN DAYS AFTER RECEIPT OF THE PETITION FILED  
38 PURSUANT TO THIS SECTION, THE RESPONDENT, OR THE RESPONDENT'S  
39 ATTORNEY, MAY REQUEST A JURY TRIAL BY FILING A WRITTEN MOTION  
40 WITH THE COURT.

41 (8) THE RESPONDENT MAY KNOWINGLY AND VOLUNTARILY  
42 CONSENT TO THE PETITION IN WRITING.

43 (9) THE RESPONDENT OR THE RESPONDENT'S ATTORNEY MAY, AT

1 ANY TIME, FILE A WRITTEN REQUEST FOR THE COURT TO REVIEW THE  
2 SHORT-TERM PROTECTIVE PLACEMENT. IF A REVIEW IS REQUESTED, THE  
3 COURT SHALL HEAR THE MATTER WITHIN FOURTEEN DAYS AFTER THE  
4 REQUEST, AND THE COURT SHALL GIVE NOTICE TO THE RESPONDENT, THE  
5 RESPONDENT'S ATTORNEY, HCPF, AND THE COMMUNITY OR FACILITY  
6 PROVIDER WHO IS OR WILL PROVIDE TREATMENT. THE HEARING MUST BE  
7 HELD IN ACCORDANCE WITH SECTION 25.5-10-510. AT THE CONCLUSION  
8 OF THE HEARING, THE COURT MAY ENTER OR CONFIRM THE SHORT-TERM  
9 PROTECTIVE PLACEMENT, DISCHARGE THE RESPONDENT, OR ENTER ANY  
10 OTHER APPROPRIATE ORDER.

11 (10) (a) THE BHA, HCPF, THE DEPARTMENT OF HUMAN SERVICES,  
12 AND CARE PROVIDERS MAY SHARE INFORMATION WITH EACH OTHER AND  
13 THE PARTIES AS NECESSARY. THE BHA, HCPF, THE DEPARTMENT OF  
14 HUMAN SERVICES, AND CARE PROVIDERS MAY RECEIVE AND POSSESS ALL  
15 INFORMATION RELEVANT TO THE PROCEEDINGS HELD PURSUANT TO THIS  
16 SECTION, INCLUDING ANY EVALUATIONS; ANY MEDICAL AND MENTAL  
17 HEALTH RECORDS FOR WHICH A WAIVER OR PRIVILEGE HAS BEEN FOUND  
18 IN PROCEEDINGS HELD PURSUANT TO THIS PART 5, ARTICLE 65 OF TITLE 27,  
19 OR ARTICLE 8 OR 8.5 OF TITLE 16; AND RELEVANT CRIMINAL JUSTICE  
20 RECORDS, INCLUDING ANY CRIMINAL HISTORY OF THE RESPONDENT.

21 (b) THE COURT MAY ORDER THE DISTRICT ATTORNEY RESPONSIBLE  
22 FOR PROSECUTING A CRIMINAL CASE THAT LED TO PROCEEDINGS  
23 PURSUANT TO THIS SECTION OR SECTION 16-8.5-117 TO SEND RELEVANT  
24 RECORDS TO HCPF WITHIN SEVEN DAYS AFTER THE COURT'S ORDER.

25 (c) ANY CURRENT OR FORMER ATTORNEY WHO REPRESENTED THE  
26 RESPONDENT IN ANY PROCEEDING SHALL SEND MATERIALS TO HCPF WITH  
27 THE RESPONDENT'S CONSENT.

28 (11) (a) THE DEPARTMENT OF HEALTH CARE POLICY AND  
29 FINANCING IS RESPONSIBLE FOR FINDING AN APPROPRIATE PROVIDER AND  
30 INPATIENT PLACEMENT FOR THE RESPONDENT.

31 (b) AFTER A PETITION IS FILED, UNLESS AN APPROPRIATE PROVIDER  
32 HAS ALREADY BEEN IDENTIFIED AND IS WILLING TO ACCEPT THE  
33 SHORT-TERM PROTECTIVE PLACEMENT, THE COURT SHALL ORDER HCPF  
34 TO PROVIDE CARE COORDINATION AND MAKE DILIGENT EFFORTS TO FIND  
35 A PROVIDER FOR THE RESPONDENT.

36 (c) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING  
37 SHALL KEEP THE COURT INFORMED, IN WRITING, OF EFFORTS MADE TO FIND  
38 AN APPROPRIATE PROVIDER FOR THE RESPONDENT.

39 (12) UPON ORDERING A SHORT-TERM PROTECTIVE PLACEMENT OF  
40 THE RESPONDENT, THE PROVIDER ORDERED TO RECEIVE THE RESPONDENT  
41 HAS CARE AND PHYSICAL CUSTODY OF THE RESPONDENT.

42 (13) WHENEVER IT APPEARS TO THE COURT THAT A RESPONDENT  
43 IN A SHORT-TERM PROTECTIVE PLACEMENT SHOULD BE TRANSFERRED TO

1 ANOTHER PROVIDER FOR TREATMENT AND THE SAFETY OF THE  
2 RESPONDENT OR THE PUBLIC REQUIRES THAT THE RESPONDENT BE  
3 TRANSPORTED BY A SECURE TRANSPORTATION PROVIDER OR A LAW  
4 ENFORCEMENT AGENCY, THE COURT MAY ISSUE AN ORDER DIRECTING THE  
5 LAW ENFORCEMENT AGENCY WHERE THE RESPONDENT RESIDES OR SECURE  
6 TRANSPORTATION PROVIDER TO DELIVER THE RESPONDENT TO THE  
7 DESIGNATED PROVIDER.

8 (14) IN ACCORDANCE WITH THE PROCEDURES DESCRIBED IN  
9 SECTION 25.5-10-506, A SHORT-TERM PROTECTIVE PLACEMENT MAY BE  
10 TERMINATED UPON THE SIGNATURE OF THE TREATING MEDICAL  
11 PROFESSIONAL AND THE MEDICAL DIRECTOR OF THE FACILITY. A FACILITY  
12 OR PROGRAM SHALL MAKE THE RESPONDENT'S DISCHARGE INSTRUCTIONS  
13 AVAILABLE TO THE RESPONDENT, THE RESPONDENT'S ATTORNEY, AND THE  
14 RESPONDENT'S LEGAL GUARDIAN.

15 (15) IF THE PROFESSIONAL PERSON IN CHARGE OF THE  
16 RESPONDENT'S EVALUATION AND TREATMENT BELIEVES THAT A PERIOD  
17 LONGER THAN THREE MONTHS IS NECESSARY TO TREAT THE RESPONDENT,  
18 THE PROFESSIONAL PERSON SHALL FILE WITH THE COURT A REQUEST FOR  
19 AN EXTENDED PROTECTIVE PLACEMENT AT LEAST THIRTY DAYS PRIOR TO  
20 THE EXPIRATION DATE OF THE ORIGINAL PROTECTIVE PLACEMENT. AN  
21 EXTENDED PROTECTIVE PLACEMENT FOR TREATMENT MUST NOT BE FOR A  
22 PERIOD OF MORE THAN THREE MONTHS. THE RESPONDENT IS ENTITLED TO  
23 A HEARING ON THE EXTENDED PROTECTIVE PLACEMENT UNDER THE SAME  
24 CONDITIONS AS AN ORIGINAL PROTECTIVE PLACEMENT. THE ATTORNEY  
25 INITIALLY REPRESENTING THE RESPONDENT SHALL CONTINUE TO  
26 REPRESENT THE RESPONDENT, UNLESS THE COURT APPOINTS ANOTHER  
27 ATTORNEY."

28 Page 156, lines 9 and 10, strike "BHA, IN COOPERATION WITH HCPF" and  
29 substitute "BHA".

30 Page 157, line 27, strike "AND HCPF".

31 Page 158, strike line 9 through 27.

32 Strike page 159 and 160.

33 Page 161, strike lines 1 through 10 and substitute:

34 **"25.5-10-505. Connect respondent to home- and**  
35 **community-based services.**

36 WHEN A RESPONDENT IS DISCHARGED FROM A PROTECTIVE  
37 PLACEMENT OR A PROTECTIVE PLACEMENT IS TERMINATED, THE BHA

1 SHALL REFER THE RESPONDENT TO ANY HOME- AND COMMUNITY-BASED  
2 SERVICES FOR WHICH THE RESPONDENT MAY BE ELIGIBLE AND SHALL  
3 MAKE DILIGENT EFFORTS TO CONNECT THE RESPONDENT WITH HOME- AND  
4 COMMUNITY-BASED SERVICES."

5 Page 161, lines 14 and 15, strike "RESPONDENT AND HCPF," and  
6 substitute "RESPONDENT,".

7 Page 161, line 16, strike "DETERMINE" and substitute "DETERMINES".

8 Page 161, strike lines 18 through 27.

9 Page 162, strike lines 1 through 6 and substitute:

10           "(2) THE PROFESSIONAL PERSON IN CHARGE OF THE RESPONDENT'S  
11 CARE SHALL NOT APPROVE THE TERMINATION OF THE PROTECTIVE  
12 PLACEMENT UNLESS TWO PROFESSIONAL PERSONS INDEPENDENTLY  
13 EVALUATE THE RESPONDENT AND INDEPENDENTLY OPINE THAT THE  
14 RESPONDENT NO LONGER MEETS THE CRITERIA FOR PROTECTIVE  
15 PLACEMENT TREATMENT. ONE OF THE OPINIONS MUST BE FROM THE  
16 PROFESSIONAL PERSON WHO IS MOST RESPONSIBLE FOR INTERACTING WITH  
17 AND PROVIDING DIRECT CARE AND TREATMENT TO THE RESPONDENT. THIS  
18 REQUIREMENT DOES NOT APPLY IF A PROVIDER EMPLOYS AND CONTRACTS  
19 WITH ONLY ONE PROFESSIONAL PERSON."

20 Page 163, strike lines 26 and 27 and substitute "DISORDER".

21 Page 164, line 1, strike "NEUROCOGNITIVE DISORDER AND".

22 Page 170, after line 19 insert:

23           "(c) GOOD CAUSE INCLUDES A RESPONDENT'S TIMELY REQUEST FOR  
24 AN EVALUATION THAT ALLOWS A COMPETENCY EVALUATOR TO PROVIDE  
25 A SECOND OPINION IN RESPONSE TO THE REPORT PROVIDED PURSUANT TO  
26 SUBSECTION (8) OF THIS SECTION THAT OPINES THAT THE RESPONDENT  
27 DOES NOT MEET THE CRITERIA FOR TERMINATION."

28 Page 171, after line 15 insert:

29           "(3) (a) THE RESPONDENT MAY REQUEST TERMINATION OF THE  
30 ENHANCED PROTECTIVE PLACEMENT IN WRITING AT ANY TIME THE  
31 RESPONDENT WOULD NOT BE PROHIBITED FROM HAVING A SUBSEQUENT  
32 TERMINATION TRIAL PURSUANT TO SUBSECTION (7) OF THIS SECTION.

1 (b) THE COURT SHALL DENY THE REQUEST UNLESS THE REQUEST  
2 FOR TERMINATION INCLUDES AN OPINION FROM A PROFESSIONAL PERSON  
3 THAT THE RESPONDENT CURRENTLY MEETS THE CRITERIA FOR  
4 TERMINATION OF THE ENHANCED PROTECTIVE PLACEMENT PURSUANT TO  
5 SUBSECTION (1) OF THIS SECTION.

6 (4) (a) IF THE COURT DOES NOT DENY THE REQUEST FOR  
7 TERMINATION WITHOUT A HEARING, THE COURT SHALL PERMIT THE  
8 COUNTY ATTORNEY AND THE DISTRICT ATTORNEY WHO ORIGINALLY  
9 SOUGHT ENHANCED PROTECTIVE PLACEMENT PURSUANT TO SECTION  
10 16-8.5-118 FOURTEEN DAYS TO OBJECT TO TERMINATION OR REQUEST AN  
11 OPPORTUNITY TO CONDUCT AN INDEPENDENT EVALUATION BY AN EXPERT  
12 OF THE COUNTY ATTORNEY'S OR DISTRICT ATTORNEY'S OWN CHOOSING  
13 AND EXPENSE.

14 (b) IF NEITHER THE COUNTY ATTORNEY NOR THE DISTRICT  
15 ATTORNEY OBJECT OR REQUEST AN OPPORTUNITY TO REQUEST AN  
16 INDEPENDENT EVALUATION, THE COURT SHALL TERMINATE THE  
17 RESPONDENT'S ENHANCED PROTECTIVE PLACEMENT.

18 (c) IF EITHER THE COUNTY ATTORNEY OR THE DISTRICT ATTORNEY  
19 REQUEST AN OPPORTUNITY TO CONDUCT AN INDEPENDENT EVALUATION,  
20 THE COURT SHALL GRANT THAT REQUEST, ORDER THE RESPONDENT TO  
21 COMPLY WITH THE EVALUATION, AND PERMIT THE COUNTY ATTORNEY OR  
22 DISTRICT ATTORNEY A REASONABLE PERIOD OF TIME TO IDENTIFY AN  
23 EXPERT, CONDUCT THE EVALUATION, AND ISSUE A REPORT. IF BOTH THE  
24 COUNTY ATTORNEY AND DISTRICT ATTORNEY REQUEST AN INDEPENDENT  
25 EVALUATION, THE COURT SHALL TREAT THE REQUEST AS A JOINT REQUEST  
26 FOR A SINGLE INDEPENDENT EVALUATION.

27 (d) IF THE RESPONDENT DOES NOT COOPERATE WITH THE  
28 EVALUATION, THE COURT MAY GRANT ADDITIONAL TIME OR DENY THE  
29 RESPONDENT'S REQUEST FOR TERMINATION.

30 (e) UPON RECEIPT OF THE INDEPENDENT EVALUATION REPORT, THE  
31 COUNTY ATTORNEY OR DISTRICT ATTORNEY MUST PROVIDE A COPY TO  
32 RESPONDENT'S COUNSEL AND THE COURT WITHIN FOURTEEN DAYS.

33 (f) IF NEITHER THE COUNTY ATTORNEY NOR DISTRICT ATTORNEY  
34 OBJECT WITHIN THE TIME PERMITTED BY THE COURT, THE COURT SHALL  
35 TERMINATE THE RESPONDENT'S ENHANCED PROTECTIVE PLACEMENT."

36 Renumber succeeding subsections accordingly.

37 Page 171, strike lines 16 through 19 and substitute:

38 "(5) (a) IF EITHER THE COUNTY ATTORNEY OR DISTRICT ATTORNEY  
39 TIMELY OBJECTS, THE COURT SHALL, AS SOON AS PRACTICABLE, BRING THE  
40 RESPONDENT BEFORE THE".

1 Page 171, line 21, strike "THE REPORT," and substitute "ANY REPORTS  
2 RECEIVED,".

3 Page 172, line 4, strike "(3)(b)." and substitute "(5)(b).".

4 Page 172, line 6, strike "(3)(b)," and substitute "(5)(b),".

5 Page 172, strike lines 9 through 12 and substitute:

6 "(c) IF THE COUNTY ATTORNEY DOES NOT OBJECT TO TERMINATION  
7 BUT THE DISTRICT ATTORNEY DOES, THE DISTRICT ATTORNEY HAS  
8 STANDING TO SERVE AS THE COUNTY ATTORNEY FOR THE LIMITED PURPOSE  
9 OF TRIAL AND ANY APPEALS RELATED TO THE TRIAL. THE COUNTY  
10 ATTORNEY SHALL TIMELY PROVIDE THE DISTRICT ATTORNEY ALL  
11 INFORMATION AND RECORDS RELEVANT TO THE TRIAL IN THE COUNTY  
12 ATTORNEY'S POSSESSION OR CONTROL WITHOUT SUBPOENA OR COURT  
13 ORDER. THE DISTRICT ATTORNEY'S LIMITED STANDING DOES NOT EXTEND  
14 TO ANY OTHER MATTERS RELATED TO THE ENHANCED PROTECTIVE  
15 PLACEMENT AND TERMINATES UPON RESOLUTION OF THE TRIAL AND ANY  
16 RELATED APPEALS."

17 Page 177, strike lines 4 through 10.

18 Reletter succeeding paragraphs accordingly.

19 Page 183, line 5, after "HCPF," insert "THE BHA, THE DEPARTMENT OF  
20 HUMAN SERVICES,".

21 Page 183, line 9, after "HCPF," insert "THE BHA, THE DEPARTMENT OF  
22 HUMAN SERVICES,".

23 Page 183, after line 14 insert:

24 "(8) THE DISTRICT ATTORNEY MAY PROVIDE INFORMATION TO A  
25 VICTIM WHEN NECESSARY TO COMPLY WITH THE "VICTIM RIGHTS ACT",  
26 PART 3 OF ARTICLE 4.1 OF TITLE 24."

27 Page 183, after line 23 insert:

28 **"25.5-10-517. Authority to increase payments to nursing  
29 facility and regional center providers - rules.**

30 SUBJECT TO AVAILABLE APPROPRIATIONS AND FEDERAL  
31 AUTHORIZATION, HCPF MAY INCREASE PAYMENTS TO NURSING FACILITY

1 PROVIDERS AND REGIONAL CENTER PROVIDERS FOR THE PURPOSE OF  
2 ACHIEVING THE LEAST RESTRICTIVE PLACEMENT REQUIREMENT FOR  
3 INDIVIDUALS SUBJECT TO A PROTECTIVE PLACEMENT PURSUANT TO THIS  
4 PART 5. HCPF SHALL ADOPTED RULES DEFINING THE QUALIFICATIONS AND  
5 PAYMENT SCHEDULE FOR NURSING FACILITY PROVIDERS AND REGIONAL  
6 CENTER PROVIDERS THAT SERVE THE INDIVIDUALS SUBJECT TO A  
7 PROTECTIVE PLACEMENT.

8 **25.5-10-518. Repeal of part.**

9 THIS PART 5 IS REPEALED, EFFECTIVE JULY 1, 2031.

10 **SECTION 22.** In Colorado Revised Statutes, add 25.5-6-414 as  
11 follows:

12 **25.5-6-414. Delivery of services for individuals with serious**  
13 **mental illness - rules.**

14 (1) THE STATE DEPARTMENT IS COMMITTED TO IMPROVING ACCESS  
15 TO, AND THE QUALITY OF SERVICES FOR, INDIVIDUALS WITH SERIOUS  
16 MENTAL ILLNESS WHO ARE ENROLLED IN THE STATE MEDICAL ASSISTANCE  
17 PROGRAM.

18 (2) THE STATE DEPARTMENT SHALL, IN COLLABORATION WITH THE  
19 BEHAVIORAL HEALTH ADMINISTRATION, SERVICE PROVIDERS,  
20 STAKEHOLDERS, AND INDIVIDUALS WITH LIVED EXPERIENCE,  
21 CONTINUOUSLY EVALUATE AND EXPLORE OPTIONS TO ENHANCE THE  
22 DELIVERY OF SERVICES FOR INDIVIDUALS WITH SERIOUS MENTAL ILLNESS,  
23 WHICH EFFORTS MAY INCLUDE, BUT ARE NOT LIMITED TO:

24 (a) EXPANDING COMMUNITY-BASED SERVICE CAPACITY AND CARE  
25 COORDINATION;

26 (b) IMPROVING TRANSITIONS OF CARE ACROSS SETTINGS;

27 (c) LEVERAGING FEDERAL AUTHORITIES, WAIVERS, AND FINANCING  
28 MECHANISMS;

29 (d) ADVANCING INNOVATIVE SERVICE DELIVERY MODELS AND  
30 VALUE-BASED PAYMENT APPROACHES; AND

31 (e) IDENTIFYING AND ADDRESSING GAPS IN ACCESS, QUALITY, AND  
32 OUTCOMES.

33 (3) THE STATE DEPARTMENT SHALL CONSIDER OPPORTUNITIES TO  
34 ALIGN FINANCING, BENEFITS, AND SERVICE DELIVERY SYSTEMS TO BETTER  
35 MEET THE NEEDS OF INDIVIDUALS WITH SERIOUS MENTAL ILLNESS, WITH  
36 THE GOALS OF IMPROVING HEALTH OUTCOMES, REDUCING AVOIDABLE  
37 UTILIZATION OF HIGH-COST SERVICES, AND SUPPORTING INDIVIDUALS TO  
38 LIVE IN THE LEAST RESTRICTIVE SETTING APPROPRIATE TO MEET THE  
39 INDIVIDUAL'S NEEDS.

40 (4) THE STATE DEPARTMENT MAY ADOPT RULES AS NECESSARY TO  
41 IMPLEMENT THIS SECTION.

42 (5) THIS SECTION DOES NOT CREATE AN ENTITLEMENT TO A  
43 SPECIFIC SERVICE OR LEVEL OF CARE.

1           **SECTION 23.** In Colorado Revised Statutes, 25.5-10-216,  
2 **amend** (7) as follows:

3           **25.5-10-216. Imposition of legal disability - removal of legal**  
4 **right.**

5           (7) A person shall not be admitted to a regional center, as defined  
6 in section 27-10.5-102, ~~C.R.S.~~, without a court order issued pursuant to  
7 this section except in an emergency, IF THE PERSON MEETS THE CRITERIA  
8 FOR AN ENHANCED PROTECTIVE PLACEMENT PURSUANT TO SECTION  
9 16-8.5-118, or for the purpose of temporary respite care.

10           **SECTION 24.** In Colorado Revised Statutes, 27-10.5-110,  
11 **amend** (2) as follows:

12           **27-10.5-110. Imposition of legal disability - removal of legal**  
13 **right.**

14           (2) A person shall not be admitted to a regional center without a  
15 court order issued pursuant to section 25.5-10-216, ~~C.R.S.~~, except in an  
16 emergency, IF THE PERSON MEETS THE CRITERIA FOR AN ENHANCED  
17 PROTECTIVE PLACEMENT PURSUANT TO SECTION 16-8.5-118, or for the  
18 purpose of temporary respite care."

19 Renumber succeeding sections accordingly.

20 Page 184, after line 24 insert:

21           **"SECTION 24.** In Colorado Revised Statutes, 24-75-109, **add**  
22 **(1)(b)(III)** as follows:

23           **24-75-109. Controller may allow expenditures in excess of**  
24 **appropriations - limitations - appropriations for subsequent fiscal**  
25 **year restricted - repeal.**

26           (1) For the purpose of closing the state's books, and subject to the  
27 provisions of this section, the controller may, on or after May 1 of any  
28 fiscal year and before the forty-fifth day after the close thereof, upon  
29 approval of the governor, allow any department, institution, or agency of  
30 the state, including any institution of higher education, to make an  
31 expenditure in excess of the amount authorized by an item of  
32 appropriation for such fiscal year if:

33           (b) (III) THE OVEREXPENDITURE IS BY THE DEPARTMENT OF  
34 HUMAN SERVICES FOR THE PURPOSE OF PLACING INDIVIDUALS FOUND  
35 INCOMPETENT TO PROCEED AND UNRESTORABLE WHO MEET THE CRITERIA  
36 FOR CIVIL COMMITMENT, PROTECTIVE PLACEMENT, OR ENHANCED  
37 PROTECTIVE PLACEMENT PURSUANT TO SECTION 16-8.5-118 AND ARE  
38 COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES; OR".

39 Renumber succeeding sections accordingly.

- 1 Page 186, line 14, after "(11)(b.8)," insert "(11)(b.9),".
- 2 Page 186, strike line 19 and substitute "(2)(q.1), (2)(q.2), AND (2)(q.3);  
3 (b.9) ANY INFORMATION RECEIVED PURSUANT TO SUBSECTION  
4 (14.8) OF THIS SECTION.".
- 5 Page 187, line 10, strike "A VICTIM" and substitute "THE DISTRICT  
6 ATTORNEY THAT SOUGHT CIVIL COMMITMENT OR ENHANCED PROTECTIVE  
7 PLACEMENT PURSUANT TO SECTION 16-8.5-118".
- 8 Page 187, line 19, after "COMMITMENT" insert "SUPERVISED".
- 9 Page 187, line 20, after "PLACEMENT" insert "SUPERVISED".
- 10 Page 189, lines 12 and 13, strike "section 27-65-108.5 or 27-65-109" and  
11 substitute "~~section 27-65-108.5 or 27-65-109~~ SECTIONS 27-65-108.5,  
12 27-65-109, OR 27-65-109.5".
- 13 Page 193, lines 21 and 22, strike "~~section 27-65-109 (4) or 27-65-127,~~  
14 ~~C.R.S. SECTION 27-65-123 (7) OR 25.5-10-515 (4),~~" and substitute "~~section~~  
15 ~~27-65-109 (4) or 27-65-127,~~ C.R.S. SECTION 27-65-110 (4) OR  
16 27-65-127,".
- 17 Page 194, lines 9 and 10, strike "~~section 27-65-109 (4) or 27-65-127,~~  
18 ~~C.R.S. SECTION 27-65-123 (7) OR 25.5-10-515 (4),~~" and substitute "~~section~~  
19 ~~27-65-109 (4) or 27-65-127,~~ C.R.S. SECTION 27-65-110 (4) OR  
20 27-65-127,".
- 21 Strike "OCFMH" and substitute "CDHS" on: **Page 61**, lines 20 and 22;  
22 **Page 64**, lines 5 and 7; **Page 67**, lines 2 and 25; **Page 68**, lines 11 and 20;  
23 **Page 74**, lines 4, 7, and 20; **Page 75**, lines 7, 10, 13, and 18; **Page 77**,  
24 lines 2, 3, 18, 22, and 27; **Page 78**, line 7; **Page 79**, lines 8 and 13; **Page**  
25 **80**, line 24; **Page 81**, line 1; **Page 98**, line 17; **Page 100**, lines 4, 10, and  
26 13; **Page 108**, line 17; **Page 111**, line 14; **Page 113**, line 26; **Page 114**,  
27 line 21; **Page 115**, lines 11, 24, and 27; **Page 116**, lines 2 and 11; **Page**  
28 **123**, line 19; **Page 126**, lines 18 and 27; **Page 127**, lines 2, 8, 9, 11, and  
29 27; **Page 140**, line 17; **Page 150**, line 7; **Page 163**, line 20; **Page 165**,  
30 lines 6, 12, and 15; **Page 173**, line 24; **Page 177**, line 6; and **Page 178**,  
31 line 18.
- 32 Strike "OCFMH's" and substitute "CDHS's" on: **Page 75**, line 8; and  
33 **Page 84**, line 9.

- 1 Strike "MEETS" and substitute "MAY MEET" on: **Page 27**, lines 4, 10, and  
2 12; and **Page 47**, lines 1, 4, 10, and 11.
- 3 Strike "(5)" and substitute "(6)" on: **Page 73**, lines 8 and 11.
- 4 Strike "(5)(a)" and substitute "(6)(a)" on: **Page 72**, lines 6 and 13.
- 5 Strike "(5)(b)" and substitute "(6)(b)" on: **Page 24**, line 22; **Page 49**, line  
6 4; **Page 67**, line 27; and **Page 70**, line 12.
- 7 Strike "(6)" and substitute "(7)" on: **Page 70**, line 27; and **Page 71**, line  
8 2.
- 9 Strike "(10)(c)" and substitute "(11)(c)" on: **Page 78**, lines 4 and 7.
- 10 Strike "A TEMPORARY" and substitute "AN" on: **Page 7**, line 20; **Page 60**,  
11 line 14; and **Page 68**, line 21.
- 12 Strike "TEMPORARY" on: **Page 60**, lines 12, 18, 19, and 23; **Page 63**, lines  
13 2, 9, and 25; **Page 65**, lines 20, 24, and 27; **Page 66**, lines 3, 7, 11, 16, 18,  
14 and 22; **Page 67**, lines 4 and 9; **Page 74**, line 21; **Page 77**, line 8; **Page**  
15 **121**, line 27; **Page 122**, lines 3 and 7; and **Page 184**, line 6.
- 16 Strike "27-65-108.1" and substitute "27-65-201" on: **Page 73**, line 23;  
17 **Page 132**, lines 15 and 26; **Page 133**, line 3; **Page 135**, line 16; **Page 136**,  
18 line 12; **Page 139**, line 8; **Page 143**, line 1; **Page 173**, lines 16 and 26;  
19 **Page 184**, line 22; **Page 185**, line 11; **Page 186**, lines 3 and 24; and **Page**  
20 **187**, line 19.
- 21 Strike "27-65-108.2" and substitute "27-65-202" on: **Page 139**, line 9;  
22 **Page 142**, line 21; and **Page 185**, line 8.
- 23 Strike "INFORMATION:" and substitute "INFORMATION, IF AVAILABLE:" on:  
24 **Page 143**, line 23; and **Page 182**, line 21.
- 25 Strike "~~section 27-65-109 (10)~~ SECTION 27-65-109 (17)" and substitute  
26 "section 27-65-109 (10)" on: **Page 129**, line 5; **Page 188**, line 7; **Page**  
27 **189**, lines 4 and 5, 15 and 16, and 17 and 18; **Page 190**, line 4; and **Page**  
28 **191**, lines 1 and 2.
- 29 After "27-65-109," insert "**27-65-109.5**," on: **Page 96**, line 23; and **Page**  
30 **97**, line 2.

1 Strike "27-65-108.5 OR 27-65-109" and substitute "27-65-108.5,  
2 27-65-109, OR 27-65-109.5" on: **Page 62**, lines 12 and 13; and **Page 196**,  
3 line 19.

4 Strike "section 27-65-108.5 or 27-65-109," and substitute "section  
5 ~~27-65-108.5 or 27-65-109~~ SECTIONS 27-65-108.5, 27-65-109, OR  
6 27-65-109.5," on: **Page 133**, line 9; **Page 188**, line 5; **Page 189**, lines 3  
7 and 14; and **Page 190**, lines 2 and 27.

8 Strike "OR THE APPOINTED TEMPORARY EMERGENCY GUARDIAN" on: **Page**  
9 **60**, lines 23 and 24; **Page 63**, line 1 and 2; **Page 65**, lines 19 and 20, 23  
10 and 24, and 26 and 27; **Page 66**, lines 2 and 3, 7 and 8, and 21 and 22;  
11 and **Page 67**, lines 9 and 10.

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