

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Appropriations.

SB26-149 be amended as follows:

1 Amend reengrossed bill, page 60, line 3, strike "MAY," and substitute
2 "SHALL,".

3 Page 60, strike lines 26 and 27.

4 Page 61, strike lines 1 and 2 and substitute:

5 "(2) (a) EXCEPT WHEN THE CITY AND COUNTY OF DENVER HAS
6 EXCLUSIVE ORIGINAL JURISDICTION OVER THE APPOINTMENT OF A
7 GUARDIAN PURSUANT TO SECTION 9 (3) OF ARTICLE VI OF THE STATE
8 CONSTITUTION, ANY INTERESTED PERSON, INCLUDING THE DEFENDANT'S
9 ATTORNEY, MAY PETITION THE CRIMINAL COURT FOR THE APPOINTMENT
10 OF AN EMERGENCY GUARDIAN PURSUANT TO SECTION 15-14-312 BY FILING
11 A PETITION INTO THE CRIMINAL CASE THAT SATISFIES THE REQUIREMENTS
12 OF SECTION 15-14-312.

13 (b) IF THE CITY AND COUNTY OF DENVER DOES NOT HAVE
14 EXCLUSIVE ORIGINAL JURISDICTION OVER THE APPOINTMENT OF A
15 GUARDIAN PURSUANT TO SECTION 9 (3) OF ARTICLE VI OF THE STATE
16 CONSTITUTION, THE COURT SHALL HAVE JURISDICTION OVER THE PETITION
17 AND SHALL APPOINT AN EMERGENCY GUARDIAN TO THE DEFENDANT UPON
18 SATISFACTION OF THE REQUIREMENTS OF SECTION 15-14-312 AND THIS
19 SUBSECTION (2).

20 (c) AT THE NEXT SCHEDULED HEARING IN THE PRESENCE OF THE
21 DEFENDANT FOLLOWING THE FILING OF A PETITION PURSUANT TO SECTION
22 15-14-312, THE COURT SHALL NOTIFY THE DEFENDANT THAT A PETITION
23 FOR EMERGENCY GUARDIANSHIP HAS BEEN FILED INTO THE CASE
24 PURSUANT TO SECTION 15-14-312 AND ADVISE THE DEFENDANT OF THE
25 FOLLOWING:

26 (I) THE AUTHORITY THAT WOULD BE GRANTED TO THE EMERGENCY
27 GUARDIAN IF THE PETITION IS GRANTED;

28 (II) THE DEFENDANT'S RIGHT TO CONTEST THE APPOINTMENT OF
29 AN EMERGENCY GUARDIAN AT A HEARING; AND

30 (III) THE DEFENDANT'S RIGHT TO A FREE ATTORNEY IF THE
31 DEFENDANT CHOOSES TO CONTEST THE APPOINTMENT OF AN EMERGENCY
32 GUARDIAN.

33 (d) NOTWITHSTANDING SECTION 15-14-312, THE COURT:

34 (I) SHALL NOT APPOINT AN ATTORNEY TO REPRESENT THE
35 DEFENDANT FOR THE PURPOSE OF CONTESTING THE APPOINTMENT OF AN
36 EMERGENCY GUARDIAN UNLESS THE DEFENDANT WISHES TO CONTEST THE
37 APPOINTMENT AND HAS NOT RETAINED AN ATTORNEY FOR THAT PURPOSE;
38 AND

1 (II) IS NOT REQUIRED TO PROVIDE THE DEFENDANT FURTHER
2 NOTICE OF THE PETITION BEYOND WHAT IS REQUIRED IN THIS SUBSECTION
3 (2).

4 (e) THE COURT SHALL NOT APPOINT THE OFFICE OF STATE PUBLIC
5 DEFENDER OR THE OFFICE OF ALTERNATE DEFENSE COUNSEL TO
6 REPRESENT A CRIMINAL DEFENDANT RELATED TO THE APPOINTMENT OF AN
7 EMERGENCY GUARDIAN OR A MATTER RELATED TO GUARDIANSHIP."

8 Renumber succeeding subsections accordingly.

9 Page 62, line 8, strike "(3)(a)(II)" and substitute "(4)(a)(II)".

10 Page 63, line 4, strike "(4)(a)(I)" and substitute "(5)(a)(I)".

11 Page 64, line 13, strike "(3)(a)(I)" and substitute "(4)(a)(I)".

12 Page 64, line 21, strike "(3) AND (5)" and substitute "(4) AND (6)".

13 Page 65, line 26, strike "(7)," and substitute "(8),".

14 Page 66, line 1, strike "(3)" and substitute "(4)".

15 Page 66, lines 2 and 3, strike "(7)(b) OR (6)(c)" and substitute "(8)(b) OR
16 (8)(c)".

17 Page 66, line 4, strike "(5)(a)" and substitute "(6)(a)".

18 Page 66, line 6, strike "(7)," and substitute "(8),".

19 Page 66, line 12, strike "(3) OR (5)" and substitute "(4) OR (6)".

20 Page 66, line 15, strike "(3) OR (5)" and substitute "(4) OR (6)".

21 Page 67, line 2, strike "(9)" and substitute "(10)".

22 Page 69, strike line 6 and substitute "SECTION 16-8.5-117 (2).".

23 Page 84, after line 20 insert:

24 "(18) CDHS SHALL PUBLICLY POST ON CDHS'S WEBSITE THE
25 FOLLOWING INFORMATION ON A QUARTERLY BASIS:

26 (a) THE ACTUAL AND PROJECTED NUMBER OF PERSONS WHO ARE
27 INCOMPETENT AND UNRESTORABLE AND WHO ARE OR MAY BE PLACED IN
28 CDHS'S CUSTODY FOR A CIVIL COMMITMENT OR ENHANCED PROTECTIVE
29 PLACEMENT; AND

1 (b) THE ACTUAL AND PROJECTED COSTS THAT CDHS WILL OR MAY
2 INCUR FOR SERVICES RELATED TO CDHS'S OBLIGATIONS PURSUANT TO
3 SECTIONS 27-65-201 AND 25.5-10-507."

4 Renumber succeeding subsection accordingly.

5 Page 131, line 6, after "(1)(i)" insert "and (1)(j)".

6 Page 131, line 22, strike "AND".

7 Page 131, strike lines 23 through 26 and substitute:

8 "(i) INFORMATION REGARDING CERTIFICATIONS FOR SHORT-TERM
9 OUTPATIENT TREATMENT FILED PURSUANT TO SECTION 27-65-109.5,
10 INCLUDING:

11 (I) THE NUMBER OF SIGNED OUTPATIENT CERTIFICATIONS:

12 (A) THAT IDENTIFIED A DESIGNATED PROVIDER TO HOLD THE
13 OUTPATIENT CERTIFICATION;

14 (B) THAT DID NOT IDENTIFY A DESIGNATED PROVIDER INITIALLY
15 BUT IDENTIFIED A DESIGNATED PROVIDER WITHIN SEVEN DAYS AFTER THE
16 SIGNED OUTPATIENT CERTIFICATION WAS FILED;

17 (C) THAT DID NOT IDENTIFY A DESIGNATED PROVIDER INITIALLY
18 BUT IDENTIFIED A PROVIDER MORE THAN SEVEN DAYS AFTER THE SIGNED
19 OUTPATIENT CERTIFICATION WAS FILED;

20 (D) THAT DID NOT IDENTIFY A DESIGNATED PROVIDER AND A
21 PROVIDER WAS NEVER DESIGNATED;

22 (II) THE AVERAGE AMOUNT OF TIME IT TOOK TO IDENTIFY A
23 DESIGNATED PROVIDER TO HOLD THE OUTPATIENT CERTIFICATION IF A
24 DESIGNATED PROVIDER WAS NOT INITIALLY IDENTIFIED BUT WAS LATER
25 IDENTIFIED; AND

26 (III) ANY AVAILABLE INFORMATION ON THE FREQUENCY AND
27 REASONS FOR DENIALS AND BARRIERS TO IDENTIFYING A DESIGNATED
28 PROVIDER TO HOLD OUTPATIENT CERTIFICATIONS; AND

29 (j) INFORMATION REGARDING THE FREQUENCY OF DENIALS AND
30 BARRIERS TO PLACEMENTS IDENTIFIED BY CDHS WHEN PROVIDING CARE
31 COORDINATION PURSUANT TO SECTION 27-65-108.5. CDHS SHALL
32 PROVIDE THIS INFORMATION TO THE BHA AT LEAST ANNUALLY."

33 Page 138, strike lines 16 through 26 and substitute:

34 "(a) THE PROVIDER'S OPINION ABOUT WHETHER THE RESPONDENT
35 IS APPROPRIATELY PLACED AND MEETS THE CRITERIA FOR TERMINATION
36 OF THE CIVIL COMMITMENT PURSUANT TO SECTION 27-65-202;".

37 Page 140, line 2, strike "COMMITMENT." and substitute "COMMITMENT,

1 BUT THE COURT SHALL NOT REQUIRE A PROVIDER TO SUBMIT PROGRESS
2 REPORTS MORE FREQUENTLY THAN EVERY NINETY DAYS."

3 Page 140, strike line 4 and substitute "ORDER CDHS TO FACILITATE AN
4 EXAMINATION BY A PROFESSIONAL PERSON".

5 Page 140, line 10, strike "27-65-202." and substitute "27-65-202, UNLESS
6 CDHS HAS FACILITATED A SIMILAR EXAMINATION OF THE RESPONDENT IN
7 THE PAST ONE HUNDRED TWENTY DAYS."

8 Page 141, line 6, after "(2)" insert "(a)".

9 Page 141, after line 16 insert:

10 "(b) THE DETERMINATION REPORTED PURSUANT TO SUBSECTION
11 (2)(a) OF THIS SECTION MUST INCLUDE:

12 (I) THE TREATMENT PROVIDER'S OPINION THAT THE RESPONDENT
13 MEETS THE CRITERIA FOR TERMINATION OF THE CIVIL COMMITMENT
14 PURSUANT TO SUBSECTION (1) OF THIS SECTION;

15 (II) AN ASSESSMENT OF THE RESPONDENT'S RISK OF HARM TO
16 OTHERS; AND

17 (III) SPECIFIC FACTS AND EVIDENCE SUPPORTING EACH OPINION IN
18 THE REPORT, INCLUDING A SUMMARY OF THE MATERIALS REVIEWED,
19 ASSESSMENTS CONDUCTED, AND OTHER BASES OF OPINIONS RENDERED."

20 Page 142, line 19, after "EVALUATION." insert "THE COST OF THE
21 INDEPENDENT EVALUATION MUST BE PAID FOR BY THE REQUESTING
22 PARTY."

23 Page 153, strike lines 14 through 24 and substitute:

24 "(11) (a) UNLESS AN APPROPRIATE PROVIDER HAS ALREADY BEEN
25 IDENTIFIED AND IS WILLING TO ACCEPT THE PROTECTIVE PLACEMENT, THE
26 COURT SHALL NOTIFY HCPF REGARDING THE NEED FOR CARE
27 COORDINATION.

28 (b) ONCE HCPF IS NOTIFIED PURSUANT TO SUBSECTION (11)(a) OF
29 THIS SECTION, HCPF SHALL MAKE DILIGENT EFFORTS TO FIND A PROVIDER
30 FOR THE RESPONDENT, ASSIST WITH INTENSIVE COORDINATION, AND
31 MITIGATE BARRIERS TO APPROPRIATE PLACEMENT. HCPF SHALL
32 COLLABORATE AND COORDINATE WITH OTHER STATE EXECUTIVE
33 AGENCIES, LAW ENFORCEMENT, THE COURT, THE PARTIES, COMMUNITY
34 PARTNERS, REGIONAL ACCOUNTABLE ENTITIES, AND CASE MANAGEMENT
35 AGENCIES TO IDENTIFY AN APPROPRIATE PLACEMENT FOR THE
36 RESPONDENT, WHICH PLACEMENT IS SUBJECT TO MEDICAID
37 REIMBURSEMENT.

- 1 (c) THE CASE MANAGEMENT AGENCY MUST PROVIDE CASE
2 MANAGEMENT SERVICES, AS DEFINED IN SECTION 25.5-6-1702.
- 3 (d) HCPF SHALL KEEP THE COURT INFORMED, IN WRITING, OF
4 EFFORTS MADE TO FIND AN APPROPRIATE PLACEMENT FOR THE
5 RESPONDENT."
- 6 Page 155, line 18, strike "THE DEPARTMENT OF HEALTH CARE POLICY AND
7 FINANCING," and substitute "HCPF,".
- 8 Page 155, line 19, strike "A" and substitute "AN APPROPRIATE".
- 9 Page 156, line 15, strike "BHA FOR".
- 10 Page 156, strike lines 16 through 20 and substitute "PROVIDER OR
11 PLACEMENT IDENTIFIED PURSUANT TO SUBSECTION (1)(b) OF THIS
12 SECTION."
- 13 Page 158, line 7, strike "BHA" and substitute "COURT".
- 14 Page 158, line 21, strike "THE BHA" and substitute "HCPF".
- 15 Page 166, strike lines 2 through 12 and substitute:
- 16 "(a) THE PROVIDER'S OPINION ABOUT WHETHER THE RESPONDENT
17 IS APPROPRIATELY PLACED AND MEETS THE CRITERIA FOR TERMINATION
18 OF THE ENHANCED PROTECTIVE PLACEMENT PURSUANT TO SECTION
19 25.5-10-508;".
- 20 Page 167, strike line 17 and substitute "PLACEMENT, BUT THE COURT
21 SHALL NOT REQUIRE A PROVIDER TO SUBMIT PROGRESS REPORTS MORE
22 FREQUENTLY THAN EVERY NINETY DAYS."
- 23 Page 167, strike line 19 and substitute "ORDER CDHS TO FACILITATE AN
24 EXAMINATION BY A PROFESSIONAL PERSON".
- 25 Page 167, line 25, strike "25.5-10-508." and substitute "25.5-10-508,
26 UNLESS CDHS HAS FACILITATED A SIMILAR EXAMINATION OF THE
27 RESPONDENT IN THE PAST ONE HUNDRED TWENTY DAYS."
- 28 Page 168, line 21, after "(2)" insert "(a)".
- 29 Page 169, after line 4 insert:
- 30 "(b) THE DETERMINATION REPORTED PURSUANT TO SUBSECTION
31 (2)(a) OF THIS SECTION MUST INCLUDE:

1 (I) THE TREATMENT PROVIDER'S OPINION THAT THE RESPONDENT
2 MEETS THE CRITERIA FOR TERMINATION OF THE ENHANCED PROTECTIVE
3 PLACEMENT PURSUANT TO SUBSECTION (1) OF THIS SECTION;

4 (II) AN ASSESSMENT OF THE RESPONDENT'S RISK OF HARM TO
5 OTHERS; AND

6 (III) SPECIFIC FACTS AND EVIDENCE SUPPORTING EACH OPINION IN
7 THE REPORT, INCLUDING A SUMMARY OF THE MATERIALS REVIEWED,
8 ASSESSMENTS CONDUCTED, AND OTHER BASES OF OPINIONS RENDERED."

9 Page 170, line 7, after "EVALUATION." insert "THE COST OF THE
10 INDEPENDENT EVALUATION MUST BE PAID FOR BY THE REQUESTING
11 PARTY."

12 Page 186, line 8, after "COURT" insert "OR ANOTHER COURT WITH
13 JURISDICTION".

14 Page 194, after line 3 insert:

15 "SECTION 40. In Colorado Revised Statutes, **amend** 16-18-101,
16 as follows:

17 **16-18-101. Costs in criminal cases.**

18 (1) THE STATE SHALL PAY the costs ~~in~~ OF criminal cases ~~shall be~~
19 ~~paid by the state~~ pursuant to section 13-3-104 ~~C.R.S., when~~ IF the
20 defendant is acquitted or ~~when~~ IF the defendant is convicted and the court
21 determines ~~he~~ THE DEFENDANT is unable to pay ~~them~~ THE COSTS.

22 (2) The costs of preliminary hearings, including any reporters'
23 transcripts ~~thereof~~ ordered by a defendant, ~~shall~~ MUST be paid pursuant
24 to subsection (1) of this section. UNLESS OTHERWISE ORDERED BY THE
25 COURT, THE PROSECUTION SHALL PAY FOR reporters' transcripts of
26 preliminary hearings ~~which~~ THAT are ordered by the prosecution. ~~shall be~~
27 ~~paid for by the prosecution, unless otherwise ordered by the court.~~

28 (3) The department of corrections, from annual appropriations
29 made by the general assembly, shall reimburse the county or counties in
30 a judicial district for the costs of prosecuting any crime alleged to have
31 been committed by a person in the custody of the department. The county
32 or counties shall certify ~~these~~ THE costs to the department, and upon
33 approval of the executive director of the department, the DEPARTMENT
34 SHALL PAY THE costs. ~~shall be paid. The provisions of This subsection (3)~~
35 ~~shall apply~~ APPLIES to costs that are not otherwise paid by the state.

36 (4) THE STATE SHALL PAY THE COSTS OF A CIVIL COMMITMENT
37 TRIAL AND ENHANCED PROTECTIVE PLACEMENT TRIAL CONDUCTED
38 PURSUANT TO SECTION 16-8.5-118, THE COSTS OF INITIATING A
39 SHORT-TERM CERTIFICATION PURSUANT TO ARTICLE 65 OF TITLE 27, AND
40 THE COSTS OF AN INDEPENDENT EXAMINATION AND TERMINATION
41 HEARING CONDUCTED PURSUANT TO SECTION 27-65-202 OR 25.5-10-508,

1 INCLUDING ANY REPORTERS' TRANSCRIPTS ORDERED BY A DEFENDANT.
2 UNLESS OTHERWISE ORDERED BY THE COURT, THE PROSECUTION SHALL
3 PAY FOR REPORTERS' TRANSCRIPTS OF PRELIMINARY HEARINGS THAT ARE
4 ORDERED BY THE PROSECUTION."

5 Renumber succeeding sections accordingly.

6 Page 195, after line 5 insert:

7 **"SECTION 43.** In Colorado Revised Statutes, 20-1-111, **amend**
8 (4)(c) as follows:

9 **20-1-111. District attorneys may cooperate or contract -**
10 **contents - appropriation.**

11 (4) (c) FOR STATE FISCAL YEAR 2026-27, AND FOR EACH STATE
12 FISCAL YEAR THEREAFTER, the general assembly shall ~~make an~~
13 ~~appropriation~~ APPROPRIATE ONE HUNDRED FIFTY THOUSAND DOLLARS to
14 the department of law for state fiscal year 2019-20 for allocation to the
15 statewide organization representing district attorneys for the public
16 purpose of providing prosecution training SEMINARS, CONTINUING
17 EDUCATION PROGRAMS, AND OTHER PROSECUTION-RELATED SERVICES ON
18 BEHALF OF DISTRICT ATTORNEYS WHO ARE MEMBERS OF THE
19 ORGANIZATION, INCLUDING, BUT NOT LIMITED TO, COSTS AND EXPENSES
20 FOR PERSONNEL, ADMINISTRATION, MATERIALS, AND TRAVEL, concerning
21 ANY ISSUES RELATED TO determinations of competency to proceed for
22 juveniles and adults, competency evaluation reports, services to restore
23 competency, CIVIL COMMITMENTS, PROTECTIVE PLACEMENTS, ENHANCED
24 PROTECTIVE PLACEMENTS, and certification proceedings governed by
25 article 65 of title 27."

26 Renumber succeeding sections accordingly.

27 Page 196, after line 19 insert:

28 **"SECTION 47.** In Colorado Revised Statutes, 24-75-111, **add** (7)
29 as follows:

30 **24-75-111. Additional authority for controller to allow**
31 **expenditures in excess of appropriations - limitations -**
32 **appropriations for subsequent fiscal year restricted.**

33 (7) (a) IN ADDITION TO ANY OVEREXPENDITURE ALLOWED
34 PURSUANT TO SECTION 24-75-109, THE CONTROLLER MAY ALLOW THE
35 DEPARTMENT OF HUMAN SERVICES TO MAKE AN EXPENDITURE IN EXCESS
36 OF THE AMOUNT AUTHORIZED BY AN ITEM OF APPROPRIATION FOR SUCH A
37 FISCAL YEAR IF THE EXPENDITURE IS FOR PERSONS FOUND INCOMPETENT
38 TO PROCEED WHO ARE PLACED OR MAY BE PLACED UNDER A CIVIL
39 COMMITMENT OR ENHANCED PROTECTIVE PLACEMENT AND:

1 (I) THE OVEREXPENDITURE IS NECESSARY DUE TO UNFORESEEN
2 CIRCUMSTANCES ARISING WHILE THE GENERAL ASSEMBLY IS NOT MEETING
3 IN REGULAR OR SPECIAL SESSION DURING WHICH SUCH OVEREXPENDITURE
4 CAN BE LEGISLATIVELY ADDRESSED;

5 (II) THE REQUEST FOR THE OVEREXPENDITURE HAS BEEN
6 SUBMITTED TO THE OFFICE OF STATE PLANNING AND BUDGETING FOR
7 APPROVAL AND THE OFFICE OF STATE PLANNING AND BUDGETING HAS
8 APPROVED THE OVEREXPENDITURE, IN WHOLE OR IN PART;

9 (III) THE REQUEST FOR THE OVEREXPENDITURE HAS BEEN
10 SUBMITTED TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY
11 FOR APPROVAL; AND

12 (IV) THE REQUEST FOR THE OVEREXPENDITURE HAS BEEN
13 APPROVED, IN WHOLE OR IN PART, BY A MAJORITY VOTE OF THE MEMBERS
14 OF THE JOINT BUDGET COMMITTEE WITHIN TWO WEEKS AFTER RECEIVING
15 THE REQUEST FROM THE OFFICE OF STATE PLANNING AND BUDGETING AND
16 THE CONTROLLER HAS RECEIVED WRITTEN CONFIRMATION OF THE
17 APPROVAL FROM THE JOINT BUDGET COMMITTEE.

18 (b) THE JOINT BUDGET COMMITTEE SHALL NOTIFY THE COLORADO
19 DISTRICT ATTORNEYS' COUNCIL AND THE OFFICE OF STATE PUBLIC
20 DEFENDER OF THE OUTCOME OF THE JOINT BUDGET COMMITTEE'S VOTE.

21 (c) IF THE REQUEST FOR OVEREXPENDITURE IS NOT APPROVED BY
22 THE JOINT BUDGET COMMITTEE, THE DEPARTMENT OF HUMAN SERVICES
23 SHALL CONVENE A MEETING WITH THE DISTRICT ATTORNEYS' COUNCIL,
24 THE OFFICE OF STATE PUBLIC DEFENDER, AND ANY OTHER RELEVANT
25 PARTIES TO DISCUSS WHAT ACTIONS THE DEPARTMENT OF HUMAN
26 SERVICES AND OTHER AGENCIES MAY TAKE."

27 Renumber succeeding sections accordingly.

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