

SB26-149

HOUSE FLOOR AMENDMENT

Second Reading BY REPRESENTATIVE McCluskie & Caldwell

1 Amend reengrossed bill, page 149, line 13, strike "A RESPONDENT" and
2 substitute "OR RECENTLY WAS A DEFENDANT".

3 Page 175, after line 3 insert:

4 "(5) (a) IF AN ENHANCED PROTECTIVE PLACEMENT IS ORDERED
5 AGAINST A RESPONDENT PURSUANT TO SECTION 16-8.5-118 OR IF A
6 RESPONDENT'S ENHANCED PROTECTIVE PLACEMENT IS SUPERVISED
7 PURSUANT TO SECTION 25.5-10-507, AND THE RESPONDENT REFUSES TO
8 ACCEPT MEDICATION, THE COURT WITH JURISDICTION OVER THE
9 ENHANCED PROTECTIVE PLACEMENT OR THE COURT WITH JURISDICTION
10 WHERE THE FACILITY OR PROVIDER TREATING THE RESPONDENT IS
11 LOCATED HAS JURISDICTION AND VENUE TO ACCEPT A PETITION BY THE
12 TREATING PHYSICIAN TO ENTER AN ORDER REQUIRING THAT THE
13 RESPONDENT ACCEPT THE TREATMENT OR THAT THE MEDICATION BE
14 FORCIBLY ADMINISTERED TO THE RESPONDENT. THE COURT WITH
15 JURISDICTION WHERE THE FACILITY OR PROVIDER IS LOCATED SHALL NOT
16 EXERCISE ITS JURISDICTION WITHOUT THE PERMISSION OF THE COURT WITH
17 JURISDICTION OVER THE ENHANCED PROTECTIVE PLACEMENT. UPON FILING
18 THE PETITION, THE COURT SHALL APPOINT AN ATTORNEY TO REPRESENT
19 THE RESPONDENT IF ONE HAS NOT BEEN APPOINTED AND SHALL HEAR THE
20 MATTER WITHIN TEN DAYS AFTER THE FILING.

21 (b) IN ANY CASE BROUGHT PURSUANT TO SUBSECTION (5)(a) OF
22 THIS SECTION, THE COUNTY WHERE THE COURT WITH JURISDICTION OVER
23 THE ENHANCED PROTECTIVE PLACEMENT IS LOCATED SHALL EITHER
24 REIMBURSE THE COUNTY IN WHICH THE PROCEEDING PURSUANT TO
25 SUBSECTION (5)(a) OF THIS SECTION WAS FILED AND HELD FOR THE
26 REASONABLE COSTS INCURRED IN CONDUCTING THE PROCEEDING OR
27 CONDUCT THE PROCEEDING ITSELF USING ITS OWN PERSONNEL AND
28 RESOURCES INCLUDING ITS OWN COUNTY ATTORNEY."

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