

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0902.01 Anna Petrini x5497

HOUSE BILL 26-1343

HOUSE SPONSORSHIP

Mauro and Clifford,

SENATE SPONSORSHIP

(None),

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING EXPANDING THE USE OF ELECTRONIC PROCESSES IN
102 PROCEEDINGS INVOLVING ADMINISTRATIVE DETERMINATIONS,
103 AND, IN CONNECTION THEREWITH, EXPANDING THE USE OF
104 ELECTRONIC FILING RELATED TO THE COMPETENCY OF
105 CRIMINAL DEFENDANTS AND IN "STATE ADMINISTRATIVE
106 PROCEDURE ACT" PROCEEDINGS.

Bill Summary

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

Current law requires a court to allow the department of human

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

services (department) to submit a competency evaluation for a criminal defendant (evaluation) to the court through electronic means. The bill expands the use of electronic processes in competency proceedings by clarifying that the court must permit the department's evaluation submission via e-filing and by directing the department to:

- Accept, by electronic means, a court order to conduct an evaluation; and
- Electronically deliver an evaluation to interested parties through the e-filing system.

Current law generally requires an administrative agency that is conducting an adjudicatory hearing (agency) to serve any person entitled to notice of that hearing either personally or by first-class mail. The bill permits an agency to serve notice of the hearing by electronic means, upon a documented request or with the documented consent of the person to be notified. The bill similarly authorizes electronic service with respect to an agency's final decision or the initial decision by an administrative law judge or hearing officer.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-8.5-105, **amend**
3 (1)(a)(I), (1)(d), (4), and (7) as follows:

4 **16-8.5-105. Evaluations, locations, time frames, and report.**

5 (1) (a) (I) The court shall order that the competency evaluation be
6 conducted on an outpatient basis or, if the defendant is unable to post the
7 monetary condition of bond or is ineligible to be released on bond, at the
8 place where the defendant is in-custody, except as provided in subsection
9 (1)(b) of this section. If the department conducts the evaluation on an
10 in-custody basis, the department shall begin the evaluation as soon as
11 practicable after the department's receipt of a court order directing the
12 evaluation. If the evaluation is conducted on an in-custody basis, the
13 department shall complete the evaluation no later than twenty-one days
14 after receipt of the order and the collateral materials. If the evaluation is
15 conducted on an out-of-custody basis, the department shall complete the
16 evaluation within forty-two days after receipt of the order and collateral

1 materials, unless the court extends the time upon a showing of good
2 cause. IF THE PARTIES OF THE CASE ARE COMMUNICATING WITH THE
3 COURT BY ELECTRONIC MEANS, AND THE ORDER IS ISSUED BY ELECTRONIC
4 MEANS, THE DEPARTMENT SHALL ACCEPT THE ORDER BY THE SAME
5 ELECTRONIC MEANS.

6 (d) If a defendant is in the department's custody for purposes of
7 the competency evaluation ordered pursuant to this article 8.5 and the
8 defendant has completed the competency evaluation and the evaluator has
9 concluded that the defendant is competent to proceed, the department may
10 return the defendant to a county jail or to the community, as determined
11 by the defendant's bond status. If the evaluator has concluded that the
12 defendant is incompetent to proceed and that inpatient restoration services
13 are not clinically appropriate, and outpatient restoration services are
14 available to the defendant in the community, the department shall notify
15 the court and the bridges court liaison BY ELECTRONIC MEANS, and the
16 department shall develop a discharge plan and a plan for
17 community-based restoration services in coordination with the community
18 restoration services provider. The court shall hold a hearing within seven
19 days after receiving the notice, at which the department shall provide to
20 the court the plan for community-based restoration services, and the court
21 may enter any appropriate orders regarding the custody of the defendant
22 and the defendant's bond status. The department shall advise the
23 defendant of the date and time of the court hearing. If the department is
24 returning the defendant to a county jail, the county sheriff in the
25 jurisdiction where the defendant must return shall take custody of the
26 defendant within seventy-two hours after receiving notification from the
27 department that the defendant's evaluation is completed. At the time the

1 department notifies the sheriff, the department shall also notify the court
2 and the bridges court liaison that the department is returning the
3 defendant to the custody of the jail.

4 (4) A written report of the evaluation must be prepared, and the
5 department shall electronically deliver the report to the court clerk who
6 ordered it. ~~The clerk shall provide a copy of the report to the prosecuting~~
7 ~~attorney, the bridges court liaison and the defense counsel using an~~
8 ~~e-filing system~~ AS ORDERED USING AN E-FILING SYSTEM RECORD IN THE
9 MATTER. Without reducing any other timelines set forth in this article 8.5,
10 the competency evaluator shall provide the written report to the court
11 within fourteen days after finishing meeting or attempting to meet with
12 the defendant to evaluate the defendant's competency.

13 (7) Each court shall allow for any competency evaluation
14 conducted pursuant to the provisions of this section or section 16-8.5-106
15 to be submitted to the court through electronic means, INCLUDING
16 THROUGH AN E-FILING SYSTEM IF THE ORDER FOR THE EVALUATION IS
17 ISSUED TO THE DEPARTMENT THROUGH AN E-FILING SYSTEM.

18 **SECTION 2.** In Colorado Revised Statutes, 24-4-105, **amend**
19 (2)(a), (2)(b), and (16)(a) as follows:

20 **24-4-105. Hearings and determinations.**

21 (2) (a) In any ~~such~~ proceeding in which an opportunity for agency
22 adjudicatory hearing is required under the state constitution or by this or
23 any other statute, the parties are entitled to a hearing and decision in
24 conformity with this section. Any person entitled to notice of a hearing
25 shall be given timely notice of the time, place, and nature thereof, the
26 legal authority and jurisdiction under which it is to be held, and the
27 matters of fact and law asserted. Unless otherwise provided by law, ~~such~~

1 THE notice shall be served personally; BY ELECTRONIC MEANS, UPON THE
2 DOCUMENTED REQUEST OR CONSENT OF THE PERSON TO BE NOTIFIED; or
3 by mailing by first-class mail to the last address furnished TO the agency
4 by the person to be notified at least thirty days prior to the hearing. In
5 fixing the time and place for a hearing, due regard shall be had for the
6 convenience and necessity of the parties and their representatives.

7 (b) Any person given ~~such~~ notice PURSUANT TO SUBSECTION (2)(a)
8 OF THIS SECTION shall file a written answer thirty days after the service,
9 ELECTRONIC DELIVERY, or mailing of ~~such~~ THE notice. If ~~such~~ THE person
10 fails to answer, any agency, administrative law judge, or hearing officer,
11 upon motion, may enter a default. For good cause shown, the entry of
12 default may be set aside within ten days after the date of ~~such~~ entry.

13 (16) (a) Each decision and initial decision shall be served on each
14 party by personal service; BY ELECTRONIC MEANS, UPON THE
15 DOCUMENTED REQUEST OR CONSENT OF THE PARTY TO BE SERVED; or by
16 mailing by first-class mail to the last address furnished TO the agency by
17 ~~such~~ THE party and, except as provided in ~~paragraph (b) of this subsection~~
18 ~~(16)~~ SUBSECTION (16)(b) OF THIS SECTION, shall be effective as to ~~such~~
19 THE party on the date mailed, PROVIDED ELECTRONICALLY, or ~~such~~ THE
20 later date as is stated in the decision.

21 **SECTION 3. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2026 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.