

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 25-0116.01 Conrad Imel x2313

SENATE BILL 25-041

SENATE SPONSORSHIP

Michaelson Jenet and Amabile, Cutter, Ball, Gonzales J., Hinrichsen, Kipp, Kolker,
Rodriguez, Wallace, Weissman

HOUSE SPONSORSHIP

Bradfield and English,

Senate Committees

Judiciary
Appropriations

House Committees

Judiciary

A BILL FOR AN ACT

101 **CONCERNING PERSONS WHO MAY BE INCOMPETENT TO STAND TRIAL,**
102 **AND, IN CONNECTION THEREWITH, PERMITTING CERTAIN**
103 **SERVICES FOR PERSONS WHO ARE INCOMPETENT TO PROCEED,**
104 **COLLECTING RESIDENCY INFORMATION ABOUT PERSONS WHO**
105 **ARE INCOMPETENT TO PROCEED, AND REQUIRING BOND SETTING**
106 **FOR PERSONS WHO MAY BE INCOMPETENT TO PROCEED.**

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/>.)

Legislative Oversight Committee Concerning the Treatment

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.

SENATE
3rd Reading Unamended
March 31, 2025

SENATE
Amended 2nd Reading
March 28, 2025

of Persons with Behavioral Health Disorders in the Criminal and Juvenile Justice Systems. Under existing law, when criminal charges are dismissed against a person receiving inpatient restoration services from the department of human services (DHS), DHS must stop providing services to the person. The bill permits DHS to continue to provide services for up to 90 days after the person's case is dismissed because the person is incompetent to proceed. DHS is permitted to enter into an agreement with an organization to provide permanent supportive housing for a person whose case is dismissed because the person is incompetent to proceed or the person has successfully completed a bridges wraparound care program, and for a person who has been referred to the bridges wraparound care program.

The bill requires DHS to collect information for each person whose charges are dismissed following a determination by the court that the person is incompetent to proceed or following satisfactory completion of a bridges wraparound care program, or who has been referred to the bridges wraparound care program, concerning where the person lives or intends to live following the dismissal or referral. DHS shall share that information with the division of housing in the department of local affairs.

The bill requires the judicial department to develop a form for a court to use to notify DHS of the court's specific findings when the court denies a personal recognizance bond and orders inpatient restoration services for a defendant who is in custody for a misdemeanor, petty offense, or traffic offense, and who the court determines is incompetent to proceed but there is a substantial probability that the defendant, with restoration services, will attain competency in the reasonably foreseeable future.

The bill states that a defendant's competency status does not affect the defendant's eligibility for release on bond and is not a basis for a no-bond hold or mental health stay. A court shall not consider competency status as a factor in setting or modifying a monetary condition of bond. The bill requires a court to convert an order for in-custody or inpatient evaluation or restoration to an order for out-of-custody and outpatient evaluation or restoration if the defendant is released on bond while awaiting an in-custody or inpatient evaluation or restoration.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 27-60-105.5 as
3 follows:

4 **27-60-105.5. Post-dismissal services for persons receiving**

1 **inpatient restoration services - continuation of services after dismissal**
2 **- supportive housing - post-dismissal living information collection -**

3 **definition.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
4 OTHERWISE REQUIRES, "BRIDGES WRAPAROUND CARE PROGRAM" MEANS
5 THE BRIDGES WRAPAROUND CARE PROGRAM CREATED IN SECTION
6 16-8.6-103.

7 (2) IF THE CHARGES AGAINST A PERSON WHO IS RECEIVING
8 INPATIENT RESTORATION SERVICES, AS DESCRIBED IN ARTICLE 8.5 OF TITLE
9 16, ARE DISMISSED FOLLOWING A DETERMINATION BY THE COURT THAT
10 THE PERSON IS INCOMPETENT TO PROCEED, THE STATE DEPARTMENT MAY
11 CONTINUE TO PROVIDE SERVICES TO THE PERSON FOR UP TO NINETY DAYS
12 AFTER THE CHARGES ARE DISMISSED. A PERSON IS NOT REQUIRED TO BE IN
13 CUSTODY TO RECEIVE SERVICES FROM THE STATE DEPARTMENT PURSUANT
14 TO THIS SUBSECTION (2) AFTER CHARGES ARE DISMISSED, AND A COURT
15 SHALL NOT ORDER A PERSON TO REMAIN IN CUSTODY AS A CONDITION OF
16 CONTINUING TO RECEIVE SERVICES FROM THE STATE DEPARTMENT.

17 (3) THE STATE DEPARTMENT MAY ENTER INTO AN AGREEMENT
18 WITH AN ORGANIZATION TO PROVIDE PERMANENT SUPPORTIVE HOUSING
19 FOR PERSONS WHOSE CHARGES ARE DISMISSED FOLLOWING A
20 DETERMINATION BY THE COURT THAT THE PERSON IS INCOMPETENT TO
21 PROCEED OR PURSUANT TO SECTION 16-8.6-110 FOLLOWING
22 SATISFACTORY COMPLETION OF A BRIDGES WRAPAROUND CARE PROGRAM,
23 OR FOR PERSONS WHO HAVE BEEN REFERRED TO THE BRIDGES
24 WRAPAROUND CARE PROGRAM. THE STATE DEPARTMENT SHALL MAKE
25 EFFORTS TO COLLABORATE WITH SERVICE PROVIDERS, INCLUDING THE
26 OFFICE OF BRIDGES OF COLORADO ESTABLISHED PURSUANT TO SECTION
27 13-95-103, TO ENSURE CONTINUITY OF CARE AND SERVICE DELIVERY IN A

1 MANNER THAT AVOIDS DUPLICATION AND BIFURCATION OF SERVICES.

2 (4) (a) THE STATE DEPARTMENT SHALL COLLECT INFORMATION
3 CONCERNING WHERE A PERSON LIVES OR INTENDS TO LIVE AFTER:

4 (I) THE CHARGES AGAINST THE PERSON ARE DISMISSED _____
5 FOLLOWING A DETERMINATION BY THE COURT THAT THE PERSON IS
6 INCOMPETENT TO PROCEED;

7 (II) THE CHARGES AGAINST THE PERSON ARE DISMISSED PURSUANT
8 TO SECTION 16-8.6-110 FOLLOWING SATISFACTORY COMPLETION OF THE
9 BRIDGES WRAPAROUND CARE PROGRAM; OR

10 (III) THE PERSON HAS BEEN REFERRED TO THE BRIDGES
11 WRAPAROUND CARE PROGRAM.

12 _____
13 (b) THE STATE DEPARTMENT SHALL WORK WITH THE OFFICE OF
14 BRIDGES OF COLORADO ESTABLISHED PURSUANT TO SECTION 13-95-103
15 TO COLLECT THE INFORMATION DESCRIBED IN SUBSECTION (4)(a) OF THIS
16 SECTION, AND THE OFFICE OF BRIDGES OF COLORADO SHALL PROVIDE THE
17 INFORMATION TO THE STATE DEPARTMENT.

18 **SECTION 2.** In Colorado Revised Statutes, 13-95-105, **add** (4)
19 as follows:

20 **13-95-105. Bridges of Colorado - programs - administration.**

21 (4) THE OFFICE SHALL PROVIDE INFORMATION TO THE STATE DEPARTMENT
22 OF HUMAN SERVICES ABOUT WHERE PERSONS WHO HAVE BEEN REFERRED
23 TO THE BRIDGES WRAPAROUND CARE PROGRAM LIVE OR INTEND TO LIVE,
24 AS DESCRIBED IN SECTION 27-60-105.5 (4).

25 **SECTION 3.** In Colorado Revised Statutes, 16-8.5-103, **amend**
26 (3) and (4) as follows:

27 **16-8.5-103. Determination of competency to proceed.**

1 (3) Within ~~seven~~ FOURTEEN days after receipt of the court-ordered report,
2 either party may request a hearing or a second evaluation.

3 (4) If a party requests a second evaluation, any pending requests
4 for a hearing must be continued until the receipt of the second evaluation
5 report. The report of the expert conducting the second evaluation must be
6 completed and filed with the court within thirty-five days after the court
7 order allowing the second evaluation, unless the time period is extended
8 by the court for good cause. ~~If a second evaluation is completed and~~
9 ~~restoration is ultimately ordered, then~~ The court shall ~~make~~ PROVIDE the
10 second evaluation available to THE PARTIES AND the department. THE
11 DEPARTMENT SHALL USE THE SECOND EVALUATION TO ENSURE THAT THE
12 DEPARTMENT COMPLIES WITH ITS RESPONSIBILITIES, INCLUDING
13 REVIEWING AND SUMMARIZING PRIOR COMPETENCY OPINIONS AS
14 REQUIRED IN SECTION 16-8.5-105 (5)(f). If the second evaluation is
15 requested by the court, it must be paid for by the court.

16 **SECTION 4. In Colorado Revised Statutes, 16-8.5-105, amend**
17 **(5)(f) as follows:**

18 **16-8.5-105. Evaluations, locations, time frames, and report.**

19 (5) The competency evaluation and report must include, but need not be
20 limited to:

21 (f) An opinion as to whether there is a substantial probability that
22 the defendant, with restoration services, will attain competency within the
23 reasonably foreseeable future. ~~and:~~ AS PART OF FORMING THEIR OPINION,
24 THE COMPETENCY EVALUATOR SHALL USE DUE DILIGENCE IN THE REVIEW
25 AND SUMMARY OF ANY PRIOR COMPETENCY OPINIONS REGARDING THE
26 DEFENDANT. IF THE COMPETENCY EVALUATOR'S OPINION REGARDING
27 RESTORABILITY DIFFERS FROM OPINIONS IN PAST EVALUATIONS OF THE

1 DEFENDANT, THE COMPETENCY EVALUATOR SHALL EXPLAIN THE BASIS
2 FOR THEIR DIFFERENT OPINION.

3 (I) If any court within the previous five years found the defendant
4 incompetent to proceed and that the defendant would not attain
5 competency within the reasonably foreseeable future, an opinion as to
6 why the defendant's current circumstances are different from the prior
7 court's findings; and

8 (II) If the defendant has been found incompetent to proceed after
9 being found competent to proceed three or more times within the previous
10 five years, an opinion as to whether, even if restored, the defendant will
11 maintain competency throughout the current case.

12 SECTION 5. In Colorado Revised Statutes, 16-8.5-106, amend
13 (2) as follows:

14 16-8.5-106. Evaluation at request of defendant. (2) THE
15 DEFENDANT SHALL PROVIDE a copy of the second evaluation shall be
16 furnished to the COURT AND prosecution in a reasonable amount of time
17 in advance of the competency or restoration hearing. UPON RECEIPT OF
18 THE SECOND EVALUATION, THE COURT SHALL FURNISH THE SECOND
19 EVALUATION TO THE DEPARTMENT.

20 SECTION 6. In Colorado Revised Statutes, 16-8.5-111, amend
21 (2)(b), (3)(a)(III), (3)(b)(IV), (3)(b)(V) introductory portion, (4)(a), (4)(b),
22 and (7) as follows:

23 _____
24 **16-8.5-111. Procedure after determination of competency or**
25 **incompetency - bond determinations. (2) Restoration services**
26 **ordered.** If the final determination made pursuant to section 16-8.5-103
27 is that the defendant is incompetent to proceed and the court finds there

1 is substantial probability that the defendant, with restoration services, will
2 attain competency in the reasonably foreseeable future, the court has the
3 following requirements and options:

4 (b) If the court determines the defendant is incompetent to
5 proceed and is in custody on a misdemeanor, petty offense, or traffic
6 offense, the court ~~shall~~ MUST set a hearing on bond within seven days
7 after the court's final determination that the defendant is incompetent to
8 proceed. At the bond hearing, there is a presumption that the court shall
9 order a personal recognizance bond and enter an order for restoration
10 services pursuant to subsection (2)(a) of this section. In order to deny the
11 defendant a personal recognizance bond and enter an order to commit the
12 defendant for inpatient restoration services pursuant to subsection (2)(c)
13 of this section, the court shall make findings of fact that extraordinary
14 circumstances exist to overcome the presumption of release by clear and
15 convincing evidence. If the court denies a personal recognizance bond,
16 the court ~~shall~~ MUST notify the department of the specific findings the
17 court made to deny the personal recognizance bond. THE JUDICIAL
18 DEPARTMENT SHALL DEVELOP A FORM FOR A COURT TO USE TO NOTIFY THE
19 DEPARTMENT OF THE COURT'S FINDINGS THAT ARE REQUIRED BY THIS
20 SUBSECTION (2)(b).

21 (3) Certification for short-term treatment. (a) (III) The court
22 may order initiation of certification for short-term treatment PURSUANT TO
23 THIS SUBSECTION (3) only:

24 (A) UPON A SPECIFIC REQUEST FROM A PERSON AUTHORIZED TO
25 MAKE THE REQUEST PURSUANT TO SUBSECTION (3)(a)(I) OF THIS SECTION;

26 (A) (B) If the court finds reasonable grounds to believe that the
27 defendant meets the standard for a certification for short-term treatment

1 pursuant to section 27-65-108.5 or 27-65-109; and

2 (B) (C) If the defendant's highest charged offense is a petty
3 offense, traffic offense, or misdemeanor offense, or with the agreement
4 of the prosecuting attorney, regardless of the severity of the charge.

5 (b) If the court requires the requesting party to initiate certification
6 for short-term treatment pursuant to subsection (3)(a) of this section:

7 (IV) IF THE DEFENDANT'S HIGHEST CHARGED OFFENSE IS A
8 MISDEMEANOR THAT IS NOT SUBJECT TO DISMISSAL PURSUANT TO
9 SUBSECTION (1.6) OF THIS SECTION, the court may, upon the court's own
10 motion, forgo an order for restoration services and dismiss the charges
11 against the defendant without prejudice when the certification for
12 short-term treatment is initiated; if the highest charged offense is a petty
13 offense, traffic offense, or misdemeanor offense; or

14 (V) IF THE DEFENDANT'S HIGHEST CHARGED OFFENSE IS A FELONY,
15 the court may, ONLY with the agreement of the prosecuting attorney and
16 defendant, stay the restoration order to allow certification for short-term
17 treatment proceedings to occur and to allow the district attorney to
18 consider whether dismissal of the case is appropriate. In determining
19 whether dismissal is appropriate while the criminal matter is pending, the
20 defendant, the defendant's attorney in the criminal matter, and the
21 prosecuting attorney in the criminal matter have access to limited
22 information about any civil proceedings against the defendant pursuant
23 to sections 27-65-108.5, 27-65-109, 27-65-110, and 27-65-111. Any
24 information obtained must be kept confidential unless disclosure is
25 otherwise authorized by law. The court shall not extend the defendant's
26 criminal case past the time limits set forth in section 16-8.5-116.5. The
27 limited information that the defendant, defendant's attorney, and

1 prosecuting attorney may access includes:

2 (4) Restoration hearing. (a) (I) If the final determination made
3 pursuant to section 16-8.5-103 is that the defendant is incompetent to
4 proceed and the evaluator opines at any time that there is not a substantial
5 probability that the defendant, with restoration services, will attain
6 competency within the reasonably foreseeable future, the court shall set
7 a hearing within the time frame set forth in section 16-8.5-113 (5). If the
8 court receives the evaluator's opinion pursuant to this subsection (4) prior
9 to entering a restoration order AND A PARTY REQUESTS A HEARING, the
10 court shall set the hearing in lieu of ordering restoration treatment.

11 (II) WITHIN FOURTEEN DAYS AFTER RECEIPT OF A COURT-ORDERED
12 REPORT REGARDING THE DEFENDANT'S COMPETENCY, EITHER PARTY MAY
13 REQUEST A HEARING OR A SECOND EVALUATION. IF A PARTY REQUESTS A
14 SECOND EVALUATION, THE COURT SHALL CONTINUE THE HEARING UNTIL
15 THE COURT RECEIVES THE SECOND REPORT. THE EXPERT CONDUCTING THE
16 SECOND EVALUATION SHALL COMPLETE AND FILE THE EXPERT'S REPORT
17 WITH THE COURT WITHIN THIRTY-FIVE DAYS AFTER THE COURT ORDER
18 ALLOWING THE SECOND EVALUATION, UNLESS THE COURT EXTENDS THE
19 TIME PERIOD AFTER A FINDING OF GOOD CAUSE. THE COURT SHALL
20 PROVIDE THE SECOND EVALUATION TO THE PARTIES AND THE
21 DEPARTMENT.

22 (b) If the final determination made pursuant to section 16-8.5-103
23 is that the defendant is incompetent to proceed and the evaluator opines,
24 pursuant to section 16-8.5-105 (5)(e)(I)(B), or another qualified expert
25 opines that the defendant's diagnosis likely includes a moderate to severe
26 intellectual or developmental disability, acquired traumatic brain injury,
27 or dementia, which either alone or together with a co-occurring mental

1 illness affects the defendant's ability to gain or maintain competency, the
2 court shall set a hearing within the time frame set forth in section
3 16-8.5-113 (5) on the issue of whether there is a substantial probability
4 that the defendant will be restored to competency in the reasonably
5 foreseeable future. If the court receives the evaluator's opinion pursuant
6 to this subsection (4) prior to entering a restoration order AND A PARTY
7 REQUESTS A HEARING, the court shall set a hearing in lieu of ordering
8 restoration treatment.

9 (7) (a) **Outpatient restoration services.** If the defendant is out of
10 custody and the court has ordered restoration services pursuant to
11 subsection (2)(a) of this section:

12 (a) (I) Pursuant to section 27-60-105, the department is the entity
13 responsible for the coordination of all competency restoration services,
14 including the oversight of restoration education;

15 (b) (II) The restoration services provider under contract with the
16 department shall notify the court, the department, the bridges court
17 liaison, and any other designated agency within twenty-one days after the
18 court's order if restoration services have not started and include a
19 description of the efforts that have been made to engage the defendant in
20 services; and

21 (c) (III) If the department determines that the department is
22 unable, within a reasonable time, to provide restoration services on an
23 outpatient basis, the department shall notify the court within fourteen days
24 after the department's determination, at which point the court shall review
25 the case and determine what interim mental health services the
26 department or a community provider can provide to the defendant. If a
27 bridges court liaison is appointed, the department shall report to the

1 bridges court liaison every twenty-eight days concerning the availability
2 of restoration services on an outpatient basis to the defendant.

3 (b) IF, IN THE PROCESS OF COORDINATING OUTPATIENT
4 RESTORATION SERVICES FOR A DEFENDANT, THE DEPARTMENT
5 DETERMINES THAT THE DEFENDANT MEETS THE STANDARD FOR A
6 CERTIFICATION FOR SHORT-TERM TREATMENT PURSUANT TO SECTION
7 27-65-108.5 AND THAT INITIATING A PETITION FOR AN OUTPATIENT
8 CERTIFICATION IS APPROPRIATE, THE DEPARTMENT MAY REQUEST, IN
9 WRITING, THAT THE COURT REFER THE MATTER FOR FILING OF A PETITION
10 FOR SHORT-TERM TREATMENT PURSUANT TO 27-65-108.5 IN A COURT WITH
11 JURISDICTION AND AUTHORIZE THE DEPARTMENT TO FILE THE PETITION.
12 AFTER RECEIVING A WRITTEN REQUEST, THE COURT SHALL HEAR AND
13 CONSIDER ANY OBJECTIONS FROM THE DEFENDANT PRIOR TO RULING ON
14 THE REQUEST.

15 **SECTION 7. In Colorado Revised Statutes, 16-8.5-113, amend**
16 **(2) and (3) as follows:**

17 **16-8.5-113. Restoration to competency. (2) Within fourteen**
18 **days after receipt of a report from the department or other court-approved**
19 **provider of restoration services COMPETENCY EVALUATOR certifying that**
20 **the defendant is competent to proceed, either party may request a hearing**
21 **or a second evaluation. The court shall determine whether to allow the**
22 **second evaluation or proceed to a hearing on competency. If the second**
23 **evaluation is requested by the court or by an indigent defendant, the**
24 **evaluation must be paid for by the court.**

25 **(3) If a second evaluation is allowed, any pending requests for a**
26 **hearing must be continued until receipt of the second evaluation report.**
27 **The report of the expert conducting the second evaluation report must be**

1 completed and filed with the court within thirty-five days after the court
2 order allowing the second evaluation, unless the time period is extended
3 by the court after a finding of good cause. THE COURT SHALL PROVIDE THE
4 SECOND EVALUATION TO THE PARTIES AND THE DEPARTMENT.

5 **SECTION 8.** In Colorado Revised Statutes, 16-8.5-116, **amend**
6 **(2)(c)(V) and (2)(c)(VI); and repeal (2)(c)(VII) as follows:**

7 **16-8.5-116. Certification - reviews - rules.** (2) (c) At least ten
8 days before each review, the department treating team shall provide to the
9 court an additional report that summarizes:

10 (V) The opinion of the treating team on the defendant's mental
11 health functioning and ability to function on an outpatient basis for
12 restoration services; AND

13 (VI) Whether the defendant, based on observations of the
14 defendant's behavior in the facility, presents a substantial risk to the
15 physical safety of the defendant's self, of another person, or of the
16 community if released for community restoration. and

17 (VII) Any opinions which would be required during an initial
18 evaluation pursuant to section 16-8.5-105 (5)(f).

19 **SECTION 9.** In Colorado Revised Statutes, 16-8.5-116.5, **amend**
20 **(1)(b) and (7) as follows:**

21 **16-8.5-116.5. Restoration - time limits - dismissal of charges -**
22 **exceptions - rules.** (1) To ensure compliance with relevant constitutional
23 principles, for any offense for which the defendant is ordered to receive
24 competency restoration services in an inpatient or outpatient setting, if the
25 court determines, based on available evidence, that there is not a
26 substantial probability that the defendant, with restoration services, will
27 be restored to competency within the reasonably foreseeable future, the

1 court:

2 (b) May, IF AFTER GIVING DUE WEIGHT TO THE OPINION OF A
3 PROFESSIONAL PERSON, AS DEFINED IN SECTION 27-65-102, EMPLOYED BY
4 OR UNDER CONTRACT WITH THE OFFICE OF CIVIL AND FORENSIC MENTAL
5 HEALTH, THE COURT FINDS REASONABLE GROUNDS TO BELIEVE THAT THE
6 DEFENDANT MEETS CRITERIA FOR A CERTIFICATION FOR SHORT TERM
7 TREATMENT PURSUANT TO SECTION 27-65-108.5 OR SECTION 27-65-109,
8 ORDER ONE OF THE FOLLOWING PERSONS TO INITIATE, IN A COURT WITH
9 JURISDICTION, A PROCEEDING FOR A CERTIFICATION FOR SHORT-TERM
10 TREATMENT OF THE DEFENDANT PURSUANT TO SECTION 27-65-108.5 OR
11 27-65-109: The district attorney, or upon request from the district
12 attorney; a professional person, as defined in section 27-65-102, WHO IS
13 NOT EMPLOYED BY OR UNDER CONTRACT WITH THE BEHAVIORAL HEALTH
14 ADMINISTRATION IN THE DEPARTMENT OR THE OFFICE OF CIVIL AND
15 FORENSIC MENTAL HEALTH; a representative of DESIGNATED BY the
16 behavioral health administration in the department, or a representative of
17 DESIGNATED BY the office of civil and forensic mental health. to initiate,
18 in a court with jurisdiction, a proceeding for a certification for short-term
19 treatment of the defendant pursuant to section 27-65-108.5 or 27-65-109.
20 If the court finds reasonable grounds to believe the defendant meets
21 criteria for a certification for short-term treatment pursuant to section
22 27-65-108.5 or 27-65-109. NOTWITHSTANDING THE AUTHORITY GRANTED
23 PURSUANT TO THIS SUBSECTION (1)(b), A COURT SHALL NOT ORDER A
24 PERSON TO INITIATE A PROCEEDING PURSUANT TO THIS SUBSECTION (1)(b)
25 IF INITIATING A PROCEEDING WOULD CONTRADICT THE PERSON'S
26 PROFESSIONAL MEDICAL OPINION OR OTHERWISE VIOLATE THE PERSON'S
27 PROFESSIONAL CONDUCT RULES.

1 (7) (a) Prior to the dismissal of charges pursuant to this section or
2 section 16-8.5-111 (5), unless the court has already ordered a person to
3 initiate proceedings for a certification for short-term treatment, the court
4 shall make findings ABOUT whether there are reasonable grounds to
5 believe the person meets the standard for a certification for short-term
6 treatment. If the court finds there are reasonable grounds, the court may
7 stay the dismissal for thirty-five days, SET A REVIEW HEARING, and notify
8 any professional person, as defined in section 27-65-102; a representative
9 of DESIGNATED BY the behavioral health administration in the department;
10 or a representative of DESIGNATED BY the office of civil and forensic
11 mental health who has recently treated or interacted with the defendant
12 that there are reasonable grounds for short-term treatment and afford the
13 person an opportunity to pursue certification proceedings or to arrange
14 necessary services.

15 (b) THE COURT SHALL GRANT THIRTY-FIVE DAY EXTENSIONS OF
16 THE STAY DESCRIBED IN SUBSECTION (7)(a) OF THIS SECTION:

17 (I) ANY NUMBER OF TIMES WITH THE CONSENT OF THE DEFENDANT;
18 AND

19 (II) REGARDLESS OF THE DEFENDANT'S CONSENT, UPON REQUEST
20 OF THE PROSECUTION IF THE COURT FINDS GOOD CAUSE:

21 (A) UP TO FOUR TIMES, IN ADDITION TO THE INITIAL STAY
22 AUTHORIZED IN SUBSECTION (7)(a) OF THIS SECTION, BUT NOT TO EXCEED
23 ONE HUNDRED SEVENTY-FIVE DAYS IN TOTAL, IF THE DEFENDANT IS
24 CHARGED WITH A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406,
25 OR FOR FELONY UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION
26 16-22-102; OR

27 (B) ONCE, IN ADDITION TO THE INITIAL STAY AUTHORIZED IN

1 SUBSECTION (7)(a) OF THIS SECTION, BUT NOT TO EXCEED SEVENTY DAYS
2 IN TOTAL, IF THE DEFENDANT IS NOT CHARGED WITH A CRIME OF VIOLENCE,
3 AS DEFINED IN SECTION 18-1.3-406, OR FOR FELONY UNLAWFUL SEXUAL
4 BEHAVIOR AS DEFINED IN SECTION 16-22-102.

5 (c) FOR THE PURPOSES OF SUBSECTION (7)(b) OF THIS SECTION,
6 GOOD CAUSE DOES NOT INCLUDE A PERSON'S REFUSAL OR FAILURE TO
7 TIMELY FILE A PETITION PURSUANT TO SECTION 27-65-108.5.

8 (d) WHEN A DEFENDANT'S CHARGES ARE DISMISSED PURSUANT TO
9 THIS SECTION OR SECTION 16-8.5-111(5), THE COURT SHALL NOTIFY THE
10 DEPARTMENT IN WRITING THAT THE CHARGES WERE DISMISSED AND THE
11 REASON FOR THE DISMISSAL.

12 **SECTION 10.** In Colorado Revised Statutes, add 16-8.6-113 as
13 follows:

14 **16-8.6-113. Effect of acceptance.** A COURT SHALL VACATE ANY
15 EXISTING ORDER AND SHALL NOT ENTER A NEW ORDER DIRECTING THE
16 DEPARTMENT TO CONDUCT A COMPETENCY EVALUATION OR PROVIDE
17 RESTORATION SERVICES TO A DEFENDANT IF THE DEFENDANT WAS
18 ACCEPTED TO PARTICIPATE IN THE BRIDGES WRAPAROUND CARE PROGRAM.

19 **SECTION 11.** In Colorado Revised Statutes, 16-5-401, add (2.5)
20 as follows:

21 **16-5-401. Limitation for commencing criminal proceedings,**
22 **civil infraction proceedings, and juvenile delinquency proceedings -**
23 **definitions.** (2.5) (a) (I) THE TIME LIMITATIONS IMPOSED BY THIS SECTION
24 ARE TOLLED WHILE THE OFFENDER IS IN A COMPETENCY-RELATED
25 DIVERSION OR DEFLECTION PROGRAM.

26 (II) AS USED IN THIS SUBSECTION (2.5)(a), "COMPETENCY-RELATED
27 DIVERSION OR DEFLECTION PROGRAM" MEANS A PROGRAM THAT OFFERS

1 A POTENTIALLY INCOMPETENT OFFENDER THE OPPORTUNITY TO AVOID THE
2 FILING OR RE-FILING OF CHARGES IN EXCHANGE FOR THE OFFENDER'S
3 PARTICIPATION AND SUCCESSFUL COMPLETION OF A PROGRAM DESIGNED
4 FOR POTENTIALLY INCOMPETENT PERSONS.

5 (b) THE TIME LIMITATIONS IMPOSED BY THIS SECTION ARE TOLLED
6 BEGINNING WHEN A DEFENDANT'S CASE IS DISMISSED WITHOUT PREJUDICE
7 FOR THE PURPOSE OF FACILITATING CERTIFICATION FOR SHORT-TERM
8 TREATMENT PURSUANT TO SECTION 16-8.5-111 (3) UNTIL EITHER THE
9 DEFENDANTS CRIMINAL CASE IS RE-FILED OR SIX MONTHS HAS PASSED
10 SINCE THE CASE WAS DISMISSED, WHICHEVER IS EARLIER.

11 **SECTION 12.** In Colorado Revised Statutes, 27-65-110, amend
12 (1) introductory portion as follows:

13 **27-65-110. Long-term care and treatment of persons with**
14 **mental health disorders - procedure.** (1) Whenever a respondent has
15 received an extended certification for treatment pursuant section
16 27-65-109 (10), INCLUDING AS IT IS APPLIED TO COURT-ORDERED
17 CERTIFICATION PURSUANT TO SECTION 27-65-108.5 (9), the professional
18 person in charge of the certification for short-term treatment or the BHA
19 may file a petition with the court at least thirty days prior to the expiration
20 date of the extended certification for long-term care and treatment of the
21 respondent under the following conditions: ___

22 **SECTION 13.** In Colorado Revised Statutes, 19-2.5-701.5,
23 amend (1) and (6) as follows:

24 **19-2.5-701.5. Definitions.** As used in this part 7, unless the
25 context otherwise requires:

26 (1) "Competency evaluation" means ~~an evaluation~~ A
27 COURT-ORDERED EVALUATION PERFORMED BY THE DEPARTMENT, OR A

1 SECOND EVALUATION CONDUCTED PURSUANT TO SECTION 19-2.5-707,
2 conducted by a competency evaluator that meets the requirements
3 described in section 19-2.5-703 (4). "Competency evaluation" includes
4 both court-ordered evaluations performed by the department and second
5 evaluations.

6 (6) "Restoration evaluation" means an evaluation A
7 COURT-ORDERED EVALUATION PERFORMED BY THE DEPARTMENT, OR A
8 SECOND EVALUATION CONDUCTED PURSUANT TO SECTION 19-2.5-707,
9 conducted by a competency evaluator to determine if the juvenile has
10 become competent to proceed or will be able to be restored to competency
11 in the reasonably foreseeable future. "Restoration evaluation" includes
12 both court-ordered evaluations by the department and second evaluations.

13 **SECTION 14.** In Colorado Revised Statutes, 19-2.5-704, amend
14 (2)(b) and (2)(c) as follows:

15 **19-2.5-704. Procedure after determination of competency or**
16 **incompetency.** (2) (b) Pursuant to section 27-60-105, the department is
17 the entity responsible for the oversight of restoration education and
18 coordination of services necessary to competency restoration. THE
19 DEPARTMENT SHALL ONLY CONDUCT A RESTORATION EVALUATION WITH
20 A COURT ORDER PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION.

21 (c) (I) The court, or a party, OR THE DEPARTMENT may raise, at any
22 time, the need for a restoration evaluation of a juvenile's competency.
23 THE REQUEST MUST INCLUDE THE FACTUAL GROUNDS THAT SUPPORT THE
24 NEED FOR A RESTORATION EVALUATION.

25 (II) (A) THE COURT MUST ENSURE PROMPT RESOLUTION OF ANY
26 REQUEST FOR A RESTORATION EVALUATION.

27 (B) THE COURT SHALL ORDER EACH PARTY TO STATE THEIR

1 POSITION AND PROVIDE INPUT ON THE REQUEST NO LATER THAN FOURTEEN
2 DAYS AFTER WHEN THE PARTY WAS NOTIFIED OF THE REQUEST; EXCEPT IF
3 THE JUVENILE IS IN CUSTODY OR INPATIENT RESTORATION, THE COURT
4 SHALL ALLOW SEVEN DAYS FOR A PARTY TO OBJECT TO THE REQUEST. IF
5 THE PARTIES ARE BEFORE THE COURT, THE COURT MAY TAKE POSITIONS ON
6 THE RECORD, OR THE COURT MAY ORDER A WRITTEN POSITION FROM EACH
7 PARTY AS NECESSARY.

8 (C) IF NO PARTY OBJECTS, THE COURT SHALL ORDER THE
9 RESTORATION EVALUATION FORTHWITH.

10 (D) IF A PARTY OBJECTS, THE PARTY SHALL STATE THE GROUNDS
11 FOR THEIR OBJECTION.

12 (III) If ~~raised~~ A PARTY TIMELY OBJECTS TO A RESTORATION
13 EVALUATION BEING ORDERED, the court shall order a restoration
14 evaluation only when there is credible information that the juvenile's
15 circumstances have changed, the court cannot fairly determine whether
16 the juvenile has been restored to competency or will be able to be restored
17 to competency in the reasonably foreseeable future WITHOUT AN
18 EVALUATION, and the cause for a restoration evaluation outweighs the
19 negative impact of a restoration evaluation upon the juvenile. ~~and any~~
20 ~~delay that will be caused by a restoration evaluation.~~ THE COURT MAY
21 RULE ON A REQUEST BASED ON THE INFORMATION RECEIVED WITH THE
22 REQUEST AND WITH ANY OBJECTION WITHOUT A HEARING, OR IF THE
23 COURT FINDS A HEARING IS NECESSARY TO RULE ON THE REQUEST, the
24 court may hold a hearing WITHIN FOURTEEN DAYS AFTER RECEIVING AN
25 OBJECTION to determine if a restoration evaluation must be ordered. If the
26 court orders a restoration evaluation, such evaluation must meet the
27 requirements of section 19-2.5-703 (4).

1 **SECTION 15. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly; except
4 that, if a referendum petition is filed pursuant to section 1 (3) of article V
5 of the state constitution against this act or an item, section, or part of this
6 act within such period, then the act, item, section, or part will not take
7 effect unless approved by the people at the general election to be held in
8 November 2026 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.