

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 20, 2026
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB26-149 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

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, after line 7 insert:

6 "(17.5) "INPATIENT CARE AT THE DISCRETION OF CDHS OR
7 HCPF", OR SIMILAR TERMINOLOGY, MEANS PLACEMENT AT A FACILITY:

8 (a) WHERE THE PERSON IS REQUIRED TO RESIDE AND IS NOT
9 PERMITTED TO LEAVE UNLESS ACCOMPANIED AND SUPERVISED BY STAFF;

10 (b) THAT AGREES TO SUPERVISE THE PERSON, THAT AGREES TO
11 TAKE APPROPRIATE MEASURES TO ENSURE THE PERSON COMPLIES WITH
12 ANY COURT ORDERS, AND THAT HAS PROCEDURES IN PLACE THAT WOULD
13 RESULT IN A TIMELY REPORT TO THE COURT AND AUTHORITIES IF THE
14 PERSON ABSCONDED WITHOUT PERMISSION;

15 (c) WHERE A PROFESSIONAL PERSON, AS DEFINED IN SECTION
16 27-65-102, WHO IS EMPLOYED BY OR CONTRACTED BY CDHS, BHA, OR
17 HCPF, ATTESTS THAT THE FACILITY IS MEDICALLY APPROPRIATE AND
18 SUFFICIENTLY PROTECTS VICTIMS AND THE COMMUNITY FROM THE
19 SUBSTANTIAL RISK OF HARM POSED BY THE PERSON; AND

20 (d) THAT IS OPERATED BY, OR HAS CONTRACTED WITH, CDHS,
21 BHA OR HCPF TO PROVIDE SERVICES FOR CDHS, BHA, OR HCPF."

22 Page 8, strike lines 17 through 19.

23 Renumber succeeding subsections accordingly.

- 1 Page 9, line 22, strike "SUBSECTION (26)(b)" and substitute "SUBSECTION
2 (25)(b)".
- 3 Page 15, lines 16 and 17, strike "OFFICE OF CIVIL AND FORENSIC MENTAL
4 HEALTH," and substitute "DEPARTMENT,".
- 5 Page 17, lines 2 and 3, strike "TWENTY-FOUR HOURS" and substitute "TWO
6 BUSINESS DAYS".
- 7 Page 17, line 8, strike "TWO" and substitute "TWENTY-ONE".
- 8 Page 21, strike lines 2 through 4 and substitute "restoration services
9 provider.".
- 10 Page 24, lines 16 and 17, strike "VIOLENCE SUBJECT TO THE "VICTIM
11 RIGHTS ACT", SECTION 18-1.3-406;" and substitute "VIOLENCE, AS
12 DEFINED IN SECTION 18-1.3-406 (2);".
- 13 Page 24, strike lines 20 through 22 and substitute "DISTRICT ATTORNEY
14 IS AWARE OF AN ACT NOT CHARGED IN THE CURRENT CASE THAT WOULD
15 QUALIFY PURSUANT TO SECTION 16-8.5-118 (6)(b)(II).".
- 16 Page 27, strike lines 19 through 25 and substitute:
- 17 "(I) THE COMPETENCY EVALUATOR'S OPINION AS TO WHETHER
18 DIAGNOSTIC TESTING EXISTS BEYOND WHAT THE COMPETENCY
19 EVALUATOR CAN PERFORM THAT IS NECESSARY TO PROVIDE AN OPINION
20 AS TO WHETHER THE DEFENDANT IS INCOMPETENT TO PROCEED OR
21 RESTORABLE; AND".
- 22 Page 28, strike lines 23 through 26.
- 23 Page 48, lines 23 and 24, strike "VIOLENCE SUBJECT TO THE "VICTIM
24 RIGHTS ACT", SECTION 18-1.3-406;" and substitute "VIOLENCE, AS
25 DEFINED IN SECTION 18-1.3-406 (2);".
- 26 Page 49, strike lines 2 through 4 and substitute "TO OTHERS BECAUSE THE
27 PROSECUTION IS AWARE OF AN ACT NOT CHARGED IN THE CURRENT CASE
28 THAT WOULD QUALIFY PURSUANT TO SECTION 16-8.5-118 (6)(b)(II). IF
29 THE PROSECUTION REQUESTS AN OPINION".
- 30 Page 50, strike lines 12 through 19 and substitute:

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

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

8 Page 60, after line 6 insert:

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

12 Renumber succeeding subparagraphs accordingly.

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

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

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

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

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

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

26 Page 64, after line 7 insert:

27 "(6) NOTWITHSTANDING SUBSECTIONS (3) AND (5) OF THIS
28 SECTION, IF AN APPOINTED EMERGENCY GUARDIAN BELIEVES IN THEIR
29 PROFESSIONAL JUDGMENT THAT A CIVIL PROCEEDING SHOULD BE
30 INITIATED, THE COURT SHALL ALLOW THE EMERGENCY GUARDIAN TO
31 INITIATE THE CIVIL PROCEEDING IN LIEU OF ORDERING THE COUNTY

- 1 ATTORNEY TO INITIATE THE CIVIL PROCEEDING."
- 2 Renumber succeeding subsections accordingly.
- 3 Page 65, line 7, strike "(6)," and substitute "(7),".
- 4 Page 65, line 10, strike "(6)(b)" and substitute "(7)(b)".
- 5 Page 65, line 14, strike "(6)," and substitute "(7),".
- 6 Page 66, line 14, strike "(8)" and substitute "(9)".
- 7 Page 66, strike line 18 and substitute "OBJECTION BY".
- 8 Page 67, line 14, strike "**defendants.**" and substitute "**defendants -**
9 **report - repeal.**".
- 10 Page 68, line 10, after "PARTIES;" insert "AND".
- 11 Page 68, line 14, strike "OPTIONS; AND" and substitute "OPTIONS.".
- 12 Page 68, strike lines 15 through 17.
- 13 Page 69, after line 27 insert:
- 14 "(5) (a) THE DEFENDANT MAY REQUEST TO STIPULATE THAT THE
15 COURT ORDER CIVIL COMMITMENT OR ENHANCED PROTECTIVE PLACEMENT
16 RATHER THAN CONTESTING THE MATTER AT A TRIAL. THE COURT SHALL
17 ALLOW THE DEFENDANT TO STIPULATE TO THE COURT ORDERING A CIVIL
18 COMMITMENT OR ENHANCED PROTECTIVE PLACEMENT ONLY IF:
- 19 (I) THE COURT CONFIRMS THE DEFENDANT HAS BEEN FULLY
20 ADVISED OF THE CONSEQUENCES AND THE RIGHTS THE DEFENDANT IS
21 WAIVING, INCLUDING THE RIGHT TO A COURT TRIAL;
- 22 (II) THE STIPULATION IS IN WRITING AND STATED ON THE RECORD
23 AT A HEARING AT WHICH THE DEFENDANT APPEARS, WITH THE CONSENT OF
24 ANY GUARDIAN THAT HAS BEEN APPOINTED;
- 25 (III) THE COURT FINDS THE DEFENDANT UNDERSTANDS THE
26 STIPULATION AND THAT THE STIPULATION IS VOLUNTARILY DESPITE THE
27 DEFENDANT BEING INCOMPETENT TO PROCEED; AND
- 28 (IV) THE PARTIES ESTABLISH A FACTUAL BASIS.
- 29 (b) ANY STIPULATION OR ADMISSION MADE AS PART OF THE
30 STIPULATION TO IMPOSITION OF A CIVIL COMMITMENT OR ENHANCED
31 PROTECTIVE PLACEMENT IS NOT ADMISSIBLE IN ANY FUTURE CRIMINAL

1 PROSECUTION TO PROVE ANY ACT ALLEGED IN THE WRITTEN NOTICE
2 SEEKING THE CIVIL COMMITMENT OR ENHANCED PROTECTIVE
3 PLACEMENT."

4 Renumber succeeding subsections accordingly.

5 Page 70, line 2, strike "THAT THE DEFENDANT:" and substitute "THAT:".

6 Page 70, line 3, strike "HAS" and substitute "THE DEFENDANT HAS".

7 Page 70, strike lines 4 through 9 and substitute:

8 "(b) (I) THE DEFENDANT COMMITTED AN ACT THAT, IN THE
9 ABSENCE OF ANY MENTAL DISABILITY OR DEVELOPMENTAL DISABILITY,
10 WOULD CONSTITUTE:

11 (A) HOMICIDE PURSUANT TO PART 1 OF ARTICLE 3 OF TITLE 18;

12 (B) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406 (2);

13 OR

14 (C) A FELONY THAT CONSTITUTES UNLAWFUL SEXUAL BEHAVIOR,
15 AS DEFINED IN SECTION 16-22-102; AND

16 (II) THE ACT DESCRIBED IN SUBSECTION (6)(b)(I) OF THIS SECTION
17 THAT THE DEFENDANT IS ALLEGED TO HAVE COMMITTED IS OR WAS
18 CHARGED IN A CRIMINAL CASE IN COLORADO IN WHICH COMPETENCY WAS
19 RAISED; AND".

20 Page 70, line 10, strike "POSES" and substitute "THE DEFENDANT POSES".

21 Page 71, lines 8 and 9, strike "CHARGED AND ACQUITTED AS THE
22 QUALIFYING ACTS PURSUANT TO THIS SUBSECTION (6)(c)," and substitute
23 "ACQUITTED OR CONVICTED AS THE QUALIFYING ACTS SATISFYING THE
24 CRITERIA LISTED IN SUBSECTION (6)(b) OF THIS SECTION,".

25 Page 71, lines 10 and 11, strike "CHARGED AND ACQUITTED" and
26 substitute "ACQUITTED OR CONVICTED".

27 Page 71, line 12, strike "EVIDENCE." and substitute "EVIDENCE AND
28 RELEVANT TO THE CRITERIA LISTED IN SUBSECTION (6)(a) OR (6)(c) OF
29 THIS SECTION."

30 Page 71, after line 12 insert:

31 "(d) (I) PRIOR TO TRIAL, THE COURT SHALL FIND THAT THE
32 PROSECUTION HAS MET THE REQUIREMENTS IN SUBSECTION (6)(b)(II) OF

1 THIS SECTION IF AN ACT ALLEGED TO SATISFY THE REQUIREMENT OF
2 SUBSECTION (6)(b)(I) OF THIS SECTION IS:
3 (A) CHARGED IN THE CURRENT CASE; OR
4 (B) CHARGED IN ANOTHER PENDING CASE IN THE SAME
5 JURISDICTION AND COMPETENCY WAS RAISED IN THE CASE.
6 (II) PRIOR TO TRIAL, THE COURT MAY FIND THAT THE PROSECUTION
7 HAS MET THE REQUIREMENTS IN SUBSECTION (6)(b)(II) OF THIS SECTION
8 IF:
9 (A) WITHOUT ADMITTING TO COMMITTING ANY ACTS, THE
10 DEFENDANT STIPULATES THE DEFENDANT WAS CHARGED WITH AN ACT
11 THAT MEETS THE REQUIREMENTS OF SUBSECTION (6)(b)(II) OF THIS
12 SECTION; OR
13 (B) THE PROSECUTION FILES WITH THE COURT CERTIFIED COURT
14 RECORDS FROM ANOTHER CRIMINAL CASE, CURRENT OR DISMISSED, THAT
15 DEMONSTRATE BY CLEAR AND CONVINCING EVIDENCE THAT THE
16 REQUIREMENTS OF SUBSECTION (6)(b)(II) OF THIS SECTION ARE
17 SATISFIED."

18 Page 73, strike lines 7 through 27.

19 Strike pages 74 through 79 and substitute:

20 "(10) IF THE COURT FINDS THAT THE PROSECUTION DID NOT MEET
21 ONE OR MORE OF THE REQUIREMENTS DESCRIBED IN SUBSECTION (6) OF
22 THIS SECTION, THE COURT SHALL DENY THE PROSECUTION'S REQUEST TO
23 CIVILLY COMMIT OR ORDER THE ENHANCED PROTECTIVE PLACEMENT OF
24 THE DEFENDANT AND SHALL DISMISS THE DEFENDANT'S CASE; EXCEPT
25 THAT THE COURT MAY CONSIDER WHETHER TO ORDER OTHER CIVIL
26 PROCEEDINGS PURSUANT TO SECTION 16-8.5-117.

27 (11) (a) IF THE COURT FINDS THAT THE PROSECUTION MET THE
28 REQUIREMENTS DESCRIBED IN SUBSECTION (6) OF THIS SECTION, THE
29 COURT SHALL:

30 (I) ORDER THE CIVIL COMMITMENT OR ENHANCED PROTECTIVE
31 PLACEMENT OF THE DEFENDANT IN ACCORDANCE WITH SUBSECTION (12)
32 OF THIS SECTION;

33 (II) PLACE THE DEFENDANT AND ISSUE ANY RELATED ORDERS
34 PURSUANT TO SUBSECTION (13) OF THIS SECTION; AND

35 (III) TRANSFER JURISDICTION OF THE CIVIL COMMITMENT OR
36 ENHANCED PROTECTIVE PLACEMENT TO AN APPROPRIATE CIVIL COURT
37 WITH JURISDICTION AND DISMISS THE CASE IN ACCORDANCE WITH
38 SUBSECTION (14) OF THIS SECTION.

39 (b) THE COURT HAS SEVENTY DAYS TO PLACE THE DEFENDANT AND
40 TRANSFER JURISDICTION TO THE APPROPRIATE CIVIL COURT; EXCEPT THAT

1 THE COURT MAY EXTEND THE TIME LIMIT WITH THE CONSENT OF THE
2 DEFENDANT. THE COURT SHALL ORDER THE PLACEMENT AND TRANSFER
3 JURISDICTION AS SOON AS PRACTICABLE.

4 (12) (a) IF THE COURT FINDS THAT THE PROSECUTION MET THE
5 REQUIREMENTS DESCRIBED IN SUBSECTION (6) OF THIS SECTION OR IF THE
6 COURT ACCEPTS THE DEFENDANT'S STIPULATION TO CIVIL COMMITMENT OR
7 ENHANCED PROTECTIVE PLACEMENT, THE COURT SHALL MAKE A FINDING
8 OF THE DEFENDANT'S PRIMARY DIAGNOSIS THAT CONSTITUTES THE
9 MENTAL DISABILITY OR DEVELOPMENTAL DISABILITY. THE COURT SHALL
10 ORDER THE DEFENDANT CIVILLY COMMITTED TO THE LEGAL CUSTODY OF
11 CDHS AND SUPERVISED PURSUANT TO SECTION 27-65-201, UNLESS THE
12 DEFENDANT'S PRIMARY DIAGNOSIS IS AN INTELLECTUAL AND
13 DEVELOPMENTAL DISABILITY OR A NEUROCOGNITIVE DISORDER, AS THOSE
14 TERMS ARE DEFINED IN SECTION 25.5-10-501, IN WHICH CASE, THE COURT
15 SHALL ORDER AN ENHANCED PROTECTIVE PLACEMENT AND LEGAL
16 CUSTODY OF THE DEFENDANT TO THE DEPARTMENT OF HEALTH CARE
17 POLICY AND FINANCING AND SUPERVISED PURSUANT TO SECTION
18 25.5-10-507. AT ANY TIME PRIOR TO TRANSFERRING JURISDICTION TO A
19 CIVIL COURT, THE COURT MAY, UPON A RECOMMENDATION FROM CDHS,
20 CHANGE THE DESIGNATION OF THE PRIMARY DIAGNOSIS AND CONVERT THE
21 ORDER TO CIVIL COMMITMENT OR ENHANCED PROTECTIVE PLACEMENT, AS
22 APPROPRIATE, BASED ON THE DETERMINATION OF CDHS.

23 (b) THE COURT SHALL ISSUE ITS FINDINGS AND ORDERS PURSUANT
24 TO THIS SECTION IN WRITING. WHEN THE COURT TRANSFERS JURISDICTION
25 TO A CIVIL COURT PURSUANT TO SECTION 27-65-113 OR 25.5-10-509, THE
26 COURT SHALL SEND THE CIVIL COURT RECEIVING JURISDICTION ALL THE
27 WRITTEN FINDINGS AND ORDERS ENTERED PURSUANT TO THIS SECTION.

28 (13) (a) WHEN THE COURT ORDERS A CIVIL COMMITMENT OR
29 ENHANCED PROTECTIVE PLACEMENT, IF CDHS PROPOSES PLACING THE
30 DEFENDANT INTO INPATIENT CARE, THE COURT SHALL ORDER, WITHOUT
31 FURTHER COURT REVIEW, THE DEFENDANT PLACED INTO INPATIENT CARE
32 AT THE DISCRETION OF CDHS IF THE COURT ORDERED A CIVIL
33 COMMITMENT OR AT THE DISCRETION OF HCPF IF THE COURT ORDERED AN
34 ENHANCED PROTECTIVE PLACEMENT. IF CDHS HAS IDENTIFIED AN
35 APPROPRIATE PROVIDER THAT DOES NOT MEET THE DEFINITION OF
36 INPATIENT CARE BUT IS WILLING AND ABLE TO ACCEPT PLACEMENT OF THE
37 DEFENDANT, THE COURT SHALL SET A REVIEW HEARING AS SOON AS
38 PRACTICABLE WHILE ENSURING THE PARTIES, ANY APPOINTED EMERGENCY
39 GUARDIAN, AND VICTIMS ARE GIVEN SUFFICIENT NOTICE AND
40 OPPORTUNITY TO PREPARE AND APPEAR.

41 (b) WHEN THE COURT ORDERS A CIVIL COMMITMENT OR ENHANCED
42 PROTECTIVE PLACEMENT, IF CDHS HAS NOT IDENTIFIED AN APPROPRIATE
43 PROVIDER THAT IS WILLING TO ACCEPT PLACEMENT OF THE DEFENDANT,

1 THE COURT SHALL:

2 (I) SET A REVIEW HEARING WITHIN THIRTY-FIVE DAYS AFTER THE
3 ORDER FOR CIVIL COMMITMENT OR ENHANCED PROTECTIVE PLACEMENT;
4 AND

5 (II) PRIOR TO THE REVIEW HEARING, ORDER CDHS, IN
6 CONSULTATION WITH THE BEHAVIORAL HEALTH ADMINISTRATION, TO
7 IDENTIFY AT LEAST ONE APPROPRIATE PROVIDER THAT IS WILLING TO
8 IMMEDIATELY ACCEPT PLACEMENT OF THE DEFENDANT.

9 (c) AT THE REVIEW HEARING, IF CDHS PROPOSES PLACING THE
10 DEFENDANT INTO INPATIENT CARE, THE COURT SHALL ORDER, WITHOUT
11 FURTHER COURT REVIEW, THE DEFENDANT PLACED INTO INPATIENT CARE
12 AT THE DISCRETION OF CDHS IF THE COURT ORDERED A CIVIL
13 COMMITMENT OR AT THE DISCRETION OF HCPF IF THE COURT ORDERED AN
14 ENHANCED PROTECTIVE PLACEMENT. IF CDHS DOES NOT PROPOSE
15 PLACING THE DEFENDANT INTO INPATIENT CARE, THE COURT SHALL
16 REVIEW ANY PLACEMENT IDENTIFIED BY CDHS TO ENSURE IT IS
17 APPROPRIATE AND SUFFICIENTLY PROTECTS VICTIMS AND THE COMMUNITY
18 FROM THE SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS POSED BY THE
19 DEFENDANT. THE COURT MAY CONTINUE THE REVIEW HEARING OR ORDER
20 AN ADDITIONAL REVIEW HEARING WITHIN THE TIME FRAME SET FORTH IN
21 SUBSECTION (11)(b) OF THIS SECTION.

22 (d) WHEN CONSIDERING THE APPROPRIATENESS OF THE
23 PLACEMENT FOR THE DEFENDANT, VICTIMS, AND THE COMMUNITY, THE
24 COURT SHALL:

25 (I) ALLOW CDHS, THE PARTIES, AND ANY APPOINTED EMERGENCY
26 GUARDIAN TO BE HEARD REGARDING THE DEFENDANT'S PLACEMENT;

27 (II) GIVE DEFERENCE TO CDHS'S RECOMMENDATION ON ANY
28 ISSUE RELATED TO THE DEFENDANT'S PRIMARY DIAGNOSIS;

29 (III) GIVE DEFERENCE TO CDHS AND THE OPINION OF A MEDICAL
30 PROFESSIONAL ON THE APPROPRIATENESS OF THE PROVIDER AND
31 PLACEMENT FOR THE DEFENDANT;

32 (IV) NOT GIVE DEFERENCE TO CDHS OR A MEDICAL
33 PROFESSIONAL AS TO WHETHER THE PLACEMENT SUFFICIENTLY PROTECTS
34 VICTIMS AND THE COMMUNITY FROM THE SUBSTANTIAL RISK OF SERIOUS
35 HARM TO OTHERS POSED BY THE DEFENDANT; AND

36 (V) CONSIDER THE TOTALITY OF THE CIRCUMSTANCES, INCLUDING:

37 (A) THE DEFENDANT'S STATEMENTS AND WHETHER THE
38 DEFENDANT LACKS INSIGHT INTO THE DEFENDANT'S MENTAL DISABILITY
39 OR DEVELOPMENTAL DISABILITY;

40 (B) THE DEFENDANT'S CLINICAL DIAGNOSIS AND PROGNOSIS,
41 INCLUDING ANY OPINIONS THAT THE DEFENDANT AND THE DEFENDANT'S
42 CURRENT MENTAL STATE AND BEHAVIORS POSE RISKS TO OTHERS;

43 (C) THE DEFENDANT'S REFUSAL TO VOLUNTARILY SEEK AND

1 COMPLY WITH A TREATMENT PLAN IN THE RECENT PAST, INCLUDING IN THE
2 DEFENDANT'S MOST RECENT PERIOD OF BEING IN THE COMMUNITY;

3 (D) RECENT OVERT ACTS BY THE DEFENDANT TO THREATEN,
4 CAUSE, OR ATTEMPT TO CAUSE HARM TO THE DEFENDANT'S SELF OR
5 OTHERS;

6 (E) ANY PREVIOUS PATTERNS OF DECOMPENSATION OR
7 DETERIORATION THAT RESULTED IN THE DEFENDANT'S HOSPITALIZATION,
8 ARREST, OR CERTIFICATION FOR SHORT-TERM TREATMENT AND THAT
9 DEMONSTRATE A RISK OF LIKELY FUTURE DECOMPENSATION;

10 (F) WHEN THE DEFENDANT WAS LAST OUT OF CUSTODY AND
11 WHETHER THE DEFENDANT WAS FOUND IN A CONDITION IN WHICH THE
12 DEFENDANT WAS NOT ABLE TO CARE FOR THE DEFENDANT'S OWN BASIC
13 NEEDS IN ORDER TO AVOID THE RISK OF SERIOUS PHYSICAL HARM;

14 (G) THE FREQUENCY, RECENCY, AND SEVERITY OF THE
15 CONSIDERATIONS DESCRIBED IN SUBSECTIONS (13)(d)(V)(B) TO
16 (13)(d)(V)(F) OF THIS SECTION, SUCH THAT THE CIRCUMSTANCES ARE
17 PRESENT IN A MANNER THAT REQUIRES INPATIENT TREATMENT OR THAT
18 THE CIRCUMSTANCES ARE ABSENT IN A MANNER THAT ALLOWS FOR
19 COMMUNITY-BASED PLACEMENT;

20 (H) WHETHER THE DEFENDANT OPPOSES THE PLACEMENT;

21 (I) WHETHER COMMUNITY-BASED PLACEMENT CAN BE
22 REASONABLY ACCOMMODATED;

23 (J) THE LIMITED RESOURCES OF THE STATE AND THE NEEDS OF
24 OTHERS; AND

25 (K) THE PLACEMENT RECOMMENDATIONS OF ANY TREATING
26 PROFESSIONALS.

27 (e) THE COURT SHALL NOT ORDER OR PERMIT A DEFENDANT TO BE
28 PLACED INTO A COMMUNITY-BASED SETTING OUTSIDE OF INPATIENT CARE
29 UNLESS THE COURT FINDS THE RISK OF HARM POSED BY THE DEFENDANT
30 TO VICTIMS AND THE COMMUNITY CAN BE REASONABLY MITIGATED IN THE
31 COMMUNITY-BASED SETTING AND UNTIL AFTER PROVIDING VICTIMS WITH
32 NOTICE AND AN OPPORTUNITY TO BE HEARD.

33 (f) AFTER REVIEWING THE PROVIDERS, IF THE COURT FINDS THAT
34 MULTIPLE PROVIDERS ARE APPROPRIATE FOR THE DEFENDANT, VICTIMS,
35 AND THE COMMUNITY, THE COURT SHALL ORDER THE DEFENDANT BE
36 PLACED IN THE LEAST-RESTRICTIVE SETTING THAT IS ADEQUATE TO
37 PROTECT THE VICTIMS AND THE COMMUNITY AND TO PROVIDE, TO THE
38 GREATEST EXTENT POSSIBLE, THE APPROPRIATE LEVEL OF CARE FOR,
39 TREATMENT FOR, AND SUPERVISION OF THE DEFENDANT. IF MORE THAN
40 ONE EQUALLY RESTRICTIVE PLACEMENT IS AVAILABLE AND APPROPRIATE,
41 THE COURT SHALL ORDER THE DEFENDANT BE PLACED INTO A SETTING
42 THAT IS BEST SUITED FOR THE DEFENDANT'S TREATMENT NEEDS AND
43 SUPERVISION, AS DETERMINED BY CDHS.

1 (g) IF CDHS DOES NOT PROPOSE PLACING THE DEFENDANT INTO
2 INPATIENT CARE AND CDHS HAS NOT IDENTIFIED ANY OTHER
3 APPROPRIATE PLACEMENT WITH SUFFICIENT TIME TO REVIEW AND PLACE
4 THE DEFENDANT WITHIN THE TIME FRAME SET FORTH IN SUBSECTION
5 (11)(b) OF THIS SECTION, THE COURT SHALL ORDER THE DEFENDANT
6 PLACED INTO INPATIENT CARE AT THE DISCRETION OF CDHS IF THE COURT
7 ORDERED A CIVIL COMMITMENT OR AT THE DISCRETION OF HCPF IF THE
8 COURT ORDERED AN ENHANCED PROTECTIVE PLACEMENT.

9 (h) IN ADDITION TO ANY ORDERS ISSUED PURSUANT TO THIS
10 SECTION, THE COURT SHALL ISSUE ANY ORDERS NECESSARY TO MITIGATE
11 THE DEFENDANT'S RISK TO VICTIMS AND THE COMMUNITY, INCLUDING
12 ORDERING A PROVIDER THAT HAS ACCEPTED PLACEMENT OF THE
13 DEFENDANT TO TAKE REASONABLE AND PRACTICABLE PROTECTIVE
14 MEASURES TO PREVENT THE DEFENDANT FROM CONTACTING ANY VICTIMS;
15 EXCEPT THAT THE COURT SHALL NOT ORDER THE DEFENDANT TO COMPLY
16 WITH ANY CONDITIONS THAT ARE NOT NECESSARY TO MITIGATE THE
17 DEFENDANT'S RISK OR WITH WHICH THE DEFENDANT CANNOT COMPLY.

18 (i) AFTER THE COURT ORDERS PLACEMENT OF THE DEFENDANT:

19 (I) THE COURT, THE DISTRICT ATTORNEY, AND CDHS SHALL
20 TRANSMIT ALL NECESSARY INFORMATION, INCLUDING THE DEFENDANT'S
21 MEDICAL RECORDS, COMPETENCY EVALUATIONS, MATERIALS USED DURING
22 THE COMPETENCY PROCESS, AND RESTORATION RECORDS, TO THE COUNTY
23 ATTORNEY WITHIN THREE BUSINESS DAYS AFTER THE ORDER FOR
24 PLACEMENT. THE DISTRICT ATTORNEY AND CDHS SHALL PROVIDE
25 ADDITIONAL NECESSARY INFORMATION UPON REQUEST OF THE COUNTY
26 ATTORNEY.

27 (II) THE COURT SHALL, UNLESS OTHER APPROPRIATE
28 TRANSPORTATION HAS BEEN APPROVED BY THE COURT, ORDER THE
29 SHERIFF TO SECURELY TRANSPORT THE DEFENDANT TO THE ORDERED
30 PLACEMENT AS SOON AS PRACTICABLE. THE COURT SHALL SET ANY
31 REVIEW HEARINGS NECESSARY TO ENSURE THE DEFENDANT IS
32 TRANSPORTED TO THE INITIAL PLACEMENT. THE COURT MAY DELAY
33 TRANSPORTATION IF A BED AT A PLACEMENT IS NOT AVAILABLE BUT WILL
34 BE AVAILABLE WITHIN THE NEXT THIRTY DAYS.

35 (14) AFTER THE DEFENDANT HAS BEEN TRANSPORTED TO THE
36 PLACEMENT ORDERED BY THE COURT, THE COURT SHALL:

37 (a) TRANSFER JURISDICTION OF THE CIVIL COMMITMENT TO A CIVIL
38 COURT WITH JURISDICTION PURSUANT TO SECTION 27-65-113 OR
39 TRANSFER JURISDICTION OF THE ENHANCED PROTECTIVE PLACEMENT TO
40 A CIVIL COURT WITH JURISDICTION PURSUANT TO SECTION 25.5-10-507;

41 (b) NOTIFY CDHS AND THE COUNTY ATTORNEY; AND

42 (c) DISMISS THE CRIMINAL CASE AGAINST THE DEFENDANT. THE
43 COURT SHALL NOTE IN THE COURT'S FINAL ORDER DISMISSING THE CASE

1 THAT THE CHARGES MAY BE REFILED, BUT THE PROSECUTION IS NOT
2 PRECLUDED FROM REFILEING MERELY BECAUSE THE COURT DID NOT STATE
3 SO IN THE ORDER."

4 Renumber succeeding subsections accordingly.

5 Page 81, after line 4 insert:

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

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

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

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

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

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

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

33 (18) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2031."

34 Page 84, line 9, strike "OCFMH's" and substitute "CDHS's".

35 Page 85, after line 4 insert:

36 "**SECTION 2.** In Colorado Revised Statutes, **add** 27-65-101.5 as
37 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 10. 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 11.** 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~~
36 27-65-108.5, 27-65-109, OR 27-65-109.5, or an order or extension for
37 certification for long-term care and treatment pursuant to section
38 27-65-110, terminates ~~as soon as~~ WHEN the professional person in charge
39 of treatment of the respondent and the BHA, AFTER A REASONABLE

1 OBSERVATION AND TREATMENT PERIOD, determine the respondent has
2 received sufficient benefit from the treatment for the respondent to end
3 involuntary treatment. Whenever a certification or extended certification
4 is terminated pursuant to this section, the professional person in charge
5 of providing treatment shall notify the court in writing within five days
6 after the termination NO LONGER MEETS THE CRITERIA FOR CERTIFICATION
7 FOR SHORT-TERM 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 21. 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, UNLESS THE RESPONDENT IS PLACED INTO INPATIENT
15 CARE AT THE DISCRETION OF CDHS OR HCPF;

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

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

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

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

32 (b) IF THE RESPONDENT IS NOT PLACED INTO INPATIENT CARE AT
33 THE DISCRETION OF CDHS OR HCPF OR IF CDHS OR HCPF PROPOSES TO
34 MOVE THE RESPONDENT INTO OR OUT OF INPATIENT CARE, THE COURT
35 SHALL, PRIOR TO MODIFYING THE CIVIL COMMITMENT TO CHANGE THE
36 RESPONDENT'S PROVIDER OR PLACEMENT, REVIEW THE APPROPRIATENESS
37 OF THE PROPOSED PROVIDER OR PLACEMENT, INCLUDING WHETHER THE
38 PROVIDER FITS THE RESPONDENT'S DIAGNOSIS AND TREATMENT NEEDS AND
39 WHETHER THE PLACEMENT SUFFICIENTLY PROTECTS THE COMMUNITY
40 FROM THE SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS POSED BY THE
41 RESPONDENT.

42 (c) UPON REQUEST, THE COURT SHALL PERMIT CDHS, THE
43 PARTIES, OR THE APPOINTED LEGAL GUARDIAN THE OPPORTUNITY TO

1 OBJECT AND BE HEARD PRIOR TO THE COURT'S DECISION. THE COURT MAY
2 PERMIT TESTIMONY IF THE COURT BELIEVES IT WOULD BE HELPFUL TO THE
3 COURT'S DECISION.

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

15 (I) THE RESPONDENT'S STATEMENTS AND INSIGHTS INTO THE
16 RESPONDENT'S MENTAL HEALTH DISORDER;

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

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

22 (IV) RECENT OVERT ACTS BY THE RESPONDENT TO THREATEN,
23 CAUSE, OR ATTEMPT TO CAUSE HARM TO THE RESPONDENT'S SELF OR
24 OTHERS;

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

28 (VI) WHETHER THE RESPONDENT WAS FOUND IN A CONDITION
29 WHERE THE RESPONDENT WAS NOT ABLE TO CARE FOR THE RESPONDENT'S
30 OWN BASIC NEEDS IN ORDER TO AVOID THE RISK OF SERIOUS PHYSICAL
31 HARM;

32 (VII) THE FREQUENCY, RECENCY, AND SEVERITY OF THE
33 CONSIDERATIONS DESCRIBED IN SUBSECTIONS (5)(d)(II) TO (5)(d)(VI) OF
34 THIS SECTION AND THE LIKELIHOOD THAT THE CONDITIONS AND EVENTS
35 WILL REOCCUR WITHOUT INPATIENT TREATMENT;

36 (VIII) WHETHER THE RESPONDENT OPPOSES THE PLACEMENT;

37 (IX) WHETHER COMMUNITY-BASED PLACEMENT CAN BE
38 REASONABLY ACCOMMODATED;

39 (X) THE LIMITED RESOURCES OF THE STATE AND THE NEEDS OF
40 OTHERS; AND

41 (XI) THE PLACEMENT RECOMMENDATIONS OF ANY TREATING
42 PROFESSIONALS.

43 (e) THE COURT SHALL NOT PERMIT OR ORDER A RESPONDENT TO BE

1 PLACED INTO A COMMUNITY-BASED SETTING OUTSIDE OF INPATIENT CARE
2 FOR THE FIRST TIME SINCE BEING CIVILLY COMMITTED UNLESS:

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

6 (II) THE DISTRICT ATTORNEY IN THE CASE THAT SOUGHT CIVIL
7 COMMITMENT OR ENHANCED PROTECTIVE PLACEMENT HAS BEEN NOTIFIED
8 AND GIVEN AN OPPORTUNITY TO OBJECT AND BE HEARD.

9 (f) IF THE COURT MODIFIES THE RESPONDENT'S PROVIDER OR
10 PLACEMENT, THE COURT SHALL ISSUE ANY ORDERS NECESSARY TO
11 MITIGATE THE RESPONDENT'S RISK TO ANY VICTIMS OR THE COMMUNITY,
12 INCLUDING ORDERING THE PROVIDER TO TAKE REASONABLE AND
13 PRACTICABLE PROTECTIVE MEASURES TO PREVENT THE RESPONDENT FROM
14 CONTACTING ANY VICTIMS; EXCEPT THAT THE COURT SHALL NOT ORDER
15 THE RESPONDENT TO COMPLY WITH ANY CONDITIONS THAT ARE NOT
16 NECESSARY TO MITIGATE THE RESPONDENT'S RISK OR WITH WHICH THE
17 RESPONDENT CANNOT COMPLY.

18 (6) (a) IF THE COURT ORDERS THE RESPONDENT TO BE PLACED INTO
19 INPATIENT CARE AT THE DISCRETION OF CDHS OR HCPF, THE EXECUTIVE
20 DIRECTOR OF CDHS SHALL DESIGNATE THE STATE FACILITY AT WHICH THE
21 RESPONDENT IS HELD FOR CARE AND TREATMENT AND MAY TRANSFER THE
22 RESPONDENT FROM ONE FACILITY TO ANOTHER IF, IN THE OPINION OF THE
23 EXECUTIVE DIRECTOR, IT IS APPROPRIATE TO DO SO IN THE INTEREST OF
24 THE PROPER CARE, CUSTODY, AND TREATMENT OF THE RESPONDENT OR
25 FOR THE PROTECTION OF THE PUBLIC OR PERSONNEL AT THE FACILITIES IN
26 QUESTION.

27 (b) NOTWITHSTANDING SUBSECTION (6)(a) OF THIS SECTION,
28 CDHS SHALL:

29 (I) ENSURE THE RESPONDENT IS PLACED IN THE
30 LEAST-RESTRICTIVE PLACEMENT ADEQUATE TO PROTECT THE VICTIM AND
31 THE COMMUNITY AND PROVIDE, TO THE GREATEST EXTENT POSSIBLE, THE
32 APPROPRIATE LEVEL OF CARE, TREATMENT, AND SUPERVISION OF THE
33 RESPONDENT; AND

34 (II) NOT PLACE THE RESPONDENT IN A COMMUNITY-BASED
35 SETTING OUTSIDE OF INPATIENT CARE FOR THE FIRST TIME SINCE THE
36 RESPONDENT WAS CIVILLY COMMITTED WITHOUT PRIOR APPROVAL OF THE
37 COURT PURSUANT TO SUBSECTION (5) OF THIS SECTION.

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

40 (8) THE PROVIDER CHARGED WITH THE PHYSICAL CARE AND
41 CUSTODY OF THE RESPONDENT SHALL SUBMIT A REPORT TO THE COURT
42 AND THE PARTIES ANNUALLY BY THE DATE THE RESPONDENT WAS CIVILLY
43 COMMITTED UNLESS A SUBSTANTIALLY SIMILAR EXAMINATION WAS

1 ORDERED BY THE COURT WITHIN THE PREVIOUS TWELVE MONTHS. THE
2 REPORT MUST INCLUDE:

3 (a) THE PROVIDER'S OPINION ABOUT WHETHER THE RESPONDENT:
4 (I) MEETS THE CRITERIA FOR SHORT-TERM CERTIFICATION
5 PURSUANT TO SECTION 27-65-108.3 (1) OR SHORT-TERM PROTECTIVE
6 PLACEMENT PURSUANT TO SECTION 25.5-10-503 (1);
7 (II) CONTINUES TO MEET THE CRITERIA FOR CIVIL COMMITMENT
8 PURSUANT TO SECTION 16-8.5-118;
9 (III) MEETS THE CRITERIA FOR ENHANCED PROTECTIVE
10 PLACEMENT PURSUANT TO SECTION 16-8.5-118;
11 (IV) IS APPROPRIATELY PLACED; AND
12 (V) MEETS THE CRITERIA FOR TERMINATION OF THE CIVIL
13 COMMITMENT PURSUANT TO SECTION 27-65-202;

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

16 (c) THE RESPONDENT'S DIAGNOSIS AND WHETHER THE
17 RESPONDENT'S SYMPTOMS ARE IN REMISSION;

18 (d) A SUMMARY OF THE SERVICES OR TREATMENT PROVIDED TO
19 THE RESPONDENT SINCE THE LAST REPORT AND THE RESPONDENT'S
20 PROGRESS;

21 (e) A SUMMARY OF THE RESPONDENT'S COMPLIANCE WITH
22 TREATMENT OR SERVICES, INCLUDING INFORMATION ABOUT MEDICATIONS
23 CURRENTLY PRESCRIBED TO THE RESPONDENT AND WHETHER THE
24 RESPONDENT IS COMPLIANT WITH TAKING THE PRESCRIBED MEDICATIONS;

25 (f) AN ASSESSMENT OF THE RESPONDENT'S RISK OF HARM TO
26 OTHERS;

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

30 (h) A SUMMARY OF THE SPECIFIC TREATMENT OR SERVICE OPTIONS
31 AVAILABLE TO THE RESPONDENT IN THE COMMUNITY AND THE SPECIFIC
32 TREATMENT OR SERVICE OPTIONS AVAILABLE TO THE RESPONDENT AT A
33 FACILITY DESIGNATED BY THE EXECUTIVE DIRECTOR OF CDHS;

34 (i) A SUMMARY OF WHETHER AND HOW ONGOING RISKS COULD BE
35 MITIGATED IF THE RESPONDENT WERE PLACED IN THE COMMUNITY; AND
36 (j) SPECIFIC FACTS AND EVIDENCE SUPPORTING EACH OPINION
37 MADE PURSUANT TO SUBSECTION (8)(a) OF THIS SECTION.

38 (9) THE COURT MAY ORDER ANY TREATMENT OR SERVICE
39 PROVIDER WHO HAS AGREED OR WHO HAS BEEN ORDERED TO PROVIDE
40 SERVICES OR TREATMENT TO THE RESPONDENT TO ISSUE REGULAR
41 PROGRESS REPORTS CONTAINING INFORMATION REQUIRED PURSUANT TO
42 SUBSECTION (8) OF THIS SECTION OR OTHER INFORMATION DEEMED
43 NECESSARY FOR THE COURT'S SUPERVISION OF THE CIVIL COMMITMENT.

1 (10) (a) THE COURT MAY, UPON A SHOWING OF GOOD CAUSE,
2 ORDER AN EXAMINATION BY A PSYCHOLOGIST OR PSYCHIATRIST
3 REGARDING THE RESPONDENT'S PROGRESS WITH TREATMENT AND
4 WHETHER THE RESPONDENT MEETS THE CRITERIA FOR CONVERSION OF THE
5 CIVIL COMMITMENT TO AN ENHANCED PROTECTIVE PLACEMENT,
6 CERTIFICATION FOR SHORT-TERM TREATMENT, OR SHORT-TERM
7 PROTECTIVE PLACEMENT, OR MEETS THE CRITERIA FOR TERMINATION OF
8 THE CIVIL COMMITMENT PURSUANT TO SECTION 27-65-202. THE
9 RESPONDENT SHALL COOPERATE WITH ANY EXAMINATIONS ORDERED
10 PURSUANT TO THIS SUBSECTION (10)(a).

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

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

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

20 **27-65-202. Termination of civil commitment - repeal.**

21 (1) THE COURT SHALL TERMINATE A RESPONDENT'S CIVIL
22 COMMITMENT ORDERED PURSUANT TO SECTION 27-65-201 IF THE
23 RESPONDENT:

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

26 (b) DOES NOT HAVE A MENTAL HEALTH DISORDER THAT IS LIKELY
27 TO CAUSE THE RESPONDENT TO BE A DANGER TO THE RESPONDENT'S SELF
28 OR A DANGER TO OTHERS AND THE RESPONDENT HAS DEMONSTRATED
29 SUFFICIENT CAPACITY AND WILLINGNESS TO CONFORM THE RESPONDENT'S
30 CONDUCT TO THE REQUIREMENTS OF THE LAW.

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

42 (3) (a) THE RESPONDENT MAY REQUEST TERMINATION OF THE CIVIL
43 COMMITMENT IN WRITING AT ANY TIME THE RESPONDENT WOULD NOT BE

1 PROHIBITED FROM HAVING A SUBSEQUENT TERMINATION TRIAL PURSUANT
2 TO SUBSECTION (7) OF THIS SECTION.

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

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

16 (b) IF NEITHER THE COUNTY ATTORNEY NOR THE DISTRICT
17 ATTORNEY OBJECT OR REQUEST AN OPPORTUNITY TO REQUEST AN
18 INDEPENDENT EVALUATION, THE COURT SHALL TERMINATE THE
19 RESPONDENT'S CIVIL COMMITMENT.

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

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

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

35 (f) IF NEITHER THE COUNTY ATTORNEY NOR DISTRICT ATTORNEY
36 OBJECT WITHIN THE TIME PERMITTED BY THE COURT, THE COURT SHALL
37 TERMINATE THE RESPONDENT'S CIVIL COMMITMENT.

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 COURT, ENSURE THE RESPONDENT AND THE
41 RESPONDENT'S COUNSEL RECEIVED A COPY OF THE REPORT, AND ADVISE
42 THE RESPONDENT OF THE RIGHT TO DEMAND A TRIAL BY THE COURT OR
43 THE RIGHT TO DEMAND, IN WRITING, A JURY TRIAL OF NOT MORE THAN SIX

1 INDIVIDUALS TO DETERMINE WHETHER THE RESPONDENT MEETS THE
2 CRITERIA FOR TERMINATION PURSUANT TO SUBSECTION (1) OF THIS
3 SECTION.

4 (b) IF THE RESPONDENT DEMANDS A TRIAL BEFORE THE COURT, THE
5 COURT SHALL SCHEDULE THE TRIAL TO BEGIN WITHIN THIRTY-FIVE DAYS
6 AFTER THE DEMAND. IF THE RESPONDENT DEMANDS A JURY TRIAL, THE
7 COURT SHALL SCHEDULE THE TRIAL TO BEGIN WITHIN SEVENTY-TWO DAYS
8 AFTER THE DEMAND. A DELAY ATTRIBUTABLE TO THE RESPONDENT IS
9 EXCLUDED FROM THE TIME LIMITATIONS IN THIS SUBSECTION (5)(b). IF THE
10 COURT DOES NOT BEGIN THE TRIAL WITHIN THE TIME PERMITTED
11 PURSUANT TO THIS SUBSECTION (5)(b), THE COURT SHALL TERMINATE THE
12 CIVIL COMMITMENT AND RELEASE THE RESPONDENT FROM THE PROVIDER'S
13 CARE AND CUSTODY.

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

24 (6) (a) AT THE TRIAL, IF ANY EVIDENCE IS INTRODUCED THAT
25 SHOWS THE RESPONDENT DOES NOT MEET THE CRITERIA FOR TERMINATION
26 OF THE CIVIL COMMITMENT PURSUANT TO SUBSECTION (1) OF THIS
27 SECTION, THE RESPONDENT HAS THE BURDEN TO SHOW BY A
28 PREPONDERANCE OF THE EVIDENCE THAT THE RESPONDENT MEETS THE
29 CRITERIA FOR TERMINATION PURSUANT TO SUBSECTION (1) OF THIS
30 SECTION.

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

42 (7) IF THE TRIER OF FACT FINDS THE RESPONDENT DOES NOT MEET
43 THE CRITERIA FOR TERMINATION PURSUANT TO SUBSECTION (1) OF THIS

1 SECTION, THE RESPONDENT IS NOT ENTITLED TO ANOTHER TERMINATION
2 TRIAL WITHIN ONE YEAR AFTER THE CONCLUSION OF THE PREVIOUS TRIAL
3 FOR TERMINATION.

4 (8) IF THE RESPONDENT DOES NOT MEET THE CRITERIA FOR
5 TERMINATION PURSUANT TO SUBSECTION (1) OF THIS SECTION AND HAS A
6 MENTAL HEALTH DISORDER THAT IS AN INTELLECTUAL AND
7 DEVELOPMENTAL DISABILITY OR A NEUROCOGNITIVE DISORDER, AS THOSE
8 TERMS ARE DEFINED IN SECTION 25.5-10-501, WITHOUT HAVING ANY
9 OTHER MENTAL HEALTH DISORDER THAT IS NOT AN INTELLECTUAL AND
10 DEVELOPMENTAL DISABILITY OR NEUROCOGNITIVE DISORDER AND THAT
11 SUBSTANTIALLY CONTRIBUTES TO WHETHER THE RESPONDENT IS A
12 DANGER TO THE RESPONDENT'S SELF OR A DANGER TO OTHERS, OR IS
13 GRAVELY DISABLED, THE COURT SHALL CONVERT THE CIVIL COMMITMENT
14 TO AN ENHANCED PROTECTIVE PLACEMENT AND MAY MODIFY THE TERMS
15 OF THE ENHANCED PROTECTIVE PLACEMENT IN ACCORDANCE WITH
16 SECTION 25.5-10-507.

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

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

27 Renumber succeeding sections accordingly.

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

29 "(1) THE COURT MAY ORDER THE PROTECTIVE PLACEMENT OF A
30 RESPONDENT IF:

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

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

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

39 Page 148, strike lines 18 through 27.

1 Strike pages 149 through 153.

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

3 **"25.5-10-503. Short-term protective placement for**
4 **incompetent defendants in a criminal matter.**

5 (1) UPON PETITION OF A PROFESSIONAL PERSON OR INTERVENING
6 PROFESSIONAL ACTING WITHIN THE SCOPE OF THEIR AUTHORITY AND
7 LICENSURE, AN APPOINTED LEGAL GUARDIAN, OR A REPRESENTATIVE OF
8 THE BHA OR HCPF, A COURT MAY CERTIFY A PERSON FOR SHORT-TERM
9 PROTECTIVE PLACEMENT FOR NOT MORE THAN THREE MONTHS UNDER THE
10 FOLLOWING CONDITIONS:

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

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

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

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

21 (II) HAS EVALUATED THE PERSON WITHIN THE PAST THREE
22 MONTHS AND PRODUCED A WRITTEN OPINION THAT THE PERSON MEETS
23 THE CRITERIA FOR PROTECTIVE PLACEMENT PURSUANT TO SECTION
24 25.5-10-502;

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

28 (e) THE PERSON, THE PERSON'S LEGAL GUARDIAN, AND THE
29 PERSON'S LAY PERSON, IF APPLICABLE, HAVE BEEN ADVISED OF THE
30 PERSON'S RIGHT TO AN ATTORNEY AND TO CONTEST THE SHORT-TERM
31 PROTECTIVE PLACEMENT.

32 (2) THE PETITION FILED PURSUANT TO SUBSECTION (1) OF THIS
33 SECTION MUST:

34 (a) STATE SUFFICIENT FACTS TO ESTABLISH REASONABLE GROUNDS
35 THAT THE RESPONDENT MEETS THE CRITERIA FOR SHORT-TERM
36 PROTECTIVE PLACEMENT PURSUANT TO SECTION 25.5-10-502, INCLUDING
37 ATTACHING THE PROFESSIONAL PERSON'S OR INTERVENING
38 PROFESSIONAL'S WRITTEN OPINION PRODUCED PURSUANT TO SUBSECTION
39 (1)(c)(II) OF THIS SECTION;

40 (b) BE FILED WITHIN FOURTEEN DAYS AFTER THE INITIATING PARTY
41 RECEIVED THE COURT ORDER FROM THE CRIMINAL COURT INITIATING THE

1 SHORT-TERM PROTECTIVE PLACEMENT; AND

2 (c) BE FILED WITH THE COURT IN THE COUNTY WHERE THE
3 RESPONDENT RESIDED OR WAS PHYSICALLY PRESENT IMMEDIATELY PRIOR
4 TO THE FILING OF THE PETITION; EXCEPT THAT, IF THE PERSON WAS
5 ARRESTED FOR THE PRIOR CASE AND HELD IN CUSTODY, THE PETITION MAY
6 BE FILED IN THE COUNTY WHERE THE RESPONDENT RESIDED OR WAS
7 PHYSICALLY PRESENT IMMEDIATELY PRIOR TO THE RESPONDENT'S ARREST.

8 (3) WITHIN TWENTY-FOUR HOURS AFTER CERTIFICATION, COPIES
9 OF THE SHORT-TERM PROTECTIVE PLACEMENT MUST BE PERSONALLY
10 DELIVERED TO THE RESPONDENT AND HCPF WHO SHALL RETAIN A COPY
11 OF THE CERTIFICATION AS PART OF THE RESPONDENT'S RECORD. IF THE
12 CRIMINAL CASE IS PENDING, OR NOT YET DISMISSED, THE PETITIONING
13 PARTY SHALL PROVIDE NOTICE OF THE FILING OF THE PETITION TO THE
14 CRIMINAL COURT. THE CRIMINAL COURT SHALL PROVIDE THE NOTICE TO
15 THE PROSECUTING AND DEFENSE ATTORNEYS IN THE CRIMINAL CASE AND
16 ANY ATTORNEY APPOINTED THE RESPONDENT PURSUANT TO SUBSECTION
17 (5) OF THIS SECTION.

18 (4) THE PETITIONER SHALL ASK THE RESPONDENT TO DESIGNATE
19 ONE OTHER PERSON WHOM THE RESPONDENT WANTS TO BE INFORMED
20 REGARDING THE PETITION. IF THE RESPONDENT IS INCAPABLE OF MAKING
21 A DESIGNATION AT THE TIME THE PETITION IS DELIVERED, THE COURT MAY
22 ASK THE RESPONDENT TO DESIGNATE A PERSON AS SOON AS THE
23 RESPONDENT IS CAPABLE. IF THE PETITIONER FAILS TO ASK THE
24 RESPONDENT TO DESIGNATE A PERSON, THE RESPONDENT'S ATTORNEY
25 APPOINTED PURSUANT TO SUBSECTION (5) OF THIS SECTION SHALL REPORT
26 TO THE COURT ANY PERSON WHOM THE RESPONDENT WANTS TO BE
27 INFORMED REGARDING THE PETITION.

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

40 (6) UPON FILING A PETITION PURSUANT TO THIS SECTION AND
41 AFFORDING THE RESPONDENT A CHANCE TO CONTEST THE PETITION, THE
42 COURT MAY GRANT OR DENY THE PROTECTIVE PLACEMENT BASED ON THE
43 FACTS ESTABLISHED IN THE PETITION, SUBJECT TO THE COURT'S FURTHER

1 REVIEW OR A JURY TRIAL.

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

6 (8) THE RESPONDENT MAY KNOWINGLY AND VOLUNTARILY
7 CONSENT TO THE PETITION IN WRITING.

8 (9) THE RESPONDENT OR THE RESPONDENT'S ATTORNEY MAY, AT
9 ANY TIME, FILE A WRITTEN REQUEST FOR THE COURT TO REVIEW THE
10 SHORT-TERM PROTECTIVE PLACEMENT. IF A REVIEW IS REQUESTED, THE
11 COURT SHALL HEAR THE MATTER WITHIN FOURTEEN DAYS AFTER THE
12 REQUEST, AND THE COURT SHALL GIVE NOTICE TO THE RESPONDENT, THE
13 RESPONDENT'S ATTORNEY, HCPF, AND THE COMMUNITY OR FACILITY
14 PROVIDER WHO IS OR WILL PROVIDE TREATMENT. THE HEARING MUST BE
15 HELD IN ACCORDANCE WITH SECTION 25.5-10-510. AT THE CONCLUSION
16 OF THE HEARING, THE COURT MAY ENTER OR CONFIRM THE SHORT-TERM
17 PROTECTIVE PLACEMENT, DISCHARGE THE RESPONDENT, OR ENTER ANY
18 OTHER APPROPRIATE ORDER.

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

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

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

36 (11) (a) THE DEPARTMENT OF HEALTH CARE POLICY AND
37 FINANCING IS RESPONSIBLE FOR FINDING AN APPROPRIATE PROVIDER AND
38 INPATIENT PLACEMENT FOR THE RESPONDENT.

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

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

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

7 (13) WHENEVER IT APPEARS TO THE COURT THAT A RESPONDENT
8 IN A SHORT-TERM PROTECTIVE PLACEMENT SHOULD BE TRANSFERRED TO
9 ANOTHER PROVIDER FOR TREATMENT AND THE SAFETY OF THE
10 RESPONDENT OR THE PUBLIC REQUIRES THAT THE RESPONDENT BE
11 TRANSPORTED BY A SECURE TRANSPORTATION PROVIDER OR A LAW
12 ENFORCEMENT AGENCY, THE COURT MAY ISSUE AN ORDER DIRECTING THE
13 LAW ENFORCEMENT AGENCY WHERE THE RESPONDENT RESIDES OR SECURE
14 TRANSPORTATION PROVIDER TO DELIVER THE RESPONDENT TO THE
15 DESIGNATED PROVIDER.

16 (14) IN ACCORDANCE WITH THE PROCEDURES DESCRIBED IN
17 SECTION 25.5-10-506, A SHORT-TERM PROTECTIVE PLACEMENT MAY BE
18 TERMINATED UPON THE SIGNATURE OF THE TREATING MEDICAL
19 PROFESSIONAL AND THE MEDICAL DIRECTOR OF THE FACILITY. A FACILITY
20 OR PROGRAM SHALL MAKE THE RESPONDENT'S DISCHARGE INSTRUCTIONS
21 AVAILABLE TO THE RESPONDENT, THE RESPONDENT'S ATTORNEY, AND THE
22 RESPONDENT'S LEGAL GUARDIAN.

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

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

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

39 Page 158, strike line 9 through 27.

- 1 Strike page 159 and 160.
- 2 Page 161, strike lines 1 through 10 and substitute:
- 3 **"25.5-10-505. Connect respondent to home- and**
4 **community-based services.**
- 5 WHEN A RESPONDENT IS DISCHARGED FROM A PROTECTIVE
6 PLACEMENT OR A PROTECTIVE PLACEMENT IS TERMINATED, THE BHA
7 SHALL REFER THE RESPONDENT TO ANY HOME- AND COMMUNITY-BASED
8 SERVICES FOR WHICH THE RESPONDENT MAY BE ELIGIBLE AND SHALL
9 MAKE DILIGENT EFFORTS TO CONNECT THE RESPONDENT WITH HOME- AND
10 COMMUNITY-BASED SERVICES."
- 11 Page 161, lines 14 and 15, strike "RESPONDENT AND HCPF," and
12 substitute "RESPONDENT,".
- 13 Page 161, line 16, strike "DETERMINE" and substitute "DETERMINES".
- 14 Page 161, strike lines 18 through 27.
- 15 Page 162, strike lines 1 through 6 and substitute:
- 16 "(2) THE PROFESSIONAL PERSON IN CHARGE OF THE RESPONDENT'S
17 CARE SHALL NOT APPROVE THE TERMINATION OF THE PROTECTIVE
18 PLACEMENT UNLESS TWO PROFESSIONAL PERSONS INDEPENDENTLY
19 EVALUATE THE RESPONDENT AND INDEPENDENTLY OPINE THAT THE
20 RESPONDENT NO LONGER MEETS THE CRITERIA FOR PROTECTIVE
21 PLACEMENT TREATMENT. ONE OF THE OPINIONS MUST BE FROM THE
22 PROFESSIONAL PERSON WHO IS MOST RESPONSIBLE FOR INTERACTING WITH
23 AND PROVIDING DIRECT CARE AND TREATMENT TO THE RESPONDENT. THIS
24 REQUIREMENT DOES NOT APPLY IF A PROVIDER EMPLOYS AND CONTRACTS
25 WITH ONLY ONE PROFESSIONAL PERSON."
- 26 Page 163, strike lines 26 and 27 and substitute "DISORDER".
- 27 Page 164, line 1, strike "NEUROCOGNITIVE DISORDER AND".
- 28 Page 164, line 9, strike "PLACEMENT;" and substitute "PLACEMENT,
29 UNLESS THE RESPONDENT IS PLACED INTO INPATIENT CARE AT THE
30 DISCRETION OF CDHS OR HCPF;".
- 31 Page 164, line 26, strike "PRIOR" and substitute "IF THE RESPONDENT IS
32 NOT PLACED INTO INPATIENT CARE AT THE DISCRETION OF CDHS OR

- 1 HCPF OR IF CDHS OR HCPF PROPOSES TO MOVE THE RESPONDENT INTO
2 OR OUT OF INPATIENT CARE, THE COURT SHALL, PRIOR".
- 3 Page 164, line 27, strike "THE COURT".
- 4 Page 165, line 1, strike "SHALL".
- 5 Page 166, line 12, strike "AND".
- 6 Page 166, line 16, strike "TREATMENT." and substitute "TREATMENT;".
- 7 Page 166, strike lines 17 through 26 substitute:
- 8 "(VIII) WHETHER THE RESPONDENT OPPOSES THE PLACEMENT;
9 (IX) WHETHER COMMUNITY-BASED PLACEMENT CAN BE
10 REASONABLY ACCOMMODATED;
11 (X) THE LIMITED RESOURCES OF THE STATE AND THE NEEDS OF
12 OTHERS; AND
13 (XI) THE PLACEMENT RECOMMENDATIONS OF ANY TREATING
14 PROFESSIONALS.".
- 15 Reletter succeeding paragraphs accordingly.
- 16 Page 167, line 1, after "SETTING" insert "OUTSIDE OF INPATIENT CARE, AS
17 DEFINED IN SECTION 16-8.5-101,".
- 18 Page 167, line 19, strike "WITHIN HCPF," and substitute "INTO INPATIENT
19 CARE, AS DEFINED IN SECTION 16-8.5-101, AT THE DISCRETION OF CDHS
20 OR HCPF,".
- 21 Page 168, line 7, after "SETTING" insert "OUTSIDE OF INPATIENT CARE, AS
22 DEFINED IN SECTION 16-8.5-101,".
- 23 Page 170, after line 19 insert:
- 24 "(c) GOOD CAUSE INCLUDES A RESPONDENT'S TIMELY REQUEST FOR
25 AN EVALUATION THAT ALLOWS A COMPETENCY EVALUATOR TO PROVIDE
26 A SECOND OPINION IN RESPONSE TO THE REPORT PROVIDED PURSUANT TO
27 SUBSECTION (8) OF THIS SECTION THAT OPINES THAT THE RESPONDENT
28 DOES NOT MEET THE CRITERIA FOR TERMINATION.".
- 29 Page 171, after line 15 insert:

1 "(3) (a) THE RESPONDENT MAY REQUEST TERMINATION OF THE
2 ENHANCED PROTECTIVE PLACEMENT IN WRITING AT ANY TIME THE
3 RESPONDENT WOULD NOT BE PROHIBITED FROM HAVING A SUBSEQUENT
4 TERMINATION TRIAL PURSUANT TO SUBSECTION (7) OF THIS SECTION.
5 (b) THE COURT SHALL DENY THE REQUEST UNLESS THE REQUEST
6 FOR TERMINATION INCLUDES AN OPINION FROM A PROFESSIONAL PERSON
7 THAT THE RESPONDENT CURRENTLY MEETS THE CRITERIA FOR
8 TERMINATION OF THE ENHANCED PROTECTIVE PLACEMENT PURSUANT TO
9 SUBSECTION (1) OF THIS SECTION.
10 (4) (a) IF THE COURT DOES NOT DENY THE REQUEST FOR
11 TERMINATION WITHOUT A HEARING, THE COURT SHALL PERMIT THE
12 COUNTY ATTORNEY AND THE DISTRICT ATTORNEY WHO ORIGINALLY
13 SOUGHT ENHANCED PROTECTIVE PLACEMENT PURSUANT TO SECTION
14 16-8.5-118 FOURTEEN DAYS TO OBJECT TO TERMINATION OR REQUEST AN
15 OPPORTUNITY TO CONDUCT AN INDEPENDENT EVALUATION BY AN EXPERT
16 OF THE COUNTY ATTORNEY'S OR DISTRICT ATTORNEY'S OWN CHOOSING
17 AND EXPENSE.
18 (b) IF NEITHER THE COUNTY ATTORNEY NOR THE DISTRICT
19 ATTORNEY OBJECT OR REQUEST AN OPPORTUNITY TO REQUEST AN
20 INDEPENDENT EVALUATION, THE COURT SHALL TERMINATE THE
21 RESPONDENT'S ENHANCED PROTECTIVE PLACEMENT.
22 (c) IF EITHER THE COUNTY ATTORNEY OR THE DISTRICT ATTORNEY
23 REQUEST AN OPPORTUNITY TO CONDUCT AN INDEPENDENT EVALUATION,
24 THE COURT SHALL GRANT THAT REQUEST, ORDER THE RESPONDENT TO
25 COMPLY WITH THE EVALUATION, AND PERMIT THE COUNTY ATTORNEY OR
26 DISTRICT ATTORNEY A REASONABLE PERIOD OF TIME TO IDENTIFY AN
27 EXPERT, CONDUCT THE EVALUATION, AND ISSUE A REPORT. IF BOTH THE
28 COUNTY ATTORNEY AND DISTRICT ATTORNEY REQUEST AN INDEPENDENT
29 EVALUATION, THE COURT SHALL TREAT THE REQUEST AS A JOINT REQUEST
30 FOR A SINGLE INDEPENDENT EVALUATION.
31 (d) IF THE RESPONDENT DOES NOT COOPERATE WITH THE
32 EVALUATION, THE COURT MAY GRANT ADDITIONAL TIME OR DENY THE
33 RESPONDENT'S REQUEST FOR TERMINATION.
34 (e) UPON RECEIPT OF THE INDEPENDENT EVALUATION REPORT, THE
35 COUNTY ATTORNEY OR DISTRICT ATTORNEY MUST PROVIDE A COPY TO
36 RESPONDENT'S COUNSEL AND THE COURT WITHIN FOURTEEN DAYS.
37 (f) IF NEITHER THE COUNTY ATTORNEY NOR DISTRICT ATTORNEY
38 OBJECT WITHIN THE TIME PERMITTED BY THE COURT, THE COURT SHALL
39 TERMINATE THE RESPONDENT'S ENHANCED PROTECTIVE PLACEMENT."

40 Renumber succeeding subsections accordingly.

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

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

4 Page 171, line 21, strike "THE REPORT," and substitute "ANY REPORTS
5 RECEIVED,".

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

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

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

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

20 Page 177, strike lines 4 through 10.

21 Reletter succeeding paragraphs accordingly.

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

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

26 Page 183, after line 14 insert:

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

30 Page 183, after line 23 insert:

1 **"25.5-10-517. Authority to increase payments to nursing**
2 **facility and regional center providers - rules.**

3 SUBJECT TO AVAILABLE APPROPRIATIONS AND FEDERAL
4 AUTHORIZATION, HCPF MAY INCREASE PAYMENTS TO NURSING FACILITY
5 PROVIDERS AND REGIONAL CENTER PROVIDERS FOR THE PURPOSE OF
6 ACHIEVING THE LEAST RESTRICTIVE PLACEMENT REQUIREMENT FOR
7 INDIVIDUALS SUBJECT TO A PROTECTIVE PLACEMENT PURSUANT TO THIS
8 PART 5. HCPF SHALL ADOPTED RULES DEFINING THE QUALIFICATIONS AND
9 PAYMENT SCHEDULE FOR NURSING FACILITY PROVIDERS AND REGIONAL
10 CENTER PROVIDERS THAT SERVE THE INDIVIDUALS SUBJECT TO A
11 PROTECTIVE PLACEMENT.

12 **25.5-10-518. Repeal of part.**

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

14 **SECTION 23.** In Colorado Revised Statutes, add 25.5-6-414 as
15 follows:

16 **25.5-6-414. Delivery of services for individuals with serious**
17 **mental illness - rules.**

18 (1) THE STATE DEPARTMENT IS COMMITTED TO IMPROVING ACCESS
19 TO, AND THE QUALITY OF SERVICES FOR, INDIVIDUALS WITH SERIOUS
20 MENTAL ILLNESS WHO ARE ENROLLED IN THE STATE MEDICAL ASSISTANCE
21 PROGRAM.

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

28 (a) EXPANDING COMMUNITY-BASED SERVICE CAPACITY AND CARE
29 COORDINATION;

30 (b) IMPROVING TRANSITIONS OF CARE ACROSS SETTINGS;

31 (c) LEVERAGING FEDERAL AUTHORITIES, WAIVERS, AND FINANCING
32 MECHANISMS;

33 (d) ADVANCING INNOVATIVE SERVICE DELIVERY MODELS AND
34 VALUE-BASED PAYMENT APPROACHES; AND

35 (e) IDENTIFYING AND ADDRESSING GAPS IN ACCESS, QUALITY, AND
36 OUTCOMES.

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

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

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

5 **SECTION 24.** In Colorado Revised Statutes, 25.5-10-216,
6 **amend (7)** as follows:

7 **25.5-10-216. Imposition of legal disability - removal of legal**
8 **right.**

9 (7) A person shall not be admitted to a regional center, as defined
10 in section 27-10.5-102, ~~C.R.S.~~, without a court order issued pursuant to
11 this section except in an emergency, IF THE PERSON MEETS THE CRITERIA
12 FOR AN ENHANCED PROTECTIVE PLACEMENT PURSUANT TO SECTION
13 16-8.5-118, or for the purpose of temporary respite care.

14 **SECTION 25.** In Colorado Revised Statutes, 27-10.5-110,
15 **amend (2)** as follows:

16 **27-10.5-110. Imposition of legal disability - removal of legal**
17 **right.**

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

23 Renumber succeeding sections accordingly.

24 Page 184, after line 24 insert:

25 **"SECTION 28.** In Colorado Revised Statutes, 24-75-109, **add**
26 **(1)(b)(III)** as follows:

27 **24-75-109. Controller may allow expenditures in excess of**
28 **appropriations - limitations - appropriations for subsequent fiscal**
29 **year restricted - repeal.**

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

37 (b) (III) THE OVEREXPENDITURE IS BY THE DEPARTMENT OF
38 HUMAN SERVICES FOR THE PURPOSE OF PLACING INDIVIDUALS FOUND
39 INCOMPETENT TO PROCEED AND UNRESTORABLE WHO MEET THE CRITERIA
40 FOR CIVIL COMMITMENT, PROTECTIVE PLACEMENT, OR ENHANCED

1 PROTECTIVE PLACEMENT PURSUANT TO SECTION 16-8.5-118 AND ARE
2 COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES; OR".

3 Renumber succeeding sections accordingly.

4 Page 186, line 14, after "(11)(b.8)," insert "(11)(b.9)".

5 Page 186, strike line 19 and substitute "(2)(q.1), (2)(q.2), AND (2)(q.3);
6 (b.9) ANY INFORMATION RECEIVED PURSUANT TO SUBSECTION
7 (14.8) OF THIS SECTION."

8 Page 187, line 10, strike "A VICTIM" and substitute "THE DISTRICT
9 ATTORNEY THAT SOUGHT CIVIL COMMITMENT OR ENHANCED PROTECTIVE
10 PLACEMENT PURSUANT TO SECTION 16-8.5-118".

11 Page 187, line 19, after "COMMITMENT" insert "SUPERVISED".

12 Page 187, line 20, after "PLACEMENT" insert "SUPERVISED".

13 Page 189, lines 12 and 13, strike "section 27-65-108.5 or 27-65-109" and
14 substitute "~~section 27-65-108.5 or 27-65-109~~ SECTIONS 27-65-108.5,
15 27-65-109, OR 27-65-109.5".

16 Page 193, lines 21 and 22, strike "~~section 27-65-109 (4) or 27-65-127,~~
17 ~~C.R.S. SECTION 27-65-123 (7) OR 25.5-10-515 (4),~~" and substitute "~~section~~
18 ~~27-65-109 (4) or 27-65-127,~~ ~~C.R.S. SECTION 27-65-110 (4) OR~~
19 ~~27-65-127,~~".

20 Page 194, lines 9 and 10, strike "~~section 27-65-109 (4) or 27-65-127,~~
21 ~~C.R.S. SECTION 27-65-123 (7) OR 25.5-10-515 (4),~~" and substitute "~~section~~
22 ~~27-65-109 (4) or 27-65-127,~~ ~~C.R.S. SECTION 27-65-110 (4) OR~~
23 ~~27-65-127,~~".

24 Strike "OCFMH" and substitute "CDHS" on: **Page 61**, lines 20 and 22;
25 **Page 64**, lines 5 and 7; **Page 67**, lines 2 and 25; **Page 68**, lines 11 and 20;
26 **Page 80**, line 24; **Page 81**, line 1; **Page 111**, line 14; **Page 114**, line 21;
27 **Page 115**, lines 11, 24, and 27; **Page 116**, lines 2 and 11; **Page 163**, line
28 20; **Page 165**, lines 6, 12, and 15; **Page 173**, line 24; and **Page 178**, line
29 18.

30 Strike "MEETS" and substitute "MAY MEET" on: **Page 27**, lines 4, 10, and
31 12; and **Page 47**, lines 1, 4, 10, and 11.

- 1 Strike "(5)(a)" and substitute "(6)(a)" on: **Page 72**, lines 6 and 13.
- 2 Strike "(5)(b)" and substitute "(6)(b)" on: **Page 67**, line 27; and **Page 70**,
3 line 12.
- 4 Strike "(6)" and substitute "(7)" on: **Page 70**, line 27; and **Page 71**, line
5 2.
- 6 Strike "A TEMPORARY" and substitute "AN" on: **Page 7**, line 20; and **Page**
7 **68**, line 21.
- 8 Strike "TEMPORARY" on: **Page 60**, lines 18 and 19; **Page 63**, lines 9 and
9 25; **Page 66**, lines 11 and 16; **Page 67**, line 4; and **Page 184**, line 6.
- 10 Strike "27-65-108.1" and substitute "27-65-201" on: **Page 73**, line 23;
11 **Page 132**, lines 15 and 26; **Page 133**, line 3; **Page 135**, line 16; **Page 136**,
12 line 12; **Page 139**, line 8; **Page 143**, line 1; **Page 173**, lines 16 and 26;
13 **Page 184**, line 22; **Page 185**, line 11; **Page 186**, lines 3 and 24; and **Page**
14 **187**, line 19.
- 15 Strike "27-65-108.2" and substitute "27-65-202" on: **Page 139**, line 9;
16 **Page 142**, line 21; and **Page 185**, line 8.
- 17 Strike "INFORMATION:" and substitute "INFORMATION, IF AVAILABLE:" on:
18 **Page 143**, line 23; and **Page 182**, line 21.
- 19 Strike "~~section 27-65-109 (10)~~ SECTION 27-65-109 (17)" and substitute
20 "section 27-65-109 (10)" on: **Page 129**, line 5; **Page 188**, line 7; **Page**
21 **189**, lines 4 and 5, 15 and 16, and 17 and 18; **Page 190**, line 4; and **Page**
22 **191**, lines 1 and 2.
- 23 After "27-65-109," insert "**27-65-109.5**," on: **Page 96**, line 23; and **Page**
24 **97**, line 2.
- 25 Strike "27-65-108.5 OR 27-65-109" and substitute "27-65-108.5,
26 27-65-109, OR 27-65-109.5" on: **Page 62**, lines 12 and 13; and **Page 196**,
27 line 19.
- 28 Strike "section 27-65-108.5 or 27-65-109," and substitute "section
29 ~~27-65-108.5 or 27-65-109~~ SECTIONS 27-65-108.5, 27-65-109, OR
30 27-65-109.5," on: **Page 188**, line 5; **Page 189**, lines 3 and 14; and **Page**
31 **190**, lines 2 and 27.

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

** ** ** ** **