

**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

HOUSE SPONSORSHIP

Bradfield and English,

Senate Committees

Judiciary
Appropriations

House Committees

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.

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.

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

27 (I) THE CHARGES AGAINST THE PERSON ARE DISMISSED

1 FOLLOWING A DETERMINATION BY THE COURT THAT THE PERSON IS
2 INCOMPETENT TO PROCEED;

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

6 (III) THE PERSON HAS BEEN REFERRED TO THE BRIDGES
7 WRAPAROUND CARE PROGRAM.

8 (b) THE STATE DEPARTMENT SHALL SHARE THE INFORMATION
9 COLLECTED PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION WITH THE
10 DIVISION OF HOUSING IN THE DEPARTMENT OF LOCAL AFFAIRS ON A
11 SCHEDULE AGREED UPON BY THE DEPARTMENTS, BUT AT LEAST
12 QUARTERLY.

13 (c) 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), and
22 (4)(b) 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 only:**

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

25 **(A) (B) If the court finds reasonable grounds to believe that the**
26 **defendant meets the standard for a certification for short-term treatment**
27 **pursuant to section 27-65-108.5 or 27-65-109; and**

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

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

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

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

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

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

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

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

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

10 **16-8.5-113. Restoration to competency. (2) Within fourteen**
11 **days after receipt of a report from the department or other court-approved**
12 **provider of restoration services COMPETENCY EVALUATOR certifying that**
13 **the defendant is competent to proceed, either party may request a hearing**
14 **or a second evaluation. The court shall determine whether to allow the**
15 **second evaluation or proceed to a hearing on competency. If the second**
16 **evaluation is requested by the court or by an indigent defendant, the**
17 **evaluation must be paid for by the court.**

18 **(3) If a second evaluation is allowed, any pending requests for a**
19 **hearing must be continued until receipt of the second evaluation report.**
20 **The report of the expert conducting the second evaluation report must be**
21 **completed and filed with the court within thirty-five days after the court**
22 **order allowing the second evaluation, unless the time period is extended**
23 **by the court after a finding of good cause. THE COURT SHALL PROVIDE THE**
24 **SECOND EVALUATION TO THE PARTIES AND THE DEPARTMENT.**

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

27 **16-8.5-116. Certification - reviews - rules. (2) (c) At least ten**

1 days before each review, the department treating team shall provide to the
2 court an additional report that summarizes:

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

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

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

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

14 **16-8.5-116.5. Restoration - time limits - dismissal of charges -**
15 **exceptions - rules.** (1) To ensure compliance with relevant constitutional
16 principles, for any offense for which the defendant is ordered to receive
17 competency restoration services in an inpatient or outpatient setting, if the
18 court determines, based on available evidence, that there is not a
19 substantial probability that the defendant, with restoration services, will
20 be restored to competency within the reasonably foreseeable future, the
21 court:

22 (b) May, IF AFTER GIVING DUE WEIGHT TO THE OPINION OF A
23 PROFESSIONAL PERSON, AS DEFINED IN SECTION 27-65-102, EMPLOYED BY
24 OR UNDER CONTRACT WITH THE OFFICE OF CIVIL AND FORENSIC MENTAL
25 HEALTH, THE COURT FINDS REASONABLE GROUNDS TO BELIEVE THAT THE
26 DEFENDANT MEETS CRITERIA FOR A CERTIFICATION FOR SHORT TERM
27 TREATMENT PURSUANT TO SECTION 27-65-108.5 OR SECTION 27-65-109,

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

21 (7) (a) Prior to the dismissal of charges pursuant to this section or
22 section 16-8.5-111 (5), unless the court has already ordered a person to
23 initiate proceedings for a certification for short-term treatment, the court
24 shall make findings ABOUT whether there are reasonable grounds to
25 believe the person meets the standard for a certification for short-term
26 treatment. If the court finds there are reasonable grounds, the court may
27 stay the dismissal for thirty-five days, SET A REVIEW HEARING, and notify

1 any professional person, as defined in section 27-65-102; a representative
2 of DESIGNATED BY the behavioral health administration in the department;
3 or a representative of DESIGNATED BY the office of civil and forensic
4 mental health who has recently treated or interacted with the defendant
5 that there are reasonable grounds for short-term treatment and afford the
6 person an opportunity to pursue certification proceedings or to arrange
7 necessary services.

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

10 (I) ANY NUMBER OF TIMES WITH THE CONSENT OF THE DEFENDANT;

11 AND

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

14 (A) UP TO FOUR TIMES, IN ADDITION TO THE INITIAL STAY
15 AUTHORIZED IN SUBSECTION (7)(a) OF THIS SECTION, BUT NOT TO EXCEED
16 ONE HUNDRED SEVENTY-FIVE DAYS IN TOTAL, IF THE DEFENDANT IS
17 CHARGED WITH A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406,
18 OR FOR FELONY UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION
19 16-22-102; OR

20 (B) ONCE, IN ADDITION TO THE INITIAL STAY AUTHORIZED IN
21 SUBSECTION (7)(a) OF THIS SECTION, BUT NOT TO EXCEED SEVENTY DAYS
22 IN TOTAL, IF THE DEFENDANT IS NOT CHARGED WITH A CRIME OF VIOLENCE,
23 AS DEFINED IN SECTION 18-1.3-406, OR FOR FELONY UNLAWFUL SEXUAL
24 BEHAVIOR AS DEFINED IN SECTION 16-22-102.

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

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

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

7 **16-8.6-113. Effect of acceptance.** A COURT SHALL VACATE ANY
8 EXISTING ORDER AND SHALL NOT ENTER A NEW ORDER DIRECTING THE
9 DEPARTMENT TO CONDUCT A COMPETENCY EVALUATION OR PROVIDE
10 RESTORATION SERVICES TO A DEFENDANT IF THE DEFENDANT WAS
11 ACCEPTED TO PARTICIPATE IN THE BRIDGES WRAPAROUND CARE PROGRAM.

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

14 **16-5-401. Limitation for commencing criminal proceedings,**
15 **civil infraction proceedings, and juvenile delinquency proceedings -**
16 **definitions.** (2.5) (a) (I) **THE TIME LIMITATIONS IMPOSED BY THIS SECTION**
17 **ARE TOLLED WHILE THE OFFENDER IS IN A COMPETENCY-RELATED**
18 **DIVERSION OR DEFLECTION PROGRAM.**

19 (II) AS USED IN THIS SUBSECTION (2.5)(a), "COMPETENCY-RELATED
20 DIVERSION OR DEFLECTION PROGRAM" MEANS A PROGRAM THAT OFFERS
21 A POTENTIALLY INCOMPETENT OFFENDER THE OPPORTUNITY TO AVOID THE
22 FILING OR RE-FILING OF CHARGES IN EXCHANGE FOR THE OFFENDER'S
23 PARTICIPATION AND SUCCESSFUL COMPLETION OF A PROGRAM DESIGNED
24 FOR POTENTIALLY INCOMPETENT PERSONS.

25 (b) **THE TIME LIMITATIONS IMPOSED BY THIS SECTION ARE TOLLED**
26 **BEGINNING WHEN A DEFENDANT'S CASE IS DISMISSED WITHOUT PREJUDICE**
27 **FOR THE PURPOSE OF FACILITATING CERTIFICATION FOR SHORT-TERM**

1 TREATMENT PURSUANT TO SECTION 16-8.5-111 (3) UNTIL EITHER THE
2 DEFENDANTS CRIMINAL CASE IS RE-FILED OR SIX MONTHS HAS PASSED
3 SINCE THE CASE WAS DISMISSED, WHICHEVER IS EARLIER.

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

6 **27-65-110. Long-term care and treatment of persons with**
7 **mental health disorders - procedure.** (1) Whenever a respondent has
8 received an extended certification for treatment pursuant section
9 27-65-109 (10), INCLUDING AS IT IS APPLIED TO COURT-ORDERED
10 CERTIFICATION PURSUANT TO SECTION 27-65-108.5 (9), the professional
11 person in charge of the certification for short-term treatment or the BHA
12 may file a petition with the court at least thirty days prior to the expiration
13 date of the extended certification for long-term care and treatment of the
14 respondent under the following conditions: _____

15 **SECTION 13.** **Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly; except
18 that, if a referendum petition is filed pursuant to section 1 (3) of article V
19 of the state constitution against this act or an item, section, or part of this
20 act within such period, then the act, item, section, or part will not take
21 effect unless approved by the people at the general election to be held in
22 November 2026 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.