

CHAPTER 212

HUMAN SERVICES - INSTITUTIONS

SENATE BILL 96-229

BY SENATORS Thiebaut and Weddig;
also REPRESENTATIVES Chavez, Kaufman, and Mace.

AN ACT

CONCERNING MEDICATION FOR PERSONS UNDER AN INVOLUNTARY COMMITMENT.

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

SECTION 1. 27-10-111 (4.5), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

27-10-111. Hearing procedures - jurisdiction. (4.5) (a) In the event that a respondent, A PERSON FOUND NOT GUILTY BY REASON OF IMPAIRED MENTAL CONDITION PURSUANT TO SECTION 16-8-103.5 (5), C.R.S., OR BY REASON OF INSANITY PURSUANT TO SECTION 16-8-105 (4), C.R.S., OR A DEFENDANT FOUND INCOMPETENT TO PROCEED PURSUANT TO SECTION 16-8-112 (2), C.R.S., refuses to accept medication, the court having jurisdiction of the action pursuant to subsection (4) of this section, THE COURT COMMITTING THE PERSON OR DEFENDANT TO THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO SECTION 16-8-103.5 (5), 16-8-105 (4), OR 16-8-112 (2), C.R.S., or the court of the jurisdiction in which the designated facility treating the respondent, PERSON, OR DEFENDANT is located shall have jurisdiction and venue to accept a petition by a treating physician and to enter an order requiring that the respondent, PERSON, OR DEFENDANT accept such treatment or, in the alternative, that the medication be forcibly administered to him OR HER. THE COURT OF THE JURISDICTION IN WHICH THE DESIGNATED FACILITY IS LOCATED SHALL NOT EXERCISE ITS JURISDICTION WITHOUT THE PERMISSION OF THE COURT THAT COMMITTED THE PERSON OR DEFENDANT TO THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES. Upon the filing of such a petition, the court shall APPOINT AN ATTORNEY, IF ONE HAS NOT BEEN APPOINTED, TO REPRESENT SUCH RESPONDENT, PERSON, OR DEFENDANT AND hear the matter within ten days.

(b) In any case brought under paragraph (a) of this subsection (4.5) in a court for

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

the county in which the treating facility is located, the county where the proceeding was initiated pursuant to subsection (4) of this section OR THE COURT COMMITTING THE PERSON OR DEFENDANT TO THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO SECTION 16-8-103.5 (5), 16-8-105 (4), OR 16-8-112 (2), C.R.S., shall either reimburse the county in which the proceeding pursuant to this subsection (4.5) was filed and in which the proceeding was held for the reasonable costs incurred in conducting the proceeding or conduct the proceeding itself using its own personnel and resources, including its own district or county attorney, as the case may be.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 23, 1996