

CHAPTER 141

COURTS

HOUSE BILL 06-1353

BY REPRESENTATIVE(S) Carroll T., Berens, Boyd, Butcher, Carroll M., Hefley, Marshall, McGihon, and Stafford;
also SENATOR(S) Grossman.

AN ACT

**CONCERNING THE DEVELOPMENT OF STANDARDS FOR THE PERFORMANCE OF COMPETENCY
EVALUATIONS IN CRIMINAL CASES.**

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

SECTION 1. 18-1.9-104 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

18-1.9-104. Mentally ill offender task force - creation - membership - duties - repeal. (2) **Issues for study - five-year plan.** The task force shall examine the identification, diagnosis, and treatment of persons with mental illness who are involved in the state criminal and juvenile justice systems, including an examination of liability, safety, and cost as they relate to these issues. The task force shall specifically consider, but need not be limited to, the following issues:

(b.5) (I) ON OR BEFORE SEPTEMBER 15, 2006, STANDARDS FOR THE PERFORMANCE OF COMPETENCY EVALUATIONS IN CRIMINAL CASES.

(II) THE CHAIRPERSONS OF THE TASK FORCE SHALL CREATE A SUBCOMMITTEE TO STUDY THE ISSUE, WHICH COMMITTEE SHALL CONSIST OF UP TO NINE MEMBERS, INCLUDING BUT NOT LIMITED TO A PSYCHIATRIST WHO IS TRAINED IN FORENSIC COMPETENCY ASSESSMENTS, A LICENSED PSYCHOLOGIST WHO IS TRAINED IN FORENSIC COMPETENCY ASSESSMENTS, A LICENSED CLINICAL SOCIAL WORKER WHO IS TRAINED IN FORENSIC COMPETENCY ASSESSMENTS, A MEMBER WHO REPRESENTS THE DIVISION OF MENTAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES, A MEMBER WHO REPRESENTS DISTRICT ATTORNEYS WITHIN THE STATE, AND A MEMBER WHO REPRESENTS DEFENSE ATTORNEYS WITHIN THE STATE.

(III) THE SUBCOMMITTEE SHALL STUDY, AT A MINIMUM, ASSESSMENT OF THE

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

TYPES OF MENTAL HEALTH PROFESSIONALS WHO SHALL BE CONSIDERED TO BE QUALIFIED TO PERFORM COMPETENCY EVALUATIONS IN CRIMINAL CASES; THE LEVEL OF TRAINING, EDUCATION, AND EXPERIENCE THAT A MENTAL HEALTH PROFESSIONAL SHALL HAVE TO BE QUALIFIED TO PERFORM COMPETENCY EVALUATIONS IN CRIMINAL CASES; AND ANY RECOMMENDED STATUTORY OR REGULATORY CHANGES TO IMPLEMENT STANDARDS FOR THE PERFORMANCE OF COMPETENCY EVALUATIONS IN CRIMINAL CASES.

(IV) THIS PARAGRAPH (b.5) IS REPEALED, EFFECTIVE DECEMBER 30, 2006.

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: April 18, 2006