

CHAPTER 298

HUMAN SERVICES - MENTAL HEALTH

HOUSE BILL 06-1277

BY REPRESENTATIVE(S) Clapp, Berens, Boyd, Coleman, Frangas, Green, Jahn, Larson, Stafford, Carroll M., and Todd;
also SENATOR(S) Sandoval, Groff, Isgar, Keller, Kester, Shaffer, Tochtrop, Williams, and Windels.

AN ACT

CONCERNING THE TREATMENT OF PERSONS WITH A MENTAL ILLNESS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 27-10-101 (1), Colorado Revised Statutes, is amended to read:

27-10-101. Legislative declaration. (1) The general assembly hereby declares that, subject to available appropriations, the purposes of this article are:

(a) To secure for each person who may ~~be mentally ill~~ HAVE A MENTAL ILLNESS such care and treatment as will be suited to the needs of the person and to insure that such care and treatment are skillfully and humanely administered with full respect for the person's dignity and personal integrity;

(b) To deprive a person of his OR HER liberty for purposes of treatment or care only when less restrictive alternatives are unavailable and only when his OR HER safety or the safety of others is endangered;

(c) To provide the fullest possible measure of privacy, dignity, and other rights to persons undergoing care and treatment for mental illness;

(d) To encourage the use of voluntary rather than coercive measures to ~~secure~~ PROVIDE treatment and care for mental illness AND TO PROVIDE SUCH TREATMENT AND CARE IN THE LEAST RESTRICTIVE SETTING;

(e) To provide appropriate information to family members concerning the location and fact of admission of ~~mentally ill persons~~ A PERSON WITH A MENTAL ILLNESS to inpatient or residential care and treatment;

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

(f) To encourage the appropriate participation of family members in the care and treatment of a ~~mentally ill~~ person WITH A MENTAL ILLNESS and, when appropriate, to provide information to family members in order to facilitate such participation; AND

(g) TO FACILITATE THE RECOVERY AND RESILIENCY OF EACH PERSON WHO RECEIVES CARE AND TREATMENT UNDER THIS ARTICLE.

SECTION 2. 27-10-102 (1), (2), (4.5), (4.7), (5), (5.6), (7), (7.2), (8), (9), and (12), Colorado Revised Statutes, are amended, and the said 27-10-102 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

27-10-102. Definitions. As used in this article, unless the context otherwise requires:

(1) ~~"Court" means any district court of the state of Colorado and the probate court in the city and county of Denver.~~ "ACUTE TREATMENT UNIT" MEANS A FACILITY OR A DISTINCT PART OF A FACILITY FOR SHORT-TERM PSYCHIATRIC CARE, WHICH MAY INCLUDE SUBSTANCE ABUSE TREATMENT, THAT PROVIDES A TOTAL, TWENTY-FOUR-HOUR, THERAPEUTICALLY PLANNED AND PROFESSIONALLY STAFFED ENVIRONMENT FOR PERSONS WHO DO NOT REQUIRE INPATIENT HOSPITALIZATION BUT NEED MORE INTENSE AND INDIVIDUAL SERVICES THAN ARE AVAILABLE ON AN OUTPATIENT BASIS, SUCH AS CRISIS MANAGEMENT AND STABILIZATION SERVICES.

(1.5) "CERTIFIED PEACE OFFICER" MEANS ANY CERTIFIED PEACE OFFICER AS DESCRIBED IN SECTION 16-2.5-102, C.R.S.

(2) ~~"Court-ordered evaluation" means an evaluation ordered by a court pursuant to section 27-10-106.~~ "COURT" MEANS ANY DISTRICT COURT OF THE STATE OF COLORADO AND THE PROBATE COURT IN THE CITY AND COUNTY OF DENVER.

(2.3) "COURT-ORDERED EVALUATION" MEANS AN EVALUATION ORDERED BY A COURT PURSUANT TO SECTION 27-10-106.

(4.5) "Facility" means a public hospital or a licensed private hospital, clinic, community mental health center or clinic, ACUTE TREATMENT UNIT, institution, sanitarium, or residential child care facility that provides treatment for ~~mentally ill persons~~ A PERSON WITH A MENTAL ILLNESS.

(4.7) "Family member" means a spouse, parent, adult child, or adult sibling of a ~~mentally ill~~ person WITH A MENTAL ILLNESS.

(5) (a) "Gravely disabled" means a condition in which a person, as a result of A mental illness:

(I) Is in danger of serious physical harm due to his OR HER inability or failure to provide himself OR HERSELF WITH the essential human needs of food, clothing, shelter, and medical care; or

(II) Lacks judgment in the management of his OR HER resources and in the conduct of his OR HER social relations to the extent that his OR HER health or safety is significantly endangered and lacks the capacity to understand that this is so.

(b) A person who, because of care provided by a family member or by an individual with a similar relationship to the person, is not in danger of serious physical harm or is not significantly endangered in accordance with paragraph (a) of this subsection (5) may be deemed "gravely disabled" if there is notice given that the support given by the family member or other individual who has a similar relationship to the person is to be terminated and the ~~mentally ill~~ individual WITH A MENTAL ILLNESS:

(I) Is diagnosed by a professional person as suffering from: ~~any one of the following: Chronic~~ Schizophrenia; a ~~chronic~~ major affective disorder; a ~~chronic~~ delusional disorder; or ~~other chronic~~ ANOTHER mental disorder with psychotic features; and

(II) Has been certified, pursuant to this article, for treatment of ~~such~~ THE disorder or has been admitted as an inpatient to a treatment facility for treatment of ~~such~~ THE disorder at least twice during the last thirty-six months with a period of at least thirty days between certifications or admissions; and

(III) Is exhibiting a deteriorating course leading toward danger to self or others or toward the conditions described in paragraph (a) of this subsection (5) with symptoms and behavior ~~which~~ THAT are substantially similar to those ~~which~~ THAT preceded and were associated with his OR HER hospital admissions or certifications for treatment; and

(IV) Is not receiving treatment ~~which~~ THAT is essential for his OR HER health or safety.

(c) A person of any age may be "gravely disabled", but such term shall not include ~~mentally retarded persons~~ A PERSON WHO HAS A DEVELOPMENTAL DISABILITY by reason of ~~their retardation~~ THE PERSON'S DEVELOPMENTAL DISABILITY alone.

(d) For purposes of paragraph (b) of this subsection (5), an individual with a relationship to a person ~~which~~ THAT is similar to that of a family member shall not include an employee or agent of a boarding home or treatment facility.

(5.6) "Independent professional person" means a professional person, as defined in subsection (11) of this section, who evaluates the minor's condition as an independent decision-maker and whose recommendations are based on the standard of what is in the best interest of the minor. ~~He~~ THE PROFESSIONAL PERSON may be associated with the admitting mental health facility if he OR SHE is free to independently evaluate the minor's condition and need for treatment and has the authority to refuse admission to any minor who does not satisfy the statutory standards specified in section 27-10-103 (3.1).

(7) ~~"Mentally ill person" means a person with a substantial disorder of the cognitive, volitional, or emotional processes that grossly impairs judgment or~~

~~capacity to recognize reality or to control behavior; mental retardation is insufficient to either justify or exclude a finding of mental illness within the provisions of this article.~~

(7.2) "Minor" means a person under eighteen years of age; except that the term does not include a person who is fifteen years of age or older who is living separately and apart from his OR HER parent or legal guardian and is managing his OR HER financial affairs, regardless of his OR HER source of income, or who is married and living separately and apart from his OR HER parent or legal guardian.

~~(8) "Peace officer" means any peace officer as described in section 16-2.5-102, C.R.S.~~

(8.5) "PERSON WITH A MENTAL ILLNESS" MEANS A PERSON WITH ONE OR MORE SUBSTANTIAL DISORDERS OF THE COGNITIVE, VOLITIONAL, OR EMOTIONAL PROCESSES THAT GROSSLY IMPAIRS JUDGMENT OR CAPACITY TO RECOGNIZE REALITY OR TO CONTROL BEHAVIOR. DEVELOPMENTAL DISABILITY IS INSUFFICIENT TO EITHER JUSTIFY OR EXCLUDE A FINDING OF MENTAL ILLNESS WITHIN THE PROVISIONS OF THIS ARTICLE.

(9) "Petitioner" means any person who files any petition in any proceeding in the interest of any ~~alleged mentally ill or gravely disabled~~ person WHO ALLEGEDLY HAS A MENTAL ILLNESS OR IS ALLEGEDLY GRAVELY DISABLED.

(12) "Respondent" means either a person alleged in a petition filed pursuant to this article to ~~be mentally ill~~ HAVE A MENTAL ILLNESS or BE gravely disabled or a person certified pursuant to the provisions of this article.

SECTION 3. 27-10-103 (3.1) (a), (3.2), (3.3) (b), (3.3) (d), (3.5) (b), (3.5) (c), (3.5) (d), and (7), Colorado Revised Statutes, are amended to read:

27-10-103. Voluntary applications for mental health services. (3.1) A minor who is fifteen years of age or older or a parent or legal guardian of a minor on the minor's behalf may make voluntary application for hospitalization. Application for hospitalization on behalf of a minor who is under fifteen years of age and who is a ward of the department of human services shall not be made unless a guardian ad litem has been appointed for the minor or a petition for the same has been filed with the court by the agency having custody of the minor; except that such an application for hospitalization may be made under emergency circumstances requiring immediate hospitalization, in which case the agency shall file a petition for appointment of a guardian ad litem within seventy-two hours after application for admission is made, and the court shall appoint a guardian ad litem forthwith. Procedures for hospitalization of such minor may proceed pursuant to this section once a petition for appointment of a guardian ad litem has been filed, if necessary. Whenever such application for hospitalization is made, an independent professional person shall interview the minor and conduct a careful investigation into the minor's background, using all available sources, including, but not limited to, the parents or legal guardian and the school and any other social agencies. Prior to admitting a minor for hospitalization, the independent professional person shall make the following findings:

(a) That the minor ~~is mentally ill~~ HAS A MENTAL ILLNESS and IS in need of hospitalization;

(3.2) An interview and investigation by an independent professional person shall not be required for a minor who is fifteen years of age or older and who, upon the recommendation of his OR HER treating professional person, seeks voluntary hospitalization with the consent of his OR HER parent or legal guardian. In order to assure that the minor's consent to such hospitalization is voluntary, the minor shall be advised, at or before the time of admission, of his OR HER right to refuse to sign the admission consent form and his OR HER right to revoke his OR HER consent at a later date. If a minor admitted pursuant to this subsection (3.2) subsequently revokes his OR HER consent after admission, a review of his OR HER need for hospitalization pursuant to subsection (3.3) of this section shall be initiated immediately.

(3.3) (b) The review shall be conducted by an independent professional person who is not a member of the minor's treating team; or, if the minor, his OR HER physician, and the minor's parent or guardian do not object to the need for continued hospitalization, the review required pursuant to this subsection (3.3) may be conducted internally by the hospital staff.

(d) Ten days prior to the review, the patient representative at the mental health facility shall notify the minor of the date of the review and shall assist the minor in articulating to the independent professional person his OR HER wishes concerning continued hospitalization.

(3.5) (b) If, twenty-four hours after being informed of the results of the review specified in paragraph (a) of this subsection (3.5), a minor continues to affirm the objection to hospitalization, the minor shall be advised by the director of the facility or his OR HER duly appointed representative that ~~he~~ THE MINOR has the right to retain and consult with an attorney at any time and that the director or his OR HER duly appointed representative shall file, within three days ~~of~~ AFTER the request of the minor, a statement requesting an attorney for the minor or, if the minor is under fifteen years of age, a guardian ad litem. The minor, his OR HER attorney, if any, and his OR HER parent, legal guardian, or guardian ad litem, if any, shall also be given written notice that a hearing upon the recommendation for continued hospitalization may be had before the court or a jury upon written request directed to the court pursuant to paragraph (d) of this subsection (3.5).

(c) Whenever ~~such~~ THE statement requesting an attorney is filed with the court, the court shall ascertain whether the minor has retained counsel, and, if he OR SHE has not, the court shall, within three days, appoint an attorney to represent the minor or if the minor is under fifteen years of age a guardian ad litem. Upon receipt of a petition filed by the guardian ad litem, the court shall appoint an attorney to represent the minor under fifteen years of age.

(d) The minor or his OR HER attorney or guardian ad litem may, at any time after the minor has continued to affirm his OR HER objection to hospitalization pursuant to paragraph (b) of this subsection (3.5), file a written request that the recommendation for continued hospitalization be reviewed by the court or that the treatment be on an outpatient basis. If review is requested, the court shall hear the

matter within ten days after the request, and the court shall give notice to the minor, his OR HER attorney, if any, his OR HER parents or legal guardian, his OR HER guardian ad litem, if any, the independent professional person, and the minor's treating team of the time and place thereof. The hearing shall be held in accordance with section 27-10-111; except that the court or jury shall determine that the minor is in need of care and treatment if the court or jury makes the following findings: That the minor ~~is mentally ill~~ HAS A MENTAL ILLNESS and IS in need of hospitalization; that a less restrictive treatment alternative is inappropriate or unavailable; and that hospitalization is likely to be beneficial. At the conclusion of the hearing, the court may enter an order confirming the recommendation for continued hospitalization, discharge the minor, or enter any other appropriate order.

(7) If at any time during a seventy-two-hour evaluation of a person who is confined involuntarily the facility staff requests the person to sign in voluntarily and he OR SHE elects to do so, the following advisement shall be given orally and in writing and an appropriate notation shall be made in his OR HER medical record by the professional person or his OR HER designated agent:

"NOTICE

The decision to sign in voluntarily should be made by you alone and should be free from any force or pressure implied or otherwise. If you do not feel that you are able to make a truly voluntary decision, you may continue to be held at the hospital involuntarily. As an involuntary patient, you will have the right to protest your confinement and request a hearing before a judge."

SECTION 4. 27-10-105, Colorado Revised Statutes, is amended to read:

27-10-105. Emergency procedure. (1) Emergency procedure may be invoked under either one of the following two conditions:

(a) (I) When any person appears to ~~be mentally ill~~ HAVE A MENTAL ILLNESS and, as a result of such mental illness, appears to be an imminent danger to others or to himself or herself or appears to be gravely disabled, then ~~a peace officer, a professional person, a registered professional nurse as defined in section 12-38-103 (11), C.R.S., who by reason of postgraduate education and additional nursing preparation has gained knowledge, judgment, and skill in psychiatric or mental health nursing; a licensed marriage and family therapist or licensed professional counselor, licensed under the provisions of part 5 or 6 of article 43 of title 12, C.R.S., or an addiction counselor licensed pursuant to section 24-34-102 (14) (c) (IV), C.R.S., who by reason of postgraduate education and additional preparation has gained knowledge, judgment, and skill in psychiatric or clinical mental health therapy, forensic psychotherapy, or the evaluation of mental disorders; or a licensed clinical social worker licensed under the provisions of part 4 of article 43 of title 12, C.R.S.,~~ A PERSON SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), each of whom is referred to in this section as the "intervening professional", upon probable cause and with such assistance as may be required, may take the person into custody, or cause the person to be taken into custody, and placed in a facility designated or approved by the executive director for a seventy-two-hour treatment and evaluation.

(II) THE FOLLOWING PERSONS MAY EFFECT A SEVENTY-TWO-HOUR HOLD AS PROVIDED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a):

(A) A CERTIFIED PEACE OFFICER;

(B) A PROFESSIONAL PERSON;

(C) A REGISTERED PROFESSIONAL NURSE AS DEFINED IN SECTION 12-38-103 (11), C.R.S., WHO BY REASON OF POSTGRADUATE EDUCATION AND ADDITIONAL NURSING PREPARATION HAS GAINED KNOWLEDGE, JUDGMENT, AND SKILL IN PSYCHIATRIC OR MENTAL HEALTH NURSING;

(D) A LICENSED MARRIAGE AND FAMILY THERAPIST OR LICENSED PROFESSIONAL COUNSELOR, LICENSED UNDER THE PROVISIONS OF PART 5 OR 6 OF ARTICLE 43 OF TITLE 12, C.R.S., OR AN ADDICTION COUNSELOR LICENSED PURSUANT TO SECTION 24-34-102 (14) (e) (IV), C.R.S., WHO BY REASON OF POSTGRADUATE EDUCATION AND ADDITIONAL PREPARATION HAS GAINED KNOWLEDGE, JUDGMENT, AND SKILL IN PSYCHIATRIC OR CLINICAL MENTAL HEALTH THERAPY, FORENSIC PSYCHOTHERAPY, OR THE EVALUATION OF MENTAL DISORDERS; OR

(E) A LICENSED CLINICAL SOCIAL WORKER LICENSED UNDER THE PROVISIONS OF PART 4 OF ARTICLE 43 OF TITLE 12, C.R.S.

(b) Upon an affidavit sworn to or affirmed before a judge ~~which~~ THAT relates sufficient facts to establish that a person appears to ~~be mentally ill~~ HAVE A MENTAL ILLNESS and, as a result of ~~such~~ THE mental illness, appears to be an imminent danger to others or to himself OR HERSELF or appears to be gravely disabled, the court may order the person described in the affidavit to be taken into custody and placed in a facility designated or approved by the executive director for a seventy-two-hour treatment and evaluation. Whenever in this article a facility is to be designated or approved by the executive director, hospitals, if available, shall be approved or designated in each county before other facilities are approved or designated. Whenever in this article a facility is to be designated or approved by the executive director as a facility for a stated purpose and the facility to be designated or approved is a private facility, the consent of the private facility to the enforcement of standards set by the executive director shall be a prerequisite to the designation or approval.

(1.1) When a person is taken into custody pursuant to subsection (1) of this section, such person shall not be detained in a jail, lockup, or other place used for the confinement of persons charged with or convicted of penal offenses; except that such place may be used if no other suitable place of confinement for treatment and evaluation is readily available. In such situation the person shall be detained separately from those persons charged with or convicted of penal offenses and shall be held for a period not to exceed twenty-four hours, excluding Saturdays, Sundays, and holidays, after which time he OR SHE shall be transferred to a facility designated or approved by the executive director for a seventy-two-hour treatment and evaluation. When a person is taken into custody and confined pursuant to this subsection (1.1), such person shall be examined at least every twelve hours by a CERTIFIED peace officer, nurse, or physician or by an appropriate staff professional of the nearest designated or approved mental health treatment facility to determine

if the person is receiving appropriate care consistent with his OR HER mental condition.

(2) Such facility shall require an application in writing, stating the circumstances under which the person's condition was called to the attention of the intervening professional and further stating sufficient facts, obtained from the personal observations of the intervening professional or obtained from others whom he or she reasonably believes to be reliable, to establish that the person ~~is mentally ill~~ HAS A MENTAL ILLNESS and, as a result of THE mental illness, IS an imminent danger to others or to ~~such person~~ HIMSELF OR HERSELF or IS gravely disabled. The application shall indicate when the person was taken into custody and who brought the person's condition to the attention of the intervening professional. ~~The application shall be kept on file by the seventy-two-hour treatment and evaluation facility for at least five years, and~~ A copy OF THE APPLICATION shall be furnished to the person being evaluated, AND THE APPLICATION SHALL BE RETAINED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 27-10-120 (3).

(3) If the seventy-two-hour treatment and evaluation facility admits the person, it may detain him OR HER for evaluation and treatment for a period not to exceed seventy-two hours, excluding Saturdays, Sundays, and holidays if evaluation and treatment services are not available on those days. For the purposes of this subsection (3), evaluation and treatment services are not deemed to be available merely because a professional person is on call during weekends or holidays. If, in the opinion of the professional person in charge of the evaluation, the person can be properly cared for without being detained, he OR SHE shall be provided services on a voluntary basis.

(4) Each person admitted to a seventy-two-hour treatment and evaluation facility under the provisions of this article shall receive an evaluation as soon AS POSSIBLE after he OR SHE is admitted ~~as possible~~ and shall receive such treatment and care as his OR HER condition requires for the full period that he OR SHE is held. ~~Such~~ THE person shall be released before seventy-two hours have elapsed if, in the opinion of the professional person in charge of the evaluation, the person no longer requires evaluation or treatment. Persons who have been detained for seventy-two-hour evaluation and treatment shall be released, referred for further care and treatment on a voluntary basis, or certified for treatment pursuant to section 27-10-107.

SECTION 5. 27-10-106 (1), (2), (3) (c), (5), (6), (8), (9), and (10), Colorado Revised Statutes, are amended to read:

27-10-106. Court-ordered evaluation for persons with mental illness.

(1) Any person alleged to ~~be mentally ill~~ HAVE A MENTAL ILLNESS and, as a result of THE mental illness, to be a danger to others or to himself OR HERSELF or to be gravely disabled may be given an evaluation of his OR HER condition under a court order pursuant to this section.

(2) Any individual may petition the court in the county in which the respondent resides or is physically present alleging that there is a person who appears to ~~be mentally ill~~ HAVE A MENTAL ILLNESS and, as a result of ~~such~~ THE mental illness, appears to be a danger to others or to himself OR HERSELF or appears to be gravely disabled and requesting that an evaluation of the person's condition be made.

(3) The petition for a court-ordered evaluation shall contain the following:

(c) Allegations of fact indicating that the respondent may ~~be mentally ill~~ HAVE A MENTAL ILLNESS and, as a result OF THE MENTAL ILLNESS, BE a danger to others or to himself OR HERSELF or BE gravely disabled and showing reasonable grounds to warrant an evaluation;

(5) Following screening, the facility or professional person designated by the court shall file his OR HER report with the court. The report shall include a recommendation as to whether there is probable cause to believe that the respondent ~~is mentally ill~~ HAS A MENTAL ILLNESS and, as a result of THE mental illness, is a danger to others or to himself OR HERSELF or IS gravely disabled and whether the respondent will voluntarily receive evaluation or treatment. The screening report submitted to the court shall be confidential in accordance with section 27-10-120 and shall be furnished to the respondent or his OR HER attorney or personal representative.

(6) Whenever it appears, by petition and screening pursuant to this section, to the satisfaction of the court that probable cause exists to believe that the respondent ~~is mentally ill~~ HAS A MENTAL ILLNESS and, as a result of ~~such~~ THE mental illness, is a danger to others or to himself OR HERSELF or is gravely disabled and that efforts have been made to secure the cooperation of the respondent, who has refused or failed to accept evaluation voluntarily, the court shall issue an order for evaluation authorizing a CERTIFIED peace officer to take the respondent into custody and place him OR HER in a facility designated by the executive director for seventy-two-hour treatment and evaluation. At the time of taking the respondent into custody, a copy of the petition and the order for evaluation shall be given to the respondent, and promptly thereafter to any one person designated by such respondent and to the person in charge of the seventy-two-hour treatment and evaluation facility named in the order or his OR HER designee.

(8) At the time the respondent is taken into custody for evaluation or within a reasonable time thereafter, unless a responsible relative is in possession of the respondent's personal property, the CERTIFIED peace officer taking him OR HER into custody shall take reasonable precautions to preserve and safeguard the personal property in the possession of or on the premises occupied by the respondent.

(9) When a person is involuntarily admitted to a seventy-two-hour treatment and evaluation facility under the provisions of this section or section 27-10-105, ~~such~~ THE person shall be advised by the facility director or his OR HER duly appointed representative that ~~such~~ THE person is going to be examined with regard to his OR HER mental condition.

(10) Whenever a person is involuntarily admitted to a seventy-two-hour treatment and evaluation facility, he OR SHE shall be advised by the facility director or his OR HER duly appointed representative of his OR HER right to retain and consult with any attorney at any time and that if he OR SHE cannot afford to pay an attorney, upon proof of indigency, one will be appointed by the court without cost.

SECTION 6. 27-10-107 (1) (a), (1) (b), (2), (3), (5), (6), and (8), Colorado Revised Statutes, are amended to read:

27-10-107. Certification for short-term treatment. (1) If a person detained for seventy-two hours under the provisions of section 27-10-105 or a respondent under court order for evaluation pursuant to section 27-10-106 has received an evaluation, he OR SHE may be certified for not more than three months of short-term treatment under the following conditions:

(a) The professional staff of the agency or facility providing seventy-two-hour treatment and evaluation has analyzed the person's condition and has found the person ~~is mentally ill~~ HAS A MENTAL ILLNESS and, as a result of THE mental illness, IS a danger to others or to himself OR HERSELF or IS gravely disabled.

(b) The person has been advised of the availability of, but has not accepted, voluntary treatment; but, if reasonable grounds exist to believe that the person will not remain in a voluntary treatment program, his OR HER acceptance of voluntary treatment shall not preclude certification.

(2) The notice of certification must be signed by a professional person on the staff of the evaluation facility who participated in the evaluation and shall state facts sufficient to establish reasonable grounds to believe that the person ~~is mentally ill~~ HAS A MENTAL ILLNESS and, as a result of THE mental illness, IS a danger to others or to himself OR HERSELF or IS gravely disabled. The certification shall be filed with the court within forty-eight hours, excluding Saturdays, Sundays, and court holidays, of the date of certification. The certification shall be filed with the court in the county in which the respondent resided or was physically present immediately prior to his OR HER being taken into custody.

(3) Within twenty-four hours of certification, copies of the certification shall be personally delivered to the respondent, and a copy shall be kept by the evaluation facility as part of the person's record. The respondent shall also be asked to designate one other person whom he OR SHE wishes informed regarding certification. If he OR SHE is incapable of making such a designation at the time the certification is delivered, he OR SHE shall be asked to designate such person as soon as he OR SHE is capable. In addition to the copy of the certification, the respondent shall be given a written notice that a hearing upon his OR HER certification for short-term treatment may be had before the court or a jury upon written request directed to the court pursuant to subsection (6) of this section.

(5) Whenever a certification is filed with the court, the court, if it has not already done so under section 27-10-106 (10), shall forthwith appoint an attorney to represent the respondent. The court shall determine whether the respondent is able to afford an attorney. If the respondent cannot afford counsel, the court shall appoint either counsel from the legal services program operating in that jurisdiction or private counsel to represent the respondent. The attorney representing the respondent shall be provided with a copy of the certification immediately upon his OR HER appointment. Waiver of counsel must be knowingly and intelligently made in writing and filed with the court by the respondent. In the event that a respondent who is able to afford an attorney fails to pay the appointed counsel, such counsel, upon application to the court and after appropriate notice and hearing, may obtain a judgment for reasonable attorney fees against the respondent or person making request for such counsel or both the respondent and such person.

(6) The respondent for short-term treatment or his OR HER attorney may at any time file a written request that the certification for short-term treatment or the treatment be reviewed by the court or that the treatment be on an outpatient basis. If review is requested, the court shall hear the matter within ten days after the request, and the court shall give notice to the respondent and his OR HER attorney and the certifying and treating professional person of the time and place thereof. The hearing shall be held in accordance with section 27-10-111. At the conclusion of the hearing, the court may enter or confirm the certification for short-term treatment, discharge the respondent, or enter any other appropriate order, subject to available appropriations.

(8) Whenever it appears to the court, by reason of a report by the treating professional person or any other report satisfactory to the court, that a respondent detained for evaluation and treatment or certified for treatment should be transferred to another facility for treatment and the safety of the respondent or the public requires that the respondent be transported by a sheriff, the court may issue an order directing the sheriff or his OR HER designee to deliver the respondent to the designated facility.

SECTION 7. 27-10-109, Colorado Revised Statutes, is amended to read:

27-10-109. Long-term care and treatment of persons with mental illness.

(1) Whenever a respondent has received short-term treatment for five consecutive months under the provisions of sections 27-10-107 and 27-10-108, the professional person in charge of the evaluation and treatment may file a petition with the court for long-term care and treatment of the respondent under the following conditions:

(a) The professional staff of the agency or facility providing short-term treatment has analyzed the respondent's condition and has found that the respondent is ~~mentally ill~~ HAS A MENTAL ILLNESS and, as a result of THE mental illness, IS a danger to others or to himself OR HERSELF or IS gravely disabled.

(b) The respondent has been advised of the availability of but has not accepted, voluntary treatment; but, if reasonable grounds exist to believe that the respondent will not remain in a voluntary treatment program, his OR HER acceptance of voluntary treatment shall not preclude an order pursuant to this section.

(c) The facility ~~which~~ THAT will provide long-term care and treatment has been designated or approved by the executive director to provide ~~such~~ THE care and treatment.

(2) Every petition for long-term care and treatment shall include a request for a hearing before the court prior to the expiration of six months from the date of original certification. A copy of the petition shall be delivered personally to the respondent for whom long-term care and treatment is sought and mailed to his OR HER attorney of record simultaneously with the filing thereof.

(3) Within ten days after receipt of the petition, the respondent or his OR HER attorney may request a jury trial by filing a written request therefor with the court.

(4) The court or jury shall determine whether the conditions of subsection (1) of

this section are met and whether the respondent ~~is mentally ill~~ HAS A MENTAL ILLNESS and, as a result OF THE MENTAL ILLNESS, IS a danger to others or to himself OR HERSELF or IS gravely disabled. The court shall thereupon issue an order of long-term care and treatment for a term not to exceed six months, or it shall discharge the respondent for whom long-term care and treatment was sought, or it shall enter any other appropriate order, subject to available appropriations. An order for long-term care and treatment shall grant custody of ~~such~~ THE respondent to the department for placement with an agency or facility designated by the executive director to provide long-term care and treatment. When a petition contains a request that a specific legal disability be imposed or that a specific legal right be deprived, the court may order the disability imposed or the right deprived if it or a jury has determined that the respondent ~~is mentally ill~~ HAS A MENTAL ILLNESS or IS gravely disabled and that, by reason thereof, the person is unable to competently exercise said right or perform the function as to which the disability is sought to be imposed. Any interested person may ask leave of THE court to intervene as a copetitioner for the purpose of seeking the imposition of a legal disability or the deprivation of a legal right.

(5) An original order of long-term care and treatment or any extension of such order shall expire upon the date specified therein, unless further extended as provided in this subsection (5). If an extension is being sought, the professional person in charge of the evaluation and treatment shall certify to the court at least thirty days prior to the expiration date of the order in force that an extension of ~~such~~ THE order is necessary for the care and treatment of the respondent subject to the order in force, and a copy of ~~such~~ THE certification shall be delivered to the respondent and simultaneously mailed to his OR HER attorney of record. At least twenty days before the expiration of the order, the court shall give written notice to the respondent and his OR HER attorney of record that a hearing upon the extension may be had before the court or a jury upon written request to the court within ten days after receipt of the notice. If no hearing is requested by the respondent within such time, the court may proceed ex parte. If a hearing is timely requested, it shall be held before the expiration date of the order in force. If the court or jury finds that the conditions of subsection (1) of this section continue to be met and that the respondent ~~is mentally ill~~ HAS A MENTAL ILLNESS and, as a result OF THE MENTAL ILLNESS, IS a danger to others or to himself OR HERSELF or IS gravely disabled, the court shall issue an extension of the order. Any extension shall be for a period of not more than six months, but there may be as many extensions as the court orders pursuant to this section.

SECTION 8. 27-10-111 (1), (2), and (3), Colorado Revised Statutes, are amended to read:

27-10-111. Hearing procedures - jurisdiction. (1) Hearings before the court under section 27-10-107, 27-10-108, or 27-10-109 shall be conducted in the same manner as other civil proceedings before ~~such~~ THE court. The burden of proof shall be upon the person or facility seeking to detain the respondent. The court or jury shall determine that the respondent is in need of care and treatment only if the court or jury finds ~~such~~ BY CLEAR AND CONVINCING EVIDENCE THAT THE person ~~mentally ill~~ HAS A MENTAL ILLNESS and, as a result of ~~such~~ THE mental illness, IS a danger to others or to himself OR HERSELF or IS gravely disabled. ~~by clear and convincing evidence.~~

(2) The court, after consultation with respondent's counsel to obtain counsel's recommendations, may appoint a professional person to examine the respondent for whom short-term treatment or long-term care and treatment is sought and to testify at the hearing before the court as to the results of his OR HER examination. ~~Such~~ THE court-appointed professional person shall act solely in an advisory capacity, and no presumption shall attach to his OR HER findings.

(3) Every respondent subject to an order for short-term treatment or long-term care and treatment shall be advised of his OR HER right to appeal ~~such~~ THE order by the court at the conclusion of any hearing as a result of which such an order may be entered.

SECTION 9. 27-10-114, Colorado Revised Statutes, is amended to read:

27-10-114. Restoration of rights. Any person who, by reason of a judicial decree entered by a court of this state prior to July 1, 1975, is adjudicated ~~mentally ill~~ AS A PERSON WITH A MENTAL ILLNESS shall be deemed to have been restored to legal capacity and competency.

SECTION 10. 27-10-116 (1) (a), Colorado Revised Statutes, is amended to read:

27-10-116. Right to treatment. (1) (a) Any person receiving evaluation or treatment under any of the provisions of this article is entitled to medical and psychiatric care and treatment, with regard to services listed in section 27-1-201 (1) (a) to (1) (e) and services listed in rules and regulations authorized by section 27-1-202, suited to meet his OR HER individual needs, delivered in such a way as to keep him OR HER in the least restrictive environment, and delivered in such a way as to include the opportunity for participation of family members in his OR HER program of care and treatment when appropriate, all subject to available appropriations. Nothing in this paragraph (a) shall create any right with respect to any person other than the person receiving evaluation, care, or treatment. The professional person and the agency or facility providing evaluation, care, or treatment shall keep records detailing all care and treatment received by such person, and such records shall be made available, upon that person's written authorization, to his OR HER attorney or his OR HER personal physician. Such records shall be permanent records AND RETAINED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 27-10-120 (3).

SECTION 11. The introductory portion to 27-10-120 (1) and 27-10-120 (1) (b), (1) (c), (1) (g), (1) (h), and (1.5), Colorado Revised Statutes, are amended, and the said 27-10-120 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

27-10-120. Records. (1) Except as provided in subsection (2) of this section, all information obtained and records prepared in the course of providing any services under this article to individuals under any provision of this article shall be confidential and privileged matter. ~~Such~~ THE information and records may be disclosed only:

(b) When the recipient of services designates persons to whom information or records may be released; but, if a recipient of services is a ward or conservatee and

his OR HER guardian or conservator designates, in writing, persons to whom records or information may be disclosed, ~~such~~ THE designation shall be valid in lieu of the designation by the recipient; except that nothing in this section shall be construed to compel a physician, psychologist, social worker, nurse, attorney, or other professional personnel to reveal information ~~which~~ THAT has been given to ~~them~~ HIM OR HER in confidence by members of a patient's family or other informants;

(c) To the extent necessary to make claims on behalf of a recipient of aid, insurance, or medical assistance to which he OR SHE may be entitled;

(g) To adult family members upon admission of a ~~mentally ill~~ person WITH A MENTAL ILLNESS for inpatient or residential care and treatment. The only information released pursuant to this paragraph (g) shall be the location and fact of admission of the ~~mentally ill~~ person WITH A MENTAL ILLNESS WHO IS receiving care and treatment. ~~Such~~ THE disclosure of location is governed by the procedures in section 27-10-120.5 (1) and is subject to review under section 27-10-120.5.

(h) To adult family members actively participating in the care and treatment of a ~~mentally ill~~ person WITH A MENTAL ILLNESS regardless of the length of ~~such~~ THE participation. The information released pursuant to this paragraph (h) shall be limited to one or more of the following: The diagnosis, the prognosis, the need for hospitalization and anticipated length of stay, the discharge plan, the medication administered and side effects of ~~such~~ THE medication, and the short-term and long-term treatment goals. ~~Such~~ THE disclosure is governed by the procedures in section 27-10-120.5 (2) and is subject to review under section 27-10-120.5.

(i) IN ACCORDANCE WITH STATE AND FEDERAL LAW TO THE AGENCY DESIGNATED PURSUANT TO THE FEDERAL "PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS ACT", 42 U.S.C. SEC. 10801, ET SEQ., AS THE GOVERNOR'S PROTECTION AND ADVOCACY SYSTEM FOR COLORADO.

(1.5) Nothing in paragraph (g) or (h) of subsection (1) of this section shall be deemed to preclude the release of information to a parent concerning his OR HER minor child.

SECTION 12. 27-10-120, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

27-10-120. Records. (3) (a) ALL FACILITIES SHALL MAINTAIN AND RETAIN PERMANENT RECORDS, INCLUDING ALL APPLICATIONS AS REQUIRED PURSUANT TO SECTION 27-10-105 (2).

(b) OUTPATIENT OR AMBULATORY CARE FACILITIES SHALL RETAIN ALL RECORDS FOR A MINIMUM OF SEVEN YEARS AFTER DISCHARGE FROM THE FACILITY FOR PERSONS WHO WERE EIGHTEEN YEARS OF AGE OR OLDER WHEN ADMITTED TO THE FACILITY, OR UNTIL TWENTY-FIVE YEARS OF AGE FOR PERSONS WHO WERE UNDER EIGHTEEN YEARS OF AGE WHEN ADMITTED TO THE FACILITY.

(c) INPATIENT OR HOSPITAL CARE FACILITIES SHALL RETAIN ALL RECORDS FOR A MINIMUM OF TEN YEARS AFTER DISCHARGE FROM THE FACILITY FOR PERSONS WHO WERE EIGHTEEN YEARS OF AGE OR OLDER WHEN ADMITTED TO THE FACILITY, OR

UNTIL TWENTY-EIGHT YEARS OF AGE FOR PERSONS WHO WERE UNDER EIGHTEEN YEARS OF AGE WHEN ADMITTED TO THE FACILITY.

SECTION 13. 27-10-120.5 (1), (2), (3), (4), (6), and (7), Colorado Revised Statutes, are amended, and the said 27-10-120.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

27-10-120.5. Request for release of information - procedures - review of a decision concerning release of information. (1) When a family member requests the location and fact of admission of a ~~mentally ill~~ person WITH A MENTAL ILLNESS pursuant to section 27-10-120 (1) (g), the treating professional person or his OR HER designee, who shall be a professional person, shall decide whether to release or withhold such information. The location shall be released unless the treating professional person or his OR HER designee ~~who shall be a professional person,~~ determines, after an interview with the ~~mentally ill~~ person WITH A MENTAL ILLNESS, that release of ~~such~~ THE information to a particular family member would not be in the best interests of the ~~mentally ill~~ person WITH A MENTAL ILLNESS. Any decision to withhold information requested pursuant to section 27-10-120 (1) (g) is subject to administrative review pursuant to this section upon request of a family member or the ~~mentally ill~~ person WITH A MENTAL ILLNESS. The treating facility shall make a record of the information given to a family member pursuant to this subsection (1). For the purposes of this subsection (1), an adult person having a similar relationship to a ~~mentally ill~~ person WITH A MENTAL ILLNESS as a spouse, parent, child, or sibling of a ~~mentally ill~~ person WITH A MENTAL ILLNESS may also request the location and fact of admission concerning a ~~mentally ill~~ person WITH A MENTAL ILLNESS.

(2) (a) When a family member requests information pursuant to section 27-10-120 (1) (h) concerning a ~~mentally ill~~ person WITH A MENTAL ILLNESS, the treating professional person or his OR HER designee ~~who shall be a professional person,~~ shall determine whether the ~~mentally ill~~ person WITH A MENTAL ILLNESS is capable of making a rational decision in weighing his OR HER confidentiality interests and the care and treatment interests implicated by the release of information. The treating professional person or his OR HER designee ~~who shall be a professional person,~~ shall then determine whether the ~~mentally ill~~ person WITH A MENTAL ILLNESS consents or objects to such release. Information shall be released or withheld in the following circumstances:

(I) If the treating professional person or his OR HER designee ~~who shall be a professional person,~~ makes a finding that the ~~mentally ill~~ person WITH A MENTAL ILLNESS is capable of making a rational decision concerning his OR HER interests and ~~such~~ THE person WITH A METAL ILLNESS consents to the release of information, the treating professional person or his OR HER designee ~~who shall be a professional person,~~ shall order the release of the information unless he OR SHE determines that ~~such~~ THE release would not be in the best interests of the ~~mentally ill~~ person WITH A MENTAL ILLNESS.

(II) If the treating professional person or his OR HER designee ~~who shall be a professional person,~~ makes a finding that the ~~mentally ill~~ person WITH A MENTAL ILLNESS is capable of making a rational decision concerning his OR HER interests and ~~such~~ THE person WITH A MENTAL ILLNESS objects to the release of information, the treating professional person or his OR HER designee ~~who shall be a professional~~

~~person~~; shall not order the release of the information.

(III) If the treating professional person or his OR HER designee ~~who shall be a professional person~~, makes a finding that the ~~mentally ill~~ person WITH A MENTAL ILLNESS is not capable of making a rational decision concerning his OR HER interests, the treating professional person or his OR HER designee ~~who shall be a professional person~~, may order the release of the information if he OR SHE determines that ~~such~~ THE release would be in the best interests of the ~~mentally ill~~ person WITH A MENTAL ILLNESS.

(IV) Any determination as to capacity under this paragraph (a) shall be used only for the limited purpose of this paragraph (a).

(b) A decision by a treating professional person or his OR HER designee ~~who shall be a professional person~~, concerning the capability of a ~~mentally ill~~ person WITH A MENTAL ILLNESS under subparagraph (III) of paragraph (a) of this subsection (2) is subject to administrative review upon the request of the ~~mentally ill~~ person WITH A MENTAL ILLNESS. A decision by a treating professional person or his OR HER designee ~~who shall be a professional person~~, to order the release or withholding of information under subparagraph (III) of paragraph (a) of this subsection (2) is subject to administrative review upon the request of either a family member or the ~~mentally ill~~ person WITH A MENTAL ILLNESS.

(c) The director of the treating facility shall make a record of any information given to a family member pursuant to paragraph (a) of this subsection (2) and section 27-10-120 (1) (h).

(3) When administrative review is requested either under subsection (1) or paragraph (b) of subsection (2) of this section, the director of the facility providing care and treatment to the ~~mentally ill~~ person WITH A MENTAL ILLNESS shall cause an objective and impartial review of the decision to withhold or release information. ~~to be provided.~~ ~~Such~~ THE review shall be conducted by the director of the facility, if he OR SHE is a professional person, or by a professional person whom he OR SHE designates if the director is not available or if the director cannot provide an objective and impartial review. ~~Such~~ THE review shall include, but need not be limited to, an interview with the ~~mentally ill~~ person WITH A MENTAL ILLNESS. The facility providing care and treatment shall document the review of the decision.

(4) If a ~~patient~~ PERSON WITH A MENTAL ILLNESS objects to the release or withholding of information, the ~~patient~~ PERSON WITH A MENTAL ILLNESS and his OR HER attorney, if any, shall be provided with information concerning the procedures for administrative review of a decision to release or withhold information. ~~Such patient~~ THE PERSON WITH A MENTAL ILLNESS shall be informed of any information proposed to be withheld or released and to whom and shall be given a reasonable opportunity to initiate the administrative review process before information concerning his OR HER care and treatment is released.

(6) A ~~mentally ill~~ person WITH A MENTAL ILLNESS may file a written request for review by the court of a decision made upon administrative review to release information to a family member requested under section 27-10-120 (1) (h) and proposed to be released pursuant to subsection (2) of this section. If judicial review

is requested, the court shall hear the matter within ten days after the request, and the court shall give notice to the ~~mentally ill~~ person WITH A MENTAL ILLNESS and his OR HER attorney, the treating professional person, and the person who made the decision upon administrative review of the time and place thereof. The hearing shall be conducted in the same manner as other civil proceedings before ~~such~~ THE court.

(7) In order to allow a ~~mentally ill~~ person WITH A MENTAL ILLNESS an opportunity to seek judicial review, the treating facility or the treating professional person or his OR HER designee ~~who shall be a professional person~~, shall not release information requested pursuant to section 27-10-120 (1) (h) until five days after the determination upon administrative review of the director or his OR HER designee ~~who shall be a professional person~~, is received by the ~~mentally ill~~ person WITH A MENTAL ILLNESS, and, once judicial review is requested, information shall not be released except by court order. However, if the ~~mentally ill~~ person WITH A MENTAL ILLNESS indicates an intention not to appeal a determination upon administrative review that is adverse to him OR HER concerning the release of information, ~~such~~ THE information may be released less than five days after ~~such~~ THE determination upon review is received by the ~~mentally ill~~ person WITH A MENTAL ILLNESS.

(9) FOR PURPOSES OF THIS SECTION, THE TREATING PROFESSIONAL PERSON'S DESIGNEE SHALL BE A PROFESSIONAL PERSON.

SECTION 14. The introductory portion to 27-10-121.5 (1) and 27-10-121.5 (1) (b), Colorado Revised Statutes, are amended to read:

27-10-121.5. Approval and designation of facilities in another state - pilot project - repeal. (1) There is hereby created in the department a pilot project for the purposes of allowing the transfer of patients to an out-of-state facility as allowed in section 27-10-122 (2). The pilot project shall only be implemented in a rural area located in the southwest corner of this state; except that, if the executive director or the executive director's designee finds that there is a demonstrated need in another area or areas of the state, the pilot project may be expanded to serve another area or areas of the state. If the pilot project is expanded, the department shall report ~~such~~ THE need for expansion to the house and senate health ~~environment, welfare, and institutions~~ AND HUMAN SERVICES committees, OR ANY SUCCESSOR COMMITTEES. The executive director or the executive director's designee is authorized to approve and designate a facility in a state that is adjoining to the rural area participating in the pilot project for the purposes of a seventy-two-hour treatment and evaluation as described in section 27-10-105, for short-term treatment as described in section 27-10-107 (1), for extended short-term treatment as described in section 27-10-108, or for long-term care and treatment as described in section 27-10-109. The executive director or the executive director's designee is authorized to approve and designate a facility in the state adjoining the site of the pilot project for such purposes only if the executive director or the designee determines that:

(b) The adjoining state in which the facility is located has substantially the same standards for certification or designation of a facility for the care and treatment of ~~the mentally ill~~ PERSONS WITH MENTAL ILLNESS as apply to facilities in this state; and

SECTION 15. 27-10-122 (4), Colorado Revised Statutes, is amended to read:

27-10-122. Transfer of persons into and out of Colorado - reciprocal agreements - repeal. (4) The executive director or the executive director's designee is authorized to enter into reciprocal agreements with the executive directors of similar agencies of a state adjoining the site of the pilot project described in section 27-10-121.5. ~~Such~~ THE reciprocal agreements shall govern the transfer of Colorado residents who have been taken into custody under section 27-10-105 or have been certified for treatment pursuant to section 27-10-107, 27-10-108, or 27-10-109 in facilities approved and designated as provided in section 27-10-121.5. ~~Such~~ THE reciprocal agreements may also pertain to the transfer of any residents of the adjoining state who have been involuntarily hospitalized under emergency procedures or for care and treatment of mental illness to any facility approved and designated in this state for the care and treatment of ~~the mentally ill~~ PERSONS WITH MENTAL ILLNESS.

SECTION 16. 27-10-125 (1) (a), the introductory portion to 27-10-125 (2) (a), and 27-10-125 (2) (a) (1) and (4) (b), Colorado Revised Statutes, are amended to read:

27-10-125. Imposition of legal disability - deprivation of legal right - restoration. (1) (a) When ~~any~~ AN interested person wishes to obtain a determination as to the imposition of a legal disability or the deprivation of a legal right for ~~any~~ A person ~~who is mentally ill~~ WHO HAS A MENTAL ILLNESS and WHO IS a danger to himself OR HERSELF or others, is gravely disabled, or is insane, as defined in section 16-8-101, C.R.S., and who is not then subject to proceedings under this article or part 3 or part 4 of article 14 of title 15, C.R.S., ~~such~~ THE interested person may petition the court for a specific finding as to ~~such~~ THE LEGAL disability or deprivation of a legal right. Actions commenced pursuant to this subsection (1) may include but shall not be limited to actions to determine contractual rights and rights with regard to the operation of motor vehicles.

(2) (a) The court may impose a LEGAL disability or may deprive a person of a legal right only upon finding both of the following:

(1) That the respondent is ~~mentally ill~~ A PERSON WITH A MENTAL ILLNESS and IS a danger to himself OR HERSELF or others, gravely disabled, or insane, as defined in section 16-8-101, C.R.S.;

(4) Whenever any proceedings are instituted or conducted pursuant to this section, the following procedures shall apply:

(b) The court, upon request of an indigent respondent or his OR HER attorney, shall appoint, at the court's expense, one or more professional persons ~~as defined in section 27-10-102 (11)~~; of the respondent's selection to assist the respondent in the preparation of his OR HER case.

SECTION 17. 18-6.5-102 (3) (e), Colorado Revised Statutes, is amended to read:

18-6.5-102. Definitions. As used in this article, unless the context otherwise

requires:

(3) A "person with a disability" means any person who:

(e) Is ~~mentally ill~~ A PERSON WITH A MENTAL ILLNESS as the term is defined in section 27-10-102 ~~(7)~~ (8.5), C.R.S.; or

SECTION 18. 26-4-103 (2), Colorado Revised Statutes, is amended to read:

26-4-103. Definitions. As used in this article, unless the context otherwise requires:

(2) "Case management services" means services provided by community centered boards as defined by section 27-10.5-102 (3), C.R.S., and community mental health centers and community mental health clinics, as defined by section 27-1-201, C.R.S., to assist developmentally disabled persons as defined by section 27-10.5-102 (11), C.R.S., and ~~mentally ill~~ persons WITH MENTAL ILLNESS as defined by section 27-10-102 ~~(7)~~ (8.5), C.R.S., by case management agencies, as defined in section 26-4-603 (5), providing services, as defined in sections 26-4-507 (2) (b) and 26-4-603 (6), to elderly, blind, and disabled persons and long-term care clients, in gaining access to needed medical, social, educational, and other services.

SECTION 19. 26-4-509.5 (2), Colorado Revised Statutes, is amended to read:

26-4-509.5. Child mental health treatment and family support program.

(2) In order to make mental health treatment available, it is the intent of the general assembly that each medicaid-eligible child who is diagnosed as a ~~mentally ill~~ person WITH A MENTAL ILLNESS, as that term is defined in section 27-10-102 ~~(7)~~ (8.5), C.R.S., shall receive mental health treatment, which may include in-home family mental health treatment, other family preservation services, residential treatment, or any post-residential follow-up services, that shall be paid for through federal medicaid funding.

SECTION 20. 26-20-103 (3), Colorado Revised Statutes, is amended to read:

26-20-103. Basis for use of restraint. (3) In addition to the circumstances described in subsection (1) of this section, a facility, as defined in section 27-10-102 (4.5), C.R.S., that is designated by the executive director of the department of human services to provide treatment pursuant to section 27-10-105, 27-10-106, 27-10-107, or 27-10-109, C.R.S., to ~~any mentally ill~~ A person WITH MENTAL ILLNESS, as defined in section 27-10-102 ~~(7)~~ (8.5), C.R.S., may use seclusion to restrain a ~~mentally ill~~ person WITH A MENTAL ILLNESS when ~~such~~ THE seclusion is necessary to eliminate a continuous and serious disruption of the treatment environment.

SECTION 21. 25-1.5-103 (1) (a) (I), (1) (c) (I), and (2), Colorado Revised Statutes, are amended to read:

25-1.5-103. Hospitals and community mental health centers - powers and duties of the department - limitations on rules promulgated by the department.

(1) The department has, in addition to all other powers and duties imposed upon it

by law, the powers and duties provided in this section as follows:

(a) (I) To annually license and to establish and enforce standards for the operation of general hospitals, hospital units as defined in section 25-3-101 (2), psychiatric hospitals, community clinics, rehabilitation centers, convalescent centers, community mental health centers, ACUTE TREATMENT UNITS, facilities for persons with developmental disabilities, habilitation centers for brain-damaged children, chiropractic centers and hospitals, maternity hospitals, nursing care facilities, the pilot project rehabilitative nursing facility, hospice care, assisted living residences, dialysis treatment clinics, ambulatory surgical centers, birthing centers, and other facilities of a like nature, except those wholly owned and operated by any governmental unit or agency. In establishing and enforcing such standards and in addition to the required announced inspections, the department shall, within available appropriations, make additional inspections without prior notice to the facility. Such inspections shall be made only during the hours of 7 a.m. to 7 p.m. The issuance, suspension, renewal, revocation, annulment, or modification of licenses shall be governed by the provisions of section 24-4-104, C.R.S., and section 25-3-102, and all licenses shall bear the date of issue and cover a twelve-month period. Nothing contained in this paragraph (a) shall be construed to prevent the department from adopting and enforcing, with respect to projects for which federal assistance has been obtained or shall be requested, such higher standards as may be required by applicable federal laws or regulations of federal agencies responsible for the administration of such federal laws.

(c) (I) To establish and enforce standards for licensure of community mental health centers AND ACUTE TREATMENT UNITS.

(2) For purposes of this section, unless the context otherwise requires:

(a) "ACUTE TREATMENT UNIT" MEANS A FACILITY OR A DISTINCT PART OF A FACILITY FOR SHORT-TERM PSYCHIATRIC CARE, WHICH MAY INCLUDE SUBSTANCE ABUSE TREATMENT, AND WHICH PROVIDES A TOTAL, TWENTY-FOUR HOUR THERAPEUTICALLY PLANNED AND PROFESSIONALLY STAFFED ENVIRONMENT FOR PERSONS WHO DO NOT REQUIRE INPATIENT HOSPITALIZATION BUT NEED MORE INTENSE AND INDIVIDUAL SERVICES THAN ARE AVAILABLE ON AN OUTPATIENT BASIS, SUCH AS CRISIS MANAGEMENT AND STABILIZATION SERVICES.

~~(a)~~ (b) "Community mental health center" means either a physical plant or a group of services under unified administration and including at least the following: Inpatient services; outpatient services; day hospitalization; emergency services; and consultation and educational services, which services are provided principally for ~~mentally ill~~ persons WITH MENTAL ILLNESS residing in a particular community in or near which the facility is situated.

~~(b)~~ (c) "Facility for persons with developmental disabilities" means a facility specially designed for the active treatment and habilitation of persons with developmental disabilities or a community residential home, as defined in section 27-10.5-102 (4), C.R.S., which is licensed and certified pursuant to section 27-10.5-109, C.R.S.

~~(c)~~ (d) "Hospice care" means an entity that administers services to a terminally

ill person utilizing palliative care or treatment.

SECTION 22. Part 1 of article 3 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25-3-100.5. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES: "ACUTE TREATMENT UNIT" MEANS A FACILITY OR A DISTINCT PART OF A FACILITY FOR SHORT-TERM PSYCHIATRIC CARE, WHICH MAY INCLUDE SUBSTANCE ABUSE TREATMENT, THAT PROVIDES A TOTAL, TWENTY-FOUR-HOUR, THERAPEUTICALLY PLANNED AND PROFESSIONALLY STAFFED ENVIRONMENT FOR PERSONS WHO DO NOT REQUIRE INPATIENT HOSPITALIZATION BUT NEED MORE INTENSE AND INDIVIDUAL SERVICES THAN ARE AVAILABLE ON AN OUTPATIENT BASIS, SUCH AS CRISIS MANAGEMENT AND STABILIZATION SERVICES.

SECTION 23. 25-3-101 (1), Colorado Revised Statutes, is amended to read:

25-3-101. Hospitals - health facilities - licensed. (1) It is unlawful for any person, partnership, association, or corporation to open, conduct, or maintain any general hospital, hospital unit as defined in subsection (2) of this section, psychiatric hospital, community clinic, rehabilitation center, convalescent center, community mental health center, ACUTE TREATMENT UNIT, facility for persons with developmental disabilities, habilitation center for brain-damaged children, chiropractic center and hospital, maternity hospital, nursing care facility, pilot project rehabilitative nursing facility, hospice care, assisted living residence, except an assisted living residence shall be assessed a license fee as set forth in section 25-27-107, dialysis treatment clinic, ambulatory surgical center, birthing center, or other facility of a like nature, except those wholly owned and operated by any governmental unit or agency, without first having obtained a license therefor from the department of public health and environment.

SECTION 24. 25-3-102 (2), Colorado Revised Statutes, is amended to read:

25-3-102. License - application - issuance. (2) In the licensing of a community mental health center, ACUTE TREATMENT UNIT, or clinic, satisfactory evidence that the applicant is in compliance with the standards, rules, and regulations promulgated pursuant to section 27-1-202, C.R.S., shall be required for licensure.

SECTION 25. 25-3-105 (1), Colorado Revised Statutes, is amended to read:

25-3-105. License - fee - penalty. (1) (a) All licenses shall be issued annually upon the payment of a fee of three hundred sixty dollars; ~~and~~ EXCEPT THAT AN ACUTE TREATMENT UNIT SHALL BE ASSESSED A FEE AS SET FORTH IN PARAGRAPH (c) OF THIS SUBSECTION (1). ALL LICENSES may be revoked at any time by the state board of health for any of the causes set forth in section 25-3-103 or for the failure of the holders thereof to comply with any of the rules of said board or to make the reports as provided for in section 25-3-104; and any person, partnership, association, company, or corporation opening, conducting, or maintaining any facility for the treatment and care of the sick or injured without having a provisional or regular license therefor is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars.

(b) Notwithstanding the amount specified for the fee in paragraph (a) of this subsection (1), the state board of health by rule or as otherwise provided by law may reduce the amount of the fee if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of the fee is credited. After the uncommitted reserves of the fund are sufficiently reduced, the state board of health by rule or as otherwise provided by law may increase the amount of the fee as provided in section 24-75-402 (4), C.R.S.

(c) (I) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1), AS AMENDED, AN APPLICANT FOR LICENSURE FOR AN ACUTE TREATMENT UNIT SHALL SUBMIT TO THE DEPARTMENT NONREFUNDABLE FEES WITH AN APPLICATION FOR LICENSURE AS FOLLOWS:

(A) A FEE OF ONE HUNDRED DOLLARS PER AVAILABLE BED IN ADDITION TO A FEE OF THREE THOUSAND FIVE HUNDRED DOLLARS FOR A LICENSE RELATED TO NEW FACILITY OPERATIONS; EXCEPT THAT A FACILITY THAT CONVERTS FROM A DIFFERENT LICENSURE CATEGORY TO AN ACUTE TREATMENT UNIT SHALL SUBMIT ITS APPLICATION AND INITIAL LICENSURE FEE NO LATER THAN JULY 1, 2008;

(B) A FEE OF TWENTY DOLLARS PER AVAILABLE BED IN ADDITION TO A FEE OF ONE THOUSAND SEVEN HUNDRED DOLLARS TO ISSUE A NEW LICENSE WHEN THERE HAS BEEN A CHANGE OF OWNERSHIP OF AN EXISTING LICENSED ACUTE TREATMENT UNIT;

(C) A FEE OF TWENTY DOLLARS PER AVAILABLE BED IN ADDITION TO A FEE OF ONE THOUSAND FIVE HUNDRED DOLLARS WHEN THE LICENSEE SEEKS ANNUAL RENEWAL OF AN EXISTING ACUTE TREATMENT UNIT LICENSE.

(II) A LICENSEE SHALL SUBMIT A FEE OF ONE HUNDRED DOLLARS FOR AN ACUTE TREATMENT UNIT IN THE FOLLOWING CIRCUMSTANCES:

(A) WHEN SUBMITTING A NAME CHANGE FOR APPROVAL BY THE DEPARTMENT; OR

(B) WHEN SUBMITTING A REQUEST TO INCREASE THE NUMBER OF LICENSED BEDS FOR APPROVAL BY THE DEPARTMENT.

(III) A LICENSEE SHALL SUBMIT A FEE OF FIVE HUNDRED DOLLARS FOR AN ACUTE TREATMENT UNIT IN THE FOLLOWING CIRCUMSTANCES:

(A) FOR REMODELING PLAN REVIEW BY THE DEPARTMENT WHEN THE LICENSEE UNDERGOES NEW CONSTRUCTION OR SUBSTANTIAL REMODELING OF AN ACUTE TREATMENT UNIT, AS DEFINED BY RULE OF THE STATE BOARD OF HEALTH; OR

(B) FOR REMODELING ON-SITE REVIEW BY THE DEPARTMENT WHEN THE LICENSEE UNDERGOES NEW CONSTRUCTION OR SUBSTANTIAL REMODELING OF AN ACUTE TREATMENT UNIT, AS DEFINED BY RULE OF THE STATE BOARD OF HEALTH. FEES FOR REMODELING ON-SITE REVIEW SHALL BE IN ADDITION TO THE FEES ASSESSED FOR REMODELING PLAN REVIEW.

SECTION 26. 27-1-201, Colorado Revised Statutes, is amended to read:

27-1-201. Definitions. As used in this part 2, unless the context otherwise

requires:

(1) "ACUTE TREATMENT UNIT" MEANS A FACILITY OR A DISTINCT PART OF A FACILITY FOR SHORT-TERM PSYCHIATRIC CARE, WHICH MAY INCLUDE SUBSTANCE ABUSE TREATMENT, THAT PROVIDES A TOTAL, TWENTY-FOUR-HOUR, THERAPEUTICALLY PLANNED AND PROFESSIONALLY STAFFED ENVIRONMENT FOR PERSONS WHO DO NOT REQUIRE INPATIENT HOSPITALIZATION BUT NEED MORE INTENSE AND INDIVIDUAL SERVICES THAN ARE AVAILABLE ON AN OUTPATIENT BASIS, SUCH AS CRISIS MANAGEMENT AND STABILIZATION SERVICES.

(1) (2) "Community mental health center" means either a physical plant or a group of services under unified administration or affiliated with one another, and including at least the following services provided for the prevention and treatment of mental illness in persons residing in a particular community in or near the facility so situated:

- (a) Inpatient services;
- (b) Outpatient services;
- (c) Partial hospitalization;
- (d) Emergency services;
- (e) Consultative and educational services.

(2) (3) "Community mental health clinic" means a health institution planned, organized, operated, and maintained to provide basic community services for the prevention, diagnosis, and treatment of emotional or mental disorders, such services being rendered primarily on an outpatient and consultative basis.

SECTION 27. 27-1-204 (4) (a), Colorado Revised Statutes, is amended to read:

27-1-204. Types of services purchased - limitation on payments. (4) (a) Each year the general assembly shall appropriate funds for the purchase of mental health services from:

- (I) Community mental health centers; ~~and~~
- (II) Agencies ~~which~~ THAT provide specialized clinic-type services but do not serve a specific designated service area; AND
- (III) ACUTE TREATMENT UNITS.

SECTION 28. The introductory portion to 27-1-205 (2), Colorado Revised Statutes, is amended to read:

27-1-205. Standards for approval. (2) In approving or rejecting local general or psychiatric hospitals, community mental health centers, ACUTE TREATMENT UNITS, and other agencies for the purchase of services not provided by local mental health clinics, including, but not limited to, twenty-four-hour and partial

hospitalization, the executive director of the department of human services shall consider the following factors:

SECTION 29. 1-2-103 (5), Colorado Revised Statutes, is amended to read:

1-2-103. Military service - students - inmates - persons with mental illness.

(5) ~~No~~ A person confined in a state institution for ~~the mentally ill~~ PERSONS WITH MENTAL ILLNESS shall NOT lose the right to vote because of the confinement.

SECTION 30. 2-5-119, Colorado Revised Statutes, is amended to read:

2-5-119. Tax levy on civil actions. In lieu of the tax imposed by section 135-4-29, C.R.S. 1963, a tax of one dollar is imposed upon each action filed in the office of each clerk of a court of record of the state of Colorado, except criminal actions, cases filed for reviews of findings and orders of the industrial claim appeals office, petitions relating to the distribution of estates under sections 15-12-1203 and 15-12-1204, C.R.S., petitions relating to ~~the mentally ill or deficient~~ A PERSON WITH A MENTAL ILLNESS filed under articles 10 to 16 of title 27, C.R.S., cases filed by the state of Colorado, cases filed by the United States of America or any of its agencies in any matter under articles 10 to 20 of title 15, C.R.S., and cases where a party is allowed to sue as a poor person. The tax shall be paid to the clerk by the party filing the action at the time of such filing. Each clerk shall keep the taxes so received in a separate fund and remit them to the state treasurer on the first day of each month for the purpose of reimbursing the general fund for appropriations made for the use of the committee on legal services for statutory revision purposes.

SECTION 31. 12-42-102 (4), Colorado Revised Statutes, is amended to read:

12-42-102. Definitions. As used in this article, unless the context otherwise requires:

(4) The practice as a "psychiatric technician" means the performance for compensation of selected acts requiring interpersonal and technical skills and includes the administering of selected treatments and selected medications prescribed by a licensed physician or dentist, in the care of and in the observation and recognition of symptoms and reactions of ~~the mentally ill patient or developmentally disabled individual~~ A PATIENT WITH A MENTAL ILLNESS OR DEVELOPMENTAL DISABILITY under the direction of a licensed physician and the supervision of a registered professional nurse. The selected acts in the care of ~~the mentally ill patient or developmentally disabled individual~~ A PATIENT WITH A MENTAL ILLNESS OR DEVELOPMENTAL DISABILITY shall not require the substantial specialized skill, judgment, and knowledge required in professional nursing.

SECTION 32. 12-42-111 (3), Colorado Revised Statutes, is amended to read:

12-42-111. Accredited psychiatric technician educational program. (3) If the requirements of this article for an accredited psychiatric technician educational program are met, the institution shall be accredited as a psychiatric technician educational program for psychiatric technicians for work with ~~mentally ill patients or with developmentally disabled individuals~~ PATIENTS WITH MENTAL ILLNESS OR DEVELOPMENTAL DISABILITIES, for so long as such institution meets the

requirements of this article.

SECTION 33. 12-42-116 (1), Colorado Revised Statutes, is amended to read:

12-42-116. Exclusions. (1) This article shall not be construed to affect or apply to the gratuitous care of ~~the mentally ill~~ A PERSON WITH A MENTAL ILLNESS by friends or members of the family or to any person taking care of ~~the mentally ill~~ A PERSON WITH A MENTAL ILLNESS for hire who does not represent himself OR HERSELF or hold himself OR HERSELF out to the public as a trained or licensed psychiatric technician; but no one for hire shall hold himself OR HERSELF out as or perform the full duties of a psychiatric technician who is not a psychiatric technician licensed under the provisions of this article.

SECTION 34. 12-43-224 (2) (c), Colorado Revised Statutes, is amended to read:

12-43-224. Disciplinary proceedings - judicial review - mental and physical examinations - multiple licenses. (2) (c) ~~No~~ A licensee's or registrant's right to use a title shall NOT be denied, revoked, or suspended by any board, ~~nor shall~~ AND a licensee, registrant, or unlicensed psychotherapist SHALL NOT be placed on probation by any board pursuant to the grounds established in sections 12-43-222 and 12-43-226, until after a hearing has been conducted if so required pursuant to section 24-4-105, C.R.S., except as provided for in emergency situations by section 24-4-104, C.R.S., or except in the event that a licensee, registrant, or unlicensed psychotherapist has been adjudicated as ~~mentally ill~~ BEING gravely disabled, mentally retarded, mentally incompetent, or insane OR AS HAVING A MENTAL ILLNESS by a court of competent jurisdiction, or except in the event that a licensee, registrant, or unlicensed psychotherapist violates paragraph (e) of this subsection (2), in which case, the board that licenses, registers, or regulates such licensee, registrant, or unlicensed psychotherapist pursuant to this article is empowered to summarily suspend such person's license, registration, or listing subject to the limitation of section 24-4-104, C.R.S.

SECTION 35. 13-9-103 (1) (f), Colorado Revised Statutes, is amended to read:

13-9-103. Jurisdiction. (1) The probate court of the city and county of Denver has original and exclusive jurisdiction in said city and county of:

(f) The administration of guardianships of minors and of mentally competent persons and of conservatorships of ~~mentally ill~~ PERSONS WITH MENTAL ILLNESS or mentally deficient persons and of absentees;

SECTION 36. 13-20-401 (2), Colorado Revised Statutes, is amended to read:

13-20-401. Definitions. As used in this part 4, unless the context otherwise requires:

(2) "Patient" means the person upon whom a proposed electroconvulsive treatment is to be performed; except that nothing in this part 4 shall be construed to supersede the provisions of article 10 of title 27, C.R.S., or any rule or regulation adopted by the department of human services pursuant to section 27-10-116 (2), C.R.S., with regard to the care and treatment of any person unable to exercise

written informed consent or of a ~~mentally ill~~ person WITH A MENTAL ILLNESS.

SECTION 37. 13-21-117, Colorado Revised Statutes, is amended to read:

13-21-117. Civil liability - mental health care providers - no duty. ~~No~~ A physician, social worker, psychiatric nurse, psychologist, or other mental health professional and ~~no~~ A mental health hospital, community mental health center or clinic, institution, or their staff shall NOT be liable for damages in any civil action for failure to warn or protect any person against a mental health patient's violent behavior, ~~nor shall~~ AND any such person SHALL NOT be held civilly liable for failure to predict such violent behavior, except where the patient has communicated to the mental health care provider a serious threat of imminent physical violence against a specific person or persons. When there is a duty to warn and protect under the circumstances specified above, the duty shall be discharged by the mental health care provider making reasonable and timely efforts to notify any person or persons specifically threatened, as well as notifying an appropriate law enforcement agency or by taking other appropriate action including, but not limited to, hospitalizing the patient. ~~No~~ A physician, social worker, psychiatric nurse, psychologist, or other mental health professional and ~~no~~ A mental health hospital, community mental health center or clinic, institution, or their staff shall NOT be liable for damages in any civil action for warning any person against or predicting a mental health patient's violent behavior, ~~nor shall~~ AND any such person SHALL NOT be subject to professional discipline for such warning or prediction. For the purposes of this section, "psychiatric nurse" means a registered professional nurse as defined in section 12-38-103 (11), C.R.S., who by virtue of postgraduate education and additional nursing preparation has gained knowledge, judgment, and skill in psychiatric or mental health nursing. The provisions of this section shall not apply to the negligent release of a mental health patient from any mental HEALTH hospital or ward or to the negligent failure to initiate involuntary seventy-two-hour treatment and evaluation after a personal patient evaluation determining that the person appears to ~~be mentally ill~~ HAVE A MENTAL ILLNESS and, as a result of ~~such~~ THE mental illness, appears to be an imminent danger to others.

SECTION 38. 13-90-107 (1) (m) (IV) (D), Colorado Revised Statutes, is amended to read:

13-90-107. Who may not testify without consent. (1) There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person shall not be examined as a witness in the following cases:

(m) (IV) This paragraph (m) shall not apply in cases in which:

(D) There is reasonable cause to believe that the person receiving peer support ~~is mentally ill~~ HAS A MENTAL ILLNESS and, due to ~~such~~ THE mental illness, is an imminent threat to ~~the person's self~~ HIMSELF OR HERSELF or others or is gravely disabled as defined in section 27-10-102, C.R.S.; or

SECTION 39. 14-7-104, Colorado Revised Statutes, is amended to read:

14-7-104. Application of article. This article shall not apply to liability for the

support of children admitted, committed, or transferred to any public institution of this state supervised by the department of human services for the care, support, maintenance, education, or treatment of ~~the mentally ill or~~ PERSONS WITH MENTAL ILLNESS OR WHO ARE mentally deficient.

SECTION 40. 15-14-118 (2) (c), Colorado Revised Statutes, is amended to read:

15-14-118. Small estate - person under disability - no personal representative. (2) Such petition shall state so far as known to petitioner:

(c) ~~If mentally ill;~~ THE DATE UPON WHICH AND THE COURT BY WHICH THE PERSON UNDER DISABILITY WAS ADJUDGED AS HAVING A MENTAL ILLNESS, BEING mentally deficient, or BEING disabled; ~~the date upon which, and the court by which the person under disability was so adjudged;~~

SECTION 41. 16-5-402 (2) (c), Colorado Revised Statutes, is amended to read:

16-5-402. Limitation for collateral attack upon trial judgment. (2) In recognition of the difficulties attending the litigation of stale claims and the potential for frustrating various statutory provisions directed at repeat offenders, former offenders, and habitual offenders, the only exceptions to the time limitations specified in subsection (1) of this section shall be:

(c) Where the court hearing the collateral attack finds by a preponderance of the evidence that the failure to seek relief within the applicable time period was caused by an adjudication of incompetence or by commitment of the defendant or juvenile to an institution for treatment as a ~~mentally ill~~ person WITH A MENTAL ILLNESS; or

SECTION 42. 16-8-121 (1), Colorado Revised Statutes, is amended to read:

16-8-121. Escape - return to institution. (1) If any defendant, confined in an institution for the care and treatment of ~~the mentally ill~~ PERSONS WITH MENTAL ILLNESS or ~~retarded~~ DEVELOPMENTAL DISABILITIES ~~which is~~ under the supervision of the executive director of the department of human services, escapes from such institution, it is the duty of the chief officer thereof to apply forthwith to the district court for the county in which the hospital or institution is located for a warrant of arrest directed to the sheriff of the county, commanding him OR HER forthwith to take all necessary legal action to effect the arrest of such defendant and to return him OR HER promptly to the institution; and the fact of an escape becomes a part of the official record of a defendant and shall be certified to the committing court as part of the record in any proceeding to determine whether the defendant is eligible for release from commitment or eligible for conditional release.

SECTION 43. 16-20-102 (3), Colorado Revised Statutes, is amended to read:

16-20-102. Definitions. As used in this article, unless the context otherwise requires:

(3) "Person of unsound mind" includes the terms "insane person", "mentally ill person", "PERSON WITH A MENTAL ILLNESS", "mentally incompetent person", and "lunatic".

SECTION 44. 17-1-102 (7.5) (a) (I), Colorado Revised Statutes, is amended to read:

17-1-102. Definitions. As used in this title, unless the context otherwise requires:

(7.5) (a) "Special needs offender" means a person in the custody of the department:

(I) Who is physically handicapped, ~~mentally ill~~, or IS developmentally disabled, OR HAS A MENTAL ILLNESS; or

SECTION 45. 17-2-209, Colorado Revised Statutes, is amended to read:

17-2-209. Civil proceedings - inmate subject to parole. When an inmate has met all of the requirements to be eligible for parole, but the board has reason to believe that the offender may ~~be mentally ill~~ HAVE A MENTAL ILLNESS pursuant to article 10 of title 27, C.R.S., the board shall initiate civil proceedings pursuant to article 23 of this title and articles 10 to 15 of title 27, C.R.S.

SECTION 46. 17-23-101 (1) and (3), Colorado Revised Statutes, are amended to read:

17-23-101. Transfer of inmates who have a mental illness or a developmental disability. (1) The executive director, in coordination with the executive director of the department of human services, is empowered to transfer an inmate who ~~is mentally ill~~ HAS A MENTAL ILLNESS or ~~developmentally disabled~~ DEVELOPMENTAL DISABILITY and cannot be safely confined in a correctional facility to an appropriate facility operated by the department of human services for observation and stabilization. The costs associated with care provided in the facility operated by the department of human services shall continue to be charged to the department of human services.

(3) Except when a person is serving a sentence to the department concurrently with a commitment to the department of human services, ~~no~~ A person who is adjudged to ~~be mentally ill~~ HAVE A MENTAL ILLNESS by a court of competent jurisdiction shall NOT be transferred to any correctional facility, except upon a finding that the person is so dangerous that he or she cannot be safely confined in the Colorado mental health institute at Pueblo or Fort Logan. A hearing on the dangerousness of the patient shall be conducted pursuant to the provisions of section 17-23-103.

SECTION 47. 17-27.1-101 (2) (d), Colorado Revised Statutes, is amended to read:

17-27.1-101. Nongovernmental facilities for offenders - registration - notifications - penalties. (2) As used in this section, unless the context otherwise requires:

(d) "Private treatment program" means any residential or nonresidential program that provides services, treatment, rehabilitation, education, or criminal

history-related treatment for supervised or unsupervised persons but does not include a private contract prison facility, a prison facility operated by a political subdivision of the state, a facility providing treatment for ~~the mentally ill or developmentally disabled~~ PERSONS WITH MENTAL ILLNESS OR DEVELOPMENTAL DISABILITIES, or a community corrections program established pursuant to article 27 of this title.

SECTION 48. 17-40-101 (2), Colorado Revised Statutes, is amended to read:

17-40-101. Definitions. As used in this article, unless the context otherwise requires:

(2) "Diagnostic services" means diagnostic examination and evaluation programs, including medical and dental evaluations, psychological testing, and academic and vocational assessment. "Diagnostic services" also includes identification of special needs, such as protective custody, services for ~~the mentally ill or for persons who~~ HAVE MENTAL ILLNESS OR ~~with~~ developmental disabilities, and special arrangements for those deemed potentially disruptive to institutional safety and operation.

SECTION 49. The introductory portion to 18-1.3-407 (5) (b) (I), Colorado Revised Statutes, is amended to read:

18-1.3-407. Sentences - youthful offenders - legislative declaration - powers and duties of district court - authorization for youthful offender system - powers and duties of department of corrections. (5) (b) (I) An offender who is thought to ~~be mentally ill or developmentally disabled~~ HAVE A MENTAL ILLNESS OR DEVELOPMENTAL DISABILITY by a mental health clinician, as defined by regulation of the department of corrections, may be transferred to another facility for a period not to exceed sixty days for diagnostic validation of said illness or disability. At the conclusion of the sixty-day period, the psychiatrists or other appropriate professionals conducting the diagnosis shall forward to the executive director of the department of corrections their findings, which at a minimum shall include a statement of whether the offender has the ability to withstand the rigors of the youthful offender system. If the diagnosis determines that the offender is incapable of completing the youthful offender program due to a mental illness or developmental disability, the executive director shall forward such determination to the sentencing court. Based on the determination, the sentencing court shall review the offender's sentence to the youthful offender system and may:

SECTION 50. 18-8-201.1, Colorado Revised Statutes, is amended to read:

18-8-201.1. Aiding escape from an institution for the care and treatment of persons with mental illness. Any person who knowingly aids the escape of a person who is an inmate of an institution for the care and treatment of ~~the mentally ill~~ PERSONS WITH MENTAL ILLNESS and who knows the person aided is confined in such institution pursuant to a commitment under article 8 of title 16, C.R.S., commits the offense of aiding escape from ~~a mental~~ AN INSTITUTION FOR THE CARE AND TREATMENT OF PERSONS WITH MENTAL ILLNESS, which is a class 5 felony.

SECTION 51. 19-1-104 (1) (i), Colorado Revised Statutes, is amended to read:

19-1-104. Jurisdiction. (1) Except as otherwise provided by law, the juvenile court shall have exclusive original jurisdiction in proceedings:

(i) For the treatment or commitment pursuant to article 23 of title 17 and articles 10 to 15 of title 27, C.R.S., of a ~~mentally ill or developmentally disabled~~ child WHO HAS A MENTAL ILLNESS OR DEVELOPMENTAL DISABILITY AND who comes within the court's jurisdiction under other provisions of this section;

SECTION 52. 19-1-111 (2) (c), Colorado Revised Statutes, is amended to read:

19-1-111. Appointment of guardian ad litem. (2) The court may appoint a guardian ad litem in the following cases:

(c) For a parent, guardian, legal custodian, custodian, person to whom parental responsibilities have been allocated, stepparent, or spousal equivalent in dependency or neglect proceedings who has been determined to ~~be mentally ill or developmentally disabled~~ HAVE A MENTAL ILLNESS OR DEVELOPMENTAL DISABILITY by a court of competent jurisdiction; except that, if a conservator has been appointed, the conservator shall serve as the guardian ad litem. If the conservator does not serve as guardian ad litem, the conservator shall be informed that a guardian ad litem has been appointed.

SECTION 53. 19-2-508 (3) (b) (I), (3) (b) (II), and (3) (b) (III), Colorado Revised Statutes, are amended to read:

19-2-508. Detention and shelter - hearing - time limits - findings - review - confinement with adult offenders - restrictions. (3) (b) (I) If it appears that any juvenile being held in detention or shelter may be developmentally disabled, as provided in article 10.5 of title 27, C.R.S., the court or detention personnel shall refer the juvenile to the nearest community centered board for an eligibility determination. If it appears that any juvenile being held in a detention or shelter facility pursuant to the provisions of this article may ~~be mentally ill~~ HAVE A MENTAL ILLNESS, as provided in sections 27-10-105 and 27-10-106, C.R.S., the intake personnel or other appropriate personnel shall contact a mental health professional to do a mental health hospital placement prescreening on the juvenile. The court shall be notified of the contact and may take appropriate action. If a mental health hospital placement prescreening is requested, it shall be conducted in an appropriate place accessible to the juvenile and the mental health professional. A request for a mental health hospital placement prescreening shall not extend the time within which a detention hearing shall be held pursuant to this section. If a detention hearing has been set but has not yet occurred, the mental health hospital placement prescreening shall be conducted prior to the hearing; except that the prescreening shall not extend the time within which a detention hearing shall be held.

(II) If a juvenile has been ordered detained pending an adjudication, disposition, or other court hearing and the juvenile subsequently appears to ~~be mentally ill~~ HAVE A MENTAL ILLNESS, as provided in section 27-10-105 or 27-10-106, C.R.S., the intake personnel or other appropriate personnel shall contact the court with a recommendation for a mental health hospital placement prescreening. A mental health hospital placement prescreening shall be conducted at any appropriate place accessible to the juvenile and the mental health professional within twenty-four

hours of the request, excluding Saturdays, Sundays, and legal holidays.

(III) When the mental health professional finds, as a result of the prescreening, that the juvenile may ~~be mentally ill~~ HAVE A MENTAL ILLNESS, the mental health professional shall recommend to the court that the juvenile be evaluated pursuant to section 27-10-105 or 27-10-106, C.R.S.

SECTION 54. 19-2-906 (2), Colorado Revised Statutes, is amended to read:

19-2-906. Sentencing hearing. (2) If the court has reason to believe that the juvenile may have A developmental ~~disabilities~~ DISABILITY, the court shall refer the juvenile to the community centered board in the designated service area where the action is pending for an eligibility determination pursuant to article 10.5 of title 27, C.R.S. If the court has reason to believe that the juvenile may ~~be mentally ill~~ HAVE A MENTAL ILLNESS, the court shall order a mental health hospital placement prescreening to be conducted in any appropriate place.

SECTION 55. 19-2-922 (3) (b) (III), Colorado Revised Statutes, is amended to read:

19-2-922. Juveniles committed to the department of human services - evaluation and placement. (3) (b) (III) If the evaluation report states that the juvenile ~~is mentally ill~~ HAS A MENTAL ILLNESS, as provided in sections 27-10-105 and 27-10-106, C.R.S., the department of human services shall initiate proceedings under article 10 of title 27, C.R.S., and notify the court thereof.

SECTION 56. 19-2-923 (3) (a) and (3) (d), Colorado Revised Statutes, are amended to read:

19-2-923. Juveniles committed to the department of human services - transfers. (3) (a) Any juvenile committed to the department of human services may be transferred temporarily to any state treatment facility for ~~the mentally ill or~~ ~~for~~ persons with MENTAL ILLNESS OR developmental disabilities for purposes of diagnosis, evaluation, and emergency treatment; except that no juvenile may be transferred to a mental health facility until the juvenile has received a mental health hospital placement prescreening resulting in a recommendation that the juvenile be placed in a facility for evaluation pursuant to section 27-10-105 or 27-10-106, C.R.S. No juvenile committed to the department as an aggravated juvenile offender or violent juvenile offender shall be transferred until the treatment facility has a secure setting in which to house the juvenile. The period of temporary transfer pursuant to this paragraph (a) shall not exceed sixty days.

(d) When a juvenile is in continued transferred placement and the treatment facility and the sending facility agree that the need for placement of the juvenile is likely to continue beyond the original period of commitment to the department of human services, the treatment facility shall initiate proceedings with the court having jurisdiction over the juvenile under article 10 of title 27, C.R.S., if the juvenile ~~is mentally ill~~ HAS A MENTAL ILLNESS or under article 10.5 of title 27, C.R.S., if the juvenile has developmental disabilities.

SECTION 57. 19-3-403 (4), Colorado Revised Statutes, is amended to read:

19-3-403. Temporary custody - hearing - time limits - restriction. (4) (a) If it appears that any child being held in a shelter facility may be developmentally disabled, as provided in article 10.5 of title 27, C.R.S., the court shall refer the child to the nearest community centered board for an eligibility determination. If it appears that any child being held in a shelter facility pursuant to the provisions of this article may ~~be mentally ill~~ HAVE A MENTAL ILLNESS, as provided in sections 27-10-105 and 27-10-106, C.R.S., the intake personnel or other appropriate personnel shall contact a mental health professional to do a mental health prescreening on the child. The court shall be notified of the contact and may take appropriate action. If a mental health prescreening is requested, it shall be conducted in an appropriate place accessible to the child and the mental health professional. A request for a mental health prescreening shall not extend the time within which a hearing shall be held pursuant to this section. If a hearing has been set but has not yet occurred, the mental health prescreening shall be conducted prior to the hearing; except that the prescreening shall not extend the time within which a hearing shall be held pursuant to this section.

(b) If a child has been ordered detained pending an adjudication, disposition, or other court hearing and the child subsequently appears to ~~be mentally ill~~ HAVE A MENTAL ILLNESS, as provided in section 27-10-105 or 27-10-106, C.R.S., the intake personnel or other appropriate personnel shall contact the court with a recommendation for a mental health prescreening. A mental health prescreening shall be conducted at any appropriate place accessible to the child and the mental health professional within twenty-four hours of the request, excluding Saturdays, Sundays, and legal holidays.

(c) When the mental health professional finds, as a result of the prescreening, that the child may ~~be mentally ill~~ HAVE A MENTAL ILLNESS, the mental health professional shall recommend to the court that the child be evaluated pursuant to section 27-10-105 or 27-10-106, C.R.S., and the court shall proceed as provided in section 19-3-506.

(d) Nothing in this subsection (4) shall be construed to preclude the use of emergency procedures pursuant to section 27-10-105 (1), C.R.S.

SECTION 58. 19-3-505 (4) (d), Colorado Revised Statutes, is amended to read:

19-3-505. Adjudicatory hearing - findings - adjudication. (4) (d) If it appears from the evidence that the child may ~~be mentally ill or developmentally disabled~~ HAVE A MENTAL ILLNESS OR DEVELOPMENTAL DISABILITY as these terms are defined in articles 10 and 10.5 of title 27, C.R.S., paragraphs (a) to (c) of this subsection (4) shall not apply, and the court shall proceed under section 19-3-506.

SECTION 59. 19-3-506 (1) (b), (1) (c), (1) (e), (2) (a), (3) (a), and (4), Colorado Revised Statutes, are amended to read:

19-3-506. Child with a mental illness or developmental disability - procedure. (1) (b) If it appears from the evidence presented at an adjudicatory hearing or otherwise that a child may ~~be mentally ill~~ HAVE A MENTAL ILLNESS, as defined in sections 27-10-105 and 27-10-106, C.R.S., and the child has not had a mental health prescreening pursuant to section 19-3-403 (4), the court shall order

a prescreening to determine whether the child requires further evaluation. Such prescreening shall be conducted as expeditiously as possible, and a prescreening report shall be provided to the court within twenty-four hours of the prescreening, excluding Saturdays, Sundays, and legal holidays.

(c) When the mental health professional finds, based upon a prescreening done pursuant to section 19-3-403 (4) or under this section, that the child may ~~be mentally ill~~ HAVE A MENTAL ILLNESS, as defined in sections 27-10-105 and 27-10-106, C.R.S., the court shall review the prescreening report within twenty-four hours, excluding Saturdays, Sundays, and legal holidays, and order the child placed for an evaluation at a facility designated by the executive director of the department of human services for a seventy-two-hour treatment and evaluation pursuant to section 27-10-105 or 27-10-106, C.R.S. On and after January 1, 1986, if the child to be placed is in a detention facility, the designated facility shall admit the child within twenty-four hours after the court orders an evaluation, excluding Saturdays, Sundays, and legal holidays.

(e) If the mental health professional finds, based upon the prescreening, that the child ~~is not mentally ill~~ DOES NOT HAVE A MENTAL ILLNESS, the court shall review the prescreening report within twenty-four hours, excluding Saturdays, Sundays, and legal holidays, and copies of the report shall be furnished to all parties and their attorneys. Any interested party may request a hearing on the issue of the child's mental illness, and the court may order additional prescreenings as deemed appropriate. ~~No~~ AN order for a seventy-two-hour treatment and evaluation shall NOT be entered unless a hearing is held and evidence indicates that the prescreening report is inadequate, incomplete, or incorrect and that competent professional evidence is presented from a mental health professional which indicates that mental illness is present in the child. The court shall make, prior to the hearing, such orders regarding temporary custody of the child as are deemed appropriate.

(2) (a) When an evaluation is ordered by the court pursuant to subsection (1) of this section, the order shall specify the person or agency to whom the child shall be released when the evaluation indicates that the child ~~is not mentally ill~~ DOES NOT HAVE A MENTAL ILLNESS.

(3) (a) When the evaluation conducted pursuant to subsection (1) of this section states that the child ~~is mentally ill~~ HAS A MENTAL ILLNESS, as defined in sections 27-10-105 and 27-10-106, C.R.S., the court shall treat the evaluation report as a certification under section 27-10-107, C.R.S., and shall proceed pursuant to article 10 of title 27, C.R.S., assuming all of the powers granted to a court in such proceedings.

(4) (a) When the report of the evaluation or eligibility determination conducted pursuant to subsection (1) of this section states that the child ~~is not mentally ill or does not have~~ DOES NOT HAVE A MENTAL ILLNESS OR developmental ~~disabilities~~ DISABILITY, the child shall be released to the person or agency specified pursuant to subsection (2) of this section within twenty-four hours after the evaluation has been completed, excluding Saturdays, Sundays, and legal holidays. The child shall not be detained unless a new detention hearing is held within twenty-four hours, excluding Saturdays, Sundays, and legal holidays, and the court finds at that hearing that secure detention is necessary.

(b) When the evaluation report or eligibility determination states that the child is ~~not mentally ill or does not have~~ DOES NOT HAVE A MENTAL ILLNESS OR developmental ~~disabilities~~ DISABILITY, the court shall set a time for resuming the hearing on the petition or any other pending matters.

SECTION 60. 19-3-507 (2), Colorado Revised Statutes, is amended to read:

19-3-507. Dispositional hearing. (2) If the court has reason to believe that the child may have developmental disabilities, the court shall refer the child to the community centered board in the designated service area where the action is pending for an eligibility determination pursuant to article 10.5 of title 27, C.R.S. If the court has reason to believe that the child may ~~be mentally ill~~ HAVE A MENTAL ILLNESS, the court shall order a mental health prescreening to be conducted in any appropriate place.

SECTION 61. 22-1-102.5 (2) (a) (II) (A), Colorado Revised Statutes, is amended to read:

22-1-102.5. Definition of homeless child. (2) (a) As used in this article, unless the context otherwise requires, "homeless child" means:

(II) A school-aged child who has a primary nighttime residence that is:

(A) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing for ~~the mentally ill~~ PERSONS WITH MENTAL ILLNESS;

SECTION 62. 23-23-103 (1)(b), Colorado Revised Statutes, is amended to read:

23-23-103. Evaluations made - when. (1) A child may be referred to the medical center for diagnostic evaluation and study under the following conditions:

(b) Any such judge, for the purpose of determining whether or not a child under sixteen years of age ~~is mentally ill or developmentally disabled~~ HAS A MENTAL ILLNESS OR DEVELOPMENTAL DISABILITY, may cause any such child to be sent to the center for diagnostic evaluation.

SECTION 63. 25-1.5-103 (2) (a), Colorado Revised Statutes, is amended to read:

25-1.5-103. Hospitals and community mental health centers - powers and duties of the department - limitations on rules promulgated by the department.

(2) For purposes of this section, unless the context otherwise requires:

(a) "Community mental health center" means either a physical plant or a group of services under unified administration and including at least the following: Inpatient services; outpatient services; day hospitalization; emergency services; and consultation and educational services, which services are provided principally for ~~mentally ill~~ persons WITH MENTAL ILLNESS residing in a particular community in or near which the facility is situated.

SECTION 64. 25-1.5-301 (2) (g), Colorado Revised Statutes, is amended to read:

25-1.5-301. Definitions. As used in this part 3, unless the context otherwise requires:

(2) "Facility" means:

(g) Facilities that provide treatment for ~~mentally ill~~ persons WITH MENTAL ILLNESS as defined in section 27-10-102 (4.5), C.R.S., except for those facilities which are publicly or privately licensed hospitals;

SECTION 65. 25-4-405 (1), Colorado Revised Statutes, is amended to read:

25-4-405. Examination of persons confined. (1) All persons who are confined, detained, or imprisoned in any state, county, or city hospital OR INSTITUTION for ~~the mentally ill, any institution for the mentally deficient~~ PERSONS WITH MENTAL ILLNESS, the Mount View school or Lookout Mountain school, any home for dependent children, any reformatory or prison, or any private or charitable institution where any person may be confined, detained, or imprisoned by order of court in this state shall be examined for and, if infected, treated for venereal diseases by the health authorities having jurisdiction. The managing authorities of any such institutions are directed to make available to the health authorities such portion of their respective institutions as may be necessary for a clinic or hospital, wherein all persons who may be confined or detained or imprisoned in any such institution and who are infected with venereal diseases may be treated in a manner as prescribed by the director of the agency within the department of public health and environment responsible for control of venereal diseases.

SECTION 66. 26-1-201 (1) (x), Colorado Revised Statutes, is amended to read:

26-1-201. Programs administered - services provided - department of human services. (1) This section specifies the programs to be administered and the services to be provided by the department of human services. These programs and services include the following:

(x) Programs for the care and treatment of ~~the mentally ill~~ PERSONS WITH MENTAL ILLNESS, as specified in article 10 of title 27, C.R.S.;

SECTION 67. 27-1-103 (1) (k), Colorado Revised Statutes, is amended to read:

27-1-103. Duties of executive director - governor acquire water rights. (1) The duties of the executive director of the department of human services shall be:

(k) To implement the procedures regarding children who are in detention or who ~~are or may be mentally ill or who~~ have or may have MENTAL ILLNESS OR developmental disabilities specified in the provisions of the "Colorado Children's Code" contained in articles 1, 2, and 3 of title 19, C.R.S.;

SECTION 68. 27-1-109, Colorado Revised Statutes, is amended to read:

27-1-109. Rules and regulations. Pursuant to section 24-4-103, C.R.S., the executive director of the department of human services shall promulgate such rules and regulations as are necessary to implement the provisions of this part 1 and the procedures specified in sections 19-2-508, 19-2-906, 19-2-922, 19-2-923, 19-3-403, 19-3-506, 19-3-507, and 19-3-508, C.R.S., regarding children who are in detention or who ~~are or may be mentally ill or who~~ have or may have MENTAL ILLNESS OR developmental disabilities.

SECTION 69. 27-1-110 (1.7) (a), Colorado Revised Statutes, is amended to read:

27-1-110. Employment of personnel - screening of applicants - disqualifications from employment. (1.7) The employment screening and disqualification requirements in this section apply to the following facilities or programs operated by the state department:

(a) Any facility operated by the state department for the care and treatment of ~~the mentally ill~~ PERSONS WITH MENTAL ILLNESS pursuant to article 10 of this title;

SECTION 70. 27-1-205 (2) (e), Colorado Revised Statutes, is amended to read:

27-1-205. Standards for approval. (2) In approving or rejecting local general or psychiatric hospitals, community mental health centers, and other agencies for the purchase of services not provided by local mental health clinics, including, but not limited to, twenty-four-hour and partial hospitalization, the executive director of the department of human services shall consider the following factors:

(e) The methods by which the agency coordinates its services with those rendered by other agencies to ~~assure to the mentally ill person an uninterrupted chain of care~~ ENSURE AN UNINTERRUPTED CONTINUUM OF CARE TO PERSONS WITH MENTAL ILLNESS;

SECTION 71. 27-10.3-103 (1), Colorado Revised Statutes, is amended to read:

27-10.3-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "Child at risk of out-of-home placement" means a child who has been diagnosed as ~~a mentally ill person~~ HAVING A MENTAL ILLNESS, as defined in section 27-10-102 (7), and who requires the level of care provided in a residential child care facility pursuant to section 26-4-527, C.R.S., and who, although not otherwise categorically eligible for medicaid, is determined to be eligible for social security income and therefore medicaid-eligible because of the child's need for mental health services and for whom it is not appropriate or warranted to file an action in dependency or neglect pursuant to article 3 of title 19, C.R.S.

SECTION 72. 27-10.5-135 (1), Colorado Revised Statutes, is amended to read:

27-10.5-135. Terminology. (1) Whenever the terms "insane", "insanity", "mentally or mental incompetent", "mental incompetency", or "of unsound mind" are used in the laws of the state of Colorado, they shall be deemed to refer to the

insane, as defined in section 16-8-101, C.R.S., ~~mentally ill or gravely disabled, as defined in section 27-10-102;~~ or TO a person with a developmental disability, as defined in section 27-10.5-102, as the context of the particular law requires.

SECTION 73. 27-12-101 (1), Colorado Revised Statutes, is amended to read:

27-12-101. Liability. (1) When any person is admitted, committed, or transferred to any public institution of this state supervised by the department of human services for the care, support, maintenance, education, or treatment of ~~the mentally ill or mentally deficient,~~ **such PERSONS WITH MENTAL ILLNESS,** THE person, his OR HER spouse, and his OR HER parents shall be liable for the costs of ~~the HIS OR HER~~ care, support, maintenance, and treatment ~~of such person~~ to the extent and in the manner provided in this article. No other relatives of ~~such~~ **THE** person shall be liable to any extent for such costs.

SECTION 74. 27-13-101 (1), Colorado Revised Statutes, is amended to read:

27-13-101. Institute established. (1) There is hereby established the Colorado mental health institute at Pueblo for the treatment and cure of ~~such persons as may become mentally ill~~ **WHO MAY HAVE MENTAL ILLNESS** from any cause and ~~such~~ **FOR** other persons in state institutions on an inpatient and outpatient basis and in state programs relating to the treatment of alcoholism and drugs who may require medical care and treatment within the capabilities of the staff and facilities of the institute.

SECTION 75. 30-28-115 (2) (b.5), Colorado Revised Statutes, is amended to read:

30-28-115. Public welfare to be promoted - legislative declaration - construction. (2) (b.5) The general assembly declares that the establishment of state-licensed group homes for the exclusive use of persons with mental illness as that term is defined in section 27-10-102, C.R.S., is a matter of statewide concern and that a state-licensed group home for eight persons with mental illness is a residential use of property for zoning purposes, as defined in section 31-23-301 (4), C.R.S. A group home for persons with mental illness established under this paragraph (b.5) shall not be located within seven hundred fifty feet of another such group home or of another group home as defined in paragraphs (a) and (b) of this subsection (2), unless otherwise provided for by the county. ~~No~~ A person shall NOT be placed in a group home without being screened by either a professional person, as defined in section 27-10-102 (11), C.R.S., or any other such mental health professional designated by the director of a facility, which facility is approved by the executive director of the department of human services pursuant to section 27-1-103, C.R.S. Persons determined to be not guilty by reason of insanity to a violent offense shall not be placed in such group homes, ~~nor shall~~ **AND** any person who has been convicted of a felony involving a violent offense SHALL NOT be eligible for placement in such group homes. The provisions of this paragraph (b.5) shall be implemented, where appropriate, by the rules of the department of public health and environment concerning residential treatment facilities for ~~the mentally ill~~ **PERSONS WITH MENTAL ILLNESS.** Nothing in this paragraph (b.5) shall be construed to exempt such group homes from compliance with any state, county, or municipal health, safety, and fire codes.

SECTION 76. 31-23-301 (4), Colorado Revised Statutes, is amended to read:

31-23-301. Grant of power. (4) ~~No~~ A statutory or home rule city or town or city and county shall NOT enact an ordinance prohibiting the use of a state-licensed group home for either ~~the developmentally disabled or the mentally ill~~ which PERSONS WITH DEVELOPMENTAL DISABILITIES OR MENTAL ILLNESS THAT serves not more than eight ~~developmentally disabled~~ persons WITH DEVELOPMENTAL DISABILITIES or eight ~~mentally ill~~ persons WITH MENTAL ILLNESS and appropriate staff as a residential use of property for zoning purposes. As used in this subsection (4), the phrase "residential use of property for zoning purposes" includes all forms of residential zoning and specifically, although not exclusively, single-family residential zoning.

SECTION 77. 31-23-303 (2) (b.5), Colorado Revised Statutes, is amended to read:

31-23-303. Legislative declaration. (2) (b.5) The general assembly declares that the establishment of state-licensed group homes for the exclusive use of ~~mentally ill~~ persons WITH MENTAL ILLNESS as that term is defined in section 27-10-102, C.R.S., is a matter of statewide concern and that a state-licensed group home for eight persons with mental illness is a residential use of property for zoning purposes, as defined in section 31-23-301 (4). A group home for persons with mental illness established under this paragraph (b.5) shall not be located within seven hundred fifty feet of another such group home, unless otherwise provided for by the municipality. ~~No~~ A person shall NOT be placed in a group home without being screened by either a professional person, as defined in section 27-10-102 (11), C.R.S., or any other such mental health professional designated by the director of a facility, which facility is approved by the executive director of the department of human services pursuant to section 27-1-103, C.R.S. Persons determined to be not guilty by reason of insanity to a violent offense shall not be placed in such group homes, ~~nor shall~~ AND any person who has been convicted of a felony involving a violent offense SHALL NOT be eligible for placement in such group homes. The provisions of this paragraph (b.5) shall be implemented, where appropriate, by the rules of the department of public health and environment concerning residential treatment facilities for ~~the mentally ill~~ PERSONS WITH MENTAL ILLNESS. Nothing in this paragraph (b.5) shall be construed to exempt such group homes from compliance with any state, county, or municipal health, safety, and fire codes.

SECTION 78. 33-4-104 (1), Colorado Revised Statutes, is amended to read:

33-4-104. Free licenses issued - when. (1) Any active or retired member of the United States armed forces while stationed as a resident patient at any United States armed forces hospital or convalescent station located within Colorado, any resident patient at a veterans administration hospital and resident patients of any state ~~mental~~ institution FOR THE TREATMENT OF PERSONS WITH MENTAL ILLNESS or other mental health institution in Colorado while under supervision of a proper staff member thereof, and any resident who is totally and permanently disabled as determined by the social security administration or the division of labor or pursuant to rule or regulation of the commission may obtain a fishing license free of charge, valid for taking fish during the period of residency only, under rules and regulations of the commission.

SECTION 79. 42-2-116 (5), Colorado Revised Statutes, is amended to read:

42-2-116. Restricted license. (5) The department is authorized after examination to issue a restricted license to a ~~mentally ill or developmentally disabled~~ person WITH A MENTAL ILLNESS OR A DEVELOPMENTAL DISABILITY, containing such restrictions as may be imposed upon said person by a court pursuant to part 3 or part 4 of article 14 of title 15, C.R.S., or section 27-10-109 (4) or 27-10-125, C.R.S.

SECTION 80. 42-4-1702 (2) (c), Colorado Revised Statutes, is amended to read:

42-4-1702. Alcohol- or drug-related traffic offenses - collateral attack. (2) In recognition of the difficulties attending the litigation of stale claims and the potential for frustrating various statutory provisions directed at repeat offenders, former offenders, and habitual offenders, the only exceptions to the time limitations specified in paragraph (a) of this subsection (1) shall be:

(c) Where the court hearing the collateral attack finds by a preponderance of the evidence that the failure to seek relief within the applicable time period was caused by an adjudication of incompetence or by commitment of the violator to an institution for treatment as a ~~mentally ill~~ person WITH A MENTAL ILLNESS; or

SECTION 81. 42-4-1708 (5) (b) (III), Colorado Revised Statutes, is amended to read:

42-4-1708. Traffic infractions - proper court for hearing, burden of proof - appeal - collateral attack. (5) (b) In recognition of the difficulties attending the litigation of stale claims and the potential for frustrating various statutory provisions directed at repeat offenders, former offenders, and habitual offenders, the only exceptions to the time limitations specified in paragraph (a) of this subsection (5) shall be:

(III) Where the court hearing the collateral attack finds by a preponderance of the evidence that the failure to seek relief within the applicable time period was caused by an adjudication of incompetence or by commitment of the violator to an institution for treatment as a ~~mentally ill~~ person WITH A MENTAL ILLNESS; or

SECTION 82. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any cash funds from fees collected pursuant to section 25-3-105, Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, health facilities and emergency medical services division, for the fiscal year beginning July 1, 2006, the sum of three thousand eight hundred twenty-nine dollars (\$3,829), or so much thereof as may be necessary, for the implementation of this act.

SECTION 83. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 9, 2006, if adjournment sine

die is on May 10, 2006); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 1, 2006