

SB149_L.040

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB26-149 be amended as follows:

1 Amend printed bill, page 5, strike lines 7 and 8 and substitute:

2 "(a) A CIVIL PROCEEDING REGARDING CERTIFICATION FOR
3 SHORT-TERM TREATMENT PURSUANT TO SECTION 27-65-108.5, 27-65-109,
4 OR 27-65-109.5;"

5 Page 8, strike lines 17 through 19.

6 Renumber succeeding subsections accordingly.

7 Page 9, line 22, strike "SUBSECTION (26)(b)" and substitute "SUBSECTION
8 (25)(b)".

9 Page 15, lines 16 and 17, strike "OFFICE OF CIVIL AND FORENSIC MENTAL
10 HEALTH," and substitute "DEPARTMENT,".

11 Page 17, lines 2 and 3, strike "TWENTY-FOUR HOURS" and substitute "TWO
12 BUSINESS DAYS".

13 Page 17, line 8, strike "TWO" and substitute "TWENTY-ONE".

14 Page 21, strike lines 2 through 4 and substitute "restoration services
15 provider.".

16 Page 24, lines 16 and 17, strike "VIOLENCE SUBJECT TO THE "VICTIM
17 RIGHTS ACT", SECTION 18-1.3-406;" and substitute "VIOLENCE, AS
18 DEFINED IN SECTION 18-1.3-406 (2);".

19 Page 27, strike lines 19 through 25 and substitute:

20 "(I) THE COMPETENCY EVALUATOR'S OPINION AS TO WHETHER
21 DIAGNOSTIC TESTING EXISTS BEYOND WHAT THE COMPETENCY
22 EVALUATOR CAN PERFORM THAT IS NECESSARY TO PROVIDE AN OPINION
23 AS TO WHETHER THE DEFENDANT IS INCOMPETENT TO PROCEED OR
24 RESTORABLE; AND".

25 Page 28, strike lines 23 through 26.

26 Page 48, lines 23 and 24, strike "VIOLENCE SUBJECT TO THE "VICTIM
27 RIGHTS ACT", SECTION 18-1.3-406;" and substitute "VIOLENCE, AS
28 DEFINED IN SECTION 18-1.3-406 (2);".

1 Page 50, strike lines 12 through 19 and substitute:

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

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

9 Page 60, after line 6 insert:

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

13 Renumber succeeding subparagraphs accordingly.

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

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

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

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

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

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

27 Page 64, after line 7 insert:

28 "(6) NOTWITHSTANDING SUBSECTIONS (3) AND (5) OF THIS
29 SECTION, IF AN APPOINTED EMERGENCY GUARDIAN BELIEVES IN THEIR
30 PROFESSIONAL JUDGMENT THAT A CIVIL PROCEEDING SHOULD BE

- 1 INITIATED, THE COURT SHALL ALLOW THE EMERGENCY GUARDIAN TO
2 INITIATE THE CIVIL PROCEEDING IN LIEU OF ORDERING THE COUNTY
3 ATTORNEY TO INITIATE THE CIVIL PROCEEDING."
- 4 Renumber succeeding subsections accordingly.
- 5 Page 65, line 7, strike "(6)," and substitute "(7),".
- 6 Page 65, line 10, strike "(6)(b)" and substitute "(7)(b)".
- 7 Page 65, line 14, strike "(6)," and substitute "(7),".
- 8 Page 66, line 14, strike "(8)" and substitute "(9)".
- 9 Page 66, strike line 18 and substitute "OBJECTION BY".
- 10 Page 67, line 14, strike "**defendants.**" and substitute "**defendants -**
11 **report - repeal.**".
- 12 Page 68, line 10, after "PARTIES;" insert "AND".
- 13 Page 68, line 14, strike "OPTIONS; AND" and substitute "OPTIONS".
- 14 Page 68, strike lines 15 through 17.
- 15 Page 69, after line 27 insert:
- 16 "(5) (a) THE DEFENDANT MAY REQUEST TO STIPULATE THAT THE
17 COURT ORDER CIVIL COMMITMENT OR ENHANCED PROTECTIVE PLACEMENT
18 RATHER THAN CONTESTING THE MATTER AT A TRIAL. THE COURT SHALL
19 ALLOW THE DEFENDANT TO STIPULATE TO THE COURT ORDERING A CIVIL
20 COMMITMENT OR ENHANCED PROTECTIVE PLACEMENT ONLY IF:
- 21 (I) THE COURT CONFIRMS THE DEFENDANT HAS BEEN FULLY
22 ADVISED OF THE CONSEQUENCES AND THE RIGHTS THE DEFENDANT IS
23 WAIVING, INCLUDING THE RIGHT TO A COURT TRIAL;
- 24 (II) THE STIPULATION IS IN WRITING AND STATED ON THE RECORD
25 AT A HEARING AT WHICH THE DEFENDANT APPEARS, WITH THE CONSENT OF
26 ANY GUARDIAN THAT HAS BEEN APPOINTED;
- 27 (III) THE COURT FINDS THE DEFENDANT UNDERSTANDS THE
28 STIPULATION AND THAT THE STIPULATION IS VOLUNTARILY DESPITE THE
29 DEFENDANT BEING INCOMPETENT TO PROCEED; AND
- 30 (IV) THE PARTIES ESTABLISH A FACTUAL BASIS.
- 31 (b) ANY STIPULATION OR ADMISSION MADE AS PART OF THE

1 STIPULATION TO IMPOSITION OF A CIVIL COMMITMENT OR ENHANCED
2 PROTECTIVE PLACEMENT IS NOT ADMISSIBLE IN ANY FUTURE CRIMINAL
3 PROSECUTION TO PROVE ANY ACT ALLEGED IN THE WRITTEN NOTICE
4 SEEKING THE CIVIL COMMITMENT OR ENHANCED PROTECTIVE
5 PLACEMENT."

6 Renumber succeeding subsections accordingly.

7 Page 81, after line 4 insert:

8 "(16) (a) NO LATER THAN JANUARY 2030, CDHS SHALL INCLUDE,
9 AS PART OF ITS PRESENTATION DURING ITS "SMART ACT" HEARING
10 REQUIRED BY SECTION 2-7-203, INFORMATION CONCERNING PROTECTIVE
11 PLACEMENTS, ENHANCED PROTECTIVE PLACEMENTS, AND CIVIL
12 COMMITMENTS SOUGHT PURSUANT TO THIS SECTION. AT A MINIMUM, THE
13 PRESENTATION MUST INCLUDE THE FOLLOWING INFORMATION FROM JULY
14 1, 2026, TO JULY 1, 2029:

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

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

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

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

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

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

35 (17) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2031."

36 Page 85, after line 4 insert:

37 "**SECTION 2.** In Colorado Revised Statutes, **add 27-65-101.5** as
38 follows:

1 **27-65-101.5. Nonapplicability of article if individual has**
2 **intellectual and developmental disability or neurocognitive disorder.**

3 THE PROVISIONS OF PART 5 OF ARTICLE 10 OF TITLE 25.5 APPLY AND
4 THIS ARTICLE 65 DOES NOT APPLY IF A PERSON HAS AN INTELLECTUAL AND
5 DEVELOPMENTAL DISABILITY OR A NEUROCOGNITIVE DISORDER, AS THOSE
6 TERMS ARE DEFINED IN SECTION 25.5-10-501, WITHOUT ANY OTHER
7 MENTAL HEALTH DISORDER THAT IS NOT AN INTELLECTUAL AND
8 DEVELOPMENTAL DISABILITY OR NEUROCOGNITIVE DISORDER AND THAT
9 SUBSTANTIALLY CONTRIBUTES TO WHETHER THE RESPONDENT IS A
10 DANGER TO THE RESPONDENT'S SELF OR A DANGER TO OTHERS, OR IS
11 GRAVELY DISABLED."

12 Renumber succeeding sections accordingly.

13 Page 85, line 6, after "(11)," insert "(21),".

14 Page 85, strike lines 9 through 21 and substitute:

15 "(10) "Danger to ~~the person's self or others~~" means
16 ~~(a) A person poses a substantial risk of physical harm to the~~
17 ~~person's self as manifested by evidence of recent threats of or attempts at~~
18 ~~suicide or serious bodily harm to the person's self; or~~
19 (b) a person poses a substantial risk of physical harm to another
20 person or persons, as manifested by evidence of recent homicidal or other
21 violent behavior by the person in question, or by evidence that others are
22 placed in reasonable fear of violent behavior and serious physical harm
23 to them, as evidenced by a recent overt act, attempt, or threat to do serious
24 physical harm by the person in question."

25 Page 86, after line 1 insert:

26 "(21) "Lay person" means a person identified by another person
27 who is detained on an involuntary emergency mental health hold pursuant
28 to section 27-65-106, certified for short-term treatment pursuant to
29 ~~section 27-65-109~~ SECTION 27-65-108.5, 27-65-109, OR 27-65-109.5, or
30 certified for long-term care and treatment pursuant to section 27-65-110
31 who is authorized to participate in activities related to the person's
32 involuntary emergency mental health hold, short-term treatment, or
33 long-term treatment, including court appearances, discharge planning, and
34 grievances. The person may rescind the lay person's authorization at any
35 time."

36 Page 86, strike lines 12 through 14.

- 1 Page 87, line 8, after "ACT" insert "AGAINST A PERSON".
- 2 Page 87, strike lines 10 through 12 and substitute "ANOTHER PERSON, OR
3 IS LIKELY TO CAUSE SERIOUS EMOTIONAL DISTRESS TO A REASONABLE
4 PERSON."
- 5 Page 90, line 12, after "REASON;" insert "OR".
- 6 Page 90, strike lines 13 through 15.
- 7 Renumber succeeding subparagraph accordingly.
- 8 Page 92, line 25, strike "JAIL, LOCKUP, OR ANOTHER" and substitute
9 "JAIL,".
- 10 Page 92, strike line 26.
- 11 Page 92, line 27, strike "A PENAL OFFENSE,".
- 12 Page 93, strike lines 9 and 10 and substitute "CHARGE IN JAIL MAY BE
13 PLACED ONLY".
- 14 Page 94, strike lines 13 through 15 and substitute "FOR A CRIMINAL
15 CHARGE IN JAIL."
- 16 Page 97, strike lines 4 through 27.
- 17 Strike pages 98 through 107.
- 18 Page 108, strike lines 1 through 20.
- 19 Renumber succeeding sections accordingly.
- 20 Page 108, strike lines 26 and 27.
- 21 Page 109, strike lines 1 through 18 and substitute:
22 "(1) A RESPONDENT MAY BE CERTIFIED FOR SHORT-TERM
23 TREATMENT PURSUANT TO SECTION 27-65-108.5, 27-65-109, OR
24 27-65-109.5, OR CERTIFIED FOR LONG-TERM CARE AND TREATMENT
25 PURSUANT TO SECTION 27-65-110, IF:
26 (a) THE RESPONDENT HAS BEEN ADVISED OF THE AVAILABILITY OF,
27 BUT HAS NOT ACCEPTED, VOLUNTARY TREATMENT;

1 (b) WITH THE CONSIDERATION OF ALL REASONABLY AVAILABLE
2 INFORMATION, INCLUDING THE RELEVANT HISTORY OF THE RESPONDENT,
3 THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE RESPONDENT
4 WILL NOT REMAIN IN A VOLUNTARY TREATMENT PROGRAM;

5 (c) THE RESPONDENT, BY CLEAR AND CONVINCING EVIDENCE, HAS
6 A MENTAL HEALTH DISORDER AND, AS A RESULT OF THE MENTAL HEALTH
7 DISORDER, THE RESPONDENT IS A DANGER TO THE RESPONDENT'S SELF, A
8 DANGER TO OTHERS, OR GRAVELY DISABLED; OR

9 (d) THE RESPONDENT, BY CLEAR AND CONVINCING EVIDENCE, HAS
10 A PERSISTENT MENTAL HEALTH DISORDER."

11 Page 111, line 5, strike "(2.6), (2.7), and (7.5)" and substitute "(7.1), (7.5),
12 and (13)".

13 Strike page 113.

14 Page 114, strike lines 1 through 18.

15 Page 115, strike lines 1 through 8 and substitute "criminal case and any
16 attorney appointed pursuant to ~~section 27-65-113~~ SECTION 27-65-113.5.
17 The court shall ask the respondent to designate one other person whom
18 the respondent wants to be informed regarding the petition. If the
19 respondent is incapable of making such a designation at the time the
20 petition is delivered, the court may ask the respondent to designate such
21 person as soon as the respondent is capable.

22 (7) The respondent may knowingly and voluntarily consent in
23 writing to the petition.

24 (7.1) (a) IF THE RESPONDENT IS CERTIFIED FOR SHORT-TERM".

25 Page 117, strike lines 6 through 27.

26 Strike page 118 through 127.

27 Page 128, strike lines 1 through 26 and substitute:

28 "**SECTION 11.** In Colorado Revised Statutes, 27-65-109, **amend**
29 (1), (2) introductory portion, (2)(a), and (9); **repeal** (7); and **add** (11) as
30 follows:

31 **27-65-109. Certification for short-term treatment - procedure.**

32 (1) A person may be certified for not more than three months for
33 short-term treatment under the following conditions:

34 (a) The professional staff of the facility detaining the person on
35 an emergency mental health hold has evaluated the person and has found

1 ~~the person has a mental health disorder and, as a result of the mental~~
2 ~~health disorder, is a danger to the person's self or others or is gravely~~
3 ~~disabled~~ MEETS THE CRITERIA FOR CERTIFICATION FOR SHORT-TERM
4 TREATMENT PURSUANT TO SECTION 27-65-108.3 (1);

5 ~~(b) The person has been advised of the availability of, but has not~~
6 ~~accepted, voluntary treatment; but, if reasonable grounds exist to believe~~
7 ~~that the person will not remain in a voluntary treatment program, the~~
8 ~~person's acceptance of voluntary treatment does not preclude certification;~~

9 ~~(c) (b) The facility or community provider that will provide~~
10 ~~short-term treatment has been designated by the commissioner to provide~~
11 ~~such treatment; and~~

12 ~~(d) (c) The person, the person's legal guardian, and the person's~~
13 ~~lay person, if applicable, have been advised of the person's right to an~~
14 ~~attorney and to contest the certification for short-term treatment.~~

15 (2) The notice of certification must be signed by a professional
16 person who participated in the evaluation CONDUCTED PURSUANT TO
17 SUBSECTION (1)(a) OF THIS SECTION. The notice of certification must:

18 (a) State facts sufficient to establish reasonable grounds to believe
19 that the respondent ~~has a mental health disorder and, as a result of the~~
20 ~~mental health disorder, is a danger to the respondent's self or others or is~~
21 ~~gravely disabled~~ MEETS THE CRITERIA FOR CERTIFICATION FOR
22 SHORT-TERM TREATMENT PURSUANT TO SECTION 27-65-108.3 (1);

23 (7) ~~Records and papers in proceedings pursuant to this section~~
24 ~~must be maintained separately by the clerks of the several courts. Upon~~
25 ~~the release of any respondent in accordance with section 27-65-112, the~~
26 ~~facility shall notify the clerk of the court within five days after the release,~~
27 ~~and the clerk shall immediately seal the record in the case and omit the~~
28 ~~name of the respondent from the index of cases in the court until and~~
29 ~~unless the respondent becomes subject to an order of certification for~~
30 ~~long-term care and treatment pursuant to section 27-65-110 or until and~~
31 ~~unless the court orders the records opened for good cause shown. In the~~
32 ~~event a petition is filed pursuant to section 27-65-110, the certification~~
33 ~~record may be opened and become a part of the record in the long-term~~
34 ~~care and treatment case and the name of the respondent indexed.~~

35 (9) IN ACCORDANCE WITH THE PROCEDURES DESCRIBED IN SECTION
36 27-65-112, a respondent certified for short-term treatment may be
37 discharged upon the signature of the treating medical professional and the
38 medical director of the facility. A respondent certified for short-term
39 treatment on an outpatient basis may be discharged upon the signature of
40 the approved professional person overseeing the respondent's treatment,
41 and the professional person shall notify the BHA prior to the discharge.
42 A facility or program shall make the respondent's discharge instructions
43 available to the respondent, the respondent's attorney, and the

1 respondent's legal guardian, if applicable, within seven days after
2 discharge, if requested. A facility or program that is transferring a
3 respondent to a different treatment facility or to an outpatient provider
4 shall provide all treatment records to the facility or provider accepting the
5 respondent at least twenty-four hours prior to the transfer.

6 (11) THE DEPARTMENT AND THE BHA MAY RECEIVE AND POSSESS
7 ALL INFORMATION RELEVANT TO THE PROCEEDINGS HELD PURSUANT TO
8 THIS SECTION, INCLUDING COMPETENCY AND MENTAL HEALTH
9 EVALUATIONS; ANY MEDICAL AND MENTAL HEALTH RECORDS FOR WHICH
10 A WAIVER OR PRIVILEGE HAS BEEN FOUND IN PROCEEDINGS HELD
11 PURSUANT TO THIS SECTION OR PURSUANT TO ARTICLE 8 OR 8.5 OF TITLE
12 16; AND RELEVANT CRIMINAL JUSTICE RECORDS, INCLUDING ANY
13 CRIMINAL HISTORY OF THE RESPONDENT. THE DEPARTMENT MAY SHARE
14 AND DISCUSS THE RELEVANT INFORMATION WITH THE PARTIES TO THE
15 PROCEEDINGS.

16 **SECTION 12.** In Colorado Revised Statutes, add 27-65-109.5 as
17 follows:

18 **27-65-109.5. Certification for short-term outpatient treatment.**

19 (1) A PERSON MAY BE CERTIFIED FOR NOT MORE THAN THREE
20 MONTHS FOR SHORT-TERM OUTPATIENT TREATMENT IF A PROFESSIONAL
21 PERSON OR INTERVENING PROFESSIONAL ACTING WITHIN THE SCOPE OF
22 THEIR AUTHORITY AND LICENSURE:

23 (a) HAS AN ESTABLISHED TREATMENT RELATIONSHIP WITH THE
24 PERSON, INCLUDING HAVING PROVIDED CARE TO THE PERSON IN THE PAST
25 THREE MONTHS, WHICH CARE FORMS THE BASIS FOR REQUESTING THE
26 OUTPATIENT CERTIFICATION;

27 (b) HAS EVALUATED THE PERSON WITHIN THE PAST THREE MONTHS
28 AND OPINED THAT THE PERSON MEETS THE CRITERIA FOR CERTIFICATION
29 FOR SHORT-TERM TREATMENT PURSUANT TO SECTION 27-65-108.3 (1);
30 AND

31 (c) FILES WITH THE COURT A SIGNED OUTPATIENT CERTIFICATION.

32 (2)(a) THE PROFESSIONAL PERSON OR INTERVENING PROFESSIONAL
33 ACTING WITHIN THE SCOPE OF THEIR AUTHORITY AND LICENSURE IS THE
34 PETITIONER.

35 (b) PRIOR TO FILING THE PETITION, THE PETITIONER SHALL:

36 (I) ASK THE RESPONDENT TO DESIGNATE A LAY PERSON WHOM THE
37 RESPONDENT WISHES TO BE INFORMED REGARDING THE OUTPATIENT
38 CERTIFICATION;

39 (II) PROVIDE THE RESPONDENT WITH A COPY OF THE OUTPATIENT
40 CERTIFICATION; AND

41 (III) PROVIDE THE RESPONDENT WITH THE CONTACT INFORMATION
42 FOR THE COURT IN WHICH THE OUTPATIENT CERTIFICATION WILL BE FILED
43 AND FOR ANY DESIGNATED PROVIDER THAT IS WILLING TO HOLD THE

1 OUTPATIENT CERTIFICATION AND THAT HAS BEEN IDENTIFIED BY THE
2 COMMISSIONER TO PROVIDE TREATMENT.

3 (3) THE SIGNED OUTPATIENT CERTIFICATION MUST:

4 (a) STATE SUFFICIENT FACTS TO ESTABLISH REASONABLE GROUNDS
5 THAT THE RESPONDENT MEETS THE CRITERIA SET FORTH IN SECTION
6 27-65-108.3;

7 (b) BE FILED WITH THE COURT WITHIN FOURTEEN DAYS,
8 EXCLUDING SATURDAYS, SUNDAYS, AND COURT HOLIDAYS, AFTER THE
9 INITIATING PARTY RECEIVED THE COURT ORDER FROM THE CRIMINAL
10 COURT INITIATING THE OUTPATIENT CERTIFICATION, AND A COPY MUST BE
11 PROVIDED TO CDHS AND THE BHA WITHIN TWENTY-FOUR HOURS AFTER
12 FILING THE OUTPATIENT CERTIFICATION;

13 (c) PROVIDE ALL CONTACT INFORMATION THAT THE PETITIONER
14 HAS FOR THE RESPONDENT;

15 (d) PROVIDE THE NAME AND CONTACT INFORMATION FOR THE LAY
16 PERSON DESIGNATED BY THE RESPONDENT, OR FOR ANY FAMILY OR
17 FRIENDS OF THE RESPONDENT IF THE RESPONDENT WAS UNWILLING OR
18 INCAPABLE OF DESIGNATING A LAY PERSON; AND

19 (e) IDENTIFY ANY DESIGNATED PROVIDER THAT IS WILLING TO
20 HOLD THE OUTPATIENT CERTIFICATION AND THAT HAS BEEN IDENTIFIED BY
21 THE COMMISSIONER TO PROVIDE TREATMENT, OR INCLUDE A STATEMENT
22 THAT A DESIGNATED PROVIDER NEEDS TO BE IDENTIFIED.

23 (4) ONCE THE BHA RECEIVES THE NOTICE OF OUTPATIENT
24 CERTIFICATION, IF NO DESIGNATED PROVIDER HAS BEEN IDENTIFIED, THE
25 BHA SHALL PROVIDE CARE COORDINATION PURSUANT TO SECTION
26 27-65-108, WHICH INCLUDES MAKING DILIGENT EFFORTS TO IDENTIFY A
27 DESIGNATED PROVIDER TO HOLD THE OUTPATIENT CERTIFICATION AND
28 PROVIDE CARE TO THE RESPONDENT. THE BHA SHALL KEEP THE COURT,
29 PETITIONER, AND COUNTY ATTORNEY INFORMED IN WRITING REGARDING
30 ANY DESIGNATED PROVIDER THAT WILL HOLD THE OUTPATIENT
31 CERTIFICATION AND PROVIDE CARE TO THE RESPONDENT.

32 (5) IF THE RESPONDENT HAS NOT DESIGNATED A LAY PERSON
33 WHOM THE RESPONDENT WISHES TO BE INFORMED REGARDING THE
34 OUTPATIENT CERTIFICATION, THE RESPONDENT MUST BE ASKED AND
35 ALLOWED TO DESIGNATE A LAY PERSON AS SOON AS THE RESPONDENT IS
36 CAPABLE AND WILLING TO DO SO.

37 (6) WHENEVER AN OUTPATIENT CERTIFICATION IS FILED WITH THE
38 COURT BY A PROFESSIONAL PERSON OR INTERVENING PROFESSIONAL, THE
39 COURT SHALL IMMEDIATELY APPOINT AN ATTORNEY TO REPRESENT THE
40 RESPONDENT. THE RESPONDENT HAS THE RIGHT TO AN ATTORNEY FOR ALL
41 PROCEEDINGS CONDUCTED PURSUANT TO THIS SECTION, INCLUDING ANY
42 APPEALS. THE ATTORNEY REPRESENTING THE RESPONDENT MUST BE
43 PROVIDED WITH A COPY OF THE OUTPATIENT CERTIFICATION AND ALL

1 SUPPORTING DOCUMENTATION IMMEDIATELY UPON THE ATTORNEY'S
2 APPOINTMENT. THE RESPONDENT MAY ONLY WAIVE COUNSEL WHEN THE
3 RESPONDENT MAKES A KNOWING AND INTELLIGENT WAIVER IN FRONT OF
4 THE COURT.

5 (7) THE RESPONDENT OR THE RESPONDENT'S ATTORNEY MAY AT
6 ANY TIME FILE A WRITTEN REQUEST THAT THE CERTIFICATION FOR
7 SHORT-TERM TREATMENT OR THE TREATMENT BE REVIEWED BY THE
8 COURT OR THAT THE TREATMENT BE ON AN OUTPATIENT BASIS. IF A
9 REVIEW IS REQUESTED, THE COURT SHALL HEAR THE MATTER WITHIN TEN
10 DAYS AFTER THE REQUEST, AND THE COURT SHALL GIVE NOTICE TO THE
11 RESPONDENT AND THE RESPONDENT'S ATTORNEY AND THE CERTIFYING
12 AND TREATING PROFESSIONAL PERSON OR INTERVENING PROFESSIONAL OF
13 THE TIME AND PLACE OF THE HEARING. THE HEARING MUST BE HELD IN
14 ACCORDANCE WITH SECTION 27-65-113.1. AT THE CONCLUSION OF THE
15 HEARING, THE COURT MAY ENTER OR CONFIRM THE OUTPATIENT
16 CERTIFICATION FOR SHORT-TERM TREATMENT, DISCHARGE THE
17 RESPONDENT, OR ENTER ANY OTHER APPROPRIATE ORDER.

18 (8) THIS SECTION DOES NOT REQUIRE A COURT APPEARANCE IF THE
19 RESPONDENT DOES NOT CONTEST THE OUTPATIENT CERTIFICATION AND A
20 DESIGNATED PROVIDER IS IDENTIFIED TO HOLD THE OUTPATIENT
21 CERTIFICATION AND THE DESIGNATED PROVIDER MAKES CONTACT WITH
22 THE RESPONDENT WITHIN SEVEN DAYS AFTER THE DESIGNATED PROVIDER
23 BEGINS HOLDING THE OUTPATIENT CERTIFICATION.

24 (9) THE COURT SHALL SET A HEARING IF:

25 (a) THE RESPONDENT REQUESTS TO CONTEST, MODIFY, OR
26 TERMINATE THE OUTPATIENT CERTIFICATION;

27 (b) THE OUTPATIENT CERTIFICATION WAS FILED AND A
28 DESIGNATED PROVIDER WAS NOT IDENTIFIED WITHIN SEVEN DAYS AFTER
29 THE FILING OF THE OUTPATIENT CERTIFICATION; OR

30 (c) THE DESIGNATED PROVIDER DID NOT MAKE CONTACT WITH THE
31 RESPONDENT WITHIN SEVEN DAYS AFTER THE DESIGNATED PROVIDER
32 BEGAN HOLDING THE OUTPATIENT CERTIFICATION.

33 (10) THE COURT MAY SET A COURT REVIEW OR HEARING FOR GOOD
34 CAUSE SHOWN AT ANY TIME UPON THE REQUEST OF A PARTY, THE COUNTY
35 ATTORNEY RESPONSIBLE FOR PROCEEDINGS, OR THE COURT'S OWN
36 MOTION.

37 (11) THE BHA MAY RECEIVE AND POSSESS ALL INFORMATION
38 RELEVANT TO THE PROCEEDINGS PURSUANT TO THIS SECTION, INCLUDING
39 COMPETENCY AND MENTAL HEALTH EVALUATIONS; ANY MEDICAL AND
40 MENTAL HEALTH RECORDS FOR WHICH A WAIVER OR PRIVILEGE HAS BEEN
41 FOUND IN PROCEEDINGS PURSUANT TO THIS SECTION OR PURSUANT TO
42 ARTICLE 8 OR 8.5 OF TITLE 16; AND RELEVANT CRIMINAL JUSTICE
43 RECORDS, INCLUDING ANY CRIMINAL HISTORY OF THE RESPONDENT. THE

1 BHA MAY SHARE AND DISCUSS THE RELEVANT INFORMATION WITH THE
2 PARTIES TO THE PROCEEDINGS.

3 (12) IN ACCORDANCE WITH THE PROCEDURES DESCRIBED IN
4 SECTION 27-65-112, A RESPONDENT CERTIFIED FOR SHORT-TERM
5 TREATMENT ON AN OUTPATIENT BASIS MAY BE DISCHARGED UPON THE
6 SIGNATURE OF THE APPROVED PROFESSIONAL PERSON OVERSEEING THE
7 RESPONDENT'S TREATMENT, AND THE PROFESSIONAL PERSON SHALL
8 NOTIFY THE BHA PRIOR TO THE DISCHARGE. A FACILITY OR PROGRAM
9 SHALL MAKE THE RESPONDENT'S DISCHARGE INSTRUCTIONS AVAILABLE TO
10 THE RESPONDENT, THE RESPONDENT'S ATTORNEY, AND THE RESPONDENT'S
11 LEGAL GUARDIAN, IF APPLICABLE, WITHIN SEVEN DAYS AFTER DISCHARGE,
12 IF REQUESTED. A FACILITY OR PROGRAM THAT IS TRANSFERRING A
13 RESPONDENT TO A DIFFERENT TREATMENT FACILITY OR TO AN OUTPATIENT
14 PROVIDER SHALL PROVIDE ALL TREATMENT RECORDS TO THE FACILITY OR
15 PROVIDER ACCEPTING THE RESPONDENT AT LEAST TWENTY-FOUR HOURS
16 PRIOR TO THE TRANSFER.

17 (13) IF THE PROFESSIONAL PERSON IN CHARGE OF THE EVALUATION
18 AND TREATMENT BELIEVES THAT A PERIOD LONGER THAN THREE MONTHS
19 IS NECESSARY TO TREAT THE RESPONDENT, THE PROFESSIONAL PERSON
20 SHALL FILE WITH THE COURT AN EXTENDED CERTIFICATION AT LEAST
21 THIRTY DAYS PRIOR TO THE EXPIRATION DATE OF THE ORIGINAL
22 CERTIFICATION. AN EXTENDED CERTIFICATION FOR TREATMENT MUST NOT
23 BE FOR A PERIOD OF MORE THAN THREE MONTHS. THE RESPONDENT IS
24 ENTITLED TO A HEARING ON THE EXTENDED CERTIFICATION UNDER THE
25 SAME CONDITIONS AS AN ORIGINAL CERTIFICATION. THE ATTORNEY
26 INITIALLY REPRESENTING THE RESPONDENT SHALL CONTINUE TO
27 REPRESENT THE RESPONDENT, UNLESS THE COURT APPOINTS ANOTHER
28 ATTORNEY.

29 (14) THIS SECTION DOES NOT PRECLUDE ANY PROCEEDINGS OR
30 ACTIONS PURSUANT TO SECTION 27-65-106, 27-65-108.5, OR 27-65-109.".

31 Renumber succeeding sections accordingly.

32 Page 133, strike lines 8 through 27.

33 Page 134, strike lines 1 through 8 and substitute:

34 "(1) (a) An original or extended certification for short-term
35 treatment issued pursuant to section 27-65-108.5 or 27-65-109, or an
36 order or extension for certification for long-term care and treatment
37 pursuant to section 27-65-110, terminates ~~as soon as~~ WHEN the
38 professional person in charge of treatment of the respondent and the
39 BHA, AFTER A REASONABLE OBSERVATION AND TREATMENT PERIOD,

1 ~~determine the respondent has received sufficient benefit from the~~
2 ~~treatment for the respondent to end involuntary treatment. Whenever a~~
3 ~~certification or extended certification is terminated pursuant to this~~
4 ~~section, the professional person in charge of providing treatment shall~~
5 ~~notify the court in writing within five days after the termination~~ NO
6 LONGER MEETS THE CRITERIA FOR CERTIFICATION FOR SHORT-TERM
7 TREATMENT PURSUANT TO SECTION 27-65-108.3 (1).

8 (b) THE PROFESSIONAL PERSON IN CHARGE OF THE RESPONDENT'S
9 CARE SHALL NOT APPROVE THE TERMINATION OF THE CERTIFICATION
10 UNLESS TWO PROFESSIONAL PERSONS INDEPENDENTLY EVALUATE THE
11 RESPONDENT AND INDEPENDENTLY OPINE THAT THE RESPONDENT NO
12 LONGER MEETS THE CRITERIA FOR CERTIFICATION FOR SHORT-TERM
13 TREATMENT. ONE OF THE OPINIONS MUST BE FROM THE PROFESSIONAL
14 PERSON WHO IS MOST RESPONSIBLE FOR INTERACTING WITH AND
15 PROVIDING DIRECT CARE AND TREATMENT TO THE RESPONDENT. THIS
16 REQUIREMENT DOES NOT APPLY IF A PROVIDER EMPLOYS AND CONTRACTS
17 WITH ONLY ONE PROFESSIONAL PERSON."

18 Page 139, line 9, after "27-65-109," insert "27-65-109.5,".

19 Page 140, strike lines 14 through 22 and substitute "16-8.5-118, UNLESS
20 EXPRESSLY RELIEVED OR MODIFIED BY STATUTE;

21 (b) TO ASSIST A NONPROFESSIONAL INDIVIDUAL WHO IS
22 ATTEMPTING TO INITIATE A REQUEST TO THE COURT FOR AN EVALUATION,
23 PURSUANT TO SECTION 27-65-106 (1)(b), OF A PERSON WHOM THE
24 NONPROFESSIONAL INDIVIDUAL BELIEVES MEETS THE CRITERIA FOR A
25 CERTIFICATION BY PROVIDING INFORMATION AND ASSISTING IN MAKING
26 FILINGS TO THE COURT;"

27 Page 142, line 12, strike "and (10)" and substitute "(10), and (11)".

28 Page 144, after line 17 insert:

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

32 Page 145, after line 12 insert:

33 **"SECTION 19.** In Colorado Revised Statutes, **add** part 2 to
34 article 65 of title 27 as follows:

35 **PART 2**
36 **CIVIL COMMITMENT OF INCOMPETENT AND**

1 UNRESTORABLE PERSON

2 **27-65-201. Court supervision of incompetent and unrestorable**
3 **person ordered into civil commitment - repeal.**

4 (1) ONCE A CRIMINAL COURT HAS TRANSFERRED JURISDICTION OF
5 A CIVIL COMMITMENT PURSUANT TO SECTION 16-8.5-118 TO A CIVIL COURT
6 WITH JURISDICTION PURSUANT TO SECTION 27-65-113, THE CIVIL COURT
7 HAS EXCLUSIVE JURISDICTION OVER THE CIVIL COMMITMENT.

8 (2) UPON RECEIVING JURISDICTION OF A CIVIL COMMITMENT, THE
9 CIVIL COURT SHALL:

10 (a) NOTIFY THE COUNTY ATTORNEY;

11 (b) APPOINT AN ATTORNEY TO REPRESENT THE RESPONDENT AND
12 PROVIDE COPIES OF ANY DOCUMENTS SENT FROM THE CRIMINAL COURT TO
13 THE RESPONDENT'S ATTORNEY; AND

14 (c) SET A REVIEW HEARING AND ORDER THE RESPONDENT
15 BROUGHT BEFORE THE COURT.

16 (3) AT THE REVIEW HEARING, THE COURT SHALL:

17 (a) ENSURE THE RESPONDENT IS REPRESENTED BY COUNSEL; AND

18 (b) ADVISE THE RESPONDENT OF THE FOLLOWING RIGHTS:

19 (I) THE RIGHT TO APPEAR IN PERSON AT ANY PROCEEDING, UNLESS
20 WAIVED BY THE RESPONDENT;

21 (II) THE RIGHT TO BE REPRESENTED BY PRIVATELY RETAINED
22 COUNSEL, OR COURT-APPOINTED COUNSEL IF THE RESPONDENT DOES NOT
23 HAVE PRIVATELY RETAINED COUNSEL, DURING ANY PROCEEDING HELD
24 PURSUANT TO THIS ARTICLE 65, INCLUDING ANY APPEALS;

25 (III) THE RIGHT TO REQUEST MODIFICATION OF THE TERMS OF THE
26 CIVIL COMMITMENT; AND

27 (IV) THE RIGHT TO PERIODIC REVIEW OF THE CIVIL COMMITMENT
28 AND THE RIGHT TO CONTEST, INCLUDING BY TRIAL, WHETHER THE
29 RESPONDENT QUALIFIES FOR TERMINATION OF CIVIL COMMITMENT.

30 (4) AT ANY TIME DURING THE CIVIL COMMITMENT, THE COURT
31 MAY:

32 (a) MODIFY ANY COURT ORDER OR ANY TERM OF THE CIVIL
33 COMMITMENT UPON REQUEST OF THE PARTIES AFTER GIVING THE PARTIES
34 AN OPPORTUNITY TO OBJECT AND BE HEARD;

35 (b) ISSUE A WARRANT FOR THE RESPONDENT'S ARREST AND ORDER
36 THE RESPONDENT BE BROUGHT BEFORE THE COURT IF THE COURT
37 DETERMINES THE RESPONDENT HAS FAILED TO COMPLY WITH ANY OF THE
38 COURT'S ORDERS, INCLUDING THE RESPONDENT'S UNAUTHORIZED
39 DEPARTURE FROM THE PHYSICAL CUSTODY OF A PROVIDER;

40 (c) ORDER CDHS TO PROVIDE TO THE COURT:

41 (I) AN UPDATED OPINION ON WHETHER THE RESPONDENT MEETS
42 THE CRITERIA FOR TERMINATION OF CIVIL COMMITMENT PURSUANT TO
43 SECTION 27-65-202; AND

1 (II) AN OPINION ON WHETHER THE RESPONDENT HAS AN
2 INTELLECTUAL AND DEVELOPMENTAL DISABILITY OR NEUROCOGNITIVE
3 DISORDER, AS THOSE TERMS ARE DEFINED IN SECTION 25.5-10-501,
4 WITHOUT HAVING ANY OTHER MENTAL HEALTH DISORDER THAT IS NOT AN
5 INTELLECTUAL AND DEVELOPMENTAL DISABILITY OR NEUROCOGNITIVE
6 DISORDER AND THAT SUBSTANTIALLY CONTRIBUTES TO WHETHER THE
7 RESPONDENT IS A DANGER TO THE RESPONDENT'S SELF OR A DANGER TO
8 OTHERS, OR IS GRAVELY DISABLED.

9 (d) UPON THE REQUEST OF ANY PARTY, THE REQUEST OF THE
10 INDIVIDUAL OR ENTITY WITH PHYSICAL CARE AND CUSTODY OF THE
11 RESPONDENT, OR THE COURT'S OWN MOTION, CONDUCT A REVIEW OF THE
12 RESPONDENT'S PLACEMENT AND ENTER ANY ORDERS NECESSARY FOR
13 SHARING OR RECEIVING INFORMATION NECESSARY TO REVIEW AND MODIFY
14 THE PLACEMENT;

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

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

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

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

31 (b) PRIOR TO MODIFYING THE CIVIL COMMITMENT TO CHANGE THE
32 RESPONDENT'S PROVIDER OR PLACEMENT, THE COURT SHALL REVIEW THE
33 APPROPRIATENESS OF THE PROPOSED PROVIDER OR PLACEMENT,
34 INCLUDING WHETHER THE PROVIDER FITS THE RESPONDENT'S DIAGNOSIS
35 AND TREATMENT NEEDS AND WHETHER THE PLACEMENT SUFFICIENTLY
36 PROTECTS THE COMMUNITY FROM THE SUBSTANTIAL RISK OF SERIOUS
37 HARM TO OTHERS POSED BY THE RESPONDENT.

38 (c) UPON REQUEST, THE COURT SHALL PERMIT CDHS, THE
39 PARTIES, OR THE APPOINTED LEGAL GUARDIAN THE OPPORTUNITY TO
40 OBJECT AND BE HEARD PRIOR TO THE COURT'S DECISION. THE COURT MAY
41 PERMIT TESTIMONY IF THE COURT BELIEVES IT WOULD BE HELPFUL TO THE
42 COURT'S DECISION.

43 (d) WHEN DECIDING WHETHER TO APPROVE THE NEW PROVIDER OR

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

11 (I) THE RESPONDENT'S STATEMENTS AND INSIGHTS INTO THE
12 RESPONDENT'S MENTAL HEALTH DISORDER;

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

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

18 (IV) RECENT OVERT ACTS BY THE RESPONDENT TO THREATEN,
19 CAUSE, OR ATTEMPT TO CAUSE HARM TO THE RESPONDENT'S SELF OR
20 OTHERS;

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

24 (VI) WHETHER THE RESPONDENT WAS FOUND IN A CONDITION
25 WHERE THE RESPONDENT WAS NOT ABLE TO CARE FOR THE RESPONDENT'S
26 OWN BASIC NEEDS IN ORDER TO AVOID THE RISK OF SERIOUS PHYSICAL
27 HARM; AND

28 (VII) THE FREQUENCY, RECENCY, AND SEVERITY OF THE
29 CONSIDERATIONS DESCRIBED IN SUBSECTIONS (5)(d)(II) TO (5)(d)(VI) OF
30 THIS SECTION AND THE LIKELIHOOD THAT THE CONDITIONS AND EVENTS
31 WILL REOCCUR WITHOUT INPATIENT TREATMENT.

32 (e) THE COURT SHALL NOT MODIFY THE CIVIL COMMITMENT TO
33 PLACE THE RESPONDENT INTO A STATE HOSPITAL UNLESS THE COURT HAS
34 EXHAUSTED ALL REASONABLE ATTEMPTS TO FIND AN ALTERNATIVE AND
35 NO OTHER LESS-RESTRICTIVE PLACEMENTS ARE ADEQUATE TO PROTECT
36 THE VICTIM AND THE COMMUNITY.

37 (f) THE COURT SHALL NOT PERMIT OR ORDER A RESPONDENT TO BE
38 PLACED INTO A COMMUNITY-BASED SETTING OUTSIDE OF INPATIENT CARE
39 FOR THE FIRST TIME SINCE BEING CIVILLY COMMITTED UNLESS:

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

43 (II) THE DISTRICT ATTORNEY IN THE CASE THAT SOUGHT CIVIL

1 COMMITMENT OR ENHANCED PROTECTIVE PLACEMENT HAS BEEN NOTIFIED
2 AND GIVEN AN OPPORTUNITY TO OBJECT AND BE HEARD.

3 (g) IF THE COURT MODIFIES THE RESPONDENT'S PROVIDER OR
4 PLACEMENT, THE COURT SHALL ISSUE ANY ORDERS NECESSARY TO
5 MITIGATE THE RESPONDENT'S RISK TO ANY VICTIMS OR THE COMMUNITY,
6 INCLUDING ORDERING THE PROVIDER TO TAKE REASONABLE AND
7 PRACTICABLE PROTECTIVE MEASURES TO PREVENT THE RESPONDENT FROM
8 CONTACTING ANY VICTIMS; EXCEPT THAT THE COURT SHALL NOT ORDER
9 THE RESPONDENT TO COMPLY WITH ANY CONDITIONS THAT ARE NOT
10 NECESSARY TO MITIGATE THE RESPONDENT'S RISK OR WITH WHICH THE
11 RESPONDENT CANNOT COMPLY.

12 (6) (a) IF THE COURT ORDERS THE RESPONDENT TO BE PLACED
13 WITHIN CDHS, THE EXECUTIVE DIRECTOR OF CDHS SHALL DESIGNATE
14 THE STATE FACILITY AT WHICH THE RESPONDENT IS HELD FOR CARE AND
15 TREATMENT AND MAY TRANSFER THE RESPONDENT FROM ONE FACILITY TO
16 ANOTHER IF, IN THE OPINION OF THE EXECUTIVE DIRECTOR, IT IS
17 APPROPRIATE TO DO SO IN THE INTEREST OF THE PROPER CARE, CUSTODY,
18 AND TREATMENT OF THE RESPONDENT OR FOR THE PROTECTION OF THE
19 PUBLIC OR PERSONNEL AT THE FACILITIES IN QUESTION.

20 (b) NOTWITHSTANDING SUBSECTION (6)(a) OF THIS SECTION,
21 CDHS SHALL:

22 (I) ENSURE THE RESPONDENT IS PLACED IN THE
23 LEAST-RESTRICTIVE PLACEMENT ADEQUATE TO PROTECT THE VICTIM AND
24 THE COMMUNITY AND PROVIDE, TO THE GREATEST EXTENT POSSIBLE, THE
25 APPROPRIATE LEVEL OF CARE, TREATMENT, AND SUPERVISION OF THE
26 RESPONDENT; AND

27 (II) NOT PLACE THE RESPONDENT IN A COMMUNITY-BASED
28 SETTING FOR THE FIRST TIME SINCE THE RESPONDENT WAS CIVILLY
29 COMMITTED WITHOUT PRIOR APPROVAL OF THE COURT PURSUANT TO
30 SUBSECTION (5) OF THIS SECTION.

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

33 (8) THE PROVIDER CHARGED WITH THE PHYSICAL CARE AND
34 CUSTODY OF THE RESPONDENT SHALL SUBMIT A REPORT TO THE COURT
35 AND THE PARTIES ANNUALLY BY THE DATE THE RESPONDENT WAS CIVILLY
36 COMMITTED UNLESS A SUBSTANTIALLY SIMILAR EXAMINATION WAS
37 ORDERED BY THE COURT WITHIN THE PREVIOUS TWELVE MONTHS. THE
38 REPORT MUST INCLUDE:

39 (a) THE PROVIDER'S OPINION ABOUT WHETHER THE RESPONDENT:

40 (I) MEETS THE CRITERIA FOR SHORT-TERM CERTIFICATION
41 PURSUANT TO SECTION 27-65-108.3 (1) OR SHORT-TERM PROTECTIVE
42 PLACEMENT PURSUANT TO SECTION 25.5-10-503 (1);

43 (II) CONTINUES TO MEET THE CRITERIA FOR CIVIL COMMITMENT

1 PURSUANT TO SECTION 16-8.5-118;
2 (III) MEETS THE CRITERIA FOR ENHANCED PROTECTIVE
3 PLACEMENT PURSUANT TO SECTION 16-8.5-118;
4 (IV) IS APPROPRIATELY PLACED; AND
5 (V) MEETS THE CRITERIA FOR TERMINATION OF THE CIVIL
6 COMMITMENT PURSUANT TO SECTION 27-65-202;
7 (b) A SUMMARY OF THE MATERIALS REVIEWED, ASSESSMENTS
8 CONDUCTED, AND OTHER BASES OF OPINIONS RENDERED;
9 (c) THE RESPONDENT'S DIAGNOSIS AND WHETHER THE
10 RESPONDENT'S SYMPTOMS ARE IN REMISSION;
11 (d) A SUMMARY OF THE SERVICES OR TREATMENT PROVIDED TO
12 THE RESPONDENT SINCE THE LAST REPORT AND THE RESPONDENT'S
13 PROGRESS;
14 (e) A SUMMARY OF THE RESPONDENT'S COMPLIANCE WITH
15 TREATMENT OR SERVICES, INCLUDING INFORMATION ABOUT MEDICATIONS
16 CURRENTLY PRESCRIBED TO THE RESPONDENT AND WHETHER THE
17 RESPONDENT IS COMPLIANT WITH TAKING THE PRESCRIBED MEDICATIONS;
18 (f) AN ASSESSMENT OF THE RESPONDENT'S RISK OF HARM TO
19 OTHERS;
20 (g) A SUMMARY OF THE RESPONDENT'S TREATMENT OR SERVICE
21 NEEDS BY UTILIZING EVIDENCE-BASED STANDARDS OF INDIVIDUALIZED
22 TREATMENT AND MANAGEMENT OF INDIVIDUALS CIVILLY COMMITTED;
23 (h) A SUMMARY OF THE SPECIFIC TREATMENT OR SERVICE OPTIONS
24 AVAILABLE TO THE RESPONDENT IN THE COMMUNITY AND THE SPECIFIC
25 TREATMENT OR SERVICE OPTIONS AVAILABLE TO THE RESPONDENT AT A
26 FACILITY DESIGNATED BY THE EXECUTIVE DIRECTOR OF CDHS;
27 (i) A SUMMARY OF WHETHER AND HOW ONGOING RISKS COULD BE
28 MITIGATED IF THE RESPONDENT WERE PLACED IN THE COMMUNITY; AND
29 (j) SPECIFIC FACTS AND EVIDENCE SUPPORTING EACH OPINION
30 MADE PURSUANT TO SUBSECTION (8)(a) OF THIS SECTION.
31 (9) THE COURT MAY ORDER ANY TREATMENT OR SERVICE
32 PROVIDER WHO HAS AGREED OR WHO HAS BEEN ORDERED TO PROVIDE
33 SERVICES OR TREATMENT TO THE RESPONDENT TO ISSUE REGULAR
34 PROGRESS REPORTS CONTAINING INFORMATION REQUIRED PURSUANT TO
35 SUBSECTION (8) OF THIS SECTION OR OTHER INFORMATION DEEMED
36 NECESSARY FOR THE COURT'S SUPERVISION OF THE CIVIL COMMITMENT.
37 (10) (a) THE COURT MAY, UPON A SHOWING OF GOOD CAUSE,
38 ORDER AN EXAMINATION BY A PSYCHOLOGIST OR PSYCHIATRIST
39 REGARDING THE RESPONDENT'S PROGRESS WITH TREATMENT AND
40 WHETHER THE RESPONDENT MEETS THE CRITERIA FOR CONVERSION OF THE
41 CIVIL COMMITMENT TO AN ENHANCED PROTECTIVE PLACEMENT,
42 CERTIFICATION FOR SHORT-TERM TREATMENT, OR SHORT-TERM
43 PROTECTIVE PLACEMENT, OR MEETS THE CRITERIA FOR TERMINATION OF

1 THE CIVIL COMMITMENT PURSUANT TO SECTION 27-65-202. THE
2 RESPONDENT SHALL COOPERATE WITH ANY EXAMINATIONS ORDERED
3 PURSUANT TO THIS SUBSECTION (10)(a).

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

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

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

13 **27-65-202. Termination of civil commitment - repeal.**

14 (1) THE COURT SHALL TERMINATE A RESPONDENT'S CIVIL
15 COMMITMENT ORDERED PURSUANT TO SECTION 27-65-201 IF THE
16 RESPONDENT:

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

19 (b) DOES NOT HAVE A MENTAL HEALTH DISORDER THAT IS LIKELY
20 TO CAUSE THE RESPONDENT TO BE A DANGER TO THE RESPONDENT'S SELF
21 OR A DANGER TO OTHERS AND THE RESPONDENT HAS DEMONSTRATED
22 SUFFICIENT CAPACITY AND WILLINGNESS TO CONFORM THE RESPONDENT'S
23 CONDUCT TO THE REQUIREMENTS OF THE LAW.

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

35 (3)(a) THE RESPONDENT MAY REQUEST TERMINATION OF THE CIVIL
36 COMMITMENT IN WRITING AT ANY TIME THE RESPONDENT WOULD NOT BE
37 PROHIBITED FROM HAVING A SUBSEQUENT TERMINATION TRIAL PURSUANT
38 TO SUBSECTION (7) OF THIS SECTION.

39 (b) THE COURT SHALL DENY THE REQUEST UNLESS THE REQUEST
40 FOR TERMINATION INCLUDES AN OPINION FROM A PROFESSIONAL PERSON
41 THAT THE RESPONDENT CURRENTLY MEETS THE CRITERIA FOR
42 TERMINATION OF THE CIVIL COMMITMENT PURSUANT TO SUBSECTION (1)
43 OF THIS SECTION.

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

9 (b) IF NEITHER THE COUNTY ATTORNEY NOR THE DISTRICT
10 ATTORNEY OBJECT OR REQUEST AN OPPORTUNITY TO REQUEST AN
11 INDEPENDENT EVALUATION, THE COURT SHALL TERMINATE THE
12 RESPONDENT'S CIVIL COMMITMENT.

13 (c) IF EITHER THE COUNTY ATTORNEY OR THE DISTRICT ATTORNEY
14 REQUEST AN OPPORTUNITY TO CONDUCT AN INDEPENDENT EVALUATION,
15 THE COURT SHALL GRANT THAT REQUEST, ORDER THE RESPONDENT TO
16 COMPLY WITH THE EVALUATION, AND PERMIT THE COUNTY ATTORNEY OR
17 DISTRICT ATTORNEY A REASONABLE PERIOD OF TIME TO IDENTIFY AN
18 EXPERT, CONDUCT THE EVALUATION, AND ISSUE A REPORT. IF BOTH THE
19 COUNTY ATTORNEY AND DISTRICT ATTORNEY REQUEST AN INDEPENDENT
20 EVALUATION, THE COURT SHALL TREAT THE REQUEST AS A JOINT REQUEST
21 FOR A SINGLE INDEPENDENT EVALUATION.

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

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

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

31 (5) (a) IF EITHER THE COUNTY ATTORNEY OR DISTRICT ATTORNEY
32 TIMELY OBJECTS, THE COURT SHALL, AS SOON AS PRACTICABLE, BRING THE
33 RESPONDENT BEFORE THE COURT, ENSURE THE RESPONDENT AND THE
34 RESPONDENT'S COUNSEL RECEIVED A COPY OF THE REPORT, AND ADVISE
35 THE RESPONDENT OF THE RIGHT TO DEMAND A TRIAL BY THE COURT OR
36 THE RIGHT TO DEMAND, IN WRITING, A JURY TRIAL OF NOT MORE THAN SIX
37 INDIVIDUALS TO DETERMINE WHETHER THE RESPONDENT MEETS THE
38 CRITERIA FOR TERMINATION PURSUANT TO SUBSECTION (1) OF THIS
39 SECTION.

40 (b) IF THE RESPONDENT DEMANDS A TRIAL BEFORE THE COURT, THE
41 COURT SHALL SCHEDULE THE TRIAL TO BEGIN WITHIN THIRTY-FIVE DAYS
42 AFTER THE DEMAND. IF THE RESPONDENT DEMANDS A JURY TRIAL, THE
43 COURT SHALL SCHEDULE THE TRIAL TO BEGIN WITHIN SEVENTY-TWO DAYS

1 AFTER THE DEMAND. A DELAY ATTRIBUTABLE TO THE RESPONDENT IS
2 EXCLUDED FROM THE TIME LIMITATIONS IN THIS SUBSECTION (5)(b). IF THE
3 COURT DOES NOT BEGIN THE TRIAL WITHIN THE TIME PERMITTED
4 PURSUANT TO THIS SUBSECTION (5)(b), THE COURT SHALL TERMINATE THE
5 CIVIL COMMITMENT AND RELEASE THE RESPONDENT FROM THE PROVIDER'S
6 CARE AND CUSTODY.

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

17 (6) (a) AT THE TRIAL, IF ANY EVIDENCE IS INTRODUCED THAT
18 SHOWS THE RESPONDENT DOES NOT MEET THE CRITERIA FOR TERMINATION
19 OF THE CIVIL COMMITMENT PURSUANT TO SUBSECTION (1) OF THIS
20 SECTION, THE RESPONDENT HAS THE BURDEN TO SHOW BY A
21 PREPONDERANCE OF THE EVIDENCE THAT THE RESPONDENT MEETS THE
22 CRITERIA FOR TERMINATION PURSUANT TO SUBSECTION (1) OF THIS
23 SECTION.

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

35 (7) IF THE TRIER OF FACT FINDS THE RESPONDENT DOES NOT MEET
36 THE CRITERIA FOR TERMINATION PURSUANT TO SUBSECTION (1) OF THIS
37 SECTION, THE RESPONDENT IS NOT ENTITLED TO ANOTHER TERMINATION
38 TRIAL WITHIN ONE YEAR AFTER THE CONCLUSION OF THE PREVIOUS TRIAL
39 FOR TERMINATION.

40 (8) IF THE RESPONDENT DOES NOT MEET THE CRITERIA FOR
41 TERMINATION PURSUANT TO SUBSECTION (1) OF THIS SECTION AND HAS A
42 MENTAL HEALTH DISORDER THAT IS AN INTELLECTUAL AND
43 DEVELOPMENTAL DISABILITY OR A NEUROCOGNITIVE DISORDER, AS THOSE

1 TERMS ARE DEFINED IN SECTION 25.5-10-501, WITHOUT HAVING ANY
2 OTHER MENTAL HEALTH DISORDER THAT IS NOT AN INTELLECTUAL AND
3 DEVELOPMENTAL DISABILITY OR NEUROCOGNITIVE DISORDER AND THAT
4 SUBSTANTIALLY CONTRIBUTES TO WHETHER THE RESPONDENT IS A
5 DANGER TO THE RESPONDENT'S SELF OR A DANGER TO OTHERS, OR IS
6 GRAVELY DISABLED, THE COURT SHALL CONVERT THE CIVIL COMMITMENT
7 TO AN ENHANCED PROTECTIVE PLACEMENT AND MAY MODIFY THE TERMS
8 OF THE ENHANCED PROTECTIVE PLACEMENT IN ACCORDANCE WITH
9 SECTION 25.5-10-507.

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

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

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

21 "(1) THE COURT MAY ORDER THE PROTECTIVE PLACEMENT OF A
22 RESPONDENT IF:

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

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

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

31 Page 148, strike lines 18 through 27.

32 Strike pages 149 through 153.

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

34 **"25.5-10-503. Short-term protective placement for**
35 **incompetent defendants in a criminal matter.**

36 (1) UPON PETITION OF A PROFESSIONAL PERSON OR INTERVENING
37 PROFESSIONAL ACTING WITHIN THE SCOPE OF THEIR AUTHORITY AND

1 LICENSURE, AN APPOINTED LEGAL GUARDIAN, OR A REPRESENTATIVE OF
2 THE BHA OR HCPF, A COURT MAY CERTIFY A PERSON FOR SHORT-TERM
3 PROTECTIVE PLACEMENT FOR NOT MORE THAN THREE MONTHS UNDER THE
4 FOLLOWING CONDITIONS:

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

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

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

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

15 (II) HAS EVALUATED THE PERSON WITHIN THE PAST THREE
16 MONTHS AND PRODUCED A WRITTEN OPINION THAT THE PERSON MEETS
17 THE CRITERIA FOR PROTECTIVE PLACEMENT PURSUANT TO SECTION
18 25.5-10-502;

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

22 (e) THE PERSON, THE PERSON'S LEGAL GUARDIAN, AND THE
23 PERSON'S LAY PERSON, IF APPLICABLE, HAVE BEEN ADVISED OF THE
24 PERSON'S RIGHT TO AN ATTORNEY AND TO CONTEST THE SHORT-TERM
25 PROTECTIVE PLACEMENT.

26 (2) THE PETITION FILED PURSUANT TO SUBSECTION (1) OF THIS
27 SECTION MUST:

28 (a) STATE SUFFICIENT FACTS TO ESTABLISH REASONABLE GROUNDS
29 THAT THE RESPONDENT MEETS THE CRITERIA FOR SHORT-TERM
30 PROTECTIVE PLACEMENT PURSUANT TO SECTION 25.5-10-502, INCLUDING
31 ATTACHING THE PROFESSIONAL PERSON'S OR INTERVENING
32 PROFESSIONAL'S WRITTEN OPINION PRODUCED PURSUANT TO SUBSECTION
33 (1)(c)(II) OF THIS SECTION;

34 (b) BE FILED WITHIN FOURTEEN DAYS AFTER THE INITIATING PARTY
35 RECEIVED THE COURT ORDER FROM THE CRIMINAL COURT INITIATING THE
36 SHORT-TERM PROTECTIVE PLACEMENT; AND

37 (c) BE FILED WITH THE COURT IN THE COUNTY WHERE THE
38 RESPONDENT RESIDED OR WAS PHYSICALLY PRESENT IMMEDIATELY PRIOR
39 TO THE FILING OF THE PETITION; EXCEPT THAT, IF THE PERSON WAS
40 ARRESTED FOR THE PRIOR CASE AND HELD IN CUSTODY, THE PETITION MAY
41 BE FILED IN THE COUNTY WHERE THE RESPONDENT RESIDED OR WAS
42 PHYSICALLY PRESENT IMMEDIATELY PRIOR TO THE RESPONDENT'S ARREST.

43 (3) WITHIN TWENTY-FOUR HOURS AFTER CERTIFICATION, COPIES

1 OF THE SHORT-TERM PROTECTIVE PLACEMENT MUST BE PERSONALLY
2 DELIVERED TO THE RESPONDENT AND HCPF WHO SHALL RETAIN A COPY
3 OF THE CERTIFICATION AS PART OF THE RESPONDENT'S RECORD. IF THE
4 CRIMINAL CASE IS PENDING, OR NOT YET DISMISSED, THE PETITIONING
5 PARTY SHALL PROVIDE NOTICE OF THE FILING OF THE PETITION TO THE
6 CRIMINAL COURT. THE CRIMINAL COURT SHALL PROVIDE THE NOTICE TO
7 THE PROSECUTING AND DEFENSE ATTORNEYS IN THE CRIMINAL CASE AND
8 ANY ATTORNEY APPOINTED THE RESPONDENT PURSUANT TO SUBSECTION
9 (5) OF THIS SECTION.

10 (4) THE PETITIONER SHALL ASK THE RESPONDENT TO DESIGNATE
11 ONE OTHER PERSON WHOM THE RESPONDENT WANTS TO BE INFORMED
12 REGARDING THE PETITION. IF THE RESPONDENT IS INCAPABLE OF MAKING
13 A DESIGNATION AT THE TIME THE PETITION IS DELIVERED, THE COURT MAY
14 ASK THE RESPONDENT TO DESIGNATE A PERSON AS SOON AS THE
15 RESPONDENT IS CAPABLE. IF THE PETITIONER FAILS TO ASK THE
16 RESPONDENT TO DESIGNATE A PERSON, THE RESPONDENT'S ATTORNEY
17 APPOINTED PURSUANT TO SUBSECTION (5) OF THIS SECTION SHALL REPORT
18 TO THE COURT ANY PERSON WHOM THE RESPONDENT WANTS TO BE
19 INFORMED REGARDING THE PETITION.

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

32 (6) UPON FILING A PETITION PURSUANT TO THIS SECTION AND
33 AFFORDING THE RESPONDENT A CHANCE TO CONTEST THE PETITION, THE
34 COURT MAY GRANT OR DENY THE PROTECTIVE PLACEMENT BASED ON THE
35 FACTS ESTABLISHED IN THE PETITION, SUBJECT TO THE COURT'S FURTHER
36 REVIEW OR A JURY TRIAL.

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

41 (8) THE RESPONDENT MAY KNOWINGLY AND VOLUNTARILY
42 CONSENT TO THE PETITION IN WRITING.

43 (9) THE RESPONDENT OR THE RESPONDENT'S ATTORNEY MAY, AT

1 ANY TIME, FILE A WRITTEN REQUEST FOR THE COURT TO REVIEW THE
2 SHORT-TERM PROTECTIVE PLACEMENT. IF A REVIEW IS REQUESTED, THE
3 COURT SHALL HEAR THE MATTER WITHIN FOURTEEN DAYS AFTER THE
4 REQUEST, AND THE COURT SHALL GIVE NOTICE TO THE RESPONDENT, THE
5 RESPONDENT'S ATTORNEY, HCPF, AND THE COMMUNITY OR FACILITY
6 PROVIDER WHO IS OR WILL PROVIDE TREATMENT. THE HEARING MUST BE
7 HELD IN ACCORDANCE WITH SECTION 25.5-10-510. AT THE CONCLUSION
8 OF THE HEARING, THE COURT MAY ENTER OR CONFIRM THE SHORT-TERM
9 PROTECTIVE PLACEMENT, DISCHARGE THE RESPONDENT, OR ENTER ANY
10 OTHER APPROPRIATE ORDER.

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

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

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

28 (11) (a) THE DEPARTMENT OF HEALTH CARE POLICY AND
29 FINANCING IS RESPONSIBLE FOR FINDING AN APPROPRIATE PROVIDER AND
30 INPATIENT PLACEMENT FOR THE RESPONDENT.

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

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

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

42 (13) WHENEVER IT APPEARS TO THE COURT THAT A RESPONDENT
43 IN A SHORT-TERM PROTECTIVE PLACEMENT SHOULD BE TRANSFERRED TO

1 ANOTHER PROVIDER FOR TREATMENT AND THE SAFETY OF THE
2 RESPONDENT OR THE PUBLIC REQUIRES THAT THE RESPONDENT BE
3 TRANSPORTED BY A SECURE TRANSPORTATION PROVIDER OR A LAW
4 ENFORCEMENT AGENCY, THE COURT MAY ISSUE AN ORDER DIRECTING THE
5 LAW ENFORCEMENT AGENCY WHERE THE RESPONDENT RESIDES OR SECURE
6 TRANSPORTATION PROVIDER TO DELIVER THE RESPONDENT TO THE
7 DESIGNATED PROVIDER.

8 (14) IN ACCORDANCE WITH THE PROCEDURES DESCRIBED IN
9 SECTION 25.5-10-506, A SHORT-TERM PROTECTIVE PLACEMENT MAY BE
10 TERMINATED UPON THE SIGNATURE OF THE TREATING MEDICAL
11 PROFESSIONAL AND THE MEDICAL DIRECTOR OF THE FACILITY. A FACILITY
12 OR PROGRAM SHALL MAKE THE RESPONDENT'S DISCHARGE INSTRUCTIONS
13 AVAILABLE TO THE RESPONDENT, THE RESPONDENT'S ATTORNEY, AND THE
14 RESPONDENT'S LEGAL GUARDIAN.

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

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

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

31 Page 158, strike line 9 through 27.

32 Strike page 159 and 160.

33 Page 161, strike lines 1 through 10 and substitute:

34 **"25.5-10-505. Connect respondent to home- and**
35 **community-based services.**

36 WHEN A RESPONDENT IS DISCHARGED FROM A PROTECTIVE
37 PLACEMENT OR A PROTECTIVE PLACEMENT IS TERMINATED, THE BHA

1 SHALL REFER THE RESPONDENT TO ANY HOME- AND COMMUNITY-BASED
2 SERVICES FOR WHICH THE RESPONDENT MAY BE ELIGIBLE AND SHALL
3 MAKE DILIGENT EFFORTS TO CONNECT THE RESPONDENT WITH HOME- AND
4 COMMUNITY-BASED SERVICES."

5 Page 161, lines 14 and 15, strike "RESPONDENT AND HCPF," and
6 substitute "RESPONDENT,".

7 Page 161, line 16, strike "DETERMINE" and substitute "DETERMINES".

8 Page 161, strike lines 18 through 27.

9 Page 162, strike lines 1 through 6 and substitute:

10 "(2) THE PROFESSIONAL PERSON IN CHARGE OF THE RESPONDENT'S
11 CARE SHALL NOT APPROVE THE TERMINATION OF THE PROTECTIVE
12 PLACEMENT UNLESS TWO PROFESSIONAL PERSONS INDEPENDENTLY
13 EVALUATE THE RESPONDENT AND INDEPENDENTLY OPINE THAT THE
14 RESPONDENT NO LONGER MEETS THE CRITERIA FOR PROTECTIVE
15 PLACEMENT TREATMENT. ONE OF THE OPINIONS MUST BE FROM THE
16 PROFESSIONAL PERSON WHO IS MOST RESPONSIBLE FOR INTERACTING WITH
17 AND PROVIDING DIRECT CARE AND TREATMENT TO THE RESPONDENT. THIS
18 REQUIREMENT DOES NOT APPLY IF A PROVIDER EMPLOYS AND CONTRACTS
19 WITH ONLY ONE PROFESSIONAL PERSON."

20 Page 163, strike lines 26 and 27 and substitute "DISORDER".

21 Page 164, line 1, strike "NEUROCOGNITIVE DISORDER AND".

22 Page 170, after line 19 insert:

23 "(c) GOOD CAUSE INCLUDES A RESPONDENT'S TIMELY REQUEST FOR
24 AN EVALUATION THAT ALLOWS A COMPETENCY EVALUATOR TO PROVIDE
25 A SECOND OPINION IN RESPONSE TO THE REPORT PROVIDED PURSUANT TO
26 SUBSECTION (8) OF THIS SECTION THAT OPINES THAT THE RESPONDENT
27 DOES NOT MEET THE CRITERIA FOR TERMINATION."

28 Page 171, after line 15 insert:

29 "(3) (a) THE RESPONDENT MAY REQUEST TERMINATION OF THE
30 ENHANCED PROTECTIVE PLACEMENT IN WRITING AT ANY TIME THE
31 RESPONDENT WOULD NOT BE PROHIBITED FROM HAVING A SUBSEQUENT
32 TERMINATION TRIAL PURSUANT TO SUBSECTION (7) OF THIS SECTION.

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

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

14 (b) IF NEITHER THE COUNTY ATTORNEY NOR THE DISTRICT
15 ATTORNEY OBJECT OR REQUEST AN OPPORTUNITY TO REQUEST AN
16 INDEPENDENT EVALUATION, THE COURT SHALL TERMINATE THE
17 RESPONDENT'S ENHANCED PROTECTIVE PLACEMENT.

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

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

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

33 (f) IF NEITHER THE COUNTY ATTORNEY NOR DISTRICT ATTORNEY
34 OBJECT WITHIN THE TIME PERMITTED BY THE COURT, THE COURT SHALL
35 TERMINATE THE RESPONDENT'S ENHANCED PROTECTIVE PLACEMENT."

36 Renumber succeeding subsections accordingly.

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

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

1 Page 171, line 21, strike "THE REPORT," and substitute "ANY REPORTS
2 RECEIVED,".

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

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

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

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

17 Page 177, strike lines 4 through 10.

18 Reletter succeeding paragraphs accordingly.

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

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

23 Page 183, after line 14 insert:

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

27 Page 183, after line 23 insert:

28 "**25.5-10-517. Authority to increase payments to nursing
29 facility and regional center providers - rules.**

30 SUBJECT TO AVAILABLE APPROPRIATIONS AND FEDERAL
31 AUTHORIZATION, HCPF MAY INCREASE PAYMENTS TO NURSING FACILITY

1 PROVIDERS AND REGIONAL CENTER PROVIDERS FOR THE PURPOSE OF
2 ACHIEVING THE LEAST RESTRICTIVE PLACEMENT REQUIREMENT FOR
3 INDIVIDUALS SUBJECT TO A PROTECTIVE PLACEMENT PURSUANT TO THIS
4 PART 5. HCPF SHALL ADOPTED RULES DEFINING THE QUALIFICATIONS AND
5 PAYMENT SCHEDULE FOR NURSING FACILITY PROVIDERS AND REGIONAL
6 CENTER PROVIDERS THAT SERVE THE INDIVIDUALS SUBJECT TO A
7 PROTECTIVE PLACEMENT.

8 **25.5-10-518. Repeal of part.**

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

10 **SECTION 22.** In Colorado Revised Statutes, add 25.5-6-414 as
11 follows:

12 **25.5-6-414. Delivery of services for individuals with serious**
13 **mental illness - rules.**

14 (1) THE STATE DEPARTMENT IS COMMITTED TO IMPROVING ACCESS
15 TO, AND THE QUALITY OF SERVICES FOR, INDIVIDUALS WITH SERIOUS
16 MENTAL ILLNESS WHO ARE ENROLLED IN THE STATE MEDICAL ASSISTANCE
17 PROGRAM.

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

24 (a) EXPANDING COMMUNITY-BASED SERVICE CAPACITY AND CARE
25 COORDINATION;

26 (b) IMPROVING TRANSITIONS OF CARE ACROSS SETTINGS;

27 (c) LEVERAGING FEDERAL AUTHORITIES, WAIVERS, AND FINANCING
28 MECHANISMS;

29 (d) ADVANCING INNOVATIVE SERVICE DELIVERY MODELS AND
30 VALUE-BASED PAYMENT APPROACHES; AND

31 (e) IDENTIFYING AND ADDRESSING GAPS IN ACCESS, QUALITY, AND
32 OUTCOMES.

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

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

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

1 **SECTION 23.** In Colorado Revised Statutes, 25.5-10-216,
2 **amend** (7) as follows:

3 **25.5-10-216. Imposition of legal disability - removal of legal**
4 **right.**

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

10 **SECTION 24.** In Colorado Revised Statutes, 27-10.5-110,
11 **amend** (2) as follows:

12 **27-10.5-110. Imposition of legal disability - removal of legal**
13 **right.**

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

19 Renumber succeeding sections accordingly.

20 Page 184, after line 24 insert:

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

23 **24-75-109. Controller may allow expenditures in excess of**
24 **appropriations - limitations - appropriations for subsequent fiscal**
25 **year restricted - repeal.**

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

33 (b) (III) THE OVEREXPENDITURE IS BY THE DEPARTMENT OF
34 HUMAN SERVICES FOR THE PURPOSE OF PLACING INDIVIDUALS FOUND
35 INCOMPETENT TO PROCEED AND UNRESTORABLE WHO MEET THE CRITERIA
36 FOR CIVIL COMMITMENT, PROTECTIVE PLACEMENT, OR ENHANCED
37 PROTECTIVE PLACEMENT PURSUANT TO SECTION 16-8.5-118 AND ARE
38 COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES; OR".

39 Renumber succeeding sections accordingly.

- 1 Page 186, line 14, after "(11)(b.8)," insert "(11)(b.9),".
- 2 Page 186, strike line 19 and substitute "(2)(q.1), (2)(q.2), AND (2)(q.3);
3 (b.9) ANY INFORMATION RECEIVED PURSUANT TO SUBSECTION
4 (14.8) OF THIS SECTION.".
- 5 Page 187, line 10, strike "A VICTIM" and substitute "THE DISTRICT
6 ATTORNEY THAT SOUGHT CIVIL COMMITMENT OR ENHANCED PROTECTIVE
7 PLACEMENT PURSUANT TO SECTION 16-8.5-118".
- 8 Page 187, line 19, after "COMMITMENT" insert "SUPERVISED".
- 9 Page 187, line 20, after "PLACEMENT" insert "SUPERVISED".
- 10 Page 189, lines 12 and 13, strike "section 27-65-108.5 or 27-65-109" and
11 substitute "~~section 27-65-108.5 or 27-65-109~~ SECTIONS 27-65-108.5,
12 27-65-109, OR 27-65-109.5".
- 13 Page 193, lines 21 and 22, strike "~~section 27-65-109 (4) or 27-65-127,~~
14 ~~C.R.S. SECTION 27-65-123 (7) OR 25.5-10-515 (4),~~" and substitute "~~section~~
15 ~~27-65-109 (4) or 27-65-127,~~ C.R.S. SECTION 27-65-110 (4) OR
16 27-65-127,".
- 17 Page 194, lines 9 and 10, strike "~~section 27-65-109 (4) or 27-65-127,~~
18 ~~C.R.S. SECTION 27-65-123 (7) OR 25.5-10-515 (4),~~" and substitute "~~section~~
19 ~~27-65-109 (4) or 27-65-127,~~ C.R.S. SECTION 27-65-110 (4) OR
20 27-65-127,".
- 21 Strike "OCFMH" and substitute "CDHS" on: **Page 61**, lines 20 and 22;
22 **Page 64**, lines 5 and 7; **Page 67**, lines 2 and 25; **Page 68**, lines 11 and 20;
23 **Page 74**, lines 4, 7, and 20; **Page 75**, lines 7, 10, 13, and 18; **Page 77**,
24 lines 2, 3, 18, 22, and 27; **Page 78**, line 7; **Page 79**, lines 8 and 13; **Page**
25 **80**, line 24; **Page 81**, line 1; **Page 98**, line 17; **Page 100**, lines 4, 10, and
26 13; **Page 108**, line 17; **Page 111**, line 14; **Page 113**, line 26; **Page 114**,
27 line 21; **Page 115**, lines 11, 24, and 27; **Page 116**, lines 2 and 11; **Page**
28 **123**, line 19; **Page 126**, lines 18 and 27; **Page 127**, lines 2, 8, 9, 11, and
29 27; **Page 140**, line 17; **Page 150**, line 7; **Page 163**, line 20; **Page 165**,
30 lines 6, 12, and 15; **Page 173**, line 24; **Page 177**, line 6; and **Page 178**,
31 line 18.
- 32 Strike "OCFMH's" and substitute "CDHS's" on: **Page 75**, line 8; and
33 **Page 84**, line 9.

- 1 Strike "MEETS" and substitute "MAY MEET" on: **Page 27**, lines 4, 10, and
2 12; and **Page 47**, lines 1, 4, 10, and 11.
- 3 Strike "(5)" and substitute "(6)" on: **Page 73**, lines 8 and 11.
- 4 Strike "(5)(a)" and substitute "(6)(a)" on: **Page 72**, lines 6 and 13.
- 5 Strike "(5)(b)" and substitute "(6)(b)" on: **Page 24**, line 22; **Page 49**, line
6 4; **Page 67**, line 27; and **Page 70**, line 12.
- 7 Strike "(6)" and substitute "(7)" on: **Page 70**, line 27; and **Page 71**, line
8 2.
- 9 Strike "(10)(c)" and substitute "(11)(c)" on: **Page 78**, lines 4 and 7.
- 10 Strike "A TEMPORARY" and substitute "AN" on: **Page 7**, line 20; **Page 60**,
11 line 14; and **Page 68**, line 21.
- 12 Strike "TEMPORARY" on: **Page 60**, lines 12, 18, 19, and 23; **Page 63**, lines
13 2, 9, and 25; **Page 65**, lines 20, 24, and 27; **Page 66**, lines 3, 7, 11, 16, 18,
14 and 22; **Page 67**, lines 4 and 9; **Page 74**, line 21; **Page 77**, line 8; **Page**
15 **121**, line 27; **Page 122**, lines 3 and 7; and **Page 184**, line 6.
- 16 Strike "27-65-108.1" and substitute "27-65-201" on: **Page 73**, line 23;
17 **Page 132**, lines 15 and 26; **Page 133**, line 3; **Page 135**, line 16; **Page 136**,
18 line 12; **Page 139**, line 8; **Page 143**, line 1; **Page 173**, lines 16 and 26;
19 **Page 184**, line 22; **Page 185**, line 11; **Page 186**, lines 3 and 24; and **Page**
20 **187**, line 19.
- 21 Strike "27-65-108.2" and substitute "27-65-202" on: **Page 139**, line 9;
22 **Page 142**, line 21; and **Page 185**, line 8.
- 23 Strike "INFORMATION:" and substitute "INFORMATION, IF AVAILABLE:" on:
24 **Page 143**, line 23; and **Page 182**, line 21.
- 25 Strike "~~section 27-65-109 (10)~~ SECTION 27-65-109 (17)" and substitute
26 "section 27-65-109 (10)" on: **Page 129**, line 5; **Page 188**, line 7; **Page**
27 **189**, lines 4 and 5, 15 and 16, and 17 and 18; **Page 190**, line 4; and **Page**
28 **191**, lines 1 and 2.
- 29 After "27-65-109," insert "**27-65-109.5**," on: **Page 96**, line 23; and **Page**
30 **97**, line 2.

1 Strike "27-65-108.5 OR 27-65-109" and substitute "27-65-108.5,
2 27-65-109, OR 27-65-109.5" on: **Page 62**, lines 12 and 13; and **Page 196**,
3 line 19.

4 Strike "section 27-65-108.5 or 27-65-109," and substitute "section
5 ~~27-65-108.5 or 27-65-109~~ SECTIONS 27-65-108.5, 27-65-109, OR
6 27-65-109.5," on: **Page 133**, line 9; **Page 188**, line 5; **Page 189**, lines 3
7 and 14; and **Page 190**, lines 2 and 27.

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

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