

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB24-1355 be amended as follows:

- 1 Amend printed bill, page 4, strike lines 1 through 5.
- 2 Reletter succeeding paragraphs accordingly.
- 3 Page 4, line 24, strike "LIMIT" and substitute "REDUCE".
- 4 Page 4, strike lines 25 and 26 and substitute "INPATIENT BEDS".
- 5 Page 6, strike lines 21 through 24 and substitute "INCOMPETENT TO
- 6 PROCEED OR WHO ARE LIKELY TO BE FOUND INCOMPETENT TO PROCEED;".
- 7 Page 7, line 18, after "PROVIDERS," insert "AND".
- 8 Page 7, line 18, strike "PROGRAMS," and substitute "PROGRAMS".
- 9 Page 7, line 19, strike "AND OTHER IMPORTANT STAKEHOLDERS".
- 10 Page 7, strike lines 21 and 22 and substitute "WHO ARE LIKELY TO BE
- 11 FOUND INCOMPETENT TO PROCEED FROM COMPETENCY PROCEEDINGS
- 12 AND".
- 13 Page 7, line 24, strike "AND RELEVANT STAKEHOLDERS".
- 14 Page 7, line 26, after "DISTRICT." add "ADDITIONAL INDIVIDUALS OR
- 15 ENTITIES MAY BE INCLUDED IN THE DEVELOPMENT AND IMPLEMENTATION
- 16 OF THE MEMORANDUM OF UNDERSTANDING WITH THE AGREEMENT OF THE
- 17 PARTIES TO THE MEMORANDUM OF UNDERSTANDING DESCRIBED IN THIS
- 18 SUBSECTION (1)(a).".
- 19 Page 8, strike lines 5 and 6 and substitute "WITH MENTAL HEALTH
- 20 DISORDERS IN THE DEVELOPMENT AND OPERATION".
- 21 Page 8, line 23, strike "AND".
- 22 Page 8, after line 23 insert:
- 23 "(f) DEFINE THE PROCESS AND TIMELINE FOR BRIDGES OF
- 24 COLORADO TO REPORT TO THE DISTRICT ATTORNEY AND THE COURT
- 25 REGARDING AN INDIVIDUAL'S NONCOMPLIANCE WITH THE BRIDGES
- 26 WRAPAROUND CARE PROGRAM; AND".

- 1 Reletter succeeding paragraph accordingly.
- 2 Page 9, line 3, strike "STAKEHOLDERS AND".
- 3 Page 9, line 6, strike "DATA GATHERING AND" and substitute "AND
4 COLLECTS DATA AND MANAGES".
- 5 Page 9, strike line 8 and substitute "BRIDGES OF COLORADO AND THE
6 ENTITIES DESCRIBED IN SECTION 16-8.6-104 (1)(a); AND".
- 7 Page 9, line 12, strike "COORDINATE" and substitute "COLLABORATE".
- 8 Page 9, line 13, strike "NECESSARY STAKEHOLDERS," and substitute
9 "ENTITIES DESCRIBED IN SECTION 16-8.6-104 (1)(a),".
- 10 Page 9, strike lines 17 and 18 and substitute "(a) THE INDIVIDUAL'S
11 NAME; AGE; RACE; IDENTIFIED GENDER; CHARGES, AS IDENTIFIED BY THE
12 CHARGE CODE; AND CASE NUMBER;".
- 13 Page 11, line 8, strike "ASSESS" and substitute "ASSESS, OR ARRANGE FOR
14 THE SCREENING AND ASSESSMENT OF,".
- 15 Page 13, strike lines 7 through 27.
- 16 Strike page 14 and substitute:

17 **"16-8.6-108. Eligibility - initial intake - acceptance - release**
18 **from custody.** (1) A DEFENDANT MAY BE REFERRED TO THE BRIDGES
19 WRAPAROUND CARE PROGRAM WITH THE CONSENT OF THE DISTRICT
20 ATTORNEY.

21 (2) A DEFENDANT WHO IS REFERRED TO THE BRIDGES
22 WRAPAROUND CARE PROGRAM IS ELIGIBLE TO PARTICIPATE IN THE
23 PROGRAM IF:

24 (a) THE DISTRICT ATTORNEY AND DEFENSE COUNSEL AGREE THAT
25 THERE IS REASONABLE CAUSE TO BELIEVE THAT THE DEFENDANT WILL BE
26 FOUND INCOMPETENT TO PROCEED IF THE ISSUE OF COMPETENCY IS
27 RAISED;

28 (b) THE DEFENDANT CONSENTS TO PARTICIPATE IN THE BRIDGES
29 WRAPAROUND CARE PROGRAM; AND

30 (c) THE DEFENDANT IS NOT CHARGED WITH A CLASS 1 FELONY; A
31 CLASS 2 FELONY; A CLASS 3 FELONY; A LEVEL 1 DRUG FELONY; A LEVEL 2
32 DRUG FELONY; A SEX OFFENSE, AS DEFINED IN SECTION 18-1.3-1003; A
33 CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406 (2), OR ANY

1 OFFENSE DESCRIBED IN SECTION 24-4.1-302 (1), UNLESS THE DISTRICT
2 ATTORNEY WAIVES THIS REQUIREMENT IN THE INTEREST OF JUSTICE.

3 (3) PRIOR TO REFERRING A DEFENDANT TO THE BRIDGES
4 WRAPAROUND CARE PROGRAM, WHEN THE DEFENDANT IS CHARGED WITH
5 AN OFFENSE DESCRIBED IN SECTION 24-4.1-302 (1), THE DISTRICT
6 ATTORNEY SHALL COMPLY WITH ALL RELEVANT PROVISIONS OF SECTION
7 24-4.1-300.1, ET SEQ.

8 (4) THE DISTRICT ATTORNEY MUST BE PROVIDED ACCESS TO THE
9 REPORTS AND INFORMATION DESCRIBED IN SECTION 16-8.5-104(1) AND (4)
10 AND ANY REPORTS AND INFORMATION RELATED TO THE DEFENDANT'S
11 COMPLIANCE WITH THE BRIDGES WRAPAROUND CARE PROGRAM. A
12 DEFENDANT WHO CONSENTS TO PARTICIPATE IN THE BRIDGES
13 WRAPAROUND CARE PROGRAM WAIVES ANY CLAIM TO CONFIDENTIALITY
14 AND PRIVILEGE FOR THE PURPOSES OF THE REPORTS AND INFORMATION
15 PROVIDED PURSUANT TO THIS SUBSECTION (4).

16 (5) IF AN ELIGIBLE DEFENDANT IS REFERRED TO THE BRIDGES
17 WRAPAROUND CARE PROGRAM AND THE DEFENDANT CONSENTS TO
18 PARTICIPATE IN THE PROGRAM, THE COURT SHALL ISSUE AN ORDER
19 APPOINTING A BRIDGES WRAPAROUND CARE COORDINATOR. THE BRIDGES
20 WRAPAROUND CARE PROGRAM MUST ACCEPT AN ELIGIBLE DEFENDANT
21 WHO IS REFERRED BY THE COURT TO THE PROGRAM, UNLESS THE BRIDGES
22 WRAPAROUND CARE COORDINATOR DETERMINES THAT THE BRIDGES
23 WRAPAROUND CARE PROGRAM IS NOT APPROPRIATE FOR THE DEFENDANT.
24 IF THE BRIDGES WRAPAROUND CARE PROGRAM IS NOT APPROPRIATE FOR
25 THE DEFENDANT, BRIDGES OF COLORADO SHALL IMMEDIATELY NOTIFY
26 THE COURT AND PROVIDE THE COURT WITH OTHER APPROPRIATE
27 INTERVENTIONS THAT MAY INCLUDE, BUT ARE NOT LIMITED TO, CIVIL
28 COMMITMENT OR OTHER PLACEMENT OPTIONS.

29 (6) IF A DEFENDANT IS ACCEPTED TO PARTICIPATE IN THE BRIDGES
30 WRAPAROUND CARE PROGRAM AND THE DEFENDANT IS IN CUSTODY, THE
31 COURT SHALL RELEASE THE DEFENDANT ON A PERSONAL RECOGNIZANCE
32 BOND. UPON MOTION OF THE DISTRICT ATTORNEY OR A REQUEST TO
33 TERMINATE THE DEFENDANT FROM THE BRIDGES WRAPAROUND CARE
34 PROGRAM, THE COURT MAY REVOKE THE PERSONAL RECOGNIZANCE BOND
35 FOR ANY VIOLATION OF BOND CONDITIONS, INCLUDING THE DEFENDANT'S
36 NONCOMPLIANCE WITH PROGRAM REQUIREMENTS. IF THE COURT
37 CONTINUES THE DEFENDANT'S PARTICIPATION IN THE BRIDGES
38 WRAPAROUND CARE PROGRAM, THE COURT SHALL REINSTATE THE
39 PERSONAL RECOGNIZANCE BOND."

40 Page 17, line 24, after "DETERMINES" insert "BASED ON A
41 PREPONDERANCE OF THE EVIDENCE THAT".

1 Page 17, after line 26 insert:

2 "(3) IF THE CHARGES AGAINST A DEFENDANT ARE DISMISSED
3 PURSUANT TO THIS SECTION AND THE CHARGES ARE ELIGIBLE FOR SEALING
4 PURSUANT TO SECTION 24-72-704, THE DISTRICT ATTORNEY MAY OBJECT,
5 IN THE INTERESTS OF JUSTICE, TO SEALING THE CASE. IF THE DISTRICT
6 ATTORNEY FILES A WRITTEN OBJECTION TO THE SEALING WITHIN SEVEN
7 DAYS OF THE DISMISSAL, THE CHARGES AGAINST THE DEFENDANT ARE NOT
8 ELIGIBLE FOR SEALING AND THE COURT SHALL NOT ENTER AN ORDER
9 SEALING THE CHARGES; EXCEPT THAT, THE DISTRICT ATTORNEY MAY, AT
10 A LATER DATE, WITHDRAW THE OBJECTION AND AGREE TO SEALING THE
11 CASE THAT IS DISMISSED PURSUANT TO THIS SECTION."

12 Page 21, line 12, strike "OR".

13 Page 21, line 15, strike "DISCLOSURE." and substitute "DISCLOSURE; OR".

14 Page 21, after line 15 insert:

15 "(III) THE DISCLOSURE IS REQUIRED IN ORDER TO COMPLY WITH
16 MANDATORY REPORTING REQUIREMENTS PURSUANT TO SECTIONS
17 19-3-304 AND 18-6.5-108."

18 Page 31, line 20, strike "(1)" and substitute "(1), (7),".

19 Page 32, strike lines 5 through 12 and substitute:

20 "(b) (I) IF A DEFENDANT'S HIGHEST CHARGED OFFENSE IS A CLASS
21 2 MISDEMEANOR, A PETTY OFFENSE, A DRUG MISDEMEANOR, OR A TRAFFIC
22 OFFENSE, AND THE DEFENDANT IS FOUND INCOMPETENT TO PROCEED, THE
23 COURT SHALL DISMISS THE CHARGES AGAINST THE DEFENDANT UNLESS
24 THE DISTRICT ATTORNEY OBJECTS PRIOR TO THE ENTRY OF THE ORDER TO
25 DISMISS AND A MAKES A PRIMA FACIE SHOWING THAT THE DEFENDANT IS
26 A DANGER TO THE DEFENDANT'S SELF OR OTHERS OR IS GRAVELY DISABLED
27 AND THERE IS A REASONABLE BELIEF THAT THE DEFENDANT WILL BE
28 CERTIFIED FOR TREATMENT AND RECEIVE THE NECESSARY SERVICES
29 PURSUANT TO ARTICLE 65 OF TITLE 27.

30 (II) IF THE DISTRICT ATTORNEY MAKES THE PRIMA FACIE SHOWING
31 PURSUANT TO SUBSECTION (1)(b)(I) OF THIS SECTION, THE COURT SHALL
32 PROCEED PURSUANT TO SUBSECTION (10) OF THIS SECTION AND, UPON
33 COMPLETION OF THE CERTIFICATION PROCESS, THE COURT SHALL DISMISS
34 THE CHARGES AGAINST THE DEFENDANT.

35 (III) IF THE COURT DOES NOT REFER THE DEFENDANT FOR

1 CERTIFICATION PURSUANT TO SUBSECTION (10) OF THIS SECTION, THE
2 COURT MAY REFER THE DEFENDANT TO VOLUNTARILY PARTICIPATE AND
3 RECEIVE SERVICES IN THE BRIDGES WRAPAROUND CARE PROGRAM
4 PURSUANT TO ARTICLE 8.6 OF TITLE 16.

5 (7) At any review hearing held concerning the defendant's
6 competency to proceed, the court shall dismiss the charges against the
7 defendant and release the defendant from confinement, subject to ~~the~~
8 ~~provisions of~~ subsection (10) of this section, if:

9 (a) The defendant:

10 (I) Is charged with a CLASS 1 misdemeanor; ~~a misdemeanor drug~~
11 ~~offense, a petty offense, or a traffic offense;~~

12 (II) Has been committed to the custody of the department or
13 otherwise confined ~~as a result of a determination of incompetency to~~
14 ~~proceed~~ FOR AN AGGREGATE TIME OF SIX MONTHS; AND

15 (III) Has received competency restoration services while
16 committed or otherwise confined for an aggregate time of six months; and

17 (b) The court determines, based on available evidence, that the
18 defendant remains incompetent to proceed."

19 Page 33, line 4, strike "IN EACH JAIL FOR INPATIENT" and substitute "FOR
20 JAIL-BASED".

21 Page 33, after line 19 insert:

22 "SECTION 14. In Colorado Revised Statutes, 24-4.1-302, **amend**
23 (2)(a.7) as follows:

24 **24-4.1-302. Definitions.** As used in this part 3, and for no other
25 purpose, including the expansion of the rights of any defendant:

26 (2) "Critical stages" means the following stages of the criminal
27 justice process:

28 (a.7) The decision to enter into a diversion agreement pursuant to
29 section 18-1.3-101, ~~C.R.S.~~ OR TO MAKE A REFERRAL TO THE BRIDGES
30 WRAPAROUND CARE PROGRAM PURSUANT TO SECTION 16-8.6-108;".

31 Renumber succeeding sections accordingly.

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