

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

March 26, 2024  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB24-1355 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 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).".

- 1 Page 8, strike lines 5 and 6 and substitute "WITH MENTAL HEALTH  
2 DISORDERS IN THE DEVELOPMENT AND OPERATION".
- 3 Page 8, line 23, strike "AND".
- 4 Page 8, after line 23 insert:
- 5 "(f) DEFINE THE PROCESS AND TIMELINE FOR BRIDGES OF  
6 COLORADO TO REPORT TO THE DISTRICT ATTORNEY AND THE COURT  
7 REGARDING AN INDIVIDUAL'S NONCOMPLIANCE WITH THE BRIDGES  
8 WRAPAROUND CARE PROGRAM; AND".
- 9 Reletter succeeding paragraph accordingly.
- 10 Page 9, line 3, strike "STAKEHOLDERS AND".
- 11 Page 9, line 6, strike "DATA GATHERING AND" and substitute "AND  
12 COLLECTS DATA AND MANAGES".
- 13 Page 9, strike line 8 and substitute "BRIDGES OF COLORADO AND THE  
14 ENTITIES DESCRIBED IN SECTION 16-8.6-104 (1)(a); AND".
- 15 Page 9, line 12, strike "COORDINATE" and substitute "COLLABORATE".
- 16 Page 9, line 13, strike "NECESSARY STAKEHOLDERS," and substitute  
17 "ENTITIES DESCRIBED IN SECTION 16-8.6-104 (1)(a),".
- 18 Page 9, strike lines 17 and 18 and substitute "(a) THE INDIVIDUAL'S  
19 NAME; AGE; RACE; IDENTIFIED GENDER; CHARGES, AS IDENTIFIED BY THE  
20 CHARGE CODE; AND CASE NUMBER;".
- 21 Page 11, line 8, strike "ASSESS" and substitute "ASSESS, OR ARRANGE FOR  
22 THE SCREENING AND ASSESSMENT OF,".
- 23 Page 13, strike lines 7 through 27.
- 24 Strike page 14 and substitute:
- 25 **"16-8.6-108. Eligibility - initial intake - acceptance - release**  
26 **from custody.** (1) A DEFENDANT MAY BE REFERRED TO THE BRIDGES  
27 WRAPAROUND CARE PROGRAM WITH THE CONSENT OF THE DISTRICT  
28 ATTORNEY.

1           (2) A DEFENDANT WHO IS REFERRED TO THE BRIDGES  
2 WRAPAROUND CARE PROGRAM IS ELIGIBLE TO PARTICIPATE IN THE  
3 PROGRAM IF:  
4           (a) THE DISTRICT ATTORNEY AND DEFENSE COUNSEL AGREE THAT  
5 THERE IS REASONABLE CAUSE TO BELIEVE THAT THE DEFENDANT WILL BE  
6 FOUND INCOMPETENT TO PROCEED IF THE ISSUE OF COMPETENCY IS  
7 RAISED;  
8           (b) THE DEFENDANT CONSENTS TO PARTICIPATE IN THE BRIDGES  
9 WRAPAROUND CARE PROGRAM; AND  
10          (c) THE DEFENDANT IS NOT CHARGED WITH A CLASS 1 FELONY; A  
11 CLASS 2 FELONY; A CLASS 3 FELONY; A LEVEL 1 DRUG FELONY; A LEVEL 2  
12 DRUG FELONY; A SEX OFFENSE, AS DEFINED IN SECTION 18-1.3-1003; A  
13 CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406 (2); OR ANY  
14 OFFENSE DESCRIBED IN SECTION 24-4.1-302 (1), UNLESS THE DISTRICT  
15 ATTORNEY WAIVES THIS REQUIREMENT IN THE INTEREST OF JUSTICE.  
16          (3) PRIOR TO REFERRING A DEFENDANT TO THE BRIDGES  
17 WRAPAROUND CARE PROGRAM, WHEN THE DEFENDANT IS CHARGED WITH  
18 AN OFFENSE DESCRIBED IN SECTION 24-4.1-302 (1), THE DISTRICT  
19 ATTORNEY SHALL COMPLY WITH ALL RELEVANT PROVISIONS OF SECTION  
20 24-4.1-300.1, ET SEQ.  
21          (4) THE DISTRICT ATTORNEY MUST BE PROVIDED ACCESS TO THE  
22 REPORTS AND INFORMATION DESCRIBED IN SECTION 16-8.5-104(1) AND (4)  
23 AND ANY REPORTS AND INFORMATION RELATED TO THE DEFENDANT'S  
24 COMPLIANCE WITH THE BRIDGES WRAPAROUND CARE PROGRAM. A  
25 DEFENDANT WHO CONSENTS TO PARTICIPATE IN THE BRIDGES  
26 WRAPAROUND CARE PROGRAM WAIVES ANY CLAIM TO CONFIDENTIALITY  
27 AND PRIVILEGE FOR THE PURPOSES OF THE REPORTS AND INFORMATION  
28 PROVIDED PURSUANT TO THIS SUBSECTION (4).  
29          (5) IF AN ELIGIBLE DEFENDANT IS REFERRED TO THE BRIDGES  
30 WRAPAROUND CARE PROGRAM AND THE DEFENDANT CONSENTS TO  
31 PARTICIPATE IN THE PROGRAM, THE COURT SHALL ISSUE AN ORDER  
32 APPOINTING A BRIDGES WRAPAROUND CARE COORDINATOR. THE BRIDGES  
33 WRAPAROUND CARE PROGRAM MUST ACCEPT AN ELIGIBLE DEFENDANT  
34 WHO IS REFERRED BY THE COURT TO THE PROGRAM, UNLESS THE BRIDGES  
35 WRAPAROUND CARE COORDINATOR DETERMINES THAT THE BRIDGES  
36 WRAPAROUND CARE PROGRAM IS NOT APPROPRIATE FOR THE DEFENDANT.  
37 IF THE BRIDGES WRAPAROUND CARE PROGRAM IS NOT APPROPRIATE FOR  
38 THE DEFENDANT, BRIDGES OF COLORADO SHALL IMMEDIATELY NOTIFY  
39 THE COURT AND PROVIDE THE COURT WITH OTHER APPROPRIATE  
40 INTERVENTIONS THAT MAY INCLUDE, BUT ARE NOT LIMITED TO, CIVIL  
41 COMMITMENT OR OTHER PLACEMENT OPTIONS.  
42          (6) IF A DEFENDANT IS ACCEPTED TO PARTICIPATE IN THE BRIDGES  
43 WRAPAROUND CARE PROGRAM AND THE DEFENDANT IS IN CUSTODY, THE

1 COURT SHALL RELEASE THE DEFENDANT ON A PERSONAL RECOGNIZANCE  
2 BOND. UPON MOTION OF THE DISTRICT ATTORNEY OR A REQUEST TO  
3 TERMINATE THE DEFENDANT FROM THE BRIDGES WRAPAROUND CARE  
4 PROGRAM, THE COURT MAY REVOKE THE PERSONAL RECOGNIZANCE BOND  
5 FOR ANY VIOLATION OF BOND CONDITIONS, INCLUDING THE DEFENDANT'S  
6 NONCOMPLIANCE WITH PROGRAM REQUIREMENTS. IF THE COURT  
7 CONTINUES THE DEFENDANT'S PARTICIPATION IN THE BRIDGES  
8 WRAPAROUND CARE PROGRAM, THE COURT SHALL REINSTATE THE  
9 PERSONAL RECOGNIZANCE BOND."

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

12 Page 17, after line 26 insert:

13 "(3) IF THE CHARGES AGAINST A DEFENDANT ARE DISMISSED  
14 PURSUANT TO THIS SECTION AND THE CHARGES ARE ELIGIBLE FOR SEALING  
15 PURSUANT TO SECTION 24-72-704, THE DISTRICT ATTORNEY MAY OBJECT,  
16 IN THE INTERESTS OF JUSTICE, TO SEALING THE CASE. IF THE DISTRICT  
17 ATTORNEY FILES A WRITTEN OBJECTION TO THE SEALING WITHIN SEVEN  
18 DAYS OF THE DISMISSAL, THE CHARGES AGAINST THE DEFENDANT ARE NOT  
19 ELIGIBLE FOR SEALING AND THE COURT SHALL NOT ENTER AN ORDER  
20 SEALING THE CHARGES; EXCEPT THAT, THE DISTRICT ATTORNEY MAY, AT  
21 A LATER DATE, WITHDRAW THE OBJECTION AND AGREE TO SEALING THE  
22 CASE THAT IS DISMISSED PURSUANT TO THIS SECTION."

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

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

25 Page 21, after line 15 insert:

26 "(III) THE DISCLOSURE IS REQUIRED IN ORDER TO COMPLY WITH  
27 MANDATORY REPORTING REQUIREMENTS PURSUANT TO SECTIONS  
28 19-3-304 AND 18-6.5-108."

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

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

31 "(b) (I) IF A DEFENDANT'S HIGHEST CHARGED OFFENSE IS A CLASS  
32 2 MISDEMEANOR, A PETTY OFFENSE, A DRUG MISDEMEANOR, OR A TRAFFIC  
33 OFFENSE, AND THE DEFENDANT IS FOUND INCOMPETENT TO PROCEED, THE

1 COURT SHALL DISMISS THE CHARGES AGAINST THE DEFENDANT UNLESS  
2 THE DISTRICT ATTORNEY OBJECTS PRIOR TO THE ENTRY OF THE ORDER TO  
3 DISMISS AND MAKES A PRIMA FACIE SHOWING THAT THE DEFENDANT IS A  
4 DANGER TO THE DEFENDANT'S SELF OR OTHERS OR IS GRAVELY DISABLED  
5 AND THERE IS A REASONABLE BELIEF THAT THE DEFENDANT WILL BE  
6 CERTIFIED FOR TREATMENT AND RECEIVE THE NECESSARY SERVICES  
7 PURSUANT TO ARTICLE 65 OF TITLE 27.

8 (II) IF THE DISTRICT ATTORNEY MAKES THE PRIMA FACIE SHOWING  
9 PURSUANT TO SUBSECTION (1)(b)(I) OF THIS SECTION, THE COURT SHALL  
10 PROCEED PURSUANT TO SUBSECTION (10) OF THIS SECTION AND, UPON  
11 COMPLETION OF THE CERTIFICATION PROCESS, THE COURT SHALL DISMISS  
12 THE CHARGES AGAINST THE DEFENDANT.

13 (III) IF THE COURT DOES NOT REFER THE DEFENDANT FOR  
14 CERTIFICATION PURSUANT TO SUBSECTION (10) OF THIS SECTION, THE  
15 COURT MAY REFER THE DEFENDANT TO VOLUNTARILY PARTICIPATE AND  
16 RECEIVE SERVICES IN THE BRIDGES WRAPAROUND CARE PROGRAM  
17 PURSUANT TO ARTICLE 8.6 OF TITLE 16.

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

22 (a) The defendant:

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

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

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

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

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

34 Page 33, after line 19 insert:

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

37 **24-4.1-302. Definitions.** As used in this part 3, and for no other  
38 purpose, including the expansion of the rights of any defendant:

39 (2) "Critical stages" means the following stages of the criminal  
40 justice process:

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

4 Renumber succeeding sections accordingly.

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