

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0262.01 Michael Dohr x4347

SENATE BILL 16-019

SENATE SPONSORSHIP

Cooke,

HOUSE SPONSORSHIP

Saine and Foote,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT COURT-ORDERED MENTAL
102 CONDITION EXAMINATIONS BE RECORDED.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill requires a court-ordered mental condition examination to be video and audio recorded. A copy of the recording must be included with the evaluator's report.

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 **SECTION 1.** In Colorado Revised Statutes, 16-8-106, **amend** (1)
2 as follows:

3 **16-8-106. Examinations and report.** (1) (a) All examinations
4 ordered by the court in criminal cases shall be accomplished by the entry
5 of an order of the court specifying the place where such examination is
6 to be conducted and the period of time allocated for such examination.
7 The defendant may be committed for such examination to the Colorado
8 psychiatric hospital in Denver, the Colorado mental health institute at
9 Pueblo, the place where he or she is in custody, or such other public
10 institution designated by the court. In determining the place where such
11 examination is to be conducted, the court shall give priority to the place
12 where the defendant is in custody, unless the nature and circumstances of
13 the examination require designation of a different facility. The defendant
14 shall be observed and examined by one or more psychiatrists or forensic
15 psychologists during such period as the court directs. For good cause
16 shown, upon motion of the prosecution or defendant, or upon the court's
17 own motion, the court may order such further or other examination as is
18 advisable under the circumstances. Nothing in this section shall abridge
19 the right of the defendant to procure an examination as provided in
20 section 16-8-108.

21 (b) AN INTERVIEW CONDUCTED PURSUANT TO THIS SECTION MUST
22 BE VIDEO AND AUDIO RECORDED AND PRESERVED. A COPY OF THE
23 RECORDING MUST BE PROVIDED TO ALL PARTIES AND THE COURT WITH THE
24 EXAMINATION REPORT.

25 **SECTION 2.** In Colorado Revised Statutes, 16-8-108, **amend** (1)
26 as follows:

27 **16-8-108. Examination at instance of defendant.** (1) If the

1 defendant wishes to be examined by a psychiatrist, psychologist, or other
2 expert of his own choice in connection with any proceeding under this
3 article, the court, upon timely motion, shall order that the examiner
4 chosen by the defendant be given reasonable opportunity to conduct the
5 examination. AN INTERVIEW CONDUCTED PURSUANT TO A COURT ORDER
6 UNDER THIS SECTION MUST BE VIDEO AND AUDIO RECORDED AND
7 PRESERVED. A COPY OF THE RECORDING MUST BE PROVIDED TO THE
8 PROSECUTION WITH THE EXAMINATION REPORT.

9 **SECTION 3. Effective date - applicability.** This act takes effect
10 July 1, 2016, and applies to court-ordered mental condition examinations
11 conducted on or after said date.

12 **SECTION 4. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.