

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB22-1386 be amended as follows:

1 Amend printed bill, page 4, strike lines 5 through 7 and substitute:

2 "(II) FOR A DEFENDANT WHO IS NOT CHARGED WITH A FELONY OR
3 ANY OF THE MISDEMEANORS ENUMERATED IN THIS SUBSECTION (2)(b)(II),
4 THE COURT SHALL ORDER OUTPATIENT".

5 Page 5, strike lines 3 through 6 and substitute:

6 ~~"(H) (III) (A) If the defendant is in custody and the~~
7 ~~recommendation is for outpatient restoration services~~ FOR A DEFENDANT
8 WHO IS IN CUSTODY AND WHO IS CHARGED WITH A FELONY OR ANY OF THE
9 MISDEMEANORS ENUMERATED IN SUBSECTION (2)(b)(II) OF THIS SECTION,
10 AND FOR WHOM OUTPATIENT RESTORATION IS CLINICALLY APPROPRIATE
11 AND SUFFICIENT TO RESTORE THE DEFENDANT TO COMPETENCY, the court
12 shall consider the release of".

13 Page 6, strike lines 2 through 4 and substitute "to overcome the
14 presumption of a release ~~and the clinical recommendation for outpatient~~
15 ~~treatment~~ by clear and convincing evidence.".

16 Page 7, strike lines 13 through 15 and substitute:

17 "(i) FOR A DEFENDANT ALLOWED TO RESIDE OUT OF THE STATE OF
18 COLORADO, THE DEPARTMENT MAY OFFER ASSISTANCE TO AN
19 OUT-OF-STATE PROVIDER PROVIDING RESTORATION SERVICES TO THE
20 DEFENDANT IN THE STATE WHERE THE DEFENDANT RESIDES.".

21 Page 7, line 17, strike "(7)(a)(III), (8)(a)(III), (9)(a)," and substitute
22 "(8)(a)(I),".

23 Page 9, strike lines 12 through 19.

24 Page 9, strike lines 25 through 27 and substitute:

25 "(I) Is charged with a class 5 or class 6 felony, except for those
26 offenses enumerated in section 24-4.1-302 (1), OR with a level 3 or level
27 4 drug felony; ~~or with any misdemeanor offense that is not included in~~
28 ~~subsection (7) of this section;~~".

29 Page 10, strike lines 1 through 13.

30 Page 10, strike line 27.

31 Strike pages 11 through 14 and substitute:

32 **"SECTION 5. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly; except
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V
4 of the state constitution against this act or an item, section, or part of this
5 act within such period, then the act, item, section, or part will not take
6 effect unless approved by the people at the general election to be held in
7 November 2022 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor."

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