

SB252\_L.008

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB18-252 be amended as follows:

1 Amend reengrossed bill, page 19, after line 2 insert:

2 "SECTION 6. In Colorado Revised Statutes, add 16-8.5-113.5  
3 as follows:

4 **16-8.5-113.5. In-custody outpatient restoration services.** (1) IF  
5 COMPETENCY RESTORATION SERVICES ARE TO BE PROVIDED BY THE  
6 DEPARTMENT ON AN IN-CUSTODY AND OUTPATIENT BASIS PURSUANT TO  
7 SECTION 16-8.5-111, THE RESTORATION SERVICES MUST INCLUDE, BUT  
8 NEED NOT BE LIMITED TO, THE FOLLOWING COMPONENTS:

9 (a) THE USE OF AN INTEGRATED APPROACH THAT PROVIDES  
10 CULTURALLY COMPETENT AND DEVELOPMENTALLY APPROPRIATE  
11 COMPETENCY RESTORATION SERVICES AND TREATMENT TAILORED TO AN  
12 INDIVIDUAL'S UNIQUE NEEDS;

13 (b) THE DELIVERY OF SERVICES BY COMPETENT AND QUALIFIED  
14 COMPETENCY RESTORATION TREATMENT PROVIDERS AND EDUCATORS,  
15 INCLUDING FORENSIC PSYCHIATRISTS, PSYCHOLOGISTS, LICENSED SOCIAL  
16 WORKERS, AND OTHER EXPERIENCED TREATMENT PROFESSIONALS  
17 OPERATING AS A TEAM AND IN CONJUNCTION WITH THE JAIL-BASED  
18 BEHAVIORAL HEALTH SERVICES PROGRAM ESTABLISHED PURSUANT TO  
19 SECTION 27-60-106, AS CREATED IN SENATE BILL 18-250, ENACTED IN  
20 2018;

21 (c) A FULL CLINICAL ASSESSMENT BY A PSYCHIATRIST OR A  
22 PSYCHOLOGIST AT LEAST TWO TIMES DURING THE SIXTY-DAY  
23 RESTORATION TIME PERIOD;

24 (d) THE DELIVERY OF EDUCATION AND OTHER TREATMENT  
25 SERVICES IN A FACE-TO-FACE CONTACT AREA IN ANY JAIL OR DETENTION  
26 FACILITY THAT IS SEPARATE FROM THE GENERAL POPULATION, PROVIDES  
27 APPROPRIATE PRIVACY AND SECURITY TO PROVIDE THE NECESSARY  
28 INTENSIVE RESTORATION SERVICES, AND ALLOWS FOR ACCESS TO THE  
29 DEFENDANT FOR THE NECESSARY TIME PERIODS TO RENDER EFFECTIVE  
30 RESTORATION SERVICES;

31 (e) THE DELIVERY OF WEEKLY COMPETENCY RESTORATION HOURS,  
32 AS DETERMINED BY AN INDIVIDUALIZED PLAN TAILORED TO THE  
33 DEFENDANT WHO IS RECEIVING THE SERVICES, BUT THAT ARE DELIVERED  
34 ON AN INTENSIVE AND EXPEDITED BASIS DUE TO THE DEFENDANT'S  
35 IN-CUSTODY STATUS. THE INDIVIDUALIZED PLAN MUST ACKNOWLEDGE  
36 THE INHERENT CHALLENGES FOR BOTH THE DEFENDANT AND THE JAIL  
37 STAFF WHEN A DEFENDANT WHO HAS BEEN DETERMINED TO BE  
38 INCOMPETENT TO PROCEED REMAINS IN CUSTODY FOR RESTORATION  
39 SERVICES.

40 (f) MONITORING OF GENERAL MEDICAL CARE IN COORDINATION  
41 WITH THE JAIL STAFF, SPECIFICALLY WITH RESPECT TO ANY VOLUNTARY

1 ADMINISTERED MEDICATIONS;  
2 (g) ON-GOING COORDINATION WITH THE JAIL STAFF AND ENSURING  
3 THAT JAIL STAFF WHO INTERACT WITH THE DEFENDANT ARE AWARE OF THE  
4 INDIVIDUALIZED RESTORATION PLAN FOR THE DEFENDANT AND HAVE BEEN  
5 TRAINED ON BEHAVIORAL HEALTH DISORDERS AND BEST PRACTICES FOR  
6 WORKING WITH INDIVIDUALS WITH MENTAL AND BEHAVIORAL HEALTH  
7 DISORDERS, CONSISTENT WITH THE PROVISIONS OF SECTION 27-60-106, AS  
8 ESTABLISHED IN SENATE BILL 18-250, ENACTED IN 2018; AND  
9 (h) COORDINATION WITH COMMUNITY MENTAL HEALTH PROVIDERS  
10 TO ASSIST IN THE RELEASE OF THE DEFENDANT AT ANY COURT REVIEW  
11 PURSUANT TO SECTION 16-8.5-111 (3) TO OBTAIN COMMUNITY-BASED  
12 OUTPATIENT RESTORATION SERVICES WHEN CLINICALLY INDICATED."  
13 Renumber succeeding sections accordingly.

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