

## SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Amabile

1 Amend the Judiciary Committee Report, dated February 12, 2025, page  
2 2, lines 33 and 34, strike "and (4)(b)" and substitute "(4)(b), and (7)".

3 Page 2, line 38, after "treatment" insert "PURSUANT TO THIS SUBSECTION  
4 (3)".

5 Page 4, after line 20, insert:

6         **"(7) (a) Outpatient restoration services.** If the defendant is out  
7 of custody and the court has ordered restoration services pursuant to  
8 subsection (2)(a) of this section:

9             (a) Pursuant to section 27-60-105, the department is the entity  
10 responsible for the coordination of all competency restoration services,  
11 including the oversight of restoration education;

12             (b) The restoration services provider under contract with the  
13 department shall notify the court, the department, the bridges court  
14 liaison, and any other designated agency within twenty-one days after the  
15 court's order if restoration services have not started and include a  
16 description of the efforts that have been made to engage the defendant in  
17 services; and

18             (c) If the department determines that the department is  
19 unable, within a reasonable time, to provide restoration services on an  
20 outpatient basis, the department shall notify the court within fourteen days  
21 after the department's determination, at which point the court shall review  
22 the case and determine what interim mental health services the  
23 department or a community provider can provide to the defendant. If a  
24 bridges court liaison is appointed, the department shall report to the  
25 bridges court liaison every twenty-eight days concerning the availability  
26 of restoration services on an outpatient basis to the defendant.

27             (b) IF, IN THE PROCESS OF COORDINATING OUTPATIENT  
28 RESTORATION SERVICES FOR A DEFENDANT, THE DEPARTMENT  
29 DETERMINES THAT THE DEFENDANT MEETS THE STANDARD FOR A  
30 CERTIFICATION FOR SHORT-TERM TREATMENT PURSUANT TO SECTION  
31 27-65-108.5 AND THAT INITIATING A PETITION FOR AN OUTPATIENT  
32 CERTIFICATION IS APPROPRIATE, THE DEPARTMENT MAY REQUEST, IN  
33 WRITING, THAT THE COURT REFER THE MATTER FOR FILING OF A PETITION  
34 FOR SHORT-TERM TREATMENT PURSUANT TO 27-65-108.5 IN A COURT WITH  
35 JURISDICTION AND AUTHORIZE THE DEPARTMENT TO FILE THE PETITION.  
36 AFTER RECEIVING A WRITTEN REQUEST, THE COURT SHALL HEAR AND  
37 CONSIDER ANY OBJECTIONS FROM THE DEFENDANT PRIOR TO RULING ON  
38 THE REQUEST.".

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