

SB25-041

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) (I) 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) (II) 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) (III) 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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