

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 07-0052.01 Jane Ritter

SENATE BILL 07-003

SENATE SPONSORSHIP

Kester, Takis, and Windels

HOUSE SPONSORSHIP

Jahn, Solano, and Stafford

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF AN ADVISORY BOARD TO MAKE**
102 **RECOMMENDATIONS CONCERNING COMPETENCY EVALUATIONS**
103 **IN ADULT CRIMINAL CASES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Legislative Oversight Committee for the Continuing Examination of the Treatment of Persons with Mental Illness who are Involved in the Criminal and Juvenile Justice Systems. Creates an advisory board to study and recommend standards regarding the level of training, education, and experience that a psychiatrist or psychologist shall have to be qualified to perform competency evaluations in criminal

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.

cases. Outlines the membership of the advisory board. Schedules the advisory board for repeal in 2010.

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

2 **SECTION 1.** Article 8 of title 16, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SECTION to read:

4 **16-8-106.5. Competency evaluation advisory board - creation**
5 **- membership - duties - repeal.** (1) THERE IS HEREBY CREATED THE
6 COMPETENCY EVALUATION ADVISORY BOARD, REFERRED TO IN THIS
7 SECTION AS THE "ADVISORY BOARD", IN THE DEPARTMENT OF HUMAN
8 SERVICES THAT SHALL STUDY AND RECOMMEND STANDARDS TO THE STATE
9 BOARD OF HUMAN SERVICES REGARDING THE LEVEL OF TRAINING,
10 EDUCATION, AND EXPERIENCE THAT A PSYCHIATRIST OR PSYCHOLOGIST
11 SHALL HAVE TO BE CONSIDERED QUALIFIED TO PERFORM COMPETENCY
12 EVALUATIONS IN CRIMINAL CASES PURSUANT TO SECTIONS 16-8-106 AND
13 16-8-111. THE ADVISORY BOARD SHALL ADDITIONALLY MAKE
14 RECOMMENDATIONS TO THE STATE BOARD OF HUMAN SERVICES
15 CONCERNING STANDARDS FOR CONDUCTING AND REPORTING THE
16 COMPETENCY EVALUATIONS.

17 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN
18 SERVICES, OR HIS OR HER DESIGNEE, SHALL SERVE AS CHAIR OF THE
19 ADVISORY BOARD AND SHALL APPOINT THE REMAINING MEMBERS OF THE
20 ADVISORY BOARD. THE ADVISORY BOARD SHALL CONSIST OF UP TO
21 FOURTEEN MEMBERS, INCLUDING BUT NOT LIMITED TO:

22 (a) A PSYCHIATRIST WHO IS TRAINED IN FORENSIC COMPETENCY
23 ASSESSMENTS;

24 (b) A LICENSED PSYCHOLOGIST WHO IS TRAINED IN FORENSIC
25 COMPETENCY ASSESSMENTS;

1 (c) A LICENSED CLINICAL SOCIAL WORKER WHO IS TRAINED IN
2 FORENSIC COMPETENCY ASSESSMENTS;

3 (d) A LICENSED PROFESSIONAL COUNSELOR WHO IS TRAINED IN
4 FORENSIC COMPETENCY ASSESSMENTS;

5 (e) A REPRESENTATIVE OF THE UNIT WITHIN THE DEPARTMENT OF
6 HUMAN SERVICES THAT IS RESPONSIBLE FOR MENTAL HEALTH SERVICES;

7 (f) A PERSON WHO REPRESENTS DISTRICT ATTORNEYS WITHIN THE
8 STATE;

9 (g) A PERSON WHO REPRESENTS DEFENSE ATTORNEYS WITHIN THE
10 STATE;

11 (h) A REPRESENTATIVE FROM THE TASK FORCE ESTABLISHED
12 PURSUANT TO SECTION 18-1.9-104, C.R.S.;

13 (i) A FAMILY MEMBER OF A PERSON WHO HAD BEEN SUBJECT TO
14 THE COMPETENCY EVALUATION PROCESS AT SOME TIME;

15 (j) A REPRESENTATIVE OF THE JUDICIAL DEPARTMENT; AND

16 (k) A REPRESENTATIVE OF THE COLORADO MENTAL HEALTH
17 INSTITUTE AT PUEBLO.

18 (3) THE ADVISORY BOARD SHALL REPORT ITS FINDINGS AND
19 RECOMMENDATIONS TO THE DEPARTMENT OF HUMAN SERVICES NO LATER
20 THAN JANUARY 30, 2008, AND NO LATER THAN JANUARY 30 EACH YEAR
21 THEREAFTER.

22 (4) BASED ON THE RECOMMENDATIONS OF THE ADVISORY BOARD,
23 THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE RULES AND
24 ADOPT PROCEDURES TO ESTABLISH AND IMPLEMENT THE STANDARDS
25 IDENTIFIED IN SUBSECTION (1) OF THIS SECTION.

26 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2010.

27 **SECTION 2.** 26-1-107 (6), Colorado Revised Statutes, is

1 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2 **26-1-107. State board of human services.** (6) The state board
3 shall:

4 (h) ADOPT RULES CONCERNING STANDARDS FOR THE LEVEL OF
5 TRAINING, EDUCATION, AND EXPERIENCE THAT A PSYCHIATRIST OR
6 PSYCHOLOGIST SHALL HAVE TO BE QUALIFIED TO PERFORM COMPETENCY
7 EVALUATIONS IN CRIMINAL CASES PURSUANT TO SECTIONS 16-8-106 AND
8 16-8-111, C.R.S., AND STANDARDS FOR CONDUCTING AND REPORTING
9 COMPETENCY EVALUATIONS IN CRIMINAL CASES. PRIOR TO ADOPTING THE
10 RULES, THE STATE BOARD SHALL CONSIDER RECOMMENDATIONS FROM THE
11 COMPETENCY EVALUATION ADVISORY BOARD CREATED IN SECTION
12 16-8-106.5, C.R.S.

13 **SECTION 3. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.