

Final
STAFF SUMMARY OF MEETING

TREATMENT OF PERSONS WITH MENTAL ILLNESS IN THE CRIMINAL JUSTICE
SYSTEM

Date: 10/03/2013

ATTENDANCE

Time: **09:06 AM to 12:29 PM**

King	*
Rosenthal	X
Tochtrop	X
Wright	X
Labuda	A
Newell	X

Place: SCR 356

This Meeting was called to order by
Senator Newell

This Report was prepared by
Amanda King

X = Present, E = Excused, A = Absent, * = Present after roll call

Bills Addressed:	Action Taken:
Introductions & Welcomes	Witness Testimony and/or Committee Discussion Only
Discussion of the Advisory Task Force Activities	Witness Testimony and/or Committee Discussion Only
Discussion of Proposed Legislation - Bill 1	Recommendation(s) Approved
Discussion of Proposed Legislation - Bill 2	Recommendation(s) Approved

09:07 AM -- Introductions & Welcomes

Senator Newell made opening remarks concerning the agenda (Attachment A) for the meeting.

09:08 AM -- Discussion of the Advisory Task Force Activities

Susan Walton, Chair of the Continuing Examination of Persons with Mental Illness Who Are Involved in the Criminal and Juvenile Justice Systems (MICJS) Task Force, introduced herself to the committee, and discussed her background in the human services field. Senator Tochtrop commented on Ms. Walton's professional background.

09:11 AM

Ms. Walton gave an update on the MICJS Task Force activities. She discussed the task force's efforts to examine the defense plea of not guilty by reason of insanity and the task force's strategic planning session that was conducted in November 2012. She discussed a survey that was conducted of the task force members that resulted in identifying the following study areas for the task force: medication, including formularies, medication interruptions due to disruptions in Medicaid access, and lack of Medicaid services upon release; staff safety, including opportunities for training and education; and housing, especially affordable housing, the stability and proper supports that housing offers, and the need for funding for housing, as well as wrap-around and case-management service options. Ms. Walton stated that Department of Corrections (DOC) personnel will be making a presentation on staff safety to the task force at its October meeting. Ms. Walton said that the task force's efforts to address issues concerning medication had stalled when Dr. Gregory Kellermeyer left the task force, but she is hopeful that once the position of a practicing forensic professional is filled on the task force, those efforts will continue.

09:19 AM

Senator Tochtrop asked whether the task force is looking at the issue of persons who are mentally ill who are in the criminal justice system and are kept in solitary confinement. Ms. Walton discussed the task force's efforts on the issue of administrative segregation, as well as the fact that the positions on the task force that are designated for the DOC are currently vacant.

09:22 AM

Dr. Harriet Hall, MICJS Task Force member, discussed the task force's activities concerning administrative segregation, which included touring correctional facilities, and the fact that the DOC made several changes at one point to address issues concerning administrative segregation. Dr. Hall stated that the task force has not studied the issue recently, but it is an issue the task force could continue to study.

09:25 AM

Senator Tochtrop discussed issues related to the safety of health care workers, emergency room workers, and first responders. Representative Wright discussed the need to fill the DOC vacancies on the task force. He asked whether legislation will be brought forth on medication issues, to which Ms. Walton responded that the task force was not recommending legislation on that issue at this time. Senator Newell discussed the interim committee bill deadlines, as well as other options for introducing legislation on issues the task force is studying. Representative Rosenthal dialogued with Ms. Walton about the task force's bill recommendation process. Senator Tochtrop discussed the implementation of legislation concerning Medicaid for persons released from the criminal justice system. Ms. Walton stated her understanding is that at this time that legislation has not been implemented. Senator Newell stated that the committee would follow-up with the Department of Health Care Policy and Financing on the issue. Representative Wright discussed the continuation and transfer of medication while persons are within the criminal justice system.

09:36 AM

Ms. Walton discussed the need for coordination of care after release from the criminal justice system. She responded to questions about the task force's efforts on the issue of staff safety, especially for smaller, rural counties and less experienced staff, especially in the county departments of human services. Senator Newell asked that Ms. Walton report back about how the legislative oversight committee can assist in efforts to address staff safety issues. Ms. Walton stated that many of the issues can be addressed through regulatory changes. Senator Newell asked Ms. Walton to provide in the its next report information on the issues the task force addressed without the need for legislation. Ms. Walton responded to questions about future efforts of the task force to address housing issues and asked that the committee provide some guidance to the task force on the specific housing issues they would like the task force to focus on.

09:45 AM

Senator Newell discussed the need for more data, including data on suicide rates in the criminal justice system and upon release. Ms. Walton and Dr. Hall responded to questions about whether substance abuse and behavioral health should be included in the task force's name. Dr. Hall discussed the legal complexities that could arise from including substance abuse in the task force's specific charge and aspects of the Diagnostic and Statistical Manual of Mental Disorders. Discussion continued about how the task force has addressed co-occurring disorders, and whether the task force should address stand-alone substance abuse issues. Copies of Article 1.9 of Title 18, C.R.S., were distributed to the committee (Attachment B). Senator Newell discussed the need for housing for persons with traumatic brain injuries.

10:06 AM

The committee dialogued with Ms. Walton about the need to fill vacancies on the task force, and the possibility of allowing and funding travel reimbursement and per diem for the task force. Ms. Walton discussed the need to address diversity in the task force membership. Members of the committee expressed their support for permitting reimbursements to task force members. Ms. Walton discussed the need for funding for site visits and training activities for the task force members. Representative Wright and Ms. Walton discussed whether crisis intervention training should be mandatory for criminal justice system employees and first responders. Representative Wright requested that Ms. Walton ask the task force members whether there would be support for mandatory crisis intervention training.

10:22 AM

Ms. Walton discussed the reasons why the task force is suggesting expanding the task force membership to include a member representing the Office of the Child's Representative and a member representing the Office of the Alternative Defense Counsel.

10:26 AM

The committee was provided a list of task force members (Attachment C) and a copy of Dr. Richard Martinez's curriculum vitae (Attachment D). Dr. Richard Martinez was appointed by Senator Newell to the task force to fill the vacancy of a practicing forensic professional. Senator Newell asked the committee to inform her if they had suggestions to fill the other vacancies on the task force. Senator Tochtrop suggested Dave Young from the 17th Judicial District for consideration for the district attorney position.

10:31 AM -- Discussion of Proposed Legislation - Bill 1

Ms. Walton presented proposed Bill 1 concerning continuing examination of the treatment of persons with mental illness who are involved in the justice systems (Attachment E). She discussed changing the name of the committee to shorten the name, but to still include the phrase "persons with." Dr. Hall discussed continuing the task force and legislative oversight committee. Dr. Hall responded to a question about whether a future repeal date is needed in the bill. Senator Newell said that amendments could be offered conceptually.

10:36 AM

Jane Ritter, Office of Legislative Legal Services, discussed the ability of the committee to make amendments to the proposed bill. The committee discussed including a travel reimbursement and per diem for task force members and the legislative oversight committee members. The committee discussed whether the appropriation clause should be included in the bill draft at this point.

10:47 AM

The committee discussed the possibility of changing the name of the committee, name of the task force, and bill title. Ms. Ritter asked about changing the name of the cash fund and the issues to be studied by the task force. The committee said that the issues to study should include housing, medication, staff safety and training, data collection, and administrative segregation. Senator Newell discussed the inclusion of suicide prevention and the treatment of co-occurring disorders. Senator Newell authorized Ms. Ritter to work with Ms. Walton and Dr. Hall on specific language to address the recommended changes to the bill. Ms. Walton responded to questions about whether expanding the task force membership may have negative impacts on the task force's functionality. The committee discussed changing the language on page 3, line 6, to remove "any" and add after "proposals" the phrase "if any."

BILL:	Discussion of Proposed Legislation - Bill 1	
TIME:	11:01:57 AM	
MOVED:	Tochtrop	
MOTION:	Referred Bill 1 (Attachment E) to the Legislative Council with the following changes: match the name of the task force and oversight committee to be "task force on persons with mental illness in the criminal and juvenile justice systems" and "legislative oversight committee on persons with mental illness in the criminal and juvenile justice systems"; add standard travel reimbursement language for both task force and legislative oversight committee members; remove the appropriations clause; change name of the cash fund to match the name of the task force and legislative oversight committee; expand the date of study to the repeal date of the task force; add issues for the task force to study to include housing, medication, staff safety and training, best practices of suicide prevention, data collection, administrative segregation, and treatment of co-occurring disorders; and on page 3, line 6, remove "any" and after "proposals" add "if any." The motion passed on a vote of 5-0, with one member absent.	
SECONDED:		
		VOTE
	King	Yes
	Rosenthal	Yes
	Tochtrop	Yes
	Wright	Yes
	Labuda	Absent
	Newell	Yes
Final YES: 5 NO: 0 EXC: 0 ABS: 1 FINAL ACTION: PASS		

11:05 AM

The committee discussed the sponsorship of the bill. It was determined that the bill would be introduced in the Senate with Senators Tochtrop and King as co-prime sponsors. Representative Wright will be the prime sponsor in the House. Senator Newell and Representative Rosenthal will co-sponsor the bill.

11:10 AM -- Discussion of Proposed Legislation - Bill 2

Michael Ramirez, MICJS Task Force member, discussed his professional background and involvement with the task force. Copies of proposed Bill 2, concerning the determination of competency to proceed for individuals in the juvenile justice system, (Attachment F) were provided to the committee. He discussed the issues the MICJS Task Force has studied related to juvenile justice, specifically related to not guilty by reason of insanity defenses, the history of competency legislation and whether research in the area of brain development would necessitate those statutes being updated, the need for services for youth that age out of juvenile jurisdiction without ever being restored to competency, and whether there was a need to amend statutes to address existing gaps. He stated that there were gaps in statute, and that is why the task force was recommending Bill 2. Mr. Ramirez provided a list of the juvenile justice subcommittee members (Attachment G). He discussed the stakeholder process of the juvenile justice subcommittee. Mr. Ramirez discussed the need to clarify and clean-up the language defining competency through the statute. He discussed the need to have the juvenile competency statute be unique to juveniles, and the fact that the current statutes reference competency as it relates to adults. Mr. Ramirez discussed other recommendations that were discussed by the juvenile justice subcommittee, but were not being brought forth by the task force at this time, which concern competency evaluation deadlines and restoration structure. He discussed the challenges of collecting data about competency evaluations and the utilization of private contractors for competency evaluations. He discussed the need for a centralized and consistent system for all competency evaluations. He discussed the reasons why the recommendations concerning evaluation deadlines and restoration structure were not being brought forth in legislation from the task force at this time.

11:25 AM

Representative Rosenthal asked whether the bill will impact direct-files and the types of crimes that the juveniles allegedly committed resulting in a competency evaluation being needed. In response to a question, Mr. Ramirez stated that not all juveniles are referred to the Colorado Mental Health Institute at Pueblo, but that it depends on the jurisdiction. Ms. Walton discussed competency evaluations for juveniles who are removed from their homes and placed in out-of-home placements. Mr. Ramirez shared a case study of a youth being held in Gilliam Youth Services Center for 191 days before a competency evaluation was provided. Representative Rosenthal discussed the services the juvenile may have received at Gilliam Youth Services Center. The committee dialogued with Mr. Ramirez and Ms. Walton about why data on juvenile competency evaluations is not available.

11:41 AM

Representative Wright asked how Bill 2 would help address issues related to juvenile competency. Mr. Ramirez stated that the bill focuses the competency language on juveniles and removes language concerning adult competency. Representative Rosenthal discussed amending the statutes to allow a dismissal of charges after 60 days, if an evaluation is not completed. Senator Tochtrop discussed the lack of data availability in general. Mr. Ramirez responded to questions about whether adult competency evaluations are centralized and why evaluation timelines are not being met. Mr. Ramirez stated that there is not a standardized approach in the competency evaluations for juveniles. Senator Newell discussed the efforts of the Juvenile Justice Task Force under the Colorado Commission on Criminal and Juvenile Justice to look at a variety of evaluations. Representative Rosenthal asked whether a juvenile would be able to manipulate an evaluation. Ms. Walton discussed aspects of forensic psychology. Mr. Ramirez responded to questions about the involvement of district attorneys and representatives of the judicial districts in the juvenile justice subcommittee and whether they supported the proposed legislation.

11:58 AM

Senator Newell discussed whether the committee could address the juvenile justice subcommittee's recommendations that are not being brought forth in Bill 2 at this time. Senator King expressed concerns about directing the judicial branch on their operations and procedures. He suggested the possibility of talking with the Supreme Court administrator or drafting a letter to the Chief Justice concerning the evaluation deadlines. Representative Wright discussed the need for a standard for evaluations. Senator King discussed the need for flexibility in the judicial system to address juvenile cases. Ms. Walton and Mr. Ramirez discussed reaching out to task force members and others on expanding the bill's scope. Senator Newell discussed the options available to the committee concerning the bill. The committee discussed whether to move the bill forward as drafted and whether the bill adheres to federal law. Ms. Ritter responded to questions about language in the bill concerning the federal definition of developmental disability.

12:14 PM

Mr. Ramirez and Ms. Walton discussed changing language on page 2, line 6, to be up to the 21st birthday rather than the 22nd. Mr. Ramirez discussed changing language on page 3, line 21, changing court-appointed special assistant to court-appointed special advocate. The committee discussed the possibility of another meeting to address outstanding issues related to juvenile competency. The committee determined that they would meet in November or December, if necessary, after the task force further discusses the outstanding issues related to juvenile competency.

BILL:	Discussion of Proposed Legislation - Bill 2	
TIME:	12:24:36 PM	
MOVED:	Rosenthal	
MOTION:	Refer Bill 2 (Attachment F) to the Legislative Council with amendments to page 2, line 6, changing the language to be up to the 21st birthday, and on page 3, line 21, changing court-appointed special assistant to court-appointed special advocate. The motion passed on a vote of 5-0, with one member absent.	
SECONDED:		
		VOTE
	King	Yes
	Rosenthal	Yes
	Tochtrop	Yes
	Wright	Yes
	Labuda	Absent
	Newell	Yes
Final YES: 5 NO: 0 EXC: 0 ABS: 1 FINAL ACTION: PASS		

12:25 PM

The committee discussed the sponsorship of the bill. It was determined that the bill would be introduced in the House with Representative Rosenthal and Senator Newell as the prime sponsors. Representative Wright and Senator Tochtrop will be co-sponsors on the bill.

12:29 PM

Senator Newell expressed her appreciation to the task force and adjourned the committee.

AGENDA

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

Thursday, October 3, 2013
9:00 a.m.
Senate Committee Room 356
State Capitol Building

Call to Order

I. Introductions and Welcomes

- *Senator Linda Newell, Chair, Legislative Oversight Committee*

II. Discussion of Advisory Task Force Activities

- *Ms. Susan Walton, Jefferson County Department of Human Services, Task Force Chair*

III. Consideration of Proposed Legislation

- *Bill 1 - Continuation of the Task Force and Legislative Oversight Committee for the Continuing Examination of Persons with Mental Illness who are Involved in the Criminal and Juvenile Justice System*
- *Bill 2 - Determination of Competency to Proceed for Individuals in the Juvenile Justice System*

Adjourn

ARTICLE 1.9
CONTINUING EXAMINATION OF THE TREATMENT OF PERSONS
WITH MENTAL ILLNESS WHO ARE INVOLVED IN THE JUSTICE
SYSTEM

Section

18-1.9-101. Legislative declaration.

18-1.9-102. Definitions.

18-1.9-103. 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 - creation - duties.

18-1.9-104. Mentally ill offender task force - creation - membership - duties.

18-1.9-105. Task force funding - staff support.

18-1.9-106. Cash fund.

18-1.9-107. Repeal of article.

18-1.9-101. Legislative declaration.

(1) The general assembly hereby finds that:

(a) In November of 1998, the Colorado department of corrections reported that ten percent of its correctional population met the diagnostic criteria for serious mental illness, which number was double the number identified two years earlier, and five to six times the number documented in 1988, only ten years earlier;

(b) The Colorado department of corrections estimates that in 2002, sixteen percent of its inmate population met the diagnostic criteria for major mental illness;

(c) The Colorado division of youth corrections estimates that twenty-four percent of juveniles in the juvenile justice system are diagnosed with mental illness;

(d) A study conducted in 1995 found that approximately six percent of the persons held in county jails and in community corrections throughout the state had been diagnosed as persons with serious mental illness;

(e) It is estimated that nationally, nearly nine percent of all adults and juveniles on probation have been identified as having serious mental illness;

(f) For the 1998-99 fiscal year, approximately forty-four percent of the inpatient population at the Colorado mental health institute at Pueblo had been committed following the return of a verdict of not guilty by reason of insanity or a determination by the court that the person was

incompetent to stand trial due to mental illness;

(g) Persons with mental illness, as a direct or indirect result of their condition, are in many instances more likely than persons who do not have mental illness to be involved in the criminal and juvenile justice systems;

(h) The existing procedures and diagnostic tools used by persons working in the criminal and juvenile justice systems may not be sufficient to identify appropriately and diagnose persons with mental illness who are involved in the criminal and juvenile justice systems;

(i) The criminal and juvenile justice systems may not be structured in such a manner as to provide the level of treatment and care for persons with mental illness that is necessary to ensure the safety of these persons, of other persons in the criminal and juvenile justice systems, and of the community at large;

(j) Studies show that, for offenders under community supervision, treatment of the mental illness of the offender decreases repeat arrests by forty-four percent; and

(k) The ongoing supervision, care, and monitoring, especially with regard to medication, of persons with mental illness who are released from incarceration are crucial to ensuring the safety of the community.

(2) The general assembly further finds that pursuant to the findings in a report requested by the joint budget committee in 1999 that recommended cross-system collaboration and communication as a method for reducing the number of persons with mental illness who are involved in the criminal and juvenile justice systems, the legislative oversight committee and advisory task force for the examination of the treatment of persons with mental illness who are involved in the criminal justice system were created in 1999 and extended for an additional three years in 2000. Over the course of four years, the legislative oversight committee and advisory task force began to address, but did not finish addressing, the issues specified in subsection (1) of this section, through both legislative and non-legislative solutions including, but not limited to:

(a) Community-based intensive treatment management programs for juveniles involved in the juvenile justice system;

(b) An expedited application process for aid to the needy disabled benefits for persons with mental illness upon release from incarceration;

(c) Standardized inter-agency screening to detect mental illness in adults who are involved in the criminal justice system and juveniles who are involved in the juvenile justice system;

(d) Training of law enforcement officers to recognize and safely deal with persons who have mental illness through the use of crisis intervention teams; and

(e) Creating local initiative committee pilot programs for the management of

community-based programs for adults with mental illness who are involved in the criminal justice system.

(3) Experts involved in cross-system collaboration and communication to reduce the number of persons with mental illness who are involved in the criminal and juvenile justice systems recommend a five-year plan to continue the work of the task force and the legislative oversight committee in order to more fully effectuate solutions to these issues.

(4) Therefore, the general assembly declares that it is necessary to create a task force to continue to examine the identification, diagnosis, and treatment of persons with mental illness who are involved in the state criminal and juvenile justice systems and to make additional recommendations to a legislative oversight committee for the continuing development of legislative proposals related to this issue.

Source: L. 2004: Entire article added, p. 1866, § 1, effective June 4.

18-1.9-102. Definitions.

As used in this article, unless the context otherwise requires:

(1) "Committee" means the legislative oversight committee established pursuant to section 18-1.9-103.

(1.5) "Co-occurring disorder" means a disorder that commonly coincides with mental illness and may include, but is not limited to, substance abuse, developmental disability, fetal alcohol syndrome, and traumatic brain injury.

(2) "Task force" means the task force for the continuing examination of the treatment of persons with mental illness who are involved in the criminal and juvenile justice systems established pursuant to section 18-1.9-104.

Source: L. 2004: Entire article added, p. 1868, § 1, effective June 4. **L. 2009:** (1.5) added, (HB 09-1021), ch. 33, p. 139, § 1, effective August 5.

18-1.9-103. 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 - creation - duties.

(1) **Creation.** (a) There is hereby created a 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.

(b) The committee shall consist of six members. The president of the senate, the minority

leader of the senate, and the speaker of the house of representatives shall appoint the members of the committee, as follows:

(I) The president of the senate shall appoint two senators to serve on the committee, and the minority leader of the senate shall appoint one senator to serve on the committee;

(II) The speaker of the house of representatives shall appoint three representatives to serve on the committee, no more than two of whom shall be members of the same political party;

(III) The terms of the members appointed by the speaker of the house of representatives, the president of the senate, and the minority leader of the senate and who are serving on March 22, 2007, shall be extended to and expire on or shall terminate on the convening date of the first regular session of the sixty-seventh general assembly. As soon as practicable after such convening date, the speaker, the president, and the minority leader of the senate shall each appoint or reappoint members in the same manner as provided in subparagraphs (I) and (II) of this paragraph (b). Thereafter, the terms of members appointed or reappointed by the speaker, the president, and the minority leader of the senate shall expire on the convening date of the first regular session of each general assembly, and all subsequent appointments and reappointments by the speaker, the president, and the minority leader of the senate shall be made as soon as practicable after such convening date. The person making the original appointment or reappointment shall fill any vacancy by appointment for the remainder of an unexpired term. Members appointed or reappointed by the speaker, the president, and the minority leader of the senate shall serve at the pleasure of the appointing authority and shall continue in office until the member's successor is appointed.

(c) The president of the senate shall select the first chair of the committee, and the speaker of the house of representatives shall select the first vice-chair. The chair and vice-chair shall alternate annually thereafter between the two houses. The chair and vice-chair of the committee may establish such organizational and procedural rules as are necessary for the operation of the committee.

(d) (I) Notwithstanding the provisions of section 2-2-307, C.R.S., the committee may receive payment of per diem and reimbursement for actual and necessary expenses authorized pursuant to said section and any other direct or indirect costs associated with the duties of the committee set forth in this article only from moneys appropriated from the examination of the treatment of persons with mental illness in the criminal justice system cash fund created in section 18-1.9-106.

(II) The director of research of the legislative council and the director of the office of legislative legal services may supply staff assistance to the committee as they deem appropriate, within existing appropriations. If staff assistance is not available within existing appropriations, then the director of research of the legislative council and the director of the office of legislative legal services may supply staff assistance to the task force only if moneys are credited to the

examination of the treatment of persons with mental illness in the criminal justice system cash fund created in section 18-1.9-106 in an amount sufficient to fund staff assistance.

(2) **Duties.** (a) The committee shall meet at least once on or before August 1, 2004. Beginning in 2005 and continuing each year thereafter through 2014, the committee shall meet at least three times each year and at such other times as it deems necessary; except that the committee shall not meet during the 2010 interim.

(b) (I) The committee shall be responsible for the oversight of the task force and shall submit annual reports to the general assembly regarding the findings and recommendations of the task force. In addition, the committee may recommend legislative changes that shall be treated as bills recommended by an interim legislative committee for purposes of any introduction deadlines or bill limitations imposed by the joint rules of the general assembly.

(II) The provisions of subparagraph (I) of this paragraph (b) shall not apply during the suspension of the committee during the 2010 interim.

(c) (I) The committee shall submit a report to the general assembly by January 15, 2005, by each January 15 thereafter through January 15, 2010, and by January 15, 2012, and by each January 15 thereafter through January 15, 2015. The annual reports shall summarize the issues addressing the treatment of persons with mental illness who are involved in the criminal and juvenile justice systems that have been considered and any recommended legislative proposals.

(II) The general assembly reviewed the reporting requirements in subparagraph (I) of this paragraph (c) during the 2008 regular session and continued the requirements.

Source: L. 2004: Entire article added, p. 1868, § 1, effective June 4. L. 2007: (1)(b)(III) added, p. 178, § 8, effective March 22. L. 2008: (2)(c) amended, p. 1267, § 1, effective August 5. L. 2009: (2)(a) and (2)(c)(I) amended, (HB 09-1021), ch. 33, p. 139, § 2, effective August 5. L. 2010: (2)(a), (2)(b), and (2)(c)(I) amended, (SB 10-213), ch. 375, p. 1761, § 6, effective June 7.

18-1.9-104. Mentally ill offender task force - creation - membership - duties.

(1) **Creation.** (a) There is hereby created a task force for the continuing examination of the treatment of persons with mental illness who are involved in the criminal and juvenile justice systems in Colorado. The task force shall consist of thirty members appointed as provided in paragraphs (b) and (c) of this subsection (1).

(b) The chief justice of the Colorado supreme court shall appoint four members who represent the judicial department, two of whom shall represent the division of probation within the department, one of whom shall have experience handling juvenile justice matters within the department, and one of whom shall have experience handling adult criminal justice matters within the department.

(c) The chair and vice-chair of the committee shall appoint twenty-six members as follows:

(I) One member who represents the division of criminal justice within the department of public safety;

(II) Two members who represent the department of corrections, one of whom represents the division of parole within the department;

(III) Two members who represent local law enforcement agencies, one of whom shall be in active service and the other one of whom shall have experience dealing with juveniles in the juvenile justice system;

(IV) Six members who represent the department of human services, as follows:

(A) One member who represents the unit within the department of human services that is responsible for mental health and drug and alcohol abuse services;

(B) One member who represents the division of youth corrections;

(C) One member who represents the unit within the department of human services that is responsible for child welfare services;

(D) (Deleted by amendment, L. 2009, p. 140, § 3, effective August 5, 2009.)

(E) One member who represents the Colorado mental health institute at Pueblo; and

(F) One member who represents the mental health planning and advisory committee within the department of human services;

(V) One member who represents the interests of county departments of social services;

(VI) One member who represents the department of education;

(VII) One member who represents the state attorney general's office;

(VIII) One member who represents the district attorneys within the state;

(IX) Two members who represent the criminal defense bar within the state, one of whom shall have experience representing juveniles in the juvenile justice system;

(X) Two members who are licensed mental health professionals practicing within the state, one of whom shall have experience treating juveniles;

(XI) One member who represents community mental health centers within the state;

(XII) One member who is a person with knowledge of public benefits and public housing within the state;

(XIII) One member who is a practicing forensic professional within the state;

(XIV) Three members of the public as follows:

(A) One member who has mental illness and has been involved in the criminal justice system in this state;

(B) One member who has an adult family member who has mental illness and has been involved in the criminal justice system in this state; and

(C) One member who is the parent of a child who has mental illness and has been involved in the juvenile justice system in this state;

(XV) One member who represents the department of health care policy and financing; and

(XVI) One member who represents the department of labor and employment.

(d) A vacancy occurring in a position filled by the chief justice of the Colorado supreme court pursuant to paragraph (b) of this subsection (1) shall be filled as soon as possible by the chief justice of the Colorado supreme court in accordance with the limitations specified in paragraph (b) of this subsection (1). In addition, the chief justice of the Colorado supreme court may remove and replace any appointment to the task force made pursuant to paragraph (b) of this subsection (1).

(e) A vacancy occurring in a position filled by the chair and vice-chair of the committee pursuant to paragraph (c) of this subsection (1) shall be filled as soon as possible by the chair and vice-chair of the committee in accordance with the limitations specified in paragraph (c) of this subsection (1). In addition, the chair and vice-chair of the committee may remove and replace any appointment to the task force made pursuant to paragraph (c) of this subsection (1).

(f) In making appointments to the task force, the appointing authorities shall ensure that the membership of the task force reflects the ethnic, cultural, and gender diversity of the state and includes representation of all areas of the state.

(2) **Issues for study.** The task force shall examine the identification, diagnosis, and treatment of persons with mental illness who are involved in the state criminal and juvenile justice systems, including an examination of liability, safety, and cost as they relate to these issues. The task force shall specifically consider, but need not be limited to, the following issues:

(a) On or before July 1, 2005, the following issues:

(I) The diagnosis, treatment, and housing of juveniles with mental illness who are involved in the criminal justice system or the juvenile justice system; and

(II) The adoption of a common framework for effectively addressing the mental health issues, including competency and co-occurring disorders, of juveniles who are involved in the criminal

justice system or the juvenile justice system;

(b) On or before July 1, 2006, the following issues:

(I) The prosecution of and sentencing alternatives for persons with mental illness that may involve treatment and ongoing supervision;

(II) The civil commitment of persons with mental illness who have been criminally convicted, found not guilty by reason of insanity, or found to be incompetent to stand trial; and

(III) The development of a plan to most effectively and collaboratively serve the population of juveniles involved in the criminal justice system or the juvenile justice system;

(b.5) Repealed.

(c) On or before July 1, 2007, the following issues:

(I) The diagnosis, treatment, and housing of adults with mental illness who are involved in the criminal justice system;

(II) The ongoing treatment, housing, and supervision, especially with regard to medication, of adults and juveniles who are involved in the criminal and juvenile justice systems and who are incarcerated or housed within the community and the availability of public benefits for such persons;

(III) The ongoing assistance and supervision, especially with regard to medication, of persons with mental illness after discharge from sentence; and

(IV) The identification of alternative entities to exercise jurisdiction regarding release for persons found not guilty by reason of insanity, such as the development and use of a psychiatric security review board, including recommendations related to the indeterminate nature of the commitment imposed;

(d) On or before July 1, 2008, the identification, diagnosis, and treatment of minority persons with mental illness, women with mental illness, and persons with co-occurring disorders, in the criminal and juvenile justice systems;

(e) On or before July 1, 2009, the following issues:

(I) The early identification, diagnosis, and treatment of adults and juveniles with mental illness who are involved in the criminal and juvenile justice systems;

(II) The modification of the criminal and juvenile justice systems to most effectively serve adults and juveniles with mental illness who are involved in these systems;

(III) The implementation of appropriate diagnostic tools to identify persons in the criminal and juvenile justice systems with mental illness; and

(IV) Any other issues concerning persons with mental illness who are involved in the state criminal and juvenile justice systems that arise during the course of the task force study.

(f) Beginning July 1, 2011, through July 1, 2014, the following issues:

(I) The diagnosis, treatment, and housing of persons with mental illness or co-occurring disorders who are convicted of crimes, or incarcerated or who plead guilty, nolo contendere, or not guilty by reason of insanity or who are found to be incompetent to stand trial;

(II) The diagnosis, treatment, and housing of juveniles with mental illness or co-occurring disorders who are adjudicated, detained, or committed for offenses that would constitute crimes if committed by adults or who plead guilty, nolo contendere, or not guilty by reason of insanity or who are found to be incompetent to stand trial;

(III) The ongoing treatment, housing, and supervision, especially with regard to medication, of adults and juveniles who are involved in the criminal and juvenile justice systems and who are incarcerated or housed within the community and the availability of public benefits for these persons; and

(IV) The safety of the staff who treat or supervise persons with mental illness and the use of force against persons with mental illness.

(3) **Additional duties of the task force.** The task force shall provide guidance and make findings and recommendations to the committee for its development of reports and legislative recommendations for modification of the criminal and juvenile justice systems, with respect to persons with mental illness who are involved in these systems. In addition, the task force shall:

(a) On or before August 1, 2004, and by each August 1 thereafter through August 1, 2013, except during the suspension of the committee during the 2010 interim, select a chair and a vice-chair from among its members;

(b) Meet at least six times each year from the date of the first meeting until January 1, 2015, or more often as directed by the chair of the committee; except that the committee shall not meet during the 2010 interim;

(c) Communicate with and obtain input from groups throughout the state affected by the issues identified in subsection (2) of this section;

(d) Create subcommittees as needed to carry out the duties of the task force. The subcommittees may consist, in part, of persons who are not members of the task force. Such persons may vote on issues before the subcommittee but shall not be entitled to a vote at meetings of the task force.

(e) Submit a report to the committee by October 1, 2004, and by each October 1 thereafter through October 1, 2009, and by October 1, 2011, and by each October 1 thereafter through

October 1, 2014, at a minimum specifying the following:

- (I) Issues to be studied in upcoming task force meetings and a prioritization of those issues;
- (II) Findings and recommendations regarding issues of prior consideration by the task force;
- (III) Legislative proposals of the task force that identify the policy issues involved, the agencies responsible for the implementation of the changes, and the funding sources required for such implementation.

(4) **Flexibility.** No requirement set forth in subsection (2) of this section shall prohibit the task force from studying, presenting findings and recommendations on, or requesting permission to draft legislative proposals concerning any issue described in subsection (2) of this section at any time during the existence of the task force.

(5) **Compensation.** Members of the task force shall serve without compensation.

(6) **Coordination.** The task force may work with other task forces, committees, or organizations that are pursuing policy initiatives similar to those addressed in subsection (2) of this section. The task force shall consider developing relationships with other task forces, committees, and organizations to leverage efficient policy-making opportunities through collaborative efforts.

Source: L. 2004: Entire article added, p. 1870, § 1, effective June 4. L. 2006: (2)(b.5) added, p. 528, § 1, effective April 18. L. 2008: (1)(a) and IP(1)(c) amended and (1)(c)(XV) added, p. 105, § 1, effective March 19. L. 2009: (1)(c)(IV)(A), (1)(c)(IV)(D), (1)(c)(XV), (3), and (4) amended and (1)(c)(XVI), (2)(f), and (6) added, (HB 09-1021), ch. 33, pp. 140, 141, §§ 3, 4, 5, effective August 5. L. 2010: IP(2)(f), (3)(a), (3)(b), and IP(3)(e) amended, (SB 10-213), ch. 375, p. 1762, § 7, effective June 7.

Editor's note: Subsection (2)(b.5)(IV) provided for the repeal of subsection (2)(b.5), effective December 30, 2006. (See L. 2006, p. 528.)

18-1.9-105. Task force funding - staff support.

(1) The division of criminal justice of the department of public safety, on behalf of the task force, is authorized to receive and expend contributions, grants, services, and in-kind donations from any public or private entity for any direct or indirect costs associated with the duties of the task force set forth in this article.

(2) The director of research of the legislative council, the director of the office of legislative legal services, the director of the division of criminal justice within the department of public safety, and the executive directors of the departments represented on the task force may supply staff assistance to the task force as they deem appropriate within existing appropriations. If staff

assistance is not available from a governmental agency within existing appropriations, then the executive directors of the departments represented on the task force, the director of research of the legislative council, and the director of the office of legislative legal services may supply staff assistance to the task force only if moneys are credited to the examination of the treatment of persons with mental illness in the criminal justice system cash fund created in section 18-1.9-106 in an amount sufficient to fund staff assistance. The task force may also accept staff support from the private sector.

Source: L. 2004: Entire article added, p. 1874, § 1, effective June 4.

18-1.9-106. Cash fund.

(1) All private and public funds received through grants, contributions, and donations pursuant to this article shall be transmitted to the state treasurer, who shall credit the same to the examination of the treatment of persons with mental illness in the criminal justice system cash fund, which fund is hereby created and referred to in this section as the "fund". The moneys in the fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs associated with the implementation of this article. All moneys in the fund not expended for the purpose of this article may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of moneys in the fund shall be credited to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year shall remain in the fund and shall not be credited or transferred to the general fund or another fund. All unexpended and unencumbered moneys remaining in the fund as of July 1, 2015, shall be transferred to the general fund.

(2) Compensation as provided in sections 18-1.9-103 (1) (d) and 18-1.9-105 (2) for members of the general assembly and for staff assistance to the committee and task force provided by the director of research of the legislative council and the director of the office of legislative legal services shall be approved by the chair of the legislative council and paid by vouchers and warrants drawn as provided by law from moneys appropriated for such purpose and allocated to the legislative council from the fund.

Source: L. 2004: Entire article added, p. 1875, § 1, effective June 4. **L. 2009:** (1) amended, (HB 09-1021), ch. 33, p. 142, § 6, effective August 5.

18-1.9-107. Repeal of article.

This article is repealed, effective July 1, 2015.

Source: L. 2004: Entire article added, p. 1875, § 1, effective June 4. **L. 2009:** Entire section amended, (HB 09-1021), ch. 33, p. 142, § 7, effective August 5.

MICJS Advisory Task Force Members

State or Private Agency	Representative(s) and Affiliation(s)	
Department of Public Safety (1)	Jeanne Smith	Division of Criminal Justice
Department of Corrections (2)	vacant	
	vacant	Division of Parole
Local Law Enforcement (2)	Rebecca Spiess	Undersheriff, Mesa County Sheriff's Office
	Clif Northam	Commander, El Paso County Sheriff's Office
Department of Human Services (5)	Marc Condojani	Division of Behavioral Health
	Ashley Turnstall	Division of Youth Corrections
	Melinda Cox	Division of Child Welfare
	Michele Manchester, vice-chair	Colorado Mental Health Institute at Pueblo
	Libby Stoddard	Mental Health Planning and Advisory Council/Mental Health America of Colorado
County Department of Social Services (1)	Susan Walton, chair	Jefferson County Department of Human Services
Department of Education (1)	Michael Ramirez	Teaching and Learning Unit
State Attorney General's Office (1)	Janet Drake	Senior Assistant Attorney General
District Attorneys (1)	vacant	
Criminal Defense Bar (2)	vacant	
	Gina Shimeall	18th Judicial District Mental Health Court
Practicing Mental Health Professionals (2)	Fernando Martinez	San Luis Valley Mental Health Center
	Terri Hurst	Colorado Behavioral Healthcare Council
Community Mental Health Centers in Colorado (1)	Harriet Hall	Jefferson Center for Mental Health
Person with Knowledge of Public Benefits and Public Housing in Colorado (1)	Pat Coyle	Colorado Department of Local Affairs, Division of Housing
Colorado Department of Health Care Policy & Financing (1)	Camille Harding	Clinical Services Office
Practicing Forensic Professional (1)	Richard Martinez, M.D.*	Denver Health Medical Center
Members of the Public (3)	David Mosher	Member with a mental illness who has been involved in the Colorado criminal justice system
	Deirdre Parker	Parent of a child who has a mental illness and who has been involved in the Colorado criminal justice system
	Barbara Stephenson	Member with an adult family member who has a mental illness and who has been involved in the Colorado criminal justice system
Colorado Department of Labor and Employment (1)	Patrick Teegarden	Director of Policy and Legislation
Judicial Branch (4)	Brenidy Rice	Division of Planning and Analysis
	Judge K.J. Moore	1st Judicial District
	Susan Colling	Juvenile Programs Coordinator, Probation Services
	Vacant	Probation

Updated: September 2013

* Status of appointment unclear

Curriculum Vitae

Name: Richard Peter Martinez

Current Positions: Robert D. Miller Professor of Psychiatry and Law,
University of Colorado Medical School
Director, Fellowship in Forensic Psychiatry, Dept. of Psychiatry,
University of Colorado Denver (UCD)
Director, Psychiatric Forensic Services,
Denver Health Medical Center, Department of Behavioral Health

Date: April 2013

Birth Place: New Orleans, LA U.S.A.

Office Address: Denver Health Medical Center
Dept. of Behavioral Health
Director, Psychiatric Forensic Services
1155 Cherokee Street
Unit 18 – Mail Code 3440
Denver, CO 80204-4507
Tel: (303) 436-3394
Fax: (303) 436-3391
Email: richard.martinez@dhha.org

Professional Summary: Dr. Richard Martinez completed undergraduate studies at Tulane University, completed a Master of Humanities degree at the University of Colorado, and received his M.D. from LSU Medical School in New Orleans. In the 1980's, he was President of the Colorado Chapter of Physicians for Social Responsibility (PSR) and on the national Board of PSR, which presented opportunities for several trips to the Soviet Union to discuss public health concerns involving nuclear weapons proliferation. During this period, while on the teaching faculty of University of Colorado Health Sciences Center (now University of Colorado Denver – UCD), Dept. of Psychiatry, he taught semester courses in humanities and literature programs at University of Colorado, Denver Humanities Department and at the University of Colorado, Boulder in the Honors Program. After eight years in private practice in psychiatry, he went to Harvard University, where he completed a Fellowship at Harvard Medical School, Division of Medical Ethics in 1994-95, followed by a Fellowship at the Edward J. Safra Center for Ethics at the JFK School of Government at Harvard University in 1995-96. He returned to Colorado in 1996 and became an Associate Professor in the Center for Bioethics and Humanities, and in the Department of Psychiatry at the University of Colorado Health Sciences Center (UCHSC). From 1998-2001, he coordinated the clinical ethics and graduate medical education initiatives in ethics and professionalism for University of Colorado Hospital and UCHSC. With support from the Rose Community Foundation, he was the director of the *Colorado Code of Ethics for Healthcare Project*. He completed a fellowship in forensic psychiatry in 2004 while providing clinical services to the Colorado Department of Corrections and medical-legal consultation to the Colorado Department of Human Services. He is certified by the American Board of Psychiatry and Neurology in General Psychiatry and in the sub-specialty of Forensic

Psychiatry. He has written numerous articles, book chapters, and a book on topics related to professional ethics and social responsibility, organizational healthcare ethics, medical undergraduate education, boundaries in the patient-professional relationship, and forensic psychiatry. In 2000, he received the University of Colorado Health Sciences Center *Total Learning Environment Education Award* for innovations in teaching and education. In 2005, he began to work at Denver Health Medical Center (DHMC) as director of forensic services, became director of the Psychiatric Emergency Services at DHMC, and began to transition the UCD Psychiatric Forensic Fellowship to DHMC. Currently, he consults in civil and criminal forensic psychiatry, teaches forensic psychiatry and professional ethics to residents and fellows, and is the Director of Psychiatric Forensic services at Denver Health Medical Center. He is Professor of Psychiatry at the University of Colorado Denver and Director of the Fellowship Program in Forensic Psychiatry. He is an adjunct Professor at the Denver University Sturm School of Law. He is a Distinguished Fellow of the American Psychiatric Association. In 2009, he was appointed as the first Robert D. Miller Professor of Psychiatry and Law at UCD.

Education:

- | | |
|---------|--|
| 1972-76 | B.S., Bachelor of Science (Biology), Tulane University, New Orleans, LA |
| 1976-80 | M.D., Doctor of Medicine, Louisiana State University School of Medicine, New Orleans, LA |
| 1980-81 | Intern in Community Medicine, University of Colorado Health Sciences Center, Denver, CO |
| 1981-84 | Resident in Psychiatry, University of Colorado Health Sciences Center and School of Medicine, Denver, CO |
| 1984-85 | Career Resident, Colorado State Hospital, Pueblo, CO |
| 1986-93 | M.H., Master of Humanities, University of Colorado, Denver, CO |
| 1992 | Seminarian, Center for Literature, Medicine, and the Health Care Professions, Hiram College, Hiram, OH |
| 1994-95 | Fellow, Division of Medical Ethics, Department of Social Medicine, Harvard Medical School, Boston, MA |
| 1995-96 | Fellow, Edward J. Safra Center for Ethics and the Professions, Harvard University, John F. Kennedy School of Government, Cambridge, MA |
| 2002-04 | Fellow, Forensic Psychiatry, University of Colorado Health Sciences Center, Dept. of Psychiatry, Denver, CO |

Academic Appointments (Present and Past):

- | | |
|--------------|---|
| 2009-Present | Professor, Department of Psychiatry, School of Medicine, University of Colorado Denver (formerly UCHSC) |
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2009-Present	Adjunct Professor, University of Denver, Sturm School of Law
2002-2009	Associate Professor, Department of Psychiatry, School of Medicine, University of Colorado Denver (formerly UCHSC)
2002-2004	Fellow in Forensic Psychiatry, Department of Psychiatry, UCHSC, Denver, CO
1996-2004	Instructor, Department of Comparative Literature and Humanities, University of Colorado, Boulder
1996-2002	Assistant Professor, Department of Psychiatry and Program in Bioethics and Humanities, University of Colorado Health Sciences Center
1992-97	Instructor, Honors Program, College of Arts and Sciences, University of Colorado, Boulder
1994-96	Associate Clinical Professor, The Program in Health Care Ethics, Humanities and Law, Department of Preventive Medicine, and Department of Psychiatry, University of Colorado Medical School, Denver, CO
1995-96	Fellow, The Center for Ethics and the Professions, Harvard University, John F. Kennedy School of Government, Cambridge, MA
1994-95	Fellow, Division of Medical Ethics, Department of Social Medicine, Harvard Medical School, Boston, MA
1994-95	Teaching Fellow for Dr. Robert Coles, Harvard College, Harvard University, Cambridge, MA
1991-95	Adjunct Associate Professor, Department of English, University of Colorado, Denver
1993-94	Assistant Clinical Professor, Program in Ethics and Medical Humanities, University of Colorado Medical School, Denver, CO
1989-94	Assistant Clinical Professor, Department of Psychiatry, University of Colorado Medical School, Denver, CO
1985-89	Clinical Instructor, Department of Psychiatry, University of Colorado Medical School, Denver, CO

Professional Positions (Present and Past):

2006-Present	Director, Fellowship in Forensic Psychiatry, Dept. of Psychiatry, University of Colorado Denver Medical School, Denver, CO
2005-Present	Director, Psychiatric Forensic Services, Denver Health Medical Center, Dept. of Behavioral Health, Denver, CO

2005-Present Faculty, The ProBE Program (Professional/Problem-Based Ethics) with the Center for Personalized Education for Physicians – Provide educational programs for Health Professionals sanctioned for professional misconduct and impairment by licensing boards, hospitals, and other health care organizations - New Jersey and Denver

2005-2008 Director, Psychiatric Emergency Services, DHMC

2004-2006 Associate Director, Program in Forensic Psychiatry, Dept. of Psychiatry, University of Colorado Medical School, Denver, CO

2003-2005 Director and Consultant, Program for Continuing Medical Education, Colorado Mental Health Institute at Pueblo

2003-2005 Team Psychiatrist, Catholic Charities Behavioral Health Program, Denver, CO

2003-2005 Psychiatric Consultant, Infectious Disease Group Practice (HIV Clinic), University of Colorado Hospital, Denver, CO

1996-2004 Coordinator, Psychiatry and Ethics Curriculum, Dept. of Psychiatry, UCHSC

2000-02 Project Director, Colorado Code of Ethics for Healthcare

2001-03 Coordinator, Clinical Ethics and Graduate Medical Education Initiatives in Ethics and Professionalism, UCHSC, Center for Bioethics and Humanities

1997-01 Director, Ethics and Humanities Curriculum, CU School of Medicine, University of Colorado Health Sciences Center

1998-01 Medical Director, University Counseling and Behavioral Health - University of Denver/Colorado Psychiatric Health Collaborative Mental Health Programs

1984-96 Private Practice, General Psychiatry, Denver, CO

1990-95 Associate Medical Director, Department of Psychiatry, Wardenburg Student Health Center, University of Colorado, Boulder, CO

1991-94 Medical Director, Bethesda Provider Network, Bethesda PsychHealth System, Denver, CO

1984-92 Member of Social Services Disability Determination Services Panel, Department of Social Services, Division of Rehabilitation, State of Colorado, Denver, CO

1985-91 Team Psychiatrist, Aquarius Program (outpatient substance abuse and dual-diagnosis program), Arapaho Mental Health Center, Littleton, CO

1987-88 Medical Director, Denver Mental Health Centers Consortium Citywide Services (Program for the chronically mentally ill funded by Robert Wood Johnson Foundation and the Colorado Division of Mental Health), Denver, CO

1985-86 Assistant Medical Director, Adolescent Care Psychiatric Unit, Mercy Medical Center, Denver, CO

Honors and Awards:

1973 Phi Eta Sigma, Freshman Honor Society, Tulane University, New Orleans, LA

1973-76 Tulane Scholar, Tulane University, New Orleans, LA

1980 John W. Bick Award, Louisiana Psychiatric Association Award "for outstanding achievement and promise in the field of psychiatry," New Orleans, LA

1990 Physicians for Social Responsibility, Colorado Chapter Appreciation Award, Denver, CO

1995 Harvard University, Derek Bok Center for Teaching and Learning, Distinction in Teaching Award, Cambridge, MA

1995 American Psychiatric Association, Nancy C. A. Roeske, MD Certificate of Recognition for Excellence in Medical Student Education, Miami, FLA

1996 Distinguished Fellow, American Psychiatric Association

2000 Teaching Recognition Award, University of Colorado, Total Learning Environment *Innovations in Education Award* for development of "Nature of Illness" course in SOM at the University of Colorado Health Sciences Center, Denver, CO

2009 Robert D. Miller Endowed Professor of Psychiatry and Law, Dept. of Psychiatry, UCD, Denver, CO

2011 12th Chester B. Scrignar, MD, Lecture at Tulane University School of Medicine, Department of Psychiatry and Southern Chapter of the American Academy of Psychiatry and Law

2013 *Ethics in Forensic Report Writing*, Chapter by Richard Martinez and Phil Candilis In *The Psychiatric Report: Principles and Practice in Writing for the Courts*. Editors: Alec Buchanan and Michael Norko. Cambridge University Press, 2011. Book received the 2013 APA Manfred S. Guttmacher Award for best forensic psychiatry publication.

Professional Affiliations:

Academy of Correctional Health Professionals
American Academy of Psychiatry and Law
American Psychiatric Association
American Society of Bioethics and Humanities

Colorado Psychiatric Society
Group for the Advancement of Psychiatry
International Physicians for the Prevention of Nuclear War
Physicians for Social Responsibility

Active Committees and Community Service:

- 2013- Member of the Colorado Task Force for Continuing Examination of the Treatment of Persons with Mental Illness Who are Involved in the Justice System
- 2012- Member of University of Colorado Denver, Department of Psychiatry Academic Promotions Committee
- 2008- Member of the Journal of the American Academy of Psychiatry and Law Associate Editors Committee
- 2005- Member of the Mayor's Crime Prevention and Control Commission Sub-Committee on Mental Health and the Criminal Justice System
- 2005- Member of the American Academy of Psychiatry and Law Ethics Committee
- 2005- Faculty, Ethics Forum, Professional/Problem Based Ethics Program for Impaired Health Care Professionals
- 2004- Member of the American Academy of Psychiatry and Law Association of Directors of Forensic Programs
- 2004- Member of the Colorado Psychiatric Society Legislative Committee, Denver, CO

Previous Committees and Community Service:

- 2007-10 Member of Advisory Board for Colorado Dept. of Human Services (established in Senate Bill 07-003) for Codifying Standards for Competency Assessments and Training in Colorado.
- 2007-2009 Member of Ethics Committee, Denver Health Medical Center, Denver, CO
- 2007-2009 Member of Task Force on Violence, Denver Health Medical Center
- 2006-2008 Member of Steering Committee of Mental Health Association of America (Colorado) Metro Denver Crisis Triage Project
- 2004-2008 Faculty, Center for Inter-Professional Ethics, University of Denver, Denver, CO

2006 Member of Sub-committee (created initially in House Bill 06-1353) of the Mentally Ill Offender Task Force to recommend standards for the performance of competency evaluations in criminal cases in Colorado.

2003-05 Consultant, Ethics Committee, Colorado Mental Health Institute at Pueblo, Pueblo, CO

2003-05 Chair, Continuing Medical Education Committee, Colorado Mental Health Institute at Pueblo, Pueblo, CO

1985-2000 Board of Directors, Physicians for Social Responsibility, Colorado Chapter, Denver, CO

2000- 2004 Faculty Associate, Carl M. Williams Institute for Ethics and Values, University of Denver, Denver, CO

1992-2004 Medical Ethics Committee, University of Colorado Hospital, University of Colorado Health Sciences Center, Denver, CO

2000-04 Faculty Senate, University of Colorado Medical School, Denver, CO

2001-03 Informed Consent Project, UCHSC Graduate Medical Education Committee to develop informed consent training module for Residents and Interns, Denver, CO

2001-03 Program in Bioethics at Children's Hospital Steering Committee, Denver, CO

2001-02 LCME Accreditation Liaison Committee on Medical Education Self-Study, University of Colorado SOM, Denver, CO

2000-01 Colorado Psychiatric Hospital, Clinical Care Review Committee, Denver, CO

1996-01 President's Fund for the Humanities Grant Selection Committee, University of Colorado, Boulder, CO

1999-01 University of Colorado School of Medicine, Co-chair, Sub-committee on Electives Curriculum, School of Medicine, Denver, CO

1998-00 University of Colorado School of Medicine, Member of Curriculum Committee, Denver, CO

1997-00 Given Institute Steering Committee, University of Colorado, Denver, CO

1996-98 University of Colorado Medical School, Third Year Clerkship Curriculum Development, Denver, CO

1996-97 Governor's Commission on Health and the Law, sub-committee on physician assisted suicide, Denver, CO

1994-95 Medical Ethics Committee, Children's Hospital, Boston, MA

- 1992-94 Human Research Committee, University of Colorado, Boulder, CO
- 1992 Chair, Committee for Medical Humanities, organization of program, Living with Dying: AIDS and the Arts, at the University of Colorado Health Sciences Center, Denver, CO
- 1990-92 Board of Directors, Physicians for Social Responsibility, Washington, D.C.
- 1987-90 House of Delegates, Physicians for Social Responsibility, Washington, D.C.
- 1990 Chair, Planning Committee for National Meeting of Physicians for Social Responsibility, Denver, CO
- 1988-90 President, Colorado Chapter Physicians for Social Responsibility, Denver, CO
- 1987-90 Chair, Nuclear Education Committee, Colorado Psychiatric Society, Denver, CO
- 1985-88 Community Affairs Committee, Colorado Psychiatric Society, Denver, CO
- 1988 Adolescent and Child Health Care Committee, Denver Medical Society, Denver, CO
- 1987 and 1990 Physicians for Social Responsibility, Leadership Tour to the U.S.S.R.
- 1986-87 Psychosocial Task Force, Physicians for Social Responsibility, Washington, D.C.
- 1986 Ad Hoc Committee on Indigency, Medicine, and Ethics, University of Colorado, Graduate School of Public Affairs, Denver, CO
- 1986 Steering Committee, Mayor Federico Pena and Community Leaders' Forum, Our Economy and the Arms Race, Denver, CO
- 1985 Steering Committee, Physicians for Social Responsibility, Visit of physicians from U.S.S.R., Denver, CO

Specialty Board Certification:

- 1986 Diplomate, American Board of Psychiatry and Neurology (Psychiatry), Number 27848
- 2005-2015 Sub-specialty Board Certification in Forensic Psychiatry by the American Board of Psychiatry and Neurology, Number 1545

Medical Licensure:

- 1982-Present Colorado

1980-82 Louisiana
1994-97 Louisiana
1994-97 Massachusetts

DEA License Number AM2285155

Editorial Activity:

2010- Editor, Special Section, “Narratives and Memoirs in Forensic Psychiatry,” Journal of the American Academy of Psychiatry and Law

2008- Editorial Board, Journal of the American Academy of Psychiatry and Law

2007-08 Reviewer for the Journal of the American Academy of Psychiatry and Law

2003-08 Consulting Editor, Literature and Medicine

2002 Guest Editor, Theoretical Medicine and Bioethics, Edition on “Boundaries,” Vol. 23, No. 3, 2002.

1997-02 Editorial Board, J. Of Medical Humanities

1994-01 Editor, Fetishes, literary journal for University of Colorado Health Sciences Center, Denver, CO

1993-01 Editorial Board, Literature, Arts, and Medicine Database, electronic data- base from NYU School of Medicine for Medical Humanities

1986-88 Associate Editor, Hibakusha, Physicians for Social Responsibility, Colorado Chapter Quarterly Publication

Present Teaching:

2009- University of Denver, Sturm School of Law, semester course on Psychiatry and the Law, 3rd year law student elective.

2006- Training Director of Fellows in Forensic Psychiatry, Dept. of Psychiatry, University of Colorado, Denver (formerly UCHSC) and Denver Health Medical Center (DHMC).

2006- Course Coordinator of Forensic Psychiatry Section for UCD, Dept. of Psychiatry, Residency Training – Taught yearly in 8 sessions.

2004- Individual supervision and educational coordination of Psychiatry Residents in elective rotations in Ethics and Forensic Psychiatry, Dept. of Psychiatry, UCD, Denver, CO.

Invited Teaching:

- 2008 – Present Harvard Medical School, Annual presentation in Ethics curriculum on end of life decisions.
- 1997 Visiting Scholar, Hiram College, Center for Literature, Medicine, and the Health Care Professions, Hiram, OH – Taught 10-week course in Literature, Medicine, and Ethics – Summer 1997.
- 1996 Instructor, Division of Medical Ethics, Harvard Medical School, Boston, MA. Course: Narrative Bioethics – Weekly course for quarter session.
- 1994-95 Teaching Fellow with Dr. Robert Coles, Harvard College, Harvard University, Cambridge, MA. Course: Literature of Social Reflection. 16-week course met twice weekly for Fall semester with class of 25 students.

Previous Teaching:

- 2006-10 Individual supervision of all psychiatry residents and medical students who rotate in Emergency Psychiatry at Denver Health Medical Center in 10-bed Psychiatric Emergency Services (PES) unit.
- 2003-05 Consulting Faculty, Regional Institute for Health and Environmental Leadership, Denver, CO.
- 1996-2004 Course Coordinator, Psychiatry and Ethics Curriculum, Department of Psychiatry, University of Colorado Medical School.
- 2002-04 Director of “Informed Consent” Module for Third Year Medical Student Surgery Clerkship at CU SOM.
- 2002-03 Director, Community Advanced Ethics and Health Law Seminar, UCHSC.
- 1998-03 Ethics in the Health Professions, Inter-professional course for all first year health professional students at UCHSC.
- 1992-02 Instructor, Honors Program, College of Arts and Sciences, Department of Comparative Literature and Humanities, University of Colorado, Boulder. Design and teach Literature, Medicine, and Morals, core curriculum elective.
- 1997-01 Director, Ethics and Humanities Electives Curriculum, University of Colorado Medical School. Design and teach electives: Literature, Medicine, and Ethics, Special Topics in Medical Humanities, Understanding the Patient’s Experience of Illness, and The Nature of Illness to medical students.
- 1998-01 Course Director, Ethics in the Health Professions, required inter-professional course for all first year health professional students at UCHSC.
- 1992-96 Associate Clinical Professor, Program in Health Care Ethics, Humanities and Law, University of Colorado Medical School. Designed and taught yearly electives to medical students.
- 1991-95 Adjunct Associate Professor, Department of English,

- University of Colorado, Denver. Course: Literature and Medicine offered in Humanities cluster – Taught 16-week course every two years.
- 1993-94 Associate Clinical Professor, University of Colorado Medical School, Course: Issues in Clinical Medicine.
- 1993 Instructor, Denver Psychoanalytic Society, Denver, CO. Course: Masculinity and Identity: Literary and Psychoanalytic Perspectives. 12-week course.
- 1985-89 Clinical Instructor, University of Colorado Medical School, Course: Behavioral Medicine for Second Year Medical Students.
- 1983-86 Supervisor, Medical Hypochondriasis Clinic, University of Colorado Medical School, Denver, CO
- 1983-84 Clinical Instructor, University of Colorado Medical School, Course: Interviewing and Problem-Solving, Introduction to Clinical Medicine.

Grants and Contracts:

- 1993-94 University of Colorado, President's Fund for the Humanities Award for Fetishes, a literary journal for the University of Colorado Health Sciences Center, Denver, CO. \$5000.
- 1994 Genesis Foundation Grant for teachers in higher education, Colorado Springs, CO. \$8000.
- 1995 University of Colorado, President's Fund for the Humanities Award for Fetishes, Denver, CO. \$5000.
- 1997 University of Colorado, President's Fund for the Humanities Award for "The Healer's Art: Writers in the Health Care Professions," Denver, CO. \$5000.
- 2000-01 Rocky Mountain Center for Healthcare Ethics and the Rose Community Foundation Grant for "Colorado Code of Ethics for Healthcare" Project. \$82,500.
- 2004-05 CU-Boulder Outreach Committee Award: "Psychological Assessments for Indigent Torture Victims Seeking Political Asylum." \$3600
- 2005-06 Contract with Colorado Mental Health Institute at Pueblo (CMHI-P) as consultant in forensic cases and ethics committee. \$18,000
- 2005-08 Contract with Colorado Department of Corrections to provide mental health services to mentally ill inmates in community corrections. \$32,000

Bibliography:

1. Publications in Peer-Review Journals:

- Martinez R:** *Peace: An Unprecedented Opportunity.* Colorado Medicine, September, 1988.
- Martinez R,** Tasto, J: *A Student-Run Course in the Medical Humanities.* Academic Medicine, 71(5): 530-531, May, 1996.
- Charon R, Brody H, Clark MW, Davis D, **Martinez R**, Nelson RM: *Literature and Ethical Medicine.* J of Medicine & Philosophy, 21(3):243-265, 1996.
- Martinez R:** *War Stories.* J. General Internal Medicine, October, 1999.
- Martinez R:** *A Model For Boundary Dilemmas: Ethical Decision-Making in the Patient-Professional Relationship.* Ethical Human Sciences and Service, Vol. 2, (1), 43-61, 2000.
- Candilis PJ, **Martinez R**, Dording, C: *Principles and Narrative in Forensic Psychiatry: Toward a Robust View of Professional Role.* The Journal of the American Academy of Psychiatry and Law, Vol. 29, (2), 167-173, 2001.
- Martinez R:** *Organizational Ethics in Healthcare.* Colorado Medicine. February, 51-53, 2001.
- Martinez R.** *The Nature of Illness Experience: A Course on Boundaries.* Theoretical Medicine and Bioethics: Philosophy of Medical Research and Practice. Vol. 23, (3), 259-269, 2002.
- Martinez R.** Guest Editor. *Boundaries and Professionalism: Introduction.* Theoretical Medicine and Bioethics: Philosophy of Medical Research and Practice. Vol. 23, (3), 185-189, 2002.
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Meng A, Wortzel HS, **Martinez R**: *Limitations of Attorney Work Product and Physician-Patient Privilege*. Journal of the American Academy of Psychiatry and the Law. Vol. 37, No. 3: 410-412, 2009.

Hoffman TR, Wortzel HS, **Martinez R**: *Admissibility of Demeanor Evidence from a Police Interrogation Videotape*. Journal of the Am Academy of Psychiatry and the Law. Vol. 37, No. 3: 408-410, 2009.

Foote A, Wortzel HS, **Martinez R**: *Competency to Waive Postconviction Review for a Death Sentence*. Journal of the Am Academy of Psychiatry and the Law. Vol. 38, No. 3: 425-427, 2010.

Boyer J, Wortzel HS, **Martinez R**: *Ineffective Counsel in a Death Penalty Case*. Journal of the Am Academy of Psychiatry and the Law. Vol. 38, No. 3: 427-429, 2010.

Maxey JJ, Wortzel HS, **Martinez R**: *Duty to Warn or Protect*. Journal of the American Academy of Psychiatry and the Law. Vol. 39, No. 3: 430-432, 2011.

Thurman MT, Wortzel, HS, **Martinez R**: *Mental Health Evaluation/Counseling as a Special Condition of Supervised Release*. Journal of the American Academy of Psychiatry and the Law. Vol. 39, No. 3: 432-434, 2011.

Candilis PJ, **Martinez R**: *Reflections and Narratives*. J. of the American Academy of Psychiatry and Law. Vol. 40, No. 1:12-13, 2012.

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Wheeler A, Wortzel HS, **Martinez R**: *Required Sex Offender Treatment and Due Process Rights*. J. of the American Academy of Psychiatry and the Law. Vol. 40, No. 3:435-437, 2012.

Westmoreland P, Wortzel HS, **Martinez R**: *Federal District Court's Ordering of Multiple Competency Examinations*. J. of the American Academy of Psychiatry and the Law. Vol. 40, No. 3:437-439, 2012.

Martinez, R: *A Case of Insanity: Diagnostic Relevance in the Shadow of Columbine*. J of the American Academy of Psychiatry and Law. Vol. 40, No. 3:312-317, 2012.

2. Books:

Candilis P, Weinstock R, **Martinez R**: *Forensic Ethics and the Expert Witness*. Springer Publications, 2007.

3. Book Chapters:

Martinez R and Candilis PJ: *Ethics in Forensic Report Writing*. In The Psychiatric Report: Principles and Practice in Writing for the Courts. Editors: Alec Buchanan and Michael Norko. Cambridge University Press, 2011. Book received the 2013 APA Manfred S. Guttmacher Award for best forensic publication.

Martinez R: *Narrative Ethics in Psychiatry*. In Psychiatric Ethics. Editors: Sidney Bloch and Stephen Green. Oxford University Press, 4th edition, 2009.

Martinez R: *Narrative Understanding and Methods in Psychiatry and Behavioral Health*. In The Practice of Narrative Ethics. Editors: Rita Charon and Martha Montello. Routledge Press, 2002.

Martinez R: *Setting Boundaries: Commentaries on Crossing Boundaries, Empathy, and Compassion*. In Ward Ethics. Editors: Tomi Kushner and David Thomasma. Cambridge University Press, 2001.

Martinez R: *Professional Role in Health Care Institutions: Toward An Ethics of Authenticity*. In Educating for Professionalism: Creating a Culture of Humanism in Medical Education. Editors: Delese Wear and Janet Bickel. University of Iowa Press, 2000.

Martinez R: *Walker Percy and Medicine: The Struggle for Recovery in Medical Education*. In The Last Physician: Walker Percy and the Moral Life of Medicine. Editors: John Lantos and Carl Eliot. Duke U. Press, 1999.

4. Book Reviews:

Martinez R: Review of *Rethinking Life and Death: The Collapse of Our Traditional Ethics*, by Peter Singer (1994, St. Martin's Griffin, New York) in the Literature, Arts, and Medicine On-Line Database at NYU School of Medicine; The Literature, Arts, and Medicine Project; March, 2001.

Martinez R: Review of *What's Normal? Narratives of Mental and Emotional Disorders*, Carol Donley & Sheryl Buckley, editors (2000, Kent University Press, Kent, OH) in the Literature, Arts, and Medicine On-Line Database at NYU School of Medicine; The Literature, Arts, and Medicine Project; August, 2000.

Martinez R: Review of *The New Medicine and the Old Ethics* by Albert R. Jonsen (1990, Harvard University Press, Cambridge) in the Literature, Arts, and Medicine On-Line Database at NYU School of Medicine; The Literature, Arts, and Medicine Project; March, 2000.

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Martinez R: Review of *Lying on the Couch* by Irvin Yalom (1996, HarperPerennial, NYC) in the Literature, Arts, and Medicine On-Line Database at NYU School of Medicine; The Literature, Arts, and Medicine Project; April, 1999.

Martinez R: Review of *Raising Lazarus* by Robert Pensack and Dwight Williams (1994, G.P. Putnam, NYC) in the Literature, Arts, and Medicine On-Line Database at NYU School of Medicine; The Literature, Arts, and Medicine Project; January, 1999.

Martinez R: Review of *The Thanatos Syndrome* by Walker Percy (1987, Farrar, Strauss, and Giroux, NYC) in the Literature, Arts, and Medicine On-Line Database at NYU School of Medicine; The Literature, Arts, and Medicine Project; August, 1998.

Martinez R: Review of *Opinions of the Ethics Committee on the Principles of Medical Ethics: With Annotations Especially Applicable to Psychiatry*. Washington DC: American Psychiatric Press, 1995. 63 pp. The J. Of Nervous and Mental Disease. Vol. 186, (1): 65, 1998.

Martinez R: Review of *When Nietzsche Wept* by Irvin Yalom (1993, HarperPerennial, NYC) in the Literature, Arts, and Medicine On-Line Database at NYU School of Medicine; The Literature, Arts, and Medicine Project; January, 1998.

Martinez R: Review of *Manhood in the Making* by David Gilmore. The Journal of Nervous and Mental Disease. Vol. 179, (11):704, 1991.

5. Other Publications:

Martinez R: *Awareness and Understanding of Difficult Patients*. Ethics Forum – AMA News. Volume 46, No. 29, August 4, 2003.

Martinez R: *Modern Medicine in a Postmodern World*. Colorado Endowment for the Humanities News. Fall, 2001.

Martinez R: *Organizational Ethics in Healthcare. A Piece of Our Mind*, Colorado Psychiatric Society Newsletter. Vol. 26, No. 1, March, 2001.

Martinez R: *The Nature of Illness Experience: Medical Education at UCHSC*. Many Voices, Many Choices. Publication of the Colorado Collaboration on End-Of-Life Care. Vol. 2, No. 1, Jan., 1998.

Martinez R: *Nebraska Night, The Shower on Easter Sunday, and Drinking the Charles River*. In Quarterly of American Physicians' Poetry Association. Winter, 1994.

Martinez R: *Colorado in May*. In Quarterly of American Physicians' Poetry Association. 6(1), Spring, 1994.

Martinez R: *Starry Nights and Returning from New Orleans*. In Quarterly of American Physicians' Poetry Association. 5(4), Winter, 1993.

Martinez R: *Poet's Corner and The Storm*. In Auscult. 2(1) Spring, 1993.

Martinez R: *Rocky Flats, Values Turned Upside Down*. Rocky Mountain News. Op. Ed., July, 1989.

Martinez R: *Dissent and Soviet Psychiatry*. Colorado Psychiatric Society Newsletter. March, 1988.

Martinez R: *INF Treaty Is Only A Beginning*. The Denver Post. December, 1987.

Martinez R: *Physicians Create Awareness of Nuclear War Consequences*. Tracings. February, 1986.

Martinez R: *Soviet Psychiatrist is not a Terrorist*. Rocky Mountain News. October, 1985.

6. Educational Products:

1. A Conversation with David Drummond – DVD production of interview with patient with quadriplegia requesting termination of life support (August 2007).
2. Informed Consent Training Module - On-line GME required examination for orientation of interns, residents, and fellows at UCHSC (2001-present).
3. Ethics Evaluation Rubrics – On-line at University of Wisconsin Medical School website for End-of-Life Care (1998-present).

Professional and Educational Presentations:

1) *International:*

“Interprofessional Education in Ethics at an Academic Health Sciences Center,” International Health Ethics Futures: Multidisciplinary Conversations Conference, sponsored by Royal College of Nursing, Hamilton Island, Australia, July, 2001.

2) *National:*

“Whose Decides? Professional Obligations in End of Life Decision Making,” Harvard Medical School, Division of Medical Ethics, Boston, MA, April 2013.

“A Case of Insanity: In the Shadow of Columbine.” Presentation at Tulane University Forensic Psychiatry Annual Symposium, Notorius: Lessons from the Darker Side of Forensic Psychiatry, New Orleans, LA, April 2013.

“A Case of Insanity: In the Shadow of Columbine.” Presentation at the American Academy of Psychiatry and Law National Meeting, Montreal, Canada, October 2012.

“In the Shadow of Columbine: A Case of Insanity.” University of Massachusetts Memorial Medical Center, Department of Psychiatry, Worcester, MA, May 2012.

“Who Decides? Decision Making and Competency in a Patient with High Tetraplegia.” University of Massachusetts Memorial Medical Center, Department of Psychiatry, Grand Rounds, Worcester, MA, May 2012.

“Whose Life is It Anyway? Withdrawing Ventilator Support in a ‘Competent’ Man with Tetraplegia,” Harvard Medical School, Division of Medical Ethics, Boston, MA, April 2012.

“Who Decides? The Decision to Withdraw a Ventilator in a Young Competent Man with Quadriplegia” and “Twenty Years After Nancy Cruzan: Legal and Ethical Issues in Withdrawing Life Sustaining Treatments.” 12th Chester B. Scignar, MD, Lecture at Tulane University School of Medicine, Department of Psychiatry and Southern Chapter of the American Academy of Psychiatry and Law. New Orleans, LA, April 2011.

“Whose Life is It Anyway? Withdrawing Ventilator Support in a ‘Competent’ Man with Tetraplegia,” Harvard Medical School, Division of Medical Ethics, Boston, MA, April 2011.

“Neuroimaging and the Courts,” Presentation to Colorado Defense Lawyers Association, Denver, CO, December 2010.

“The Ethics of Forensic Report Writing.” Presentation in *Report Writing: Restraints, Reasoning, and Refinement*. Course at American Academy of Psychiatry and Law National Meeting, Tucson, AR, October 2010.

“Whose Life Is It Anyway? The Decision to Withdraw Ventilatory Support in a Competent Young Man With High Tetraplegia,” American Academy of Psychiatry and Law National Meeting, Tucson, AR, October 2010.

“Whose Life Is It Anyway? The Decision to Withdraw Ventilatory Support in a Competent Young Man With High Tetraplegia,” University of California, Davis, Dept. of Psychiatry, Sacramento, CA, September 2010.

“Letting Go of Life: Patient Rights and Professional Responsibilities,” University of California, Davis, Division of Bioethics, Dept. of Internal Medicine, Sacramento, CA, September 2010.

“Whose Life is It Anyway? Withdrawing Ventilator Support in a ‘Competent’ Man with Tetraplegia,” Harvard Medical School, Division of Medical Ethics, Boston, MA, April 2010.

“The Decision to Withdraw Ventilatory Support in a Competent Young Man with Tetraplegia,” Massachusetts General Hospital, Dept. of Neurology, Boston, MA, January 2010.

“Whose Life is It Anyway? The Decision to Withdraw Ventilatory Support in a Competent Young Man with Tetraplegia,” Academy of Psychosomatic Medicine National Meeting, Las Vegas, NV, November 2009.

“Competency and Waiving Rights in Death Penalty Cases,” American Academy of Psychiatry and Law National Meeting, Baltimore, MD, October, 2009.

“Whose Life is It Anyway? The Decision to Withdraw Ventilatory Support in a Competent Young Man with Tetraplegia,” Massachusetts Society of Respiratory Therapists, Sturbridge, MA, October 2009.

“Withdrawal of Life Support in a Ventilator Dependent Patient – Psychiatric Considerations,” Presentation at American Academy of Forensic Sciences, Denver, CO February 2009.

“A Case of a Man with High Quadriplegia Requesting that his Ventilator be Withdrawn,” Presentation at national meeting of Academy of Psychosomatic Medicine, Miami, FLA, November 2008.

“Whose Life Is It Anyway? Cervical Quadriplegia and Ventilator Withdrawal,” Keynote Presentation at Harvard Ethics Consortium, Harvard Medical School, Boston, MA, November 2008.

“A Case of a Man with High Quadriplegia Requesting that his Ventilator be Withdrawn,” Presentation at Harvard Medical School, Boston, MA, March 2008.

“A Case of a Man with High Quadriplegia Requesting that his Ventilator be Withdrawn,” Presentation at Center for Bioethics, Brigham Hospital, Boston, MA, March 2008.

"War: A Panel on War and Medicine," Chair of panel, University of Colorado Colloquium on WAR, sponsored by Center for Humanities and the Arts, University of Colorado, Boulder, CO, March 2004.

"Professional Boundaries: Slippery Slope or Professional Discretion?" Grand Rounds, Louisiana State University Health Sciences Center, New Orleans, LA, February, 2004.

"Professional Boundaries: Slippery Slope or Professional Discretion?" Grand Rounds, University of Texas Southwestern Medical Center, Dallas, TX, September, 2003.

"Professional Roles in Institutions: Toward an Ethic of Authenticity," Presentation at the Regional Institute for Health and Environmental Leadership, Florissant, CO, August, 2003.

"Culture and Memory: Sites of Tradition," Chair, Panel on "Body Memory," Center for Humanities and the Arts Annual Colloquium, University of Colorado, Boulder, CO, March, 2002.

"Professional Role in Medical Education: Toward An Ethics of Authenticity," American Society of Bioethics and Humanities National Conference, Salt Lake City, UT, October, 2000.

"The Hazards of Writing and Consuming the Personal Essay," Health Affairs Conference, Narrative Matters: Personal Stories and the Making of Health Policy, Airlie, VA, March, 2000.

"Quandaries in Health Care: Recapturing the Voice of the Patient, Toward An Ethic of Listening," Guest Faculty and Program Organizer, Aspen, CO, Sept., 1998.

"The Riddle," staged-reading of Sherwin Nuland's How We Die for the 25th Anniversary of The Given Institute, Aspen, CO, August, 1998.

"The Experience of Illness: Medical Students and the Valuing of the Patient's Story," Society of Teachers of Family Medicine National Meeting, New Orleans, LA, February, 1998.

"Narratives in the Pediatric ICU: Can We Do Better?" Care At The End Of Life Conference, Harvard Medical School, Division of Medical Ethics, Cambridge, MA, June, 1996.

"Narrative and Ethics," Harvard University, The Program in Ethics and the Professions, February, Cambridge, MA, 1996.

"Mary Shelley's Frankenstein: Uses in Medical Education," Society for Health and Human Values, National Conference, San Diego, October, 1995.

"Walker Percy's The Moviegoer," Harvard Medical School, Boston, MA, March, 1995.

"Caring in Medicine: Literary Perspectives," Harvard Medical School, Boston, MA, December, 1994.

"A View of Walker Percy: Physician-Novelist," Harvard College, Cambridge, MA, November, 1994.

"Medicine As Story: Recovering the Patient," University of Missouri-Kansas City School of Medicine, Humanities in Medicine Conference, Kansas City, MO, October, 1993.

"Narrative Bioethics: Teaching and Therapeutic Implications," Society for Health and Human Values, National Conference, Memphis, TN, November, 1992.

"Lucia: Autobiography and Narrative," Society for Health and Human Values, National Conference, Tampa, FLA, May, 1992.

"Adolescents in the U.S.," lecture series in the U.S.S.R. with Dr. Roy Meninger, Physicians for Social Responsibility Leadership Tour in the U.S.S.R., May, 1990.

"Human Rights and Nuclearism," Physicians for Social Responsibility, National Meeting, Denver, CO, March, 1990.

"Psychological Aspects of the Arms Race," lecture series in the U.S.S.R., Physicians for Social Responsibility Leadership Tour in the U.S.S.R., May-June, 1987.

3) *Local and State Presentations:*

"Eating Disorders and Involuntary Treatment," Presentation to University of Colorado Denver Grand Rounds Case Conference, Department of Psychiatry, Denver, CO, November 2012.

"Challenges in Competency to Proceed Assessments." Presentation to Colorado Mental Health Institute at Pueblo Court Services Orientation Program, Pueblo, CO, November 2012.

"Mental Condition and Intoxication Defenses in Colorado." Presentation to Arapahoe County DA's Office Annual Education Meeting, Denver, CO, September 2012.

"People in Recovery: Stories of Mental Illness and the Criminal Justice System." Robert D. Miller Memorial Lecture, University of Colorado Denver Medical School, Department of Psychiatry, Grand Rounds, Denver, CO, May 2012.

"A Case of Insanity: In the Shadow of Columbine," Presentation to Colorado Psychiatric Society, Denver, CO, April 2012.

"The Insanity Defense in Colorado," Presentation to the El Paso County District Attorney's Office, Colorado Springs, CO, March 2012.

"What Happens Once a Plea of NGRI is Entered in Colorado?" Presentation to the Task Force for the Continuing Study of the Treatment of Persons with Mental Illness who are Involved in the Criminal Justice System, Legislative Task Force, State of Colorado, March 2012.

"Sanity Evaluations, Report Writing, and Standards of Practice," Colorado Mental Health Institute at Pueblo, CME presentation, Pueblo, CO, January 2012.

"A Case of Insanity: In the Shadow of Columbine," Colorado Mental Health Institute at Pueblo, CME presentation, Pueblo, CO, January 2012.

"A Case of Insanity: In the Shadow of Columbine," University of Colorado, Denver at Anschutz Medical Center, Grand Rounds Department of Psychiatry, Denver, CO, November 2011.

"A Case of Insanity," Presentation to Denver Public Defender's Office, Denver, CO, June 2011.

"For the Defense: Neurobiological Disorders, TBI, Cerebral SPECT Imaging," Colorado Defense Lawyer Seminar, DHMC, Denver, CO, December 2010.

“A Case of NGRI,” Grand Rounds presentation, University of Colorado at Denver, Dept. of Psychiatry, Denver, CO, February 2010.

“Assessment of Malingering in Forensic Evaluations,” Presentation to Colorado Mental Health Institute at Pueblo, Continuing education for Restoration to Competency Program, Denver, CO, October 2009.

“Review of Colorado Statutory Changes on Competency,” Presentation to Colorado Mental Health Institute at Pueblo, Continuing education for Restoration to Competency Program, Denver, CO, September 2008.

“Insanity, Competency, and Mental Condition in Colorado,” Presentation at Denver County Probate Court *Mental Health School for Lawyers and Health Professionals*. Series of seminars sponsored by Judge Jean Stewart, Probate Court, Denver, CO, July 2008.

“Mental Health and the Criminal Justice System,” Presentation at Denver County Probate Court *Mental Health School for Lawyers and Health Professionals*. Series of seminars sponsored by Judge Jean Stewart, Probate Court, Denver, CO, May 2008.

“Professional/Problem Based Ethics Course,” 3-Day Seminar sponsored by The Ethics Group, LLC – Part of Colorado Physician Education Program with Impaired Professionals, Denver, CO, November 2007.

“A Case of a Man with High Quadriplegia Requesting that his Ventilator be Withdrawn,” Grand Rounds presentation at UCDHSC, Denver, CO, September 2007.

“The Meaning and Practice of Professional Ethics,” Faculty Coordinator, Center for Professional Ethics – University of Denver; Inter-professional workshop, Denver, CO, May 2006.

“Professional/Problem Based Ethics Course,” 3-Day Seminar sponsored by The Ethics Group, LLC – Part of Colorado Physician Education Program with Impaired Professionals, Denver, CO, November 2005.

“Medical Decision-Making in the Incompetent Psychiatric Patient,” Grand Rounds presentation at University of Colorado Health Sciences Center, Dept. of Psychiatry, Denver, CO, October 2005.

“Medical Decision-Making for the Mentally Ill,” Conference at Denver University on Current Issues in Bioethics sponsored by Colorado Bar Association, Denver, CO, March, 2005.

“Medical Dramas: Stories and Illness Experience,” chair of panel, University of Colorado Colloquium on Evidence and Its Ghosts sponsored by Center for Humanities and the Arts, University of Colorado, Boulder, CO, March 2005.

“Boundary Dilemmas in a Refugee Clinic,” with Dr. Dan Savin at University of Colorado Health Sciences Center, Dept. of Psychiatry Grand Rounds, Denver, CO, January 2005.

“Interprofessional Ethics Symposium,” Faculty Coordinator, University of Denver - Center for Professional Ethics, Denver, CO, May 2004.

“Walker Percy: Physician-Writer and Biography,” University of Colorado Health Sciences Center, Arts in Medicine Series, Denver, CO, March 2004.

“Boundaries in the Professional-Client Relationship,” Presentation at Denver Community Bioethics Forum, Denver, CO, March, 2003.

“Organizational Ethics and Ethics Committees,” Presentation at Retreat for CHEF (Colorado Hospital Ethics Forum), Denver, CO, July, 2002.

“Introduction to Organizational Ethics in Healthcare,” Organizational Ethics in Healthcare Conference, sponsored by Rose Community Foundation, Denver Medical Society, Rocky Mountain Center for Healthcare Ethics, and the Program in Bioethics and Humanities, UCHSC, Denver, CO, April, 2001.

“Professionalism in Medical Practice,” The Doctor’s Company’s Denver Medical Society continuing medical education program, Denver, CO, November, 2000.

“Ethics and Managed Care,” UCHSC, Department of Psychiatry, Grand Rounds Presentation, Denver, CO, January, 2000.

“Ethical Issues in Pharmacy,” Kaiser Permanente Annual Pharmacists’ Dinner, Denver, CO, July, 1999.

“Ethical Issues in the Patient-Doctor Relationship: The Problem of Dual-Relationships,” Denver Medical Society Dinner Presentation, Denver, CO, May, 1999.

“Boundaries in the Patient-Doctor Relationship: Future Directions or Politically Correct?” Grand Rounds, UCHSC, Department of Psychiatry, Denver, CO, January, 1999.

“Ethics and Research,” roundtable at the Native Elder Research Center, UCHSC, Denver, CO, October, 1998.

“Internship Orientation on Professionalism” for UCHSC, Denver, CO. June, 1998.

“Ethical Issues in Dentistry” to ALPHA OMEGA Dental Group, with Dr. John Armstrong, Denver, CO, May, 1998.

“Patient As Mentor: Medical Education and End-Of-Life Care,” Colorado Collaboration on End-Of-Life Care conference, Breaking Barriers and Forming Partnerships. Denver, CO, May, 1998.

“A Case of Locked-In Syndrome, Competency and Ethical Issues in Requests for Withdrawal of Life-Sustaining Treatments,” Am Academy of Psychiatry and the Law Annual Meeting, Denver, CO, October, 1997.

“Literature, Medicine, and Ethics,” University of Colorado Health Sciences Center, The Diversity and Culture Interest Group, Denver, CO, September, 1997.

“Literature and Medicine: Works and Lives of Physician-Writers,” The Given Institute of the University of Colorado, Aspen, CO, August, 1997.

“Money and the Professions,” Ethics Symposium, Columbia/HealthONE, Denver, CO, March, 1997.

“Professional Ethics in the Therapist-Patient Relationship,” Wardenburg Student Health Center, University of Colorado, Boulder, CO, February, 1997.

“The Debate on Medical Futility: What Should Health Care Professionals (Not) Do?” A Colloquium at the University of Colorado Health Sciences Center, Denver, CO, January, 1997.

"Boundary Dilemmas in the Therapist-Client Relationship," Colorado State Grievance Board for Mental Health Professionals, Denver, CO, December, 1996.

"An Alternative Model for Boundary Dilemmas: Professional Ideals in the Patient-Physician Relationship," U of Colorado Medical School, Department of Psychiatry Grand Rounds, Denver, CO, November, 1996.

"Humanistic Aspects of Pain and Suffering: The Role of Narratives from the Pediatric ICU," U of Colorado Health Sciences Center, Colloquium with Dr. Arthur Kleinman, Denver, CO, September, 1996.

"Ethical Dilemmas in Managed Mental Health Care," keynote address, University of Denver, sponsored by the National Association of Social Workers, DU Graduate School of Social Work, Colorado Society of Clinical Social Workers, and University of Denver, Denver, CO, March, 1996.

"Literature and Medicine: The Limits of Scientific Knowing," Tenth Annual MD/PhD Conference, Given Institute, Aspen, CO, July, 1995.

"Storytelling in Psychiatry," University of Colorado Medical School, Denver, CO, December, 1993.

"Current Concepts of Masculinity in the Treatment of Men," with Dr. Fred Mimmack, Bethesda PsychHealth Center, Denver, CO, April, 1992.

"Spiritual Transformation in Marie Cardinal's The Words To Say It," University of Colorado, Department of Religious Studies, Boulder, CO, April, 1991.

"Psychosocial and Cultural Aspects of Dually Diagnosed Adolescents," Center for Interdisciplinary Studies conference on Adolescent Substance Abuse, Denver, CO, June, 1989.

"Medical Aspects of Rocky Flats," with Dr. Kenneth Lichtenstein, University Hills Rotary Club, Denver, CO, February, 1989.

"The Physician's Role in the Nuclear Age," St. Luke's Hospital, Denver, CO, October, 1988.

"Peace: An Unprecedented Opportunity," Hiroshima Peace Concert with members of Denver Symphony, Denver, CO, August, 1988.

"Arms Control in an Election Year," with Congresswoman Patricia Schroeder, Colorado Coalition for the Prevention of Nuclear War, Denver, CO, May, 1988.

"The Development of Borderline Personality Disorder," Arapaho Mental Health Center, Englewood, CO, January, 1987.

"Psychological Impact of the Nuclear Arms Race on Children," Association of Part-time RN's and LPN's, Denver, CO, November, 1986.

"Psychological Aspects of the Nuclear Arms Race," Colorado Association of OR Nurses, Denver, CO, April, 1986.

"The Social Responsibility of Physicians," Mount Airy Psychiatric Center, Denver, CO, September, 1985.

"Soviet Psychiatry: Symptom of an 'Evil Empire'," University of Colorado Medical School, Department of Psychiatry, Grand Rounds, Denver, CO, November, 1984.

"Management of Medically Ill Patients in the Psychiatric Milieu," Colorado Society of Clinical Social Workers, Dillon, CO, May, 1983.

"Medically Ill Patients in the Psychiatric Milieu," University of Colorado Medical School, Department of Psychiatry, Grand Rounds, Denver, CO, April, 1983.

"Somatic Complaints and Mania," University of Colorado Medical School, Department of Psychiatry, Grand Rounds, Denver, CO, February, 1983.

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

DRAFT 9.20.13

BILL 1

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LLS NO. 14-####.## Jane Ritter x4342

INTERIM COMMITTEE BILL

**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**

A BILL FOR AN ACT

101 **CONCERNING CONTINUING EXAMINATION OF THE TREATMENT OF**
102 **PERSONS WITH MENTAL ILLNESS WHO ARE INVOLVED IN THE**
103 **JUSTICE SYSTEMS, AND, IN CONNECTION THEREWITH, MAKING**
104 **AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)

**Legislative Oversight Committee for the Continuing
Examination of the Treatment of Persons with Mental Illness Who**

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.*

Are Involved in the Criminal and Juvenile Justice Systems. The bill extends the repeal date for the 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 and associated task force from July 1, 2015, to July 1, 2020. The task force is renamed the "task force on mental illness in the criminal and juvenile justice systems" (task force). Two new members are added to the task force, one from the office of the child's representative and one from the office of the alternate defense counsel.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1.9-102, **amend**
3 (2) as follows:

4 **18-1.9-102. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (2) "Task force" means the task force for ~~the continuing~~
7 ~~examination of the treatment of persons with~~ ON mental illness who are
8 ~~involved~~ in the criminal and juvenile justice systems established pursuant
9 to section 18-1.9-104.

10 **SECTION 2.** In Colorado Revised Statutes, 18-1.9-103, **amend**
11 (2) (a) and (2) (c) (I) as follows:

12 **18-1.9-103. Legislative oversight committee for the continuing**
13 **examination of the treatment of persons with mental illness who are**
14 **involved in the criminal and juvenile justice systems - creation -**
15 **duties.** (2) **Duties.** (a) ~~The committee shall meet at least once on or~~
16 ~~before August 1, 2004.~~ Beginning in 2005 and continuing each year
17 thereafter, through 2014, the committee shall meet at least three times
18 each year and at such other times as it deems necessary. ~~except that the~~
19 ~~committee shall not meet during the 2010 interim.~~

20 (c) (I) The committee shall submit a report to the general assembly

1 by January 15, 2005, ~~by each January 15 thereafter through January 15,~~
2 ~~2010, and by January 15, 2012,~~ and by each January 15 thereafter.
3 ~~through January 15, 2015.~~ The annual reports ~~shall~~ MUST summarize the
4 issues addressing the treatment of persons with mental illness who are
5 involved in the criminal and juvenile justice systems that have been
6 considered and any recommended legislative proposals.

7 **SECTION 3.** In Colorado Revised Statutes, 18-1.9-104, **amend**
8 (1) (a), (1) (c) introductory portion, (1) (c) (IV) introductory portion, (1)
9 (c) (XV), and (3); and **add** (1) (c) (XVII) and (1) (c) (XVIII) as follows:

10 **18-1.9-104. Task force on mental illness in the criminal and**
11 **juvenile justice systems - creation - membership - duties.**

12 (1) **Creation.** (a) There is hereby created a task force ~~for the continuing~~
13 ~~examination of the treatment of persons with~~ ON mental illness ~~who are~~
14 ~~involved~~ in the criminal and juvenile justice systems in Colorado. The
15 task force shall consist of ~~thirty~~ THIRTY-TWO members appointed as
16 provided in paragraphs (b) and (c) of this subsection (1).

17 (c) The chair and vice-chair of the committee shall appoint
18 ~~twenty-six~~ TWENTY-EIGHT members as follows:

19 (IV) ~~Six~~ FIVE members who represent the department of human
20 services, as follows:

21 (XV) One member who represents the department of health care
22 policy and financing; ~~and~~

23 (XVII) ONE MEMBER WHO REPRESENTS THE OFFICE OF THE CHILD'S
24 REPRESENTATIVE; AND

25 (XVIII) ONE MEMBER WHO REPRESENTS THE OFFICE OF THE
26 ALTERNATE DEFENSE COUNSEL.

27 (3) **Additional duties of the task force.** The task force shall

1 provide guidance and make findings and recommendations to the
2 committee for its development of reports and legislative
3 recommendations for modification of the criminal and juvenile justice
4 systems, with respect to persons with mental illness who are involved in
5 these systems. In addition, the task force shall:

6 (a) On or before August 1, 2004, and by each August 1 thereafter,
7 ~~through August 1, 2013, except during the suspension of the committee~~
8 ~~during the 2010 interim~~, select a chair and a vice-chair from among its
9 members;

10 (b) Meet at least six times each year, ~~from the date of the first~~
11 ~~meeting until January 1, 2015~~, or more often as directed by the chair of
12 the committee; ~~except that the committee shall not meet during the 2010~~
13 ~~interim~~;

14 (c) Communicate with and obtain input from groups throughout
15 the state affected by the issues identified in subsection (2) of this section;

16 (d) Create subcommittees as needed to carry out the duties of the
17 task force. The subcommittees may consist, in part, of persons who are
18 not members of the task force. Such persons may vote on issues before
19 the subcommittee but shall not be entitled to a vote at meetings of the task
20 force.

21 (e) Submit a report to the committee by October 1, 2004, and by
22 each October 1 thereafter, ~~through October 1, 2009, and by October 1,~~
23 ~~2011, and by each October 1 thereafter through October 1, 2014~~, THAT,
24 at a minimum, ~~specifying the following~~ SPECIFIES:

25 (I) Issues to be studied in upcoming task force meetings and a
26 prioritization of those issues;

27 (II) Findings and recommendations regarding issues of prior

1 consideration by the task force;

2 (III) Legislative proposals of the task force that identify the policy
3 issues involved, the agencies responsible for the implementation of the
4 changes, and the funding sources required for such implementation.

5 **SECTION 4.** In Colorado Revised Statutes, 18-1.9-106, **amend**
6 (1) as follows:

7 **18-1.9-106. Cash fund.** (1) All private and public funds received
8 through grants, contributions, and donations pursuant to this article shall
9 be transmitted to the state treasurer, who shall credit the same to the
10 examination of the treatment of persons with mental illness in the
11 criminal justice system cash fund, which fund is hereby created and
12 referred to in this section as the "fund". The moneys in the fund shall be
13 subject to annual appropriation by the general assembly for the direct and
14 indirect costs associated with the implementation of this article. All
15 moneys in the fund not expended for the purpose of this article may be
16 invested by the state treasurer as provided by law. All interest and income
17 derived from the investment and deposit of moneys in the fund shall be
18 credited to the fund. Any unexpended and unencumbered moneys
19 remaining in the fund at the end of a fiscal year shall remain in the fund
20 and shall not be credited or transferred to the general fund or another
21 fund. All unexpended and unencumbered moneys remaining in the fund
22 as of July 1, ~~2015~~ 2020, shall be transferred to the general fund.

23 **SECTION 5.** In Colorado Revised Statutes, **amend** 18-1.9-107
24 as follows:

25 **18-1.9-107. Repeal of article.** This article is repealed, effective
26 July 1, ~~2015~~ 2020.

27 **SECTION 6. Appropriation.** In addition to any other

1 appropriation, there is hereby appropriated, out of any moneys in the
2 general fund not otherwise appropriated, to the department of public
3 safety, for the fiscal year beginning July 1, 2014, the sum of \$500, or so
4 much thereof as may be necessary, for allocation to the division of
5 criminal justice for the task force on mental illness in the criminal and
6 juvenile justice systems for the implementation of this act.

7 **SECTION 7. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

DRAFT 9.24.13

BILL 2

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LLS NO. 14-#### Jane Ritter x4342

INTERIM COMMITTEE BILL

**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**

A BILL FOR AN ACT

101 **CONCERNING THE DETERMINATION OF COMPETENCY TO PROCEED FOR**
102 **INDIVIDUALS IN THE JUVENILE JUSTICE SYSTEM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

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. The bill creates a definition of "incompetent to proceed" that is specific to juveniles in order to distinguish it from that used for adults in the 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.

justice system.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-2-103, **add** (5.5),
3 (9.5), (9.6), (12.3), (12.4), and (14.3) as follows:

4 **19-2-103. Definitions.** For purposes of this article:

5 (5.5) "DEVELOPMENTAL DISABILITY" MEANS A DISABILITY THAT
6 IS MANIFESTED BEFORE THE PERSON REACHES TWENTY-TWO YEARS OF
7 AGE, THAT CONSTITUTES A SUBSTANTIAL DISABILITY TO THE AFFECTED
8 INDIVIDUAL, AND THAT IS ATTRIBUTABLE TO AN INTELLECTUAL DISABILITY
9 OR OTHER NEUROLOGICAL CONDITIONS WHEN THOSE CONDITIONS RESULT
10 IN IMPAIRMENT OF GENERAL INTELLECTUAL FUNCTIONING OR ADAPTIVE
11 BEHAVIOR SIMILAR TO THAT OF A PERSON WITH AN INTELLECTUAL
12 DISABILITY. UNLESS OTHERWISE SPECIFICALLY STATED, THE FEDERAL
13 DEFINITION OF "DEVELOPMENTAL DISABILITY", 42 U.S.C. SEC. 15001 ET
14 SEQ., SHALL NOT APPLY.

15 (9.5) "INCOMPETENT TO PROCEED" MEANS THAT A JUVENILE, DUE
16 TO MENTAL DISABILITY, DEVELOPMENTAL DISABILITY, INTELLECTUAL
17 DISABILITY, OR OTHERWISE DUE TO A LACK OF MENTAL CAPACITY, LACKS
18 A REASONABLE DEGREE OF RATIONAL AND FACTUAL UNDERSTANDING OF
19 THE PROCEEDINGS AGAINST HIM OR HER OR IS UNABLE TO CONSULT OR
20 COMMUNICATE WITH AND ASSIST HIS OR HER ATTORNEY IN PREPARING HIS
21 OR HER DEFENSE IN A MEANINGFUL MANNER.

22 (9.6) "INTELLECTUAL DISABILITY" MEANS A DISORDER WITH ONSET
23 DURING THE DEVELOPMENTAL PERIOD THAT INCLUDES BOTH
24 INTELLECTUAL AND ADAPTIVE FUNCTIONING DEFICITS IN CONCEPTUAL,
25 SOCIAL, AND PRACTICAL DOMAINS, AND MEETS THE FOLLOWING CRITERIA:

1 (a) DEFICITS IN INTELLECTUAL FUNCTIONS, SUCH AS REASONING,
2 PROBLEM SOLVING, PLANNING, ABSTRACT THINKING JUDGMENT,
3 ACADEMIC LEARNING, AND LEARNING FROM EXPERIENCE, CONFIRMED BY
4 BOTH CLINICAL ASSESSMENT AND INDIVIDUALIZED, STANDARDIZED
5 INTELLIGENCE TESTING;

6 (b) DEFICITS IN ADAPTIVE FUNCTIONING THAT RESULT IN FAILURE
7 TO MEET DEVELOPMENTAL AND SOCIO-CULTURAL STANDARDS FOR
8 PERSONAL INDEPENDENCE AND SOCIAL RESPONSIBILITY. WITHOUT
9 ONGOING SUPPORT, THE ADAPTIVE DEFICITS LIMIT FUNCTIONING IN ONE OR
10 MORE ACTIVITIES OF DAILY LIFE, SUCH AS COMMUNICATION, SOCIAL
11 PARTICIPATION, AND INDEPENDENT LIVING, ACROSS MULTIPLE
12 ENVIRONMENTS, SUCH AS HOME, SCHOOL, WORK, AND COMMUNITY; AND

13 (c) THE ONSET OF INTELLECTUAL AND ADAPTIVE DEFICITS DURING
14 THE DEVELOPMENTAL PERIOD.

15 (12.3) "MENTAL CAPACITY" MEANS A JUVENILE'S CAPACITY TO:

16 (a) COMPREHEND AND APPRECIATE THE CHARGES OR ALLEGATIONS
17 AGAINST HIM OR HER; OR

18 (b) UNDERSTAND THE ADVERSARIAL NATURE OF THE
19 PROCEEDINGS, INCLUDING THE ROLE OF THE JUDGE, DEFENSE COUNSEL,
20 PROSECUTING ATTORNEY, GUARDIAN AD LITEM OR COURT-APPOINTED
21 SPECIAL ASSISTANT, OR WITNESSES, AND BE ABLE TO ASSIST IN HIS OR HER
22 DEFENSE; OR

23 (c) COMPREHEND AND APPRECIATE THE CONSEQUENCES THAT MAY
24 BE IMPOSED OR RESULT FROM THE PROCEEDINGS.

25 (12.4) "MENTAL DISABILITY" MEANS A SUBSTANTIAL DISORDER OF
26 THOUGHT, MOOD, PERCEPTION, OR COGNITIVE ABILITY THAT RESULTS IN
27 MARKED FUNCTIONAL DISABILITY AND SIGNIFICANTLY INTERFERES WITH

1 ADAPTIVE BEHAVIOR. "MENTAL DISABILITY" DOES NOT INCLUDE ACUTE
2 INTOXICATION FROM ALCOHOL OR OTHER SUBSTANCES, OR ANY CONDITION
3 MANIFESTED ONLY BY ANTISOCIAL BEHAVIOR, OR ANY SUBSTANCE ABUSE
4 IMPAIRMENT RESULTING FROM RECENT USE OR WITHDRAWAL. HOWEVER,
5 SUBSTANCE ABUSE THAT RESULTS IN LONG-TERM, SUBSTANTIAL DISORDER
6 OF THOUGHT, MOOD, OR COGNITIVE ABILITY MAY CONSTITUTE A MENTAL
7 DISABILITY.

8 (14.3) "RESTORATION HEARING" MEANS A HEARING TO DETERMINE
9 WHETHER A DEFENDANT WHO HAS PREVIOUSLY BEEN DETERMINED TO BE
10 INCOMPETENT TO PROCEED HAS ACHIEVED OR IS RESTORED TO
11 COMPETENCY.

12 **SECTION 2.** In Colorado Revised Statutes, 19-2-1301, **amend**
13 (2) as follows:

14 **19-2-1301. Mental incompetency to proceed - effect - how and**
15 **when raised.** (2) A juvenile shall not be tried or sentenced if the juvenile
16 is incompetent to proceed, as defined in section ~~16-8.5-101 (11)~~, C.R.S.
17 19-2-103 (9.5), at that stage of the proceedings against him or her.

18 **SECTION 3.** In Colorado Revised Statutes, 19-2-1302, **amend**
19 (3), (4) (a), and (4) (c) as follows:

20 **19-2-1302. Determination of incompetency to proceed.** (3) If
21 the question of a juvenile's incompetency to proceed is raised after a jury
22 is impaneled to try the issues raised by a plea of not guilty or after the
23 court as the finder of fact begins to hear evidence and the court
24 determines that the juvenile is incompetent to proceed or orders the
25 juvenile referred for a competency examination, the court may declare a
26 mistrial. If the court declares a mistrial under these circumstances, the
27 juvenile ~~shall~~ MUST not be deemed to have been placed in jeopardy with

1 regard to the charges at issue. The juvenile may be tried on, and sentenced
2 if adjudicated for, the same charges after he or she has been found to be
3 ACHIEVE OR BE restored to competency.

4 (4) (a) If the court orders a competency evaluation, the court shall
5 order that the competency evaluation be conducted in the least-restrictive
6 environment, INCLUDING HOME OR COMMUNITY PLACEMENT IF
7 APPROPRIATE, taking into account the public safety and the best interests
8 of the juvenile.

9 (c) The competency evaluation shall MUST, at a minimum, include
10 an opinion regarding whether the juvenile is competent to proceed as
11 defined in section ~~16-8.5-101(4)~~, C.R.S. 19-2-103(9.5). If the evaluation
12 concludes the juvenile is incompetent to proceed, the evaluation shall
13 MUST include a recommendation as to whether the juvenile may ACHIEVE
14 OR be restored to competency and identify appropriate services to restore
15 the juvenile to competency.

16 **SECTION 4.** In Colorado Revised Statutes, 19-2-1304, **amend**
17 (1) and (3) as follows:

18 **19-2-1304. Restoration to competency.** (1) The court may order
19 a restoration hearing, as defined in section ~~16-8.5-101(13)~~, C.R.S.
20 19-2-103 (14.3), at any time on its own motion, on motion of the
21 prosecuting attorney, or on motion of the juvenile. The court shall order
22 a hearing if a mental health professional who has been treating the
23 juvenile files a report certifying that the juvenile is ~~mentally~~ competent
24 to proceed.

25 (3) At the hearing, the court shall determine whether the juvenile
26 HAS ACHIEVED OR is restored to competency.

27 **SECTION 5.** In Colorado Revised Statutes, 19-2-1305, **amend**

1 (1) and (2) as follows:

2 **19-2-1305. Procedure after hearing concerning restoration to**
3 **competency.** (1) If a juvenile is found to ~~be~~ HAVE ACHIEVED OR BEEN
4 restored to competency after a hearing, as provided in section 19-2-1304,
5 or by the court during a review, as provided in section 19-2-1303 (2), the
6 court shall resume or recommence the trial or sentencing proceeding or
7 order the sentence carried out. The court may credit any time the juvenile
8 spent in confinement or detention while incompetent against any term of
9 commitment imposed after ACHIEVEMENT OR restoration to competency.

10 (2) If the court determines that the juvenile remains ~~mentally~~
11 incompetent to proceed and the delinquency petition is not dismissed, the
12 court may continue or modify any orders entered at the time of the
13 original determination of incompetency or enter any new order necessary
14 to facilitate the juvenile's ACHIEVEMENT OR restoration to ~~mental~~
15 competency.

16 **SECTION 6. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.

*Juvenile Justice/Mental Health (JJ/MH) Committee Members
Worked on Competency issue January – June 2013*

Thomas H. Dillingham, Executive Director, Federation of Families for Children's Mental Health
~ Colorado Chapter

Tracy Kraft-Tharp, LCSW, JD, Consultant

Joni E. Speirs, Deputy State Public Defender, Adams County Regional Office

Linda Nordin, LCSW, Director of Family Services, Jefferson Center for Mental Health

Sierra Morales, Intern, University of Denver

Michael Ramirez, MA, Chairman of JJMH Subcommittee

Anna Lopez, MPA, Program Manager, Colorado Division of Criminal Justice

Frank Cornelia, MS, LPC, Policy Specialist, Colorado Behavioral Healthcare Council

Gary Nitta, Mental Health Services Coordinator, Colorado Department of Human Services,
Division of Youth Corrections

William Bane, MSW, Manager, Children, Youth and Family Mental Health Programs,
Department of Human Services, Division of Behavioral Health

Marjorie Grimsley, Family Advocate and Technical Assistance Coordinator, Federation of
Families for Children's Mental Health-CO Chapter

Kelly Abbott, Senate Bill 94 Coordinator, 18th Judicial District

Deborah Ward-White, Executive Director, Family Agency Collaboration (FAC) and
President/Current Director, Colorado Multi Ethnic Cultural Consortium (CMECC)

Susan Colling, MPA, Juvenile Probation Specialist, CO Division of Probation Services, State
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Norm Kirsch, Collaborative Management Program

Kristin Podgurski, Youth Member, Juvenile Justice and Delinquency Prevention Council

Brian Turner, Policy Specialist, Colorado Behavioral Healthcare Council

Peggy A Hicks, EdD, Forensic Practitioner, Director of Internship Training, Colorado Mental
Health Institute at Pueblo

*Public Defenders and District Attorneys who provided information/presented to the JJ/MH Committee
represented the: 2nd, 8th, 17th and 18th Judicial Districts.*

*Two Representatives from Colorado Mental Health Institute at Pueblo also provided information on the
current processes and standards used for juvenile competency cases referred to them.*