



## **Vote YES! On SB17-012**

### **Disability Law Colorado strongly supports Senate Bill 17-012, which requires:**

- The court to consider out-of-custody competency services on an outpatient basis for defendants on bond or summons;
- Competency restoration services for juveniles to be provided in the least restrictive environment and to occur and be reviewed by the court in a timely manner; and
- Establishes a unit within the Department of Human Services to provide oversight or restoration education and the coordination of competency restoration services.

**WHO WE ARE** – Disability Law Colorado is Colorado’s federally-mandated and state-designated Protection and Advocacy System for people with disabilities, including mental disabilities under the Protection and Advocacy for Individuals with Mental Illness Act. We are charged with protecting and promoting the legal and human rights of persons with disabilities.

**HOW THIS BILL HELPS PEOPLE WITH DISABILITIES** – The provision of competency restoration services to juveniles and adults in a timely fashion and in the least restrictive environment is extremely important in safeguarding the health and well-being of pretrial detainees with mental illness, who – due to their mental illness – may harm themselves or acquire new criminal charges due to their behavior in jail. For individuals with mental illness, waiting in jail to receive restoration services can have a traumatizing effect because jails and detention centers are not therapeutic environments. Moreover, there are clear due process concerns with holding individuals, who have not been convicted of a crime, in detention centers to receive restorations services.

**HELP PROTECT DUE PROCESS & HELP THE STATE COMPLY WITH LEGAL OBLIGATIONS** - Due to concerns of the health and due process rights of pretrial detainees with mental illness, Disability Law Colorado has been working on the issue of competency restoration services for many years. We entered into and are responsible for monitoring a settlement agreement with the Colorado Department of Human Services that requires in-patient evaluation services to be provided to pretrial detainees within 28 days and out-patient evaluations within 30 days. Historically, DHS has had difficulty meeting these timeframes due to a shortage of in-patient restoration beds and staff-shortages. We support this bill because it will provide for more out-patient restoration which will open more beds for in-patient restoration and increase the likelihood of compliance with the settlement agreement.

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