

C.R.S. 27-65-112

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Statutes current and final through all legislation from the 2023 Regular and First Extraordinary Sessions.

- [Colorado Revised Statutes Annotated](#)
- [Title 27. Behavioral Health](#)
- [Mental Health and Mental Health Disorders \(Arts. 65 — 71\)](#)
- [Article 65. Care and Treatment of Persons with Mental Health Disorders \(§§ 27-65-101 — 27-65-131\)](#)

Notice

 This section has more than one version with varying effective dates.

27-65-112. Termination of short-term and long-term treatment - escape.

(1) *[Editor's note: This version of this section is effective until July 1, 2024.]* An original or extended certification for short-term treatment or an order for long-term care and treatment or any extension thereof terminates as soon as, in the opinion of the professional person in charge of treatment of the respondent, the respondent has received sufficient benefit from such treatment for the respondent to leave. Whenever a certification or extended certification is terminated pursuant to this section, the professional person in charge of providing treatment shall notify the court in writing within five days after such termination. The professional person may also prescribe day care, night care, or any other similar mode of treatment prior to termination.

(2) Before termination, an escaped respondent may be returned to the facility by order of the court without a hearing or by the superintendent or director of the facility without order of court. After termination, a respondent may be returned to the facility only in accordance with this article 65.

History

Source: **L. 2022:**Entire article amended with relocations,(HB 22-1256), ch. 451, p. 3192, § 1, effective August 10; entire section amended,(HB 22-1256), ch. 451, p. 3219, § 4, effective July 1, 2024. **L. 2023:**(1) amended,(HB 23-1138), ch. 423, p. 2490, § 15, effective July 1, 2024.

▼ Annotations

Research References & Practice Aids

Hierarchy Notes:

State Notes

Notes

Editor's note:

The provisions of this section are similar to former § 27-65-110 as it existed prior to 2022. For a detailed comparison, see the comparative tables located in the back of the index.

ANNOTATION

Law reviews.

For article, "Patients' Rights vs. Patients' Needs: The Right of the Mentally Ill to Refuse Treatment in Colorado", see 58 Den. L.J. 567 (1981). For article, "Perreira v. Colorado -- A Psychiatrist's Duty to Protect Others", see 18 Colo. Law. 2323 (1989).

Annotator's note.

Since § 27-65-112 is similar to § 27-65-110 as it existed prior to the 2022 amendments to this article, relevant cases construing that provision have been included in the annotations to this section.

Superintendent may release inmate only upon restoration to reason.

The only ground upon which the superintendent of the Colorado state hospital can legally release an inmate therefrom is restoration to reason. *People ex rel. Best v. County Court*, 110 Colo. 249, 132 P.2d 799 (1942).

When person is no longer insane he is restored to reason,

and, consequently, when the court found respondent not mentally ill as charged in the complaint, the court had a duty to order her discharged, and in failing to do so, it committed error. *In re People in Interest of Hill*, 118 Colo. 571, 198 P.2d 450 (1948).

Standard of care for determining release.

In determining whether to release an involuntarily committed mental patient, the psychiatrist has a legal duty to exercise due care, consistent with the knowledge and skill ordinarily possessed by psychiatric practitioners under similar circumstances to determine whether the patient has a propensity for violence and would present an unreasonable risk of serious bodily harm to others. *Perreira v. State*, 768 P.2d 1198 (Colo. 1989).

In discharging his duty, a psychiatrist may be required to take reasonable precautions to protect the public from the danger created by the release giving due consideration to extending the term of the patient's commitment or placing appropriate conditions and restrictions on such release. *Perreira v. State*, 768 P.2d 1198 (Colo. 1989).

Order remanding inmate to asylum without new trial by jury held proper.

Where it appeared to the district court that an inmate of the state insane asylum, having received a probationary discharge, was not restored to reason, an order remanding him to the asylum without a new trial by jury was held proper. *Metaxos v. People*, 76 Colo. 264, 230 P. 608 (1924).

Distinction permitted from escape by person committed by criminal insanity adjudication.

Given the state's obvious interest in protecting the public from those who previously have engaged in overt criminal conduct but have been relieved of criminal responsibility by reason of legal insanity, there is no difficulty in finding a rational basis for legislation that proscribes as criminal a knowing escape by a person committed to an institution as a result of an insanity adjudication in a criminal case, but does not impose a similar sanction upon a person who escapes from a facility to which he has been civilly committed. *People v. Giles*, 662 P.2d 1073 (Colo. 1983).

For continuing jurisdiction of district court,

see *Zimmerman v. Angele*, 137 Colo. 129, 321 P.2d 1105 (1958).

Applied

in *People v. Chavez*, 629 P.2d 1040 (Colo. 1981).