

CHAPTER 184

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 16-1390

BY REPRESENTATIVE(S) Moreno, Becker K., Esgar, Fields, Garnett, Ginal, Kraft-Tharp, Lebsock, Lee, Lontine, Pabon, Pettersen, Primavera, Rosenthal, Ryden, Singer, Vigil, Young;
also SENATOR(S) Guzman, Aguilar, Carroll, Donovan, Heath, Hodge, Jahn, Johnston, Jones, Kefalas, Kerr, Merrifield, Newell, Steadman, Todd.

AN ACT

CONCERNING IMMUNITY FOR CERTAIN PERSONS WHO ARE INVOLVED WITH A REPORTED OVERDOSE EVENT.

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

SECTION 1. In Colorado Revised Statutes, 18-1-711, **amend** (1) introductory portion as follows:

18-1-711. Immunity for persons who suffer or report an emergency drug or alcohol overdose event - definitions. (1) A person ~~shall be~~ IS immune from ~~criminal~~ ARREST AND prosecution for an offense described in subsection (3) of this section if:

SECTION 2. In Colorado Revised Statutes, 18-13-122, **amend** (7) as follows:

18-13-122. Illegal possession or consumption of ethyl alcohol or marijuana by an underage person - illegal possession of marijuana paraphernalia by an underage person - definitions - adolescent substance abuse prevention and treatment fund - legislative declaration. (7) (a) An underage person ~~shall be~~ IS immune from ~~criminal~~ ARREST AND prosecution under this section if he or she establishes the following:

(~~a~~) (I) The underage person called 911 and reported in good faith that another underage person was in need of medical assistance due to alcohol or marijuana consumption;

(~~b~~) (II) The underage person who called 911 provided his or her name to the 911

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

operator;

(e) (III) The underage person was the first person to make the 911 report; and

(f) (IV) The underage person who made the 911 call remained on the scene with the underage person in need of medical assistance until assistance arrived and cooperated with medical assistance or law enforcement personnel on the scene.

(b) THE IMMUNITY DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (7) ALSO EXTENDS TO THE UNDERAGE PERSON WHO WAS IN NEED OF MEDICAL ASSISTANCE DUE TO ALCOHOL OR MARIJUANA CONSUMPTION IF THE CONDITIONS OF SAID PARAGRAPH (a) ARE SATISFIED.

SECTION 3. In Colorado Revised Statutes, 12-47-901, **amend** (1.5) as follows:

12-47-901. Unlawful acts - exceptions. (1.5) (a) An underage person ~~shall be~~ IS immune from ~~criminal~~ ARREST AND prosecution under paragraph (b) or (c) of subsection (1) of this section if he or she establishes the following:

(a) (I) The underage person called 911 and reported that another underage person was in need of medical assistance due to alcohol consumption;

(b) (II) The underage person who called 911 provided his or her name to the 911 operator;

(c) (III) The underage person was the first person to make the 911 report; and

(d) (IV) The underage person who made the 911 call remained on the scene with the underage person in need of medical assistance until assistance arrived and cooperated with medical assistance or law enforcement personnel on the scene.

(b) THE IMMUNITY DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1.5) ALSO EXTENDS TO THE UNDERAGE PERSON WHO WAS IN NEED OF MEDICAL ASSISTANCE DUE TO ALCOHOL CONSUMPTION IF THE CONDITIONS OF SAID PARAGRAPH (a) ARE SATISFIED.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 19, 2016