

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0274.01 Shelby Ross x4510

HOUSE BILL 24-1079

HOUSE SPONSORSHIP

Amabile and English, Bradfield

SENATE SPONSORSHIP

Fields,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PERSONS DETAINED IN JAIL WHO ARE HELD ON AN
102 EMERGENCY COMMITMENT.

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://leg.colorado.gov/>.)

Legislative Oversight Committee Concerning the Treatment of Persons with Behavioral Health Disorders in the Criminal and Juvenile Justice Systems. Beginning July 1, 2025, the bill prohibits a law enforcement officer or emergency service patrol officer who takes a person into protective custody from detaining the person in jail.

Beginning July 1, 2024, the bill requires each local law

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

enforcement agency that has taken a person into protective custody to provide an annual report to the behavioral health administration that includes disaggregated and nonidentifying information concerning persons who were taken into protective custody in an approved treatment facility or detained in an emergency medical facility or jail.

Beginning July 1, 2024, the bill requires each approved treatment facility or emergency medical services facility that detains or holds a person on an emergency commitment to provide a quarterly report to the behavioral health administration that includes information about the persons detained or held at the facility.

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

2 **SECTION 1.** In Colorado Revised Statutes, 27-81-105, **amend**
3 (3) as follows:

4 **27-81-105. Comprehensive program for treatment - regional**
5 **facilities.** (3) The BHA shall provide adequate and appropriate treatment
6 for persons with substance use disorders, persons intoxicated by alcohol,
7 and persons under the influence of drugs admitted pursuant to sections
8 27-81-109 to 27-81-112. ~~Except as otherwise provided in section~~
9 ~~27-81-111~~, Treatment must not be provided at a correctional institution,
10 except for inmates.

11 **SECTION 2.** In Colorado Revised Statutes, 27-81-111, **amend**
12 (1); and **add** (8) as follows:

13 **27-81-111. Emergency commitment.** (1) (a) When a person is
14 under the influence of or incapacitated by substances and IS clearly
15 dangerous to the health and safety of ~~himself, herself~~, THE PERSON'S SELF
16 or others, law enforcement authorities or an emergency service patrol,
17 acting with probable cause, shall take the person into protective custody
18 in an approved treatment facility. If no such facilities are available, the
19 person may be detained in an emergency medical facility, ~~or jail~~, but only
20 for ~~so~~ AS long as may be necessary to prevent injury to ~~himself, herself~~,

1 THE PERSON'S SELF or others or to prevent a breach of the peace. ~~If the~~
2 ~~person being detained is a juvenile, as defined in section 19-2.5-102, the~~
3 ~~juvenile must be placed in a setting that is nonsecure and physically~~
4 ~~segregated by sight and sound from the adult offenders.~~ A law
5 enforcement officer or emergency service patrol officer, in detaining the
6 person, is taking the person into protective custody. In so doing, the
7 detaining officer may protect ~~himself or herself~~ THE OFFICER'S SELF by
8 reasonable methods but shall make every reasonable effort to protect the
9 detainee's health and safety. ~~A~~ Taking A PERSON into protective custody
10 pursuant to this section is not an arrest, and an entry or other record shall
11 not be made to indicate that the person has been arrested or charged with
12 a crime. Law enforcement or emergency service personnel who act in
13 compliance with this section are acting in the course of their official
14 duties and are not criminally or civilly liable. Nothing in this subsection
15 (1) precludes a person intoxicated by alcohol, under the influence of
16 drugs, or incapacitated by substances who is not dangerous to the health
17 and safety of ~~himself, herself,~~ THE PERSON'S SELF or others from being
18 assisted to the person's home or like location by the law enforcement
19 officer or emergency service patrol officer.

20 (b) ~~A sheriff or police chief who violates the provisions of~~
21 ~~subsection (1)(a) of this section related to detaining juveniles may be~~
22 ~~subject to a civil fine of no more than one thousand dollars. The decision~~
23 ~~to fine shall be based on prior violations of the provisions of subsection~~
24 ~~(1)(a) of this section by the sheriff or police chief and the willingness of~~
25 ~~the sheriff or police chief to address the violations in order to comply~~
26 ~~with subsection (1)(a) of this section.~~

27 (c) A LAW ENFORCEMENT OFFICER OR EMERGENCY SERVICE

1 PATROL OFFICER WHO TAKES A PERSON INTO PROTECTIVE CUSTODY
2 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION SHALL NOT DETAIN THE
3 PERSON IN JAIL.

4 (8) (a) ON OR BEFORE JULY 1, 2024, AND EACH JULY 1
5 THEREAFTER, EACH LOCAL LAW ENFORCEMENT AGENCY THAT HAS TAKEN
6 A PERSON INTO PROTECTIVE CUSTODY PURSUANT TO THIS SECTION SHALL
7 PROVIDE AN ANNUAL REPORT TO THE BHA THAT INCLUDES ONLY
8 DISAGGREGATED AND NONIDENTIFYING INFORMATION CONCERNING
9 PERSONS WHO WERE TAKEN INTO PROTECTIVE CUSTODY IN AN APPROVED
10 TREATMENT FACILITY OR DETAINED IN AN EMERGENCY MEDICAL FACILITY
11 OR JAIL. THE REPORT MUST COMPLY WITH SECTION 24-1-136 (9) AND IS
12 EXEMPT FROM SECTION 24-1-136 (11)(a)(I). THE REPORT MUST CONTAIN
13 THE FOLLOWING:

14 (I) THE NAMES AND COUNTIES OF THE FACILITIES AND JAILS;

15 (II) THE TOTAL NUMBER OF PERSONS TAKEN INTO PROTECTIVE
16 CUSTODY PURSUANT TO THIS SECTION, INCLUDING A SUMMARY OF
17 DEMOGRAPHIC INFORMATION; AND

18 (III) A SUMMARY REGARDING THE DIFFERENT REASONS FOR WHICH
19 PERSONS WERE TAKEN INTO PROTECTIVE CUSTODY PURSUANT TO THIS
20 SECTION.

21 (b) (I) EACH APPROVED TREATMENT FACILITY OR EMERGENCY
22 MEDICAL SERVICES FACILITY THAT DETAINS OR HOLDS A PERSON ON AN
23 EMERGENCY COMMITMENT SHALL PROVIDE A QUARTERLY REPORT TO THE
24 BHA WITH THE FOLLOWING INFORMATION:

25 (A) THE TOTAL NUMBER OF PERSONS DETAINED OR HELD IN THE
26 APPROVED TREATMENT FACILITY OR EMERGENCY MEDICAL SERVICES
27 FACILITY ON AN EMERGENCY COMMITMENT;

1 (B) THE TOTAL NUMBER OF DAYS EACH PERSON WAS DETAINED OR
2 HELD;

3 (C) WHETHER EACH PERSON WAS TRANSFERRED TO ANOTHER
4 FACILITY, RELEASED, OR PLACED ON AN INVOLUNTARY COMMITMENT; AND

5 (D) WHETHER THE APPROVED TREATMENT FACILITY OR
6 EMERGENCY MEDICAL SERVICES FACILITY TRANSFERRED EACH PERSON TO
7 THE LOCAL JAIL TO BE DETAINED FOR AN EMERGENCY COMMITMENT AND
8 THE REASON FOR THE TRANSFER.

9 (II) THIS SUBSECTION (8)(b) IS REPEALED, EFFECTIVE JULY 1, 2026.

10 (c) ANY INFORMATION DISAGGREGATED AND PROVIDED TO THE
11 BHA PURSUANT TO THIS SUBSECTION (8) IS PRIVILEGED AND
12 CONFIDENTIAL. THE BHA SHALL NOT MAKE THE INFORMATION AVAILABLE
13 TO THE PUBLIC EXCEPT IN AN AGGREGATE FORMAT THAT CANNOT BE USED
14 TO IDENTIFY AN INDIVIDUAL FACILITY. THE INFORMATION IS NOT SUBJECT
15 TO CIVIL SUBPOENA AND IS NOT DISCOVERABLE OR ADMISSIBLE IN ANY
16 CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING AGAINST AN APPROVED
17 TREATMENT FACILITY, EMERGENCY MEDICAL FACILITY, JAIL, LAW
18 ENFORCEMENT OFFICER, OR EMERGENCY SERVICE PATROL OFFICER. THE
19 BHA SHALL ONLY USE THE INFORMATION TO ASSESS STATEWIDE
20 BEHAVIORAL HEALTH SERVICES NEEDS AND WITHDRAWAL MANAGEMENT
21 NEEDS AND TO PLAN FOR SUFFICIENT LEVELS OF STATEWIDE BEHAVIORAL
22 HEALTH AND WITHDRAWAL MANAGEMENT SERVICES. IN COLLECTING THE
23 DATA PURSUANT TO THE REQUIREMENTS OF THIS SUBSECTION (8), THE
24 BHA SHALL PROTECT THE CONFIDENTIALITY OF PATIENT RECORDS, IN
25 ACCORDANCE WITH STATE AND FEDERAL LAWS, AND SHALL NOT DISCLOSE
26 ANY PUBLIC IDENTIFYING OR PROPRIETARY INFORMATION OF ANY
27 APPROVED TREATMENT FACILITY OR EMERGENCY MEDICAL FACILITY. THIS

1 SUBSECTION (8)(c) DOES NOT APPLY TO INFORMATION THAT IS OTHERWISE
2 AVAILABLE FROM A SOURCE OUTSIDE OF THE DATA COLLECTION
3 ACTIVITIES REQUIRED PURSUANT TO SUBSECTION (8)(a) OF THIS SECTION.

4 **SECTION 3. Act subject to petition - effective date.** This act
5 takes effect July 1, 2025; except that section 27-81-111 (8), as enacted in
6 section 2 of this act, takes effect July 1, 2024; except that, if a referendum
7 petition is filed pursuant to section 1 (3) of article V of the state
8 constitution against this act or an item, section, or part of this act within
9 the ninety-day period after final adjournment of the general assembly,
10 then the act, item, section, or part will not take effect unless approved by
11 the people at the general election to be held in November 2024 and, in
12 such case, will take effect on the date of the official declaration of the
13 vote thereon by the governor.