

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 24-0274.01 Shelby Ross x4510

HOUSE BILL 24-1079

HOUSE SPONSORSHIP

Amabile and English, Bradfield

SENATE SPONSORSHIP

Fields,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PERSONS DETAINED IN JAIL WHO ARE HELD ON AN**
102 **EMERGENCY COMMITMENT, AND, IN CONNECTION THEREWITH,**
103 **MAKING 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://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.

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.

HOUSE
Amended 2nd Reading
February 23, 2024

Beginning July 1, 2024, the bill requires each local 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

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

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

1 (c) A LAW ENFORCEMENT OFFICER OR EMERGENCY SERVICE
2 PATROL OFFICER WHO TAKES A JUVENILE INTO PROTECTIVE CUSTODY
3 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION SHALL NOT DETAIN THE
4 JUVENILE IN JAIL.

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

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

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

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

22 (IV) THE LENGTH OF TIME EACH PERSON WAS HELD UNDER
23 PROTECTIVE CUSTODY.

24 (b) ■ EACH ■ EMERGENCY MEDICAL SERVICES FACILITY THAT
25 DETAINS A PERSON UNDER PROTECTIVE CUSTODY OR DETAINS OR HOLDS
26 A PERSON ON AN EMERGENCY COMMITMENT SHALL PROVIDE A QUARTERLY
27 REPORT TO THE BHA WITH THE FOLLOWING INFORMATION:

1 (I) THE TOTAL NUMBER OF PERSONS DETAINED UNDER PROTECTIVE
2 CUSTODY AND THE TOTAL NUMBER OF PERSONS HELD IN THE EMERGENCY
3 MEDICAL SERVICES FACILITY ON AN EMERGENCY COMMITMENT;

4 (II) THE TOTAL NUMBER OF DAYS EACH PERSON WAS DETAINED OR
5 HELD;

6 (III) WHETHER EACH PERSON WAS TRANSFERRED TO ANOTHER
7 FACILITY, RELEASED, OR PLACED ON AN INVOLUNTARY COMMITMENT; AND

8 (IV) WHETHER THE [REDACTED] EMERGENCY MEDICAL SERVICES FACILITY
9 TRANSFERRED EACH PERSON TO THE LOCAL JAIL TO BE DETAINED UNDER
10 PROTECTIVE CUSTODY OR FOR AN EMERGENCY COMMITMENT AND THE
11 REASON FOR THE TRANSFER.

12 [REDACTED]

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

1 ACCORDANCE WITH STATE AND FEDERAL LAWS, AND SHALL NOT DISCLOSE
2 ANY PUBLIC IDENTIFYING OR PROPRIETARY INFORMATION OF ANY
3 APPROVED TREATMENT FACILITY OR EMERGENCY MEDICAL FACILITY. THIS
4 SUBSECTION (8)(c) DOES NOT APPLY TO INFORMATION THAT IS OTHERWISE
5 AVAILABLE FROM A SOURCE OUTSIDE OF THE DATA COLLECTION
6 ACTIVITIES REQUIRED PURSUANT TO SUBSECTION (8)(a) OF THIS SECTION.

7 **SECTION 3. Appropriation.** (1) For the 2024-25 state fiscal
8 year, \$64,738 is appropriated to the behavioral health administration for
9 use by the community behavioral health administration. This
10 appropriation is from the general fund. To implement this act, the
11 administration may use this appropriation as follows:

12 (a) \$45,793 for program administration, which amount is based on
13 an assumption that the administration will require an additional 0.5 FTE;
14 and

15 (b) \$18,945 for emergency commitment data collection and
16 storage.

17 **SECTION 4. Effective date.** This act takes effect July 1, 2025;
18 except that section 27-81-111 (8), as enacted in section 2 of this act, takes
19 effect July 1, 2024.

20 **SECTION 5. Safety clause.** The general assembly finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety or for appropriations for
23 the support and maintenance of the departments of the state and state
24 institutions.