

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

May 6, 2021

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB21-1211 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 6, line 8, strike "ILLNESS" and substitute
2 "ILLNESS, SUICIDALITY,".

3 Page 6, strike lines 24 through 27 and substitute:

4 "(I) ANY INDICATION OF PSYCHOLOGICAL DISTRESS IS PRESENT
5 AND:

6 (A) THE LOCAL JAIL OFFERED TO TRANSFER THE INDIVIDUAL TO A
7 LOCAL HEALTH-CARE FACILITY FOR TREATMENT, THE INDIVIDUAL AGREED
8 TO THE TRANSFER, THE LOCAL JAIL TRANSFERRED THE INDIVIDUAL TO THE
9 HEALTH-CARE FACILITY, AND THE HEALTH-CARE FACILITY SUBSEQUENTLY
10 DISCHARGED THE INDIVIDUAL;

11 (B) THE LOCAL JAIL OFFERED TO TRANSFER THE INDIVIDUAL TO A
12 LOCAL HEALTH-CARE FACILITY FOR TREATMENT, THE INDIVIDUAL
13 REFUSED, AND THE JAIL COMMUNICATED WITH A LOCAL HOSPITAL OR
14 OTHER TWENTY-FOUR-HOUR MENTAL HEALTH CRISIS FACILITY TO
15 DETERMINE IF THE FACILITY WOULD ACCEPT THE INDIVIDUAL FOR
16 EVALUATION AND MENTAL HEALTH TREATMENT, THE HEALTH-CARE
17 FACILITY OR MENTAL HEALTH CRISIS FACILITY INDICATED IT WOULD
18 ACCEPT THE INDIVIDUAL FOR MENTAL HEALTH EVALUATION AND
19 TREATMENT, THE JAIL TRANSPORTED THE INDIVIDUAL TO THE FACILITY,
20 AND THE FACILITY SUBSEQUENTLY DISCHARGED THE INDIVIDUAL; OR

21 (C) THE LOCAL JAIL OFFERED TO TRANSFER THE INDIVIDUAL TO A
22 LOCAL HEALTH-CARE FACILITY FOR TREATMENT, THE INDIVIDUAL

1 REFUSED, AND THE JAIL COMMUNICATED WITH A LOCAL HOSPITAL OR
2 OTHER TWENTY-FOUR-HOUR MENTAL HEALTH CRISIS FACILITY TO
3 DETERMINE IF THE FACILITY WOULD ACCEPT THE INDIVIDUAL FOR
4 EVALUATION AND MENTAL HEALTH TREATMENT, AND THE HEALTH-CARE
5 FACILITY OR MENTAL HEALTH CRISIS FACILITY REFUSED TO ACCEPT THE
6 INDIVIDUAL FOR MENTAL HEALTH EVALUATION AND TREATMENT; AND".

7 Page 7, strike line 1.

8 Page 7, line 3, strike "OTHERS; AND" and substitute "OTHERS OR REMAINS
9 AN IMMINENT DANGER TO THEMSELVES OR OTHERS AFTER BEING
10 DISCHARGED FROM A HEALTH-CARE FACILITY, LOCAL HOSPITAL, OR OTHER
11 TWENTY-FOUR-HOUR MENTAL HEALTH CRISIS FACILITY AND RETURNS TO
12 THE LOCAL JAIL; AND".

13 Page 7, line 26, strike "ONE HOUR" and substitute "TWELVE HOURS".

14 Page 8, line 6, strike "EVERY FIFTEEN MINUTES," and substitute "TWICE
15 PER HOUR,".

16 Page 8, strike lines 10 through 15 and substitute "IF THE INDIVIDUAL IS
17 VIOLENT, DEMONSTRATING UNUSUAL OR BIZARRE BEHAVIOR, OR HAS
18 INDICATED SUICIDALITY OR SELF-HARM, THE LOCAL JAIL STAFF SHALL
19 MONITOR THE INDIVIDUAL EVERY FIFTEEN MINUTES OR MORE
20 FREQUENTLY, UNLESS A MEDICAL OR MENTAL HEALTH PROFESSIONAL
21 RECOMMENDS MORE FREQUENT OR LESS FREQUENT CHECKS. AT EACH
22 CHECK FOR THESE INDIVIDUALS, THE MEDICAL OR MENTAL HEALTH
23 PROFESSIONAL OR LOCAL JAIL STAFF SHALL DOCUMENT A GENERAL
24 DESCRIPTION OF THE BEHAVIORS OBSERVED.".

25 Page 8, strike lines 16 through 23 and substitute:

26 "(f) EVERY TWENTY-FOUR HOURS, A MEDICAL OR MENTAL HEALTH
27 PROFESSIONAL SHALL ASSESS, FACE-TO-FACE, THE INDIVIDUAL PLACED IN
28 RESTRICTIVE HOUSING FOR ANY PSYCHIATRIC OR MEDICAL
29 CONTRAINDICATIONS TO THE PLACEMENT. IF THE MEDICAL OR MENTAL
30 HEALTH PROFESSIONAL OBSERVES ANY CONTRAINDICATIONS, THE
31 PROFESSIONAL SHALL EITHER REFER THE INDIVIDUAL IMMEDIATELY TO A
32 MENTAL HEALTH PROFESSIONAL OR REFER THE INDIVIDUAL FOR
33 EMERGENCY MEDICAL CARE. THE MEDICAL OR MENTAL HEALTH
34 PROFESSIONAL SHALL DOCUMENT EACH ASSESSMENT, INCLUDING THE

1 INDIVIDUAL'S HEALTH STATUS AND BEHAVIOR.

2 (g) AT LEAST EVERY FORTY-EIGHT HOURS AND MORE FREQUENTLY,
3 IF POSSIBLE, A MENTAL HEALTH PROFESSIONAL SHALL ASSESS THE
4 INDIVIDUAL FACE-TO-FACE FOR THE NEED FOR ONGOING PLACEMENT IN
5 RESTRICTIVE HOUSING AND DOCUMENT THE NEED FOR ONGOING
6 PLACEMENT OR SHALL DOCUMENT AN OPINION THAT RESTRICTIVE
7 HOUSING IS NO LONGER REQUIRED."

8 Reletter succeeding paragraphs accordingly.

9 Page 10, after line 1 insert:

10 "(III) A JAIL MAY HOLD AN INMATE IN RESTRICTIVE HOUSING THAT
11 MEETS THE CRITERIA OUTLINED IN THIS SUBSECTION (2) FOR AN
12 ADDITIONAL SEVEN DAYS IF THE LOCAL JAIL FILES A COURT ORDER IN A
13 TIMELY MANNER PRIOR TO THE EXPIRATION OF THE FIFTEEN-DAY
14 RESTRICTIVE HOUSING PLACEMENT AND THE COURT'S DECISION IS STILL
15 PENDING."

16 Page 10, line 8, strike "OUTDOOR".

17 Page 10, line 9, after "CELL;" insert "ACCESS TO OUTDOOR EXERCISE AT
18 LEAST ONE HOUR PER WEEK, WEATHER PERMITTING;"

19 Page 11, line 27, after the period insert "IF A LOCAL JAIL IS UNABLE TO
20 PERFORM A HEALTH SCREENING ON AN INDIVIDUAL DUE TO INTOXICATION
21 OR ANOTHER REASON THAT MAKES THE PERSON TEMPORARILY
22 INCAPACITATED, THE JAIL SHALL DOCUMENT THE REASON FOR THE DELAY
23 IN THE HEALTH SCREENING AND SHALL COMPLETE THE HEALTH SCREENING
24 NO LATER THAN TWENTY-FOUR HOURS AFTER AN INDIVIDUAL'S ARRIVAL
25 AT THE FACILITY. A LOCAL JAIL IS NOT REQUIRED TO COMPLETE A HEALTH
26 SCREENING IF PROHIBITED BY A COURT ORDER."

27 Page 14, after line 14 insert:

28 "SECTION 3. In Colorado Revised Statutes, 27-60-106, **amend**
29 (2)(b) and (2)(c); and **add** (2)(d) as follows:

30 **27-60-106. Jail-based behavioral health services program -**
31 **purpose - created - funding.** (2) The purpose of the program is to:

32 (b) Train jail staff on behavioral health disorders and best
33 practices in working with individuals with mental health, substance use,

1 and co-occurring disorders; and
2 (c) Fund administrative costs to jails that implement the
3 requirements outlined in subsection (3) of this section; AND
4 (d) MEET THE REQUIREMENTS OUTLINED IN 17-26-303 AND
5 17-26-304 FOR LOCAL JAILS, AS DEFINED IN 17-26-302 (2), BY PROVIDING
6 ADDITIONAL STAFFING, TRAINING, ROBUST BEHAVIORAL HEALTH SERVICES
7 AND SUPPORTS, OR FACILITY CHANGES. ANY FACILITY CHANGES MUST BE
8 APPROVED BY THE OFFICE OF BEHAVIORAL HEALTH BEFORE FUNDS MAY BE
9 EXPENDED."

10 Renumber succeeding sections accordingly.

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