

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

May 3, 2016
Date

Committee on Judiciary.

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

SB16-169 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 3, after line 26 insert:

2 "SECTION 2. In Colorado Revised Statutes, 26-1-107, **add** (11)
3 as follows:

4 **26-1-107. State board of human services - rules.** (11) NOTHING
5 IN THIS SECTION SHALL BE CONSTRUED TO GRANT RULE-MAKING
6 AUTHORITY OVER ANY DUTY OR RESPONSIBILITY DELEGATED TO A LAW
7 ENFORCEMENT AGENCY, LAW ENFORCEMENT FACILITY, OR EMERGENCY
8 MEDICAL SERVICES FACILITY PURSUANT TO ARTICLE 65 OF TITLE 27,
9 C.R.S."

10 Renumber succeeding sections accordingly.

11 Page 6, strike lines 5 through 13 and substitute:

12 "(2) (a) (I) When a person is taken into custody pursuant to
13 subsection (1) of this section, ~~such person shall not be detained in a jail,
14 lockup, or other place used for the confinement of persons charged with
15 or convicted of penal offenses; except that such place may be used if no
16 other suitable place of confinement for treatment and evaluation is readily
17 available. In such situation the person shall be detained separately from
18 those persons charged with or convicted of penal offenses and shall be
19 held for a period not to exceed~~ HE OR SHE MAY BE DETAINED IN A LAW

1 ENFORCEMENT FACILITY ONLY UNDER THE FOLLOWING CIRCUMSTANCES,
2 AND ONLY IF THE PERSON IS DETAINED SEPARATELY FROM ANY PERSONS
3 CHARGED WITH OR CONVICTED OF PENAL OFFENSES:

4 (A) IF A DESIGNATED FACILITY IS NOT AVAILABLE FOR TREATMENT
5 AND EVALUATION;

6 (B) IF AN EMERGENCY MEDICAL SERVICES FACILITY IS NOT
7 READILY AVAILABLE; AND

8 (C) IF THE PERSON HAS DEMONSTRATED RECENT BEHAVIORAL
9 AGGRESSION OR VIOLENCE THAT CANNOT BE DE-ESCALATED WITHIN THE
10 CAPABILITY AND CAPACITY OF AN AVAILABLE EMERGENCY MEDICAL
11 SERVICES FACILITY WITHOUT THE ASSISTANCE OF LAW ENFORCEMENT."

12 Page 10, lines 23 and 24, strike "A PSYCHIATRIC ADVANCE PRACTICE
13 NURSE LICENSED PURSUANT TO TITLE 12, C.R.S.," and substitute "AN
14 ADVANCED PRACTICE NURSE LICENSED PURSUANT TO ARTICLE 38 OF TITLE
15 12, C.R.S., AND INCLUDED IN THE ADVANCED PRACTICE REGISTRY
16 PURSUANT TO SECTION 12-38-111.5, C.R.S., WITH A POPULATION FOCUS
17 IN PSYCHIATRY OR MENTAL HEALTH,".

18 Page 10, strike line 25.

19 Page 10, line 26, strike "OF THE EVALUATION," and substitute "SCOPE OF
20 PRACTICE,".

** ** ** ** **