

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0961.01 Michael Dohr x4347

HOUSE BILL 20-1271

---

**HOUSE SPONSORSHIP**

**Saine**, Neville, Humphrey, Buck, Geitner, Sandridge, Van Winkle, Baisley, Ransom, Williams D.

**SENATE SPONSORSHIP**

**Cooke and Smallwood,**

---

**House Committees**  
Judiciary

**Senate Committees**

---

**A BILL FOR AN ACT**

101      **CONCERNING MEASURES FOR PERSONS WHO POSE AN EXTREME RISK,**  
102            **AND, IN CONNECTION THEREWITH, REPEALING THE EXTREME**  
103            **RISK PROTECTION ORDER LAW, CHANGING THE STANDARD FOR**  
104            **AN INVOLUNTARY SEVENTY-TWO-HOUR MENTAL HEALTH HOLD**  
105            **FROM IMMINENT DANGER TO EXTREME RISK, AND DEFINING THE**  
106            **TERM "EXTREME RISK" AS A CREDIBLE AND EXIGENT THREAT OF**  
107            **DANGER TO SELF OR OTHERS THROUGH ACTIONABLE THREATS**  
108            **OF VIOLENCE OR DEATH AS A RESULT OF A CURRENT MENTAL**  
109            **HEALTH STATE.**

---

**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*

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

*applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill repeals the laws relating to extreme risk protection orders. Under current law, a person can be held on an involuntary 72-hour mental health hold if the person appears to be an imminent danger to others or to himself or herself. The bill changes the standard from imminent danger to extreme risk and defines extreme risk as a credible and exigent threat of danger to themselves or others through actionable threats of violence or death as result of a current mental health state.

---

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

2           **SECTION 1.** In Colorado Revised Statutes, **repeal** article 14.5  
3 of title 13 and 16-3-301.5.

4           **SECTION 2.** In Colorado Revised Statutes, 13-3-101, **repeal** (13)  
5 as follows:

6           **13-3-101. State court administrator - report - definition -**  
7 **repeal.** (13) ~~The state court administrator or his or her designee shall~~  
8 ~~present at the judicial department's hearing pursuant to section 2-7-203~~  
9 ~~statistics related to extreme risk protection orders in article 14.5 of this~~  
10 ~~title 13. The statistics must include the number of petitions filed for~~  
11 ~~temporary extreme risk protection orders, the number of petitions filed for~~  
12 ~~extreme risk protection orders, the number of temporary extreme risk~~  
13 ~~protection orders issued and denied, the number of extreme risk~~  
14 ~~protection orders issued and denied, the number of temporary extreme~~  
15 ~~risk protection orders terminated, the number of extreme risk protection~~  
16 ~~orders terminated, and the number of extreme risk protection orders~~  
17 ~~renewed. The state court administrator or his or her designee shall also~~  
18 ~~report state court data related to all persons who are subject to any~~  
19 ~~temporary emergency risk protection order or emergency risk protection~~  
20 ~~order and who, within thirty days after the issuance or execution of the~~

1 ~~protection order, are charged with a criminal offense. The report must~~  
2 ~~include the nature of the criminal offense, including but not limited to any~~  
3 ~~offense for violation of the emergency risk protection order and the~~  
4 ~~disposition or status of that criminal offense.~~

5 **SECTION 3.** In Colorado Revised Statutes, 18-12-203, **amend**  
6 (1)(g)(II) and (1)(g)(III); and **repeal** (1)(g)(IV) as follows:

7 **18-12-203. Criteria for obtaining a permit.** (1) Beginning May  
8 17, 2003, except as otherwise provided in this section, a sheriff shall issue  
9 a permit to carry a concealed handgun to an applicant who:

- 10 (g) Is not subject to:
- 11 (II) A permanent protection order issued pursuant to article 14 of
- 12 title 13; OR
- 13 (III) A temporary protection order issued pursuant to article 14 of
- 14 title 13 that is in effect at the time the application is submitted; ~~or~~
- 15 (IV) ~~A temporary extreme risk protection order issued pursuant~~
- 16 ~~to section 13-14.5-103 (3) or an extreme risk protection order issued~~
- 17 ~~pursuant to section 13-14.5-105 (2);~~

18 **SECTION 4.** In Colorado Revised Statutes, 27-65-102, **add** (6.5)  
19 as follows:

20 **27-65-102. Definitions.** As used in this article 65, unless the  
21 context otherwise requires:

22 (6.5) "EXTREME RISK" MEANS A CREDIBLE AND EXIGENT THREAT  
23 OF DANGER TO HIMSELF OR HERSELF OR OTHERS THROUGH ACTIONABLE  
24 THREATS OF VIOLENCE OR DEATH AS A RESULT OF A CURRENT MENTAL  
25 HEALTH STATE.

26 **SECTION 5.** In Colorado Revised Statutes, 27-65-105, **amend**  
27 (1)(a)(I), (1)(b), and (3) as follows:

1           **27-65-105. Emergency procedure.** (1) Emergency procedure  
2 may be invoked under one of the following conditions:

3           (a) (I) When any person appears to have a mental health disorder  
4 and, as a result of such mental health disorder, appears to be an ~~imminent~~  
5 ~~danger~~ EXTREME RISK to others or to himself or herself or appears to be  
6 gravely disabled, then an intervening professional, as specified in  
7 subsection (1)(a)(II) of this section, upon probable cause and with such  
8 assistance as may be required, may take the person into custody, or cause  
9 the person to be taken into custody, and placed in a facility designated or  
10 approved by the executive director for a seventy-two-hour treatment and  
11 evaluation. If such a facility is not available, the person may be taken to  
12 an emergency medical services facility.

13           (b) Upon an affidavit sworn to or affirmed before a judge that  
14 relates sufficient facts to establish that a person appears to have a mental  
15 health disorder and, as a result of the mental health disorder, appears to  
16 be an ~~imminent danger~~ EXTREME RISK to others or to himself or herself or  
17 appears to be gravely disabled, the court may order the person described  
18 in the affidavit to be taken into custody and placed in a facility designated  
19 or approved by the executive director for a seventy-two-hour treatment  
20 and evaluation. Whenever in this article 65 a facility is to be designated  
21 or approved by the executive director, hospitals, if available, must be  
22 approved or designated in each county before other facilities are approved  
23 or designated. Whenever in this article 65 a facility is to be designated or  
24 approved by the executive director as a facility for a stated purpose and  
25 the facility to be designated or approved is a private facility, the consent  
26 of the private facility to the enforcement of standards set by the executive  
27 director is a prerequisite to the designation or approval.

1           (3) When a person is taken into emergency custody by an  
2 intervening professional pursuant to subsection (1) of this section and is  
3 presented to an emergency medical services facility or a facility that is  
4 designated or approved by the executive director, the facility shall require  
5 an application in writing, stating the circumstances under which the  
6 person's condition was called to the attention of the intervening  
7 professional and further stating sufficient facts, obtained from the  
8 intervening professional's personal observations or obtained from others  
9 whom he or she reasonably believes to be reliable, to establish that the  
10 person has a mental health disorder and, as a result of the mental health  
11 disorder, is an ~~imminent danger~~ EXTREME RISK to others or to himself or  
12 herself, is gravely disabled, or is in need of immediate evaluation for  
13 treatment. The application must indicate when the person was taken into  
14 custody and who brought the person's condition to the attention of the  
15 intervening professional. A copy of the application must be furnished to  
16 the person being evaluated, and the application must be retained in  
17 accordance with the provisions of section 27-65-121 (4).

18           **SECTION 6. Safety clause.** The general assembly hereby finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, or safety.