

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

DRAFT
9/5/24

Bill 5

LLS NO. 25-0206.01 Alana Rosen x2606

INTERIM COMMITTEE BILL

American Indian Affairs Interim Study Committee

BILL TOPIC: Recognition of Tribal Court Orders

DEADLINES: File by: 9/6/2024

A BILL FOR AN ACT

101 **CONCERNING RECOGNITION OF CERTAIN TRIBAL COURT ORDERS.**

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/>.)

American Indian Affairs Interim Study Committee. Current law does not expressly allow for the state to recognize an arrest warrant issued by a Tribal court of a federally recognized Tribe with a reservation within the exterior boundaries of the state (Tribal court). The bill clarifies that a state court shall give full faith and credit to an arrest warrant issued by a Tribal court.

Current law does not expressly allow for the recognition of Tribal court commitment orders. The bill clarifies that any commitment order

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

entered by a Tribal court that concerns a person under the Tribal court's jurisdiction is recognized to the same extent as a commitment order entered by a state court. A health-care provider may communicate with the officers of the Tribal court regarding a patient under the health-care provider's care pursuant to a commitment order to the same extent that the health-care provider may communicate with officers of the court pursuant to a commitment order entered by a state court.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 7 to article
3 of title 16 as follows:

4 PART 7

5 RECOGNITION OF

6 TRIBAL COURT ARREST WARRANTS

7 **16-3-701. Definitions.** AS USED IN THIS PART 7, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

9 (1) "RESERVATION" MEANS THE SOUTHERN UTE INDIAN
10 RESERVATION AND ALL THE LAND WITHIN THE EXTERIOR BOUNDARIES, AS
11 DEFINED IN THE ACT OF MAY 21, 1984, PUB.L. 98-290, 98 STAT. 201
12 (FOUND AT "OTHER PROVISIONS" NOTE TO 25 U.S.C. SEC. 668) OR THE UTE
13 MOUNTAIN UTE RESERVATION.

14 (2) "STATE" MEANS THE STATE OF COLORADO.

15 (3) "TRIBAL COURT" MEANS ANY COURT OR OTHER FEDERALLY OR
16 TRIBALLY ESTABLISHED TRIBUNAL OF A FEDERALLY RECOGNIZED TRIBE IN
17 COLORADO, DULY ESTABLISHED PURSUANT TO FEDERAL LAW OR TRIBAL
18 LAW, INCLUDING THE COURTS OF INDIAN OFFENSES, UTE MOUNTAIN UTE
19 AGENCY, ORGANIZED PURSUANT TO 25 CFR PART 11.

20 (4) "TRIBE" MEANS THE SOUTHERN UTE INDIAN TRIBE OR THE UTE
21 MOUNTAIN UTE TRIBE.

22 **16-3-702. Recognition of Tribal court orders - arrest warrants**

1 - **full faith and credit.** A STATE COURT SHALL GIVE FULL FAITH AND
2 CREDIT TO AN ARREST WARRANT ISSUED BY A TRIBAL COURT OF A
3 FEDERALLY RECOGNIZED TRIBE WITH A RESERVATION WITHIN THE
4 EXTERIOR BOUNDARIES OF THE STATE.

5 **16-3-703. Recognition of Tribal court orders - arrest warrants**

6 - **process.** UPON ISSUANCE OF A TRIBAL COURT ARREST WARRANT, A
7 PEACE OFFICER IN THE STATE MAY APPREHEND THE PERSON IDENTIFIED IN
8 THE TRIBAL WARRANT. THE ARRESTING PEACE OFFICER OR THE LAW
9 ENFORCEMENT AGENCY IN THE ARRESTING JURISDICTION SHALL MAKE
10 ARRANGEMENTS WITH THE TRIBAL JURISDICTION FOR TRANSPORTATION OF
11 THE PERSON TO THE LAW ENFORCEMENT AUTHORITY OF THE TRIBAL
12 JURISDICTION.

13 **SECTION 2.** In Colorado Revised Statutes, **add** 27-65-132 as
14 follows:

15 **27-65-132. Recognition of Tribal court commitment orders -**
16 **process - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE
17 CONTEXT OTHERWISE REQUIRES:

18 (a) "BEHAVIORAL HEALTH COMMITMENT ORDER" OR
19 "COMMITMENT ORDER" INCLUDES:

20 (I) EMERGENCY MENTAL HEALTH HOLDS AS DESCRIBED IN SECTION
21 27-65-106 OR AS DESCRIBED IN TRIBAL CODES;

22 (II) CERTIFICATION FOR SHORT-TERM TREATMENT AS DESCRIBED
23 IN SECTION 27-65-109 OR AS DESCRIBED IN TRIBAL CODES;

24 (III) LONG-TERM CARE AND TREATMENT OF PERSONS WITH
25 MENTAL HEALTH DISORDERS AS DESCRIBED IN SECTION 27-65-110 OR AS
26 DESCRIBED IN TRIBAL CODES;

27 (IV) AN EMERGENCY COMMITMENT AS DESCRIBED IN SECTION

1 27-81-111 OR AS DESCRIBED IN TRIBAL CODES;

2 (V) AN INVOLUNTARY COMMITMENT OF A PERSON WITH A
3 SUBSTANCE USE DISORDER AS DESCRIBED IN SECTION 27-81-112 OR AS
4 DESCRIBED IN TRIBAL CODES; OR

5 (VI) A COMMITMENT ORDER PERMITTED BY FEDERAL, STATE, OR
6 TRIBAL LAW.

7 (b) "RESERVATION" MEANS THE SOUTHERN UTE INDIAN
8 RESERVATION AND ALL THE LAND WITHIN THE EXTERIOR BOUNDARIES, AS
9 DEFINED IN THE ACT OF MAY 21, 1984, PUB.L. 98-290, 98 STAT. 201
10 (FOUND AT "OTHER PROVISIONS" NOTE TO 25 U.S.C. SEC. 668) OR THE UTE
11 MOUNTAIN UTE RESERVATION.

12 (c) "STATE" MEANS THE STATE OF COLORADO.

13 (d) "TRIBAL COURT" MEANS ANY COURT OR OTHER FEDERALLY OR
14 TRIBALLY ESTABLISHED TRIBUNAL OF A FEDERALLY RECOGNIZED TRIBE IN
15 COLORADO, DULY ESTABLISHED PURSUANT TO FEDERAL LAW OR TRIBAL
16 LAW, INCLUDING THE COURTS OF INDIAN OFFENSES, UTE MOUNTAIN UTE
17 AGENCY, ORGANIZED PURSUANT TO 25 CFR PART 11.

18 (e) "TRIBE" MEANS THE SOUTHERN UTE INDIAN TRIBE OR THE UTE
19 MOUNTAIN UTE TRIBE.

20 (2) THE STATE, COUNTY, OR MUNICIPAL LAW ENFORCEMENT
21 AGENCIES; STATE COURTS; HOSPITALS; BEHAVIORAL HEALTH FACILITIES;
22 HEALTH-CARE PROVIDERS; AND OTHERS WITHIN THE STATE PROVIDING
23 SERVICES TO THE PERSON SUBJECT TO A BEHAVIORAL HEALTH
24 COMMITMENT ORDER SHALL RECOGNIZE A COMMITMENT ORDER ENTERED
25 BY THE TRIBAL COURT OF A FEDERALLY RECOGNIZED TRIBE WITH A
26 RESERVATION WITHIN THE EXTERIOR BOUNDARIES OF THE STATE AND
27 THAT CONCERNS A PERSON UNDER THE TRIBAL COURT'S JURISDICTION TO

1 THE SAME EXTENT AS A COMMITMENT ORDER ENTERED BY A STATE COURT.

2 (3) A HEALTH-CARE PROVIDER MAY COMMUNICATE WITH THE
3 OFFICERS OF A TRIBAL COURT REGARDING A PATIENT UNDER THE
4 HEALTH-CARE PROVIDER'S CARE PURSUANT TO A TRIBAL COURT
5 COMMITMENT ORDER DESCRIBED IN SUBSECTION (2) OF THIS SECTION, TO
6 THE SAME EXTENT THAT THE HEALTH-CARE PROVIDER CAN COMMUNICATE
7 WITH OFFICERS OF A COURT PURSUANT TO A STATE COURT COMMITMENT
8 ORDER. COMMUNICATIONS MAY INCLUDE THE NATURE OF THE TREATMENT
9 NEEDED AND PROVIDED, A PATIENT'S MEDICAL AND MENTAL HEALTH
10 STATUS, THE EXTENT TO WHICH THE PATIENT POSES A DANGER TO THE
11 PATIENT'S SELF OR THE COMMUNITY, AND, IF NECESSARY, THE NEED FOR
12 ADDITIONAL TREATMENT.

13 **SECTION 3. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly; except
16 that, if a referendum petition is filed pursuant to section 1 (3) of article V
17 of the state constitution against this act or an item, section, or part of this
18 act within such period, then the act, item, section, or part will not take
19 effect unless approved by the people at the general election to be held in
20 November 2026 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.