

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

BILL D

LLS NO. 22-0144.01 Jane Ritter x4342

HOUSE BILL

HOUSE SPONSORSHIP

Benavidez and Amabile,

SENATE SPONSORSHIP

(None),

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE STANDARD FOR EMERGENCY MENTAL HEALTH**
102 **TREATMENT AND EVALUATION.**

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 Mental Health Disorders in the Criminal and Juvenile Justice Systems. The bill changes the standard for an emergency 72-hour mental health commitment for treatment and evaluation to include when a person appears to have a mental health disorder or be gravely disabled and, as a result of such mental health

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.

disorder or being gravely disabled, appears to present an imminent or substantial risk of harm to self or others. "Substantial risk" is defined.

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

2 **SECTION 1.** In Colorado Revised Statutes, 27-65-102, **amend**
3 (9); and **add** (21) as follows:

4 **27-65-102. Definitions.** As used in this article 65, unless the
5 context otherwise requires:

6 (9) "Gravely disabled" means a condition in which a person, as a
7 result of a mental health disorder, is incapable of making informed
8 decisions about or providing for ~~his or her~~ THE PERSON'S essential needs
9 without significant supervision and assistance from other people. As a
10 result of being incapable of making these informed decisions, a person
11 who is gravely disabled is at risk of substantial bodily harm TO SELF OR
12 OTHERS, dangerous worsening of any concomitant serious physical
13 illness, significant psychiatric deterioration, or mismanagement of ~~his or~~
14 ~~her~~ THE PERSON'S essential needs that could result in substantial bodily
15 harm TO SELF OR OTHERS. A person of any age may be "gravely disabled",
16 but ~~such term~~ "GRAVELY DISABLED" does not include a person whose
17 decision-making capabilities are limited solely by ~~his or her~~ THE PERSON'S
18 developmental disability.

19 (21) "SUBSTANTIAL RISK" MEANS A RISK THAT IS GREATER THAN
20 A SIGNIFICANT RISK.

21 **SECTION 2.** In Colorado Revised Statutes, 27-65-105, **amend**
22 (1)(a)(I), (1)(b), and (3) as follows:

23 **27-65-105. Emergency procedure.** (1) Emergency procedure
24 may be invoked under one of the following conditions:

25 (a) (I) ~~When any person appears to have a mental health disorder~~

1 ~~and, as a result of such mental health disorder, appears to be an imminent~~
2 ~~danger to others or to himself or herself or appears to be gravely disabled;~~
3 WHEN A PERSON APPEARS TO HAVE A MENTAL HEALTH DISORDER OR BE
4 GRAVELY DISABLED AND, AS A RESULT OF SUCH MENTAL HEALTH
5 DISORDER OR BEING GRAVELY DISABLED, APPEARS TO PRESENT AN
6 IMMINENT OR SUBSTANTIAL RISK OF HARM TO SELF OR OTHERS, then an
7 intervening professional, as specified in subsection (1)(a)(II) of this
8 section, upon probable cause and with such assistance as may be required,
9 may take the person into custody, or cause the person to be taken into
10 custody, and placed in a facility designated or approved by the executive
11 director for a seventy-two-hour treatment and evaluation. If such a facility
12 is not available, the person may be taken to an emergency medical
13 services facility.

14 (b) Upon an affidavit sworn to or affirmed before a judge that
15 relates sufficient facts to establish that a person appears to have a mental
16 health disorder ~~and, as a result of the mental health disorder, appears to~~
17 ~~be an imminent danger to others or to himself or herself or appears to be~~
18 ~~gravely disabled~~ OR BE GRAVELY DISABLED AND, AS A RESULT OF SUCH
19 MENTAL HEALTH DISORDER OR BEING GRAVELY DISABLED, APPEARS TO
20 PRESENT AN IMMINENT OR SUBSTANTIAL RISK OF HARM TO SELF OR
21 OTHERS, the court may order the person described in the affidavit to be
22 taken into custody and placed in a facility designated or approved by the
23 executive director for a seventy-two-hour treatment and evaluation.
24 Whenever in this article 65 a facility is to be designated or approved by
25 the executive director, hospitals, if available, must be approved or
26 designated in each county before other facilities are approved or
27 designated. Whenever in this article 65 a facility is to be designated or

1 approved by the executive director as a facility for a stated purpose and
2 the facility to be designated or approved is a private facility, the consent
3 of the private facility to the enforcement of standards set by the executive
4 director is a prerequisite to the designation or approval.

5 (3) When a person is taken into emergency custody by an
6 intervening professional pursuant to subsection (1) of this section and is
7 presented to an emergency medical services facility or a facility that is
8 designated or approved by the executive director, the facility shall require
9 an application, in writing, stating the circumstances under which the
10 person's condition was called to the attention of the intervening
11 professional and further stating sufficient facts, obtained from the
12 intervening professional's personal observations or obtained from others
13 whom ~~he or she~~ THE INTERVENING PROFESSIONAL reasonably believes to
14 be reliable, to establish that the person ~~has~~ APPEARS TO HAVE a mental
15 health disorder OR BE GRAVELY DISABLED and, as a result of the mental
16 health disorder ~~is an imminent danger to others or to himself or herself,~~
17 ~~is gravely disabled,~~ OR BEING GRAVELY DISABLED, PRESENTS AN
18 IMMINENT OR SUBSTANTIAL RISK OF HARM TO SELF OR OTHERS, or is in
19 need of immediate evaluation for treatment. The application must indicate
20 when the person was taken into custody and who brought the person's
21 condition to the attention of the intervening professional. A copy of the
22 application must be furnished to the person being evaluated, and the
23 application must be retained in accordance with the provisions of section
24 27-65-121 (4).

25 **SECTION 3. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, or safety.