

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-1125.01 Jane Ritter x4342

SENATE BILL 16-169

SENATE SPONSORSHIP

Martinez Humenik and Cooke,

HOUSE SPONSORSHIP

Kraft-Tharp and Landgraf,

Senate Committees
Judiciary

House Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING CHANGES RELATED TO THE SEVENTY-TWO-HOUR**
102 **EMERGENCY MENTAL HEALTH PROCEDURE.**

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://www.leg.state.co.us/billsummaries>.)

The bill clarifies the difference between a "designated facility", an "emergency medical services facility", and a "law enforcement facility", as those terms are used in connection with the 72-hour emergency mental health procedure. In current law, a person who is being detained under a 72-hour emergency mental health procedure must be taken to a facility that was previously designated or approved by the executive director of

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

SENATE
3rd Reading Unamended
April 19, 2016

SENATE
Amended 2nd Reading
April 18, 2016

the department of human services (designated facility). The bill expands this to allow individuals to be admitted to a law enforcement facility if space is not available in a designated facility or an emergency medical services facility, provided certain conditions are met, including that the person cannot be held for longer than 24 hours in the law enforcement facility without a court order granting a one-time extension, not to exceed 72 additional hours.

Current law allows for the facility in which the person is receiving treatment and evaluation to hold the person for a period not to exceed 72 hours from the time of his or her admission to the facility providing treatment and evaluation, excluding Saturdays, Sundays, and holidays, if treatment and evaluation is not available on those days. The bill also excludes from the 72-hour calculation any time required for non-psychiatric medical screening or treatment. It requires that a person who is taken into custody through the emergency procedure must receive an evaluation as soon as possible and receive appropriate treatment for his or her condition for the full period that he or she is in emergency custody.

If, at any time during the 72-hour custody, a mental health or medical professional determines the person can be properly cared for without being detained any longer, the person must be discharged as soon as possible.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Colorado currently lacks adequate resources to appropriately
5 care for some individuals who are experiencing a mental health crisis or
6 psychiatric emergency;

7 (b) Although Colorado statute specifies that individuals placed on
8 an emergency hold may be taken to a facility designated by the executive
9 director of the department of human services to provide seventy-two-hour
10 mental health treatment and evaluation or to a jail or other law
11 enforcement facility, the designated facilities are often unavailable and
12 law enforcement facilities are not designed for, nor do they have adequate
13 resources to provide, comprehensive mental health care to individuals in

1 crisis;

2 (c) Because law enforcement facilities lack the resources to
3 provide comprehensive mental health evaluation and treatment to
4 individuals in crisis, they should only be used as a last resort when other,
5 more appropriate facilities are unavailable when an individual is placed
6 on an emergency mental health hold;

7 (d) Often, patients who are experiencing a psychiatric emergency
8 are taken to the nearest emergency department, regardless of whether or
9 not it is part of a facility that is designated to provide seventy-two-hour
10 treatment and evaluation;

11 (e) Federal law requires all hospitals to screen and stabilize every
12 patient who comes to an emergency department, including those
13 experiencing a psychiatric emergency; and

14 (f) Colorado hospitals are committed to providing appropriate care
15 for patients with mental illnesses, but many of our hospitals are not
16 equipped or lack other resources to offer the type of specialty mental
17 health care required for designated facilities.

18 (2) The general assembly therefore finds that:

19 (a) It is necessary to provide more clarity and flexibility in state
20 law so communities throughout the state can determine the appropriate
21 response for their individual community in caring for persons who are
22 experiencing a mental health crisis or psychiatric emergency; and

23 (b) In the absence of additional state resources, law enforcement
24 and health care providers should work collaboratively to provide the best
25 and most compassionate care possible for individuals experiencing a
26 mental health crisis or psychiatric emergency.

27 **SECTION 2.** In Colorado Revised Statutes, 26-1-107, **add** (11)

1 as follows:

2 **26-1-107. State board of human services - rules.** (11) NOTHING
3 IN THIS SECTION SHALL BE CONSTRUED TO GRANT RULE-MAKING
4 AUTHORITY OVER ANY DUTY OR RESPONSIBILITY DELEGATED TO A LAW
5 ENFORCEMENT AGENCY, LAW ENFORCEMENT FACILITY, OR EMERGENCY
6 MEDICAL SERVICES FACILITY PURSUANT TO ARTICLE 65 OF TITLE 27, C.R.S.

7 **SECTION 3.** In Colorado Revised Statutes, 27-65-102, **add** (5.3),
8 (5.7), and (11.5) as follows:

9 **27-65-102. Definitions.** As used in this article, unless the context
10 otherwise requires:

11 (5.3) "DESIGNATED FACILITY" MEANS A FACILITY DESIGNATED OR
12 APPROVED BY THE EXECUTIVE DIRECTOR FOR SEVENTY-TWO-HOUR
13 TREATMENT AND EVALUATION OF PERSONS WHO MEET THE CRITERIA
14 PROVIDED IN SECTION 27-65-105.

15 (5.7) "EMERGENCY MEDICAL SERVICES FACILITY" MEANS A
16 FACILITY LICENSED PURSUANT TO PART 1 OF ARTICLE 3 OF TITLE 25,
17 C.R.S., OR CERTIFIED PURSUANT TO SECTION 25-1.5-103, C.R.S., THAT
18 PROVIDES EMERGENCY MEDICAL SERVICES. AN EMERGENCY MEDICAL
19 SERVICES FACILITY IS NOT REQUIRED TO BE, BUT MAY ELECT TO BECOME,
20 A DESIGNATED FACILITY AS DEFINED IN SUBSECTION (5.3) OF THIS SECTION.

21 (11.5) "LAW ENFORCEMENT FACILITY" MEANS A SECURE JAIL,
22 LOCKUP, OR OTHER PLACE USED FOR THE CONFINEMENT OF PERSONS
23 CHARGED WITH OR CONVICTED OF CRIMES.

24 **SECTION 4.** In Colorado Revised Statutes, 27-65-105, **amend**
25 (1) (a) (I), (1) (a) (II) introductory portion, (1) (b), (2), (3), (4), and (5);
26 **and add (4.5) and (6)** as follows:

27 **27-65-105. Emergency procedure.** (1) Emergency procedure

1 may be invoked under either one of the following two conditions:

2 (a) (I) When ~~any~~ A person appears to have a mental illness and, as
3 a result of such mental illness, appears to be an imminent danger to others
4 or to himself or herself or appears to be gravely disabled, then a person
5 specified in subparagraph (II) of this paragraph (a), each of whom is
6 referred to in this section as the "intervening professional", upon probable
7 cause and with such assistance as may be required, may take the person
8 into custody, or cause the person to be taken into custody, and ~~placed in~~
9 ~~a facility designated or approved by the executive director for a~~
10 ~~seventy-two-hour treatment and evaluation~~ TAKE THE PERSON TO == A
11 DESIGNATED FACILITY. IF SUCH A FACILITY IS UNAVAILABLE, THE PERSON
12 MAY BE TAKEN TO AN EMERGENCY MEDICAL SERVICES FACILITY OR A LAW
13 ENFORCEMENT FACILITY PURSUANT TO THE PROVISIONS OF SUBSECTION (2)
14 OF THIS SECTION.

15 (II) The following persons ~~may effect a seventy-two-hour hold as~~
16 ARE INTERVENING PROFESSIONALS WHO MAY INVOKE THE EMERGENCY
17 PROCEDURE provided FOR in subparagraph (I) of this paragraph (a):

18 (b) Upon an affidavit sworn to or affirmed before a judge that
19 relates sufficient facts to establish that a person appears to have a mental
20 illness and, as a result of the mental illness, appears to be an imminent
21 danger to others or to himself or herself or appears to be gravely disabled,
22 the court may order the person described in the affidavit to be taken into
23 custody and ~~placed in a facility designated or approved by the executive~~
24 ~~director for a~~ TAKEN TO A DESIGNATED FACILITY FOR seventy-two-hour
25 treatment and evaluation. ~~Whenever in this article a facility is to be~~
26 ~~designated or approved by~~ IF SUCH A FACILITY IS UNAVAILABLE, THE
27 PERSON MAY BE TAKEN TO AN EMERGENCY MEDICAL SERVICES FACILITY

1 OR A LAW ENFORCEMENT FACILITY PURSUANT TO THE PROVISIONS OF
2 SUBSECTION (2) OF THIS SECTION. IF the executive director ~~hospitals, if~~
3 ~~available, shall be approved or designated~~ IS TO DESIGNATE OR APPROVE
4 A FACILITY PURSUANT TO THIS ARTICLE, HE OR SHE SHALL APPROVE A
5 HOSPITAL OR HOSPITALS, IF AVAILABLE, in each county before other
6 facilities are approved or designated. ~~Whenever in this article a facility is~~
7 ~~to be designated or approved by~~ IF the executive director ~~as~~ IS TO
8 DESIGNATE OR APPROVE a facility for a stated purpose and the facility to
9 be designated or approved is a private facility, the consent of the private
10 facility to the enforcement of standards set by the executive director ~~shall~~
11 ~~be~~ IS a prerequisite to the designation or approval.

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

23 (A) IF A DESIGNATED FACILITY IS NOT AVAILABLE FOR TREATMENT
24 AND EVALUATION;

25 (B) IF AN EMERGENCY MEDICAL SERVICES FACILITY IS NOT
26 READILY AVAILABLE; AND

27 (C) IF THE PERSON HAS DEMONSTRATED RECENT BEHAVIORAL

1 ~~AGGRESSION OR VIOLENCE THAT CANNOT BE DE-ESCALATED WITHIN THE~~
2 ~~CAPABILITY AND CAPACITY OF AN AVAILABLE EMERGENCY MEDICAL~~
3 ~~SERVICES FACILITY WITHOUT THE ASSISTANCE OF LAW ENFORCEMENT.~~

4 (II) THE PERSON TAKEN INTO CUSTODY MUST NOT BE HELD IN A
5 LAW ENFORCEMENT FACILITY FOR A PERIOD THAT EXCEEDS twenty-four
6 hours, excluding Saturdays, Sundays, and holidays, after which time he
7 or she shall be transferred to ~~a facility designated or approved by the~~
8 ~~executive director for a seventy-two-hour treatment and evaluation~~ A
9 DESIGNATED FACILITY FOR TREATMENT AND EVALUATION. IN THE EVENT
10 THAT A DESIGNATED FACILITY SUITABLE FOR TREATMENT AND
11 EVALUATION IS NOT AVAILABLE AT THE END OF THE TWENTY-FOUR-HOUR
12 PERIOD PROVIDED FOR IN THIS SUBPARAGRAPH (II), A SHERIFF OR HIS OR
13 HER DESIGNEE MAY PETITION THE COURT, THROUGH AN AFFIDAVIT SWORN
14 TO OR AFFIRMED BEFORE A JUDGE, FOR A ONE-TIME ORDER GRANTING AN
15 EXTENSION, NOT TO EXCEED TWENTY-FOUR HOURS, OF THE HOLDING
16 PERIOD IN THE LAW ENFORCEMENT FACILITY. ALL PROVISIONS OF
17 SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (2) RELATING
18 TO CONDITIONS OF CONFINEMENT CONTINUE TO APPLY DURING ANY
19 COURT-ORDERED EXTENSION GRANTED PURSUANT TO THIS SUBPARAGRAPH
20 (II).

21 (III) If the person being detained is a juvenile, as defined in
22 section 19-1-103 (68), C.R.S., ~~the juvenile shall~~ HE OR SHE MUST be
23 placed in a setting that is nonsecure and physically segregated by sight
24 and sound from ~~the~~ ANY adult offenders.

25 (IV) When a person is taken into custody and confined IN A LAW
26 ENFORCEMENT FACILITY pursuant to this subsection (2), ~~such person shall~~
27 ~~be examined at least every twelve hours by a~~ certified SWORN peace

1 officer, nurse, ~~or~~ physician, or ~~by an~~ appropriate staff professional of the
2 nearest designated ~~or approved~~ mental health treatment facility SHALL
3 EXAMINE THE PERSON AT LEAST EVERY TWELVE HOURS to determine if ~~the~~
4 ~~person~~ HE OR SHE is receiving appropriate care consistent with his or her
5 mental condition.

6 (b) A sheriff or police chief who violates the provisions of
7 SUBPARAGRAPH (III) OF paragraph (a) of this subsection (2), related to
8 detaining juveniles, may be subject to a civil fine of no more than one
9 thousand dollars. The decision to fine shall be based on prior violations
10 of the provisions of SUBPARAGRAPH (III) OF paragraph (a) of this
11 subsection (2) by the sheriff or police chief and the willingness of the
12 sheriff or police chief to address the violations in order to comply with
13 SUBPARAGRAPH (III) OF paragraph (a) of this subsection (2).

14 (3) ~~Such~~ WHEN A PERSON IS TAKEN INTO EMERGENCY CUSTODY BY
15 AN INTERVENING PROFESSIONAL PURSUANT TO SUBSECTION (1) OF THIS
16 SECTION AND _____ PRESENTS TO AN EMERGENCY MEDICAL SERVICES
17 FACILITY OR IS ADMITTED TO A DESIGNATED FACILITY, THE facility shall
18 require an application in writing, stating the circumstances under which
19 the person's condition was called to the attention of the intervening
20 professional and further stating sufficient facts, obtained from the
21 personal observations of the intervening professional or obtained from
22 others whom he or she reasonably believes to be reliable, to establish that
23 the person has a mental illness and, as a result of the mental illness, is an
24 imminent danger to others or to himself or herself or is gravely disabled.
25 The application ~~shall~~ MUST indicate when the person was taken into
26 EMERGENCY custody and who brought the person's condition to the
27 attention of the intervening professional. A copy of the application shall

1 be furnished to the person being evaluated, and the application shall be
2 retained in accordance with the provisions of section 27-65-121 (4).

3 (4) ~~If the seventy-two-hour treatment and evaluation facility~~
4 ~~admits the person, it may detain him or her for evaluation and treatment~~
5 ~~for a period not to exceed seventy-two hours, excluding~~ A DESIGNATED
6 FACILITY THAT ADMITS A PERSON PURSUANT TO THIS SECTION MAY RETAIN
7 SUCH PERSON FOR A PERIOD NOT TO EXCEED SEVENTY-TWO HOURS FROM
8 THE TIME THE PERSON IS ADMITTED TO THE DESIGNATED FACILITY. THE
9 SEVENTY-TWO-HOUR PERIOD EXCLUDES Saturdays, Sundays, and holidays
10 if evaluation and treatment services are not available on those days, AND
11 ANY TIME REQUIRED FOR NON-PSYCHIATRIC MEDICAL STABILIZATION. A
12 PERSON WHO IS PROVIDED SERVICES UNDER THE PROVISIONS OF THIS
13 ARTICLE MUST RECEIVE AN EVALUATION AS SOON AS POSSIBLE AND SUCH
14 TREATMENT AS HIS OR HER CONDITION REQUIRES, AND IS WITHIN THE
15 CAPABILITY OF THE FACILITY, FOR THE FULL PERIOD OF TIME THAT HE OR
16 SHE IS ADMITTED. For the purposes of this subsection (4), EMERGENCY
17 MENTAL HEALTH SERVICES AND evaluation and treatment services are not
18 deemed to be available merely because a professional person is on call
19 during weekends or holidays. If, in the opinion of the professional person
20 in charge of the evaluation, the person can be properly cared for without
21 being detained, he or she shall be provided services on a voluntary basis.

22 (4.5) ON OR BEFORE DECEMBER 31, 2016, AND EACH JULY 1
23 THEREAFTER, EACH EMERGENCY MEDICAL SERVICES FACILITY OR LAW
24 ENFORCEMENT FACILITY WHICH HAS TAKEN CUSTODY OF A PERSON OR
25 TREATED A PERSON PURSUANT TO THIS SECTION SHALL PROVIDE AN
26 ANNUAL REPORT TO THE DEPARTMENT THAT INCLUDES ONLY AGGREGATE
27 AND NONIDENTIFYING INFORMATION CONCERNING PERSONS WHO WERE

1 TAKEN INTO CUSTODY OR TREATED AT AN EMERGENCY MEDICAL SERVICES
2 FACILITY OR LAW ENFORCEMENT FACILITY PURSUANT TO THIS SECTION.
3 LAW ENFORCEMENT FACILITIES MAY CONTACT CRISIS CENTERS FOR
4 ASSISTANCE IN FULFILLING THE REQUIREMENTS OF THIS SUBSECTION (4.5).

5 THE REPORT MUST CONTAIN THE FOLLOWING:

6 (a) THE NAMES AND COUNTIES OF THE FACILITIES;

7 (b) THE TOTAL NUMBER OF PERSONS TAKEN INTO CUSTODY OR
8 TREATED PURSUANT TO THIS SECTION, INCLUDING A SUMMARY OF
9 DEMOGRAPHIC INFORMATION;

10 (c) A SUMMARY REGARDING THE DIFFERENT REASONS FOR WHICH
11 PERSONS WERE TAKEN INTO CUSTODY OR TREATED PURSUANT TO THIS
12 SECTION; AND

13 (d) A SUMMARY OF THE DISPOSITION OF PERSONS WHETHER
14 RELEASED FROM CUSTODY OR TRANSFERRED TO A DESIGNATED FACILITY.

15 ~~(5) Each person admitted to a seventy-two-hour treatment and~~
16 ~~evaluation facility under the provisions of this article shall receive an~~
17 ~~evaluation as soon as possible after he or she is admitted and shall receive~~
18 ~~such treatment and care as his or her condition requires for the full period~~
19 ~~that he or she is held. The person shall be released before seventy-two~~
20 ~~hours have elapsed if, in the opinion of the professional person in charge~~
21 ~~of the evaluation, the person no longer requires evaluation or treatment~~

22 AN EMERGENCY MEDICAL SERVICES FACILITY THAT ASSUMES EMERGENCY
23 CUSTODY OF AN INDIVIDUAL PURSUANT TO THIS SECTION SHALL PROVIDE
24 AN ASSESSMENT AS SOON AS POSSIBLE AND ANY TREATMENT THAT THE
25 INDIVIDUAL'S CONDITION REQUIRES THAT IS WITHIN THE FACILITY'S
26 CAPABILITIES FOR THE FULL PERIOD OF THE TIME THAT THE INDIVIDUAL IS
27 IN CUSTODY AT THE FACILITY, CONSISTENT WITH ALL OTHER APPLICABLE

1 LAWS. THE EMERGENCY MEDICAL SERVICES FACILITY MAY RETAIN THE
2 INDIVIDUAL IN EMERGENCY CUSTODY FOR UP TO THIRTY-SIX HOURS TO
3 DETERMINE WHETHER THE INDIVIDUAL REQUIRES TRANSFER TO A
4 DESIGNATED FACILITY FOR SEVENTY-TWO-HOUR TREATMENT AND
5 EVALUATION. SUCH THIRTY-SIX-HOUR PERIOD EXCLUDES ANY TIME
6 REQUIRED FOR NON-PSYCHIATRIC MEDICAL STABILIZATION AND
7 COMPLETING THE TRANSFER TO THE ACCEPTING DESIGNATED FACILITY.

8 (6) IF, AT ANY TIME DURING EMERGENCY CUSTODY OF AN
9 INDIVIDUAL IN EITHER AN EMERGENCY MEDICAL SERVICES FACILITY,
10 DESIGNATED FACILITY, OR LAW ENFORCEMENT FACILITY, INCLUDING ANY
11 EXTENSION PROVIDED FOR PURSUANT TO SUBSECTION (2) OF THIS SECTION,
12 IN THE OPINION OF A PROFESSIONAL PERSON, AS THAT TERM IS DEFINED IN
13 SECTION 27-65-102 (17), OR AN ADVANCED PRACTICE NURSE LICENSED
14 PURSUANT TO ARTICLE 38 OF TITLE 12, C.R.S., AND INCLUDED IN THE
15 ADVANCED PRACTICE REGISTRY PURSUANT TO SECTION 12-38-111.5,
16 C.R.S., WITH A POPULATION FOCUS IN PSYCHIATRY OR MENTAL HEALTH,
17 ACTING WITHIN HIS OR HER SCOPE OF PRACTICE, THE PERSON NO
18 LONGER MEETS THE STANDARDS FOR EMERGENCY CUSTODY OR DETENTION
19 AND HIS OR HER CARE CAN BE PROVIDED IN ANOTHER SETTING, THE
20 PERSON MUST BE APPROPRIATELY DISCHARGED OR REFERRED FOR
21 FURTHER CARE AND TREATMENT ON A VOLUNTARY BASIS. Persons who
22 have ~~been detained for~~ RECEIVED seventy-two-hour evaluation and
23 treatment AT A DESIGNATED FACILITY shall be released, referred for
24 further care and treatment on a voluntary basis, or certified for treatment
25 pursuant to section 27-65-107.

26 **SECTION 5.** In Colorado Revised Statutes, 27-60-103, add (6.5)
27 as follows:

1 **27-60-103. Behavioral health crisis response system - services**
2 **- request for proposals - criteria - reporting - rules - definitions.**

3 (6.5) ON OR BEFORE SEPTEMBER 1, 2016, THE UNIT IN THE STATE
4 DEPARTMENT THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND
5 SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND
6 SUBSTANCE ABUSE, SHALL CONVENE A SERIES OF STAKEHOLDER SESSIONS
7 TO ADDRESS EMERGENCY MENTAL HEALTH TREATMENT NEEDS
8 THROUGHOUT COLORADO. THE STAKEHOLDER GROUP SHALL ASSIST THE
9 STATE DEPARTMENT IN DEVELOPING A COMPREHENSIVE NEEDS ANALYSIS,
10 RECOMMENDATIONS, AND A BUDGET REQUEST FOR EMERGENCY MENTAL
11 HEALTH SERVICES IN COLORADO. THE STAKEHOLDER GROUP MUST
12 INCLUDE APPROPRIATE MENTAL HEALTH ADVOCACY GROUPS, NONPROFIT
13 ORGANIZATIONS, PROVIDERS, AND ANY INTERESTED AND RELATED
14 PARTIES. THE STAKEHOLDER SESSIONS MUST BE CONDUCTED WITHIN
15 EXISTING DEPARTMENTAL RESOURCES. ON OR BEFORE JANUARY 31, 2017,
16 THE STATE DEPARTMENT SHALL PRESENT TO THE JOINT JUDICIARY
17 COMMITTEE AND THE JOINT HEALTH AND HUMAN SERVICES COMMITTEE A
18 NEEDS ANALYSIS, RECOMMENDATIONS, AND A BUDGET REQUEST FOR
19 EMERGENCY MENTAL HEALTH TREATMENT NEEDS THROUGHOUT
20 COLORADO AS PART OF ITS "STATE MEASUREMENT FOR ACCOUNTABLE,
21 RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT" HEARING
22 REQUIRED BY SECTION 2-7-203, C.R.S.

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