

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 22-0144.01 Jane Ritter x2700

HOUSE BILL 22-1065

HOUSE SPONSORSHIP

Benavidez and Amabile,

SENATE SPONSORSHIP

(None),

House Committees

Judiciary
Appropriations

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 A
6 SUBSTANTIAL RISK OF HARM TO SELF OR OTHERS, then an intervening
7 professional, as specified in subsection (1)(a)(II) of this section, upon
8 probable cause and with such assistance as may be required, may take the
9 person into custody, or cause the person to be taken into custody, and
10 placed in a facility designated or approved by the executive director for
11 a seventy-two-hour treatment and evaluation. If such a facility is not
12 available, the person may be taken to an emergency medical services
13 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 A SUBSTANTIAL RISK OF HARM TO SELF OR OTHERS, the court may
21 order the person described in the affidavit to be taken into custody and
22 placed in a facility designated or approved by the executive director for
23 a seventy-two-hour treatment and evaluation. Whenever in this article 65
24 a facility is to be designated or approved by the executive director,
25 hospitals, if available, must be approved or designated in each county
26 before other facilities are approved or designated. Whenever in this article
27 65 a facility is to be designated or approved by the executive director as

1 a facility for a stated purpose and the facility to be designated or approved
2 is a private facility, the consent of the private facility to the enforcement
3 of standards set by the executive director is a prerequisite to the
4 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 A
18 SUBSTANTIAL RISK OF HARM TO SELF OR OTHERS, or is in need of
19 immediate evaluation for treatment. The application must indicate when
20 the person was taken into custody and who brought the person's condition
21 to the attention of the intervening professional. A copy of the application
22 must be furnished to the person being evaluated, and the application must
23 be retained in accordance with the provisions of section 27-65-121 (4).

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