

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

PREAMENDED

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

LLS NO. 24-0274.01 Shelby Ross x4510

HOUSE BILL 24-1079

HOUSE SPONSORSHIP

Amabile and English, Bradfield, Bacon, Boesenecker, Brown, Clifford, deGruy Kennedy, Garcia, Herod, Jodeh, Lindsay, Mabrey, Ricks, Rutinel, Story, Vigil, Weissman

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House Committees

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Judiciary
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A BILL FOR AN ACT

101 **CONCERNING PERSONS DETAINED IN JAIL WHO ARE HELD ON AN**
102 **EMERGENCY COMMITMENT, AND, IN CONNECTION THEREWITH,**
103 **MAKING AN APPROPRIATION.**

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 Behavioral Health Disorders in the Criminal and Juvenile Justice Systems. Beginning July 1, 2025, the bill prohibits a law enforcement officer or emergency service patrol officer who takes a person into protective custody from detaining the person in jail.

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

HOUSE
3rd Reading Unamended
February 26, 2024

HOUSE
Amended 2nd Reading
February 23, 2024

Beginning July 1, 2024, the bill requires each local law enforcement agency that has taken a person into protective custody to provide an annual report to the behavioral health administration that includes disaggregated and nonidentifying information concerning persons who were taken into protective custody in an approved treatment facility or detained in an emergency medical facility or jail.

Beginning July 1, 2024, the bill requires each approved treatment facility or emergency medical services facility that detains or holds a person on an emergency commitment to provide a quarterly report to the behavioral health administration that includes information about the persons detained or held at the facility.

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

2

3 **SECTION 1.** In Colorado Revised Statutes, 27-81-111, **amend**
4 (1); and **add** (8) as follows:

5 **27-81-111. Emergency commitment.** (1) (a) When a person is
6 under the influence of or incapacitated by substances and IS clearly
7 dangerous to the health and safety of ~~himself, herself,~~ THE PERSON'S SELF
8 or others, law enforcement authorities or an emergency service patrol,
9 acting with probable cause, shall take the person into protective custody
10 in an approved treatment facility. If no such facilities are available, the
11 person may be detained in an emergency medical facility, ~~or jail,~~ but only
12 for ~~so~~ AS long as may be necessary to prevent injury to ~~himself, herself,~~
13 THE PERSON'S SELF or others or to prevent a breach of the peace. ~~If the~~
14 ~~person being detained is a juvenile, as defined in section 19-2.5-102, the~~
15 ~~juvenile must be placed in a setting that is nonsecure and physically~~
16 ~~segregated by sight and sound from the adult offenders.~~ A law
17 enforcement officer or emergency service patrol officer, in detaining the
18 person, is taking the person into protective custody. In so doing, the
19 detaining officer may protect ~~himself or herself~~ THE OFFICER'S SELF by

1 reasonable methods but shall make every reasonable effort to protect the
2 detainee's health and safety. ~~A Taking A PERSON~~ into protective custody
3 pursuant to this section is not an arrest, and an entry or other record shall
4 not be made to indicate that the person has been arrested or charged with
5 a crime. Law enforcement or emergency service personnel who act in
6 compliance with this section are acting in the course of their official
7 duties and are not criminally or civilly liable. Nothing in this subsection
8 (1) precludes a person intoxicated by alcohol, under the influence of
9 drugs, or incapacitated by substances who is not dangerous to the health
10 and safety of ~~himself, herself,~~ THE PERSON'S SELF or others from being
11 assisted to the person's home or like location by the law enforcement
12 officer or emergency service patrol officer.

13 (b) ~~A sheriff or police chief who violates the provisions of~~
14 ~~subsection (1)(a) of this section related to detaining juveniles may be~~
15 ~~subject to a civil fine of no more than one thousand dollars. The decision~~
16 ~~to fine shall be based on prior violations of the provisions of subsection~~
17 ~~(1)(a) of this section by the sheriff or police chief and the willingness of~~
18 ~~the sheriff or police chief to address the violations in order to comply~~
19 ~~with subsection (1)(a) of this section.~~

20 (c) A LAW ENFORCEMENT OFFICER OR EMERGENCY SERVICE
21 PATROL OFFICER WHO TAKES A JUVENILE INTO PROTECTIVE CUSTODY
22 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION SHALL NOT DETAIN THE
23 JUVENILE IN JAIL.

24 (8) (a) ON OR BEFORE JULY 1, 2024, AND EACH JULY 1
25 THEREAFTER, EACH LOCAL LAW ENFORCEMENT AGENCY THAT HAS TAKEN
26 A PERSON INTO PROTECTIVE CUSTODY PURSUANT TO THIS SECTION SHALL
27 PROVIDE AN ANNUAL REPORT TO THE BHA THAT INCLUDES ONLY

1 DISAGGREGATED AND NONIDENTIFYING INFORMATION CONCERNING
2 PERSONS WHO WERE TAKEN INTO PROTECTIVE CUSTODY IN AN APPROVED
3 TREATMENT FACILITY OR DETAINED IN AN EMERGENCY MEDICAL FACILITY
4 OR JAIL. THE REPORT MUST COMPLY WITH SECTION 24-1-136 (9) AND IS
5 EXEMPT FROM SECTION 24-1-136 (11)(a)(I). THE REPORT MUST CONTAIN
6 THE FOLLOWING:

- 7 (I) THE NAMES AND COUNTIES OF THE FACILITIES AND JAILS;
- 8 (II) THE TOTAL NUMBER OF PERSONS TAKEN INTO PROTECTIVE
9 CUSTODY PURSUANT TO THIS SECTION, INCLUDING A SUMMARY OF
10 DEMOGRAPHIC INFORMATION; [REDACTED]
- 11 (III) A SUMMARY REGARDING THE DIFFERENT REASONS FOR WHICH
12 PERSONS WERE TAKEN INTO PROTECTIVE CUSTODY PURSUANT TO THIS
13 SECTION; AND
- 14 (IV) THE LENGTH OF TIME EACH PERSON WAS HELD UNDER
15 PROTECTIVE CUSTODY.

16 (b) [REDACTED] EACH [REDACTED] EMERGENCY MEDICAL SERVICES FACILITY THAT
17 DETAINS A PERSON UNDER PROTECTIVE CUSTODY OR DETAINS OR HOLDS
18 A PERSON ON AN EMERGENCY COMMITMENT SHALL PROVIDE A QUARTERLY
19 REPORT TO THE BHA WITH THE FOLLOWING INFORMATION:

- 20 (I) THE TOTAL NUMBER OF PERSONS DETAINED UNDER PROTECTIVE
21 CUSTODY AND THE TOTAL NUMBER OF PERSONS HELD IN THE EMERGENCY
22 MEDICAL SERVICES FACILITY ON AN EMERGENCY COMMITMENT;
- 23 (II) THE TOTAL NUMBER OF DAYS EACH PERSON WAS DETAINED OR
24 HELD;
- 25 (III) WHETHER EACH PERSON WAS TRANSFERRED TO ANOTHER
26 FACILITY, RELEASED, OR PLACED ON AN INVOLUNTARY COMMITMENT; AND
- 27 (IV) WHETHER THE [REDACTED] EMERGENCY MEDICAL SERVICES FACILITY

1 TRANSFERRED EACH PERSON TO THE LOCAL JAIL TO BE DETAINED UNDER
2 PROTECTIVE CUSTODY OR FOR AN EMERGENCY COMMITMENT AND THE
3 REASON FOR THE TRANSFER.

4 [REDACTED]

5 (c) ANY INFORMATION DISAGGREGATED AND PROVIDED TO THE
6 BHA PURSUANT TO THIS SUBSECTION (8) IS PRIVILEGED AND
7 CONFIDENTIAL. THE BHA SHALL NOT MAKE THE INFORMATION AVAILABLE
8 TO THE PUBLIC EXCEPT IN AN AGGREGATE FORMAT THAT CANNOT BE USED
9 TO IDENTIFY AN INDIVIDUAL FACILITY. THE INFORMATION IS NOT SUBJECT
10 TO CIVIL SUBPOENA AND IS NOT DISCOVERABLE OR ADMISSIBLE IN ANY
11 CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING AGAINST AN APPROVED
12 TREATMENT FACILITY, EMERGENCY MEDICAL FACILITY, JAIL, LAW
13 ENFORCEMENT OFFICER, OR EMERGENCY SERVICE PATROL OFFICER. THE
14 BHA SHALL ONLY USE THE INFORMATION TO ASSESS STATEWIDE
15 BEHAVIORAL HEALTH SERVICES NEEDS AND WITHDRAWAL MANAGEMENT
16 NEEDS AND TO PLAN FOR SUFFICIENT LEVELS OF STATEWIDE BEHAVIORAL
17 HEALTH AND WITHDRAWAL MANAGEMENT SERVICES. IN COLLECTING THE
18 DATA PURSUANT TO THE REQUIREMENTS OF THIS SUBSECTION (8), THE
19 BHA SHALL PROTECT THE CONFIDENTIALITY OF PATIENT RECORDS, IN
20 ACCORDANCE WITH STATE AND FEDERAL LAWS, AND SHALL NOT DISCLOSE
21 ANY PUBLIC IDENTIFYING OR PROPRIETARY INFORMATION OF ANY
22 APPROVED TREATMENT FACILITY OR EMERGENCY MEDICAL FACILITY. THIS
23 SUBSECTION (8)(c) DOES NOT APPLY TO INFORMATION THAT IS OTHERWISE
24 AVAILABLE FROM A SOURCE OUTSIDE OF THE DATA COLLECTION
25 ACTIVITIES REQUIRED PURSUANT TO SUBSECTION (8)(a) OF THIS SECTION.

26 **SECTION 2. Appropriation.** (1) For the 2024-25 state fiscal
27 year, \$64,738 is appropriated to the behavioral health administration for

1 use by the community behavioral health administration. This
2 appropriation is from the general fund. To implement this act, the
3 administration may use this appropriation as follows:

4 (a) \$45,793 for program administration, which amount is based on
5 an assumption that the administration will require an additional 0.5 FTE;
6 and

7 (b) \$18,945 for emergency commitment data collection and
8 storage.

9 **SECTION 3. Effective date.** This act takes effect July 1, 2025;
10 except that section 27-81-111 (8), as enacted in section 2 of this act, takes
11 effect July 1, 2024.

12 **SECTION 4. Safety clause.** The general assembly finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, or safety or for appropriations for
15 the support and maintenance of the departments of the state and state
16 institutions.