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Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
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BILL 2

LLS NO. 24-0274.01 Shelby Ross x4510

INTERIM COMMITTEE BILL

**Legislative Oversight Committee Concerning the Treatment of Persons
with Behavioral Health Disorders in the Criminal and Juvenile Justice
Systems**

BILL TOPIC: Strengthen Response To Behavioral Hlth Crises
DEADLINES: File by: 9/28/2023

A BILL FOR AN ACT

101 **CONCERNING STRENGTHENING COLORADO'S STATEWIDE RESPONSE TO**
102 **BEHAVIORAL HEALTH CRISES, AND, IN CONNECTION THEREWITH,**
103 **INCLUDING SUBSTANCE USE DISORDER WITHDRAWAL**
104 **MANAGEMENT SERVICES IN THE CRISIS RESPONSE SYSTEM**
105 **COMPONENTS AND PROHIBITING A LAW ENFORCEMENT OFFICER**
106 **AND EMERGENCY SERVICE PATROL OFFICER FROM DETAINING**
107 **A PERSON IN JAIL WHEN AN APPROVED TREATMENT FACILITY IS**
108 **NOT AVAILABLE.**

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

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

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, 2026, the bill adds substance use disorder withdrawal management services to the crisis response system components.

Beginning July 1, 2026, 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 when an approved treatment facility is not available.

Beginning January 1, 2025, 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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 27-60-103, **amend**
3 (1)(b)(IV) and (1)(b)(V); and **add** (1)(b)(VI) as follows:

4 **27-60-103. Behavioral health crisis response system - services**
5 **- request for proposals - criteria - reporting - rules - definitions -**
6 **repeal.** (1) (b) The components of the crisis response system must reflect
7 a continuum of care from crisis response through stabilization and safe
8 return to the community, with adequate support for transitions to each
9 stage. Specific components include:

10 (IV) Residential and respite crisis services that are linked to the
11 walk-in crisis services and crisis respite services and that include a range
12 of short-term crisis residential services, including but not limited to
13 community living arrangements; ~~and~~

14 (V) A public information campaign; AND

15 (VI) SUBSTANCE USE DISORDER WITHDRAWAL MANAGEMENT

1 SERVICES.

2 **SECTION 2.** In Colorado Revised Statutes, 27-60-104, **amend**
3 (1), (3)(a.5), and (3)(b) as follows:

4 **27-60-104. Behavioral health crisis response system - crisis**
5 **service facilities - walk-in centers - mobile response units - report.**

6 (1) All ~~behavioral health entities~~, crisis walk-in centers, acute treatment
7 units, mobile crisis programs, respite services, and crisis stabilization
8 units within the crisis response system ~~regardless of program licensure~~,
9 shall ~~meet standards for approval pursuant to section 27-66-105~~ BE
10 LICENSED AS BEHAVIORAL HEALTH ENTITIES PURSUANT TO PART 5 OF
11 ARTICLE 50 OF THIS TITLE 27. Facility-based crisis service providers must
12 be approved or designated to adequately care for an individual brought to
13 the facility through the emergency mental health procedure described in
14 section 27-65-106 OR THE EMERGENCY COMMITMENT PROCEDURE
15 DESCRIBED IN SECTION 27-81-111 and be an approved treatment facility
16 pursuant to section 27-81-106. The arrangements for care must be
17 completed through the crisis response system or prearranged partnerships
18 with other crisis intervention services.

19 (3) (a.5) All crisis walk-in centers throughout the state's crisis
20 response system shall be appropriately licensed, adequately prepared, and
21 properly staffed to provide crisis services, INCLUDING BUT NOT LIMITED
22 TO WITHDRAWAL MANAGEMENT, to an individual with a substance use
23 disorder, as that term is defined in section 27-81-102, or an individual
24 with a disability, as defined in the federal "Americans with Disabilities
25 Act of 1990", 42 U.S.C. sec. 12101 et seq., as amended, regardless of
26 primary diagnosis, co-occurring conditions, or if the individual requires
27 assistance with activities of daily living, as defined in section 12-270-104.

1 A crisis walk-in center shall prioritize treating high-acuity individuals in
2 the least restrictive environment without the use of law enforcement.

3 (b) The ability of crisis walk-in centers to accept individuals
4 through an emergency mental health hold outlined in section 27-65-106,
5 AN EMERGENCY COMMITMENT PURSUANT TO SECTION 27-81-111, a
6 voluntary application for substance use disorder services pursuant to
7 section 27-81-109 OR 27-81-110, or a voluntary application for mental
8 health services pursuant to section 27-65-103 or 27-65-104 may include,
9 but is not limited to, purchasing, installing, and using telehealth
10 operations for mobile crisis evaluations in partnership with hospitals,
11 clinics, law enforcement agencies, and other appropriate service
12 providers.

13 **SECTION 3.** In Colorado Revised Statutes, 27-81-105, **amend**
14 (3) as follows:

15 **27-81-105. Comprehensive program for treatment - regional**
16 **facilities.** (3) The BHA shall provide adequate and appropriate treatment
17 for persons with substance use disorders, persons intoxicated by alcohol,
18 and persons under the influence of drugs admitted pursuant to sections
19 27-81-109 to 27-81-112. ~~Except as otherwise provided in section~~
20 ~~27-81-111~~, Treatment must not be provided at a correctional institution,
21 except for inmates.

22 **SECTION 4.** In Colorado Revised Statutes, 27-81-111, **amend**
23 (1)(a); **repeal** (1)(b); and **add** (1)(c) and (8) as follows:

24 **27-81-111. Emergency commitment.** (1) (a) When a person is
25 under the influence of or incapacitated by substances and IS clearly
26 dangerous to the health and safety of ~~himself, herself~~, THE PERSON'S SELF
27 or others, law enforcement authorities or an emergency service patrol,

1 acting with probable cause, shall take the person into protective custody
2 in an approved treatment facility. If no such facilities are available, the
3 person may be detained in an emergency medical facility, ~~or jail~~, but only
4 for ~~so~~ AS long as may be necessary to prevent injury to ~~himself, herself,~~
5 THE PERSON'S SELF or others or to prevent a breach of the peace. ~~If the~~
6 ~~person being detained is a juvenile, as defined in section 19-2.5-102, the~~
7 ~~juvenile must be placed in a setting that is nonsecure and physically~~
8 ~~segregated by sight and sound from the adult offenders.~~ A law
9 enforcement officer or emergency service patrol officer, in detaining the
10 person, is taking the person into protective custody. In so doing, the
11 detaining officer may protect ~~himself or herself~~ THE OFFICER'S SELF by
12 reasonable methods but shall make every reasonable effort to protect the
13 detainee's health and safety. ~~A~~ Taking A PERSON into protective custody
14 pursuant to this section is not an arrest, and an entry or other record shall
15 not be made to indicate that the person has been arrested or charged with
16 a crime. Law enforcement or emergency service personnel who act in
17 compliance with this section are acting in the course of their official
18 duties and are not criminally or civilly liable. Nothing in this subsection
19 (1) precludes a person intoxicated by alcohol, under the influence of
20 drugs, or incapacitated by substances who is not dangerous to the health
21 and safety of ~~himself, herself,~~ THE PERSON'S SELF or others from being
22 assisted to the person's home or like location by the law enforcement
23 officer or emergency service patrol officer.

24 (b) ~~A sheriff or police chief who violates the provisions of~~
25 ~~subsection (1)(a) of this section related to detaining juveniles may be~~
26 ~~subject to a civil fine of no more than one thousand dollars. The decision~~
27 ~~to fine shall be based on prior violations of the provisions of subsection~~

1 ~~(1)(a) of this section by the sheriff or police chief and the willingness of~~
2 ~~the sheriff or police chief to address the violations in order to comply~~
3 ~~with subsection (1)(a) of this section.~~

4 (c) A LAW ENFORCEMENT OFFICER OR EMERGENCY SERVICE
5 PATROL OFFICER WHO TAKES A PERSON INTO PROTECTIVE CUSTODY
6 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION SHALL NOT DETAIN THE
7 PERSON IN JAIL.

8 (8) (a) ON OR BEFORE JANUARY 1, 2025, AND EACH JANUARY 1
9 THEREAFTER, EACH LOCAL LAW ENFORCEMENT AGENCY THAT HAS TAKEN
10 A PERSON INTO PROTECTIVE CUSTODY PURSUANT TO THIS SECTION SHALL
11 PROVIDE AN ANNUAL REPORT TO THE BHA THAT INCLUDES ONLY
12 DISAGGREGATED AND NONIDENTIFYING INFORMATION CONCERNING
13 PERSONS WHO WERE TAKEN INTO PROTECTIVE CUSTODY IN AN APPROVED
14 TREATMENT FACILITY OR DETAINED IN AN EMERGENCY MEDICAL FACILITY
15 OR JAIL. THE REPORT MUST COMPLY WITH SECTION 24-1-136 (9) AND IS
16 EXEMPT FROM SECTION 24-1-136 (11)(a)(I). THE REPORT MUST CONTAIN
17 THE FOLLOWING:

18 (I) THE NAMES AND COUNTIES OF THE FACILITIES AND JAILS;
19 (II) THE TOTAL NUMBER OF PERSONS TAKEN INTO PROTECTIVE
20 CUSTODY PURSUANT TO THIS SECTION, INCLUDING A SUMMARY OF
21 DEMOGRAPHIC INFORMATION; AND

22 (III) A SUMMARY REGARDING THE DIFFERENT REASONS FOR WHICH
23 PERSONS WERE TAKEN INTO PROTECTIVE CUSTODY PURSUANT TO THIS
24 SECTION.

25 (b) ANY INFORMATION DISAGGREGATED AND PROVIDED TO THE
26 BHA PURSUANT TO THIS SUBSECTION (8) IS PRIVILEGED AND
27 CONFIDENTIAL. THE BHA SHALL NOT MAKE THE INFORMATION AVAILABLE

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

19 **SECTION 5. Effective date.** This act takes effect July 1, 2026;
20 except that section 27-81-111 (8), as enacted in section 3 of this act, takes
21 effect January 1, 2025.

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