

CHAPTER 70

CORRECTIONS

HOUSE BILL 97-1115

BY REPRESENTATIVES S. Johnson, Adkins, Kaufman, Lamborn, Morrison, Smith, Tool, Udall, T. Williams, Agler, K. Alexander, Epps, Kreutz, McPherson, Miller, Swenson, and Young;
also SENATORS Hopper, Bishop, Congrove, Dennis, Mutzebaugh, Norton, Powers, and Schroeder.

AN ACT

CONCERNING ASSESSMENT OF A MEDICAL TREATMENT CHARGE AGAINST ANY PERSON WHO RECEIVES MEDICAL TREATMENT WHILE BEING HELD IN A COUNTY JAIL.

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

SECTION 1. Part 1 of article 26 of title 17, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

17-26-104.5. Medical visits - charge to persons in custody. (1) A COUNTY JAIL MAY ASSESS A MEDICAL TREATMENT CHARGE AGAINST ANY PERSON WHO RECEIVES WHILE BEING HELD IN CUSTODY MEDICAL TREATMENT PERFORMED BY A PHYSICIAN, DENTIST, NURSE, OR LICENSED HOSPITAL OR AS A RESULT OF A SICK CALL OR FOR WHOM A PRESCRIPTION IS FILLED. THE COUNTY JAIL MAY ASSESS ANY SUCH MEDICAL TREATMENT CHARGE AGAINST THE PERSON'S JAIL ACCOUNT. IN ADDITION, THE COUNTY JAIL MAY ASSESS A REASONABLE MEDICAL TREATMENT CHARGE FOR EACH VISIT BY A PERSON IN CUSTODY TO AN INSTITUTIONAL OR NONINSTITUTIONAL PHYSICIAN, DENTIST, OR OPTOMETRIST; EXCEPT THAT A MEDICAL TREATMENT CHARGE SHALL NOT BE ASSESSED FOR ANY VISIT REQUIRED BY THE COUNTY JAIL DURING THE INTAKE PROCESS, AN ANNUAL PHYSICAL EXAMINATION, ANY VISIT TO A PHYSICIAN, DENTIST, OR OPTOMETRIST THAT RESULTS FROM A REFERRAL BY A NURSE, PHYSICIAN'S ASSISTANT, OR PHYSICIAN, OR ANY EMERGENCY TREATMENT OR FOLLOW-UP VISIT INITIATED BY A MEDICAL PROFESSIONAL. IN NO CASE SHALL A PERSON'S INABILITY TO PAY BE THE BASIS FOR NOT PROVIDING TREATMENT BY ANY MEDICAL PERSONNEL. ANY MEDICAL TREATMENT CHARGE THAT REMAINS UNPAID SHALL CONSTITUTE A COST

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

OF CARE THAT THE PERSON MAY BE ORDERED TO PAY PURSUANT TO SECTION 16-11-501, C.R.S., AND THAT MAY BE COLLECTED BY THE COUNTY PURSUANT TO THE PROVISIONS OF SECTION 16-11-101.6, C.R.S.

(2) THE PROVISIONS OF THIS SECTION SHALL APPLY TO ANY PERSON HELD IN CUSTODY IN A COUNTY JAIL REGARDLESS OF WHETHER THE PERSON IS A JUVENILE, IS BEING HELD PRIOR TO TRIAL, OR IS IN CUSTODY FOR CONVICTION UNDER A STATE STATUTE OR A COUNTY OR MUNICIPAL ORDINANCE.

SECTION 2. 16-3-401 (2), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

16-3-401. Treatment while in custody. (2) Persons arrested or in custody shall be treated humanely and provided with adequate food, shelter, and, if required, medical treatment. ANYONE RECEIVING MEDICAL TREATMENT WHILE HELD IN CUSTODY MAY BE ASSESSED A MEDICAL TREATMENT CHARGE AS PROVIDED IN SECTION 17-26-104.5, C.R.S.

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

Approved: April 1, 1997