

SB169_L.046

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.SB16-169 be amended as follows:

1 Amend reengrossed bill, page 3, after line 26 insert:

2 "SECTION 2. In Colorado Revised Statutes, 26-1-107, add (11)
3 as follows:

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

10 Renumber succeeding sections accordingly.

11 Page 6, strike lines 5 through 13 and substitute:

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
28 AGGRESSION OR VIOLENCE THAT CANNOT BE DE-ESCALATED WITHIN THE
29 CAPABILITY AND CAPACITY OF AN AVAILABLE EMERGENCY MEDICAL
30 SERVICES FACILITY WITHOUT THE ASSISTANCE OF LAW ENFORCEMENT."

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