

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0618.01 Jerry Barry x4341

HOUSE BILL 12-1232

HOUSE SPONSORSHIP

Gardner B.,

SENATE SPONSORSHIP

Nicholson,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A LIMITATION ON LIABILITY FOR THE TREATMENT COSTS
102 OF SPECIFIED HEALTH CARE CONDITIONS OF A PERSON IN
103 CUSTODY.

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://www.leg.state.co.us/billsummaries>.)

Current law provides that a person in a county jail is primarily responsible for payment for medical care related to a self-inflicted injury or for a preexisting medical condition. The bill expands this provision to include a person in a municipal jail or in the custody of a county or

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

municipal law enforcement agency.

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

2 **SECTION 1.** In Colorado Revised Statutes, 17-26-104.5, **amend**
3 (2), (3), and (4) as follows:

4 **17-26-104.5. Medical visits - charge to persons in custody -**
5 **provider charges - state hospital in Pueblo.** (2) The provisions of this
6 section shall apply to any person held in custody in a county OR
7 MUNICIPAL jail OR WHO IS OTHERWISE IN THE CUSTODY OR CONTROL OF A
8 COUNTY OR MUNICIPAL LAW ENFORCEMENT AGENCY regardless of whether
9 the person is a juvenile, is being held prior to trial, or is in custody for
10 conviction under a state statute or a county or municipal ordinance.

11 (3) When a person is held in custody in a county OR MUNICIPAL
12 jail OR IS OTHERWISE IN THE CUSTODY OR CONTROL OF A COUNTY OR
13 MUNICIPAL LAW ENFORCEMENT AGENCY, the person ~~shall be~~ IS primarily
14 responsible for the payment of the cost of medical care provided to the
15 person for a self-inflicted injury or a condition that was preexisting prior
16 to the person's arrest and shall be charged for the medical care by the
17 provider of care. For purposes of this section, "preexisting condition"
18 means an illness beginning or an injury sustained before a person is in the
19 peaceable custody of the county's OR MUNICIPALITY'S officers. This
20 subsection (3) ~~shall~~ DOES not apply to care required by the county jail
21 pursuant to subsection (1) of this section, care paid for by other entities
22 pursuant to section 17-26-120 or 17-26-124, care paid for by any other
23 entity, or medical care provided by the Colorado mental health institute
24 at Pueblo.

25 (4) A county OR MUNICIPALITY may seek payment or

1 reimbursement for any medical treatment costs from a person being held
2 in custody and receiving such services, except as otherwise provided in
3 subsection (1) of this section.

4 **SECTION 2. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part will not take effect
11 unless approved by the people at the general election to be held in
12 November 2012 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.