

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 14-1054.03 Jane Ritter x4342

HOUSE BILL 14-1386

HOUSE SPONSORSHIP

Kraft-Tharp and Gardner,

SENATE SPONSORSHIP

Johnston and Hill,

House Committees
Health, Insurance, & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CONFORMING DEFINITIONS IN SECTION 27-65-102,**
102 **C.R.S., TO TASK FORCE RECOMMENDATIONS.**

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>.)

The bill adds revised definitions for "danger to self or others" and "gravely disabled". The term "imminent" is removed from "imminent danger" to conform with the new definitions.

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.

HOUSE
3rd Reading Unamended
April 28, 2014

HOUSE
2nd Reading Unamended
April 25, 2014

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

2 **SECTION 1.** In Colorado Revised Statutes, 27-65-102, **repeal**
3 **and reenact, with amendments,** (4.5) as follows:

4 **27-65-102. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (4.5) "DANGER TO SELF OR OTHERS" MEANS:

7 (a) WITH RESPECT TO AN INDIVIDUAL, THAT THE INDIVIDUAL POSES
8 A SUBSTANTIAL RISK OF PHYSICAL HARM TO HIMSELF OR HERSELF AS
9 MANIFESTED BY EVIDENCE OF RECENT THREATS OF OR ATTEMPTS AT
10 SUICIDE OR SERIOUS BODILY HARM TO HIMSELF OR HERSELF; OR

11 (b) WITH RESPECT TO OTHER PERSONS, THAT THE INDIVIDUAL
12 POSES A SUBSTANTIAL RISK OF PHYSICAL HARM TO ANOTHER PERSON OR
13 PERSONS, AS MANIFESTED BY EVIDENCE OF RECENT HOMICIDAL OR OTHER
14 VIOLENT BEHAVIOR DIRECTED TOWARD ANOTHER PERSON OR PERSONS BY
15 THE INDIVIDUAL IN QUESTION, OR BY EVIDENCE THAT ANOTHER PERSON OR
16 PERSONS ARE PLACED IN REASONABLE FEAR OF VIOLENT BEHAVIOR OR
17 SERIOUS PHYSICAL HARM, AS MANIFESTED BY A RECENT OVERT ACT,
18 ATTEMPT, OR THREAT TO DO SERIOUS PHYSICAL HARM BY THE INDIVIDUAL
19 IN QUESTION.

20 **SECTION 2.** In Colorado Revised Statutes, 27-65-102, **amend**
21 **as it will become effective July 1, 2014,** (9) as follows:

22 **27-65-102. Definitions.** As used in this article, unless the context
23 otherwise requires:

24 (9) (a) "Gravely disabled" means a condition in which a person,
25 as a result of a mental health disorder, is incapable of making informed
26 decisions about or providing for his or her essential needs without
27 significant supervision and assistance from other people. As a result of

1 ~~being incapable of making these informed decisions, a person who is~~
2 ~~gravely disabled is at risk of substantial bodily harm, dangerous~~
3 ~~worsening of any concomitant serious physical illness, significant~~
4 ~~psychiatric deterioration, or mismanagement of his or her essential needs~~
5 ~~that could result in substantial bodily harm. A person of any age may be~~
6 ~~"gravely disabled", but such term does not include a person whose~~
7 ~~decision-making capabilities are limited solely by his or her~~
8 ~~developmental disability.~~ ILLNESS:

9 (I) IS IN DANGER OF SERIOUS PHYSICAL HARM DUE TO HIS OR HER
10 INABILITY OR FAILURE TO PROVIDE HIMSELF OR HERSELF WITH THE
11 ESSENTIAL HUMAN NEEDS OF FOOD, CLOTHING, SHELTER, AND MEDICAL
12 CARE; OR

13 (II) LACKS JUDGMENT IN THE MANAGEMENT OF HIS OR HER
14 RESOURCES AND IN THE CONDUCT OF HIS OR HER SOCIAL RELATIONS TO
15 THE EXTENT THAT HIS OR HER HEALTH OR SAFETY IS SIGNIFICANTLY
16 ENDANGERED AND LACKS THE CAPACITY TO UNDERSTAND THAT THIS IS SO.

17 (b) A PERSON WHO, BECAUSE OF CARE PROVIDED BY A FAMILY
18 MEMBER OR BY AN INDIVIDUAL WITH A SIMILAR RELATIONSHIP TO THE
19 PERSON, IS NOT IN DANGER OF SERIOUS PHYSICAL HARM OR IS NOT
20 SIGNIFICANTLY ENDANGERED IN ACCORDANCE WITH PARAGRAPH (a) OF
21 THIS SUBSECTION (9) MAY BE DEEMED "GRAVELY DISABLED" IF THERE IS
22 NOTICE GIVEN THAT THE SUPPORT GIVEN BY THE FAMILY MEMBER OR
23 OTHER INDIVIDUAL WHO HAS A SIMILAR RELATIONSHIP TO THE PERSON IS
24 TO BE TERMINATED AND THE INDIVIDUAL WITH A MENTAL ILLNESS:

25 (I) IS DIAGNOSED BY A PROFESSIONAL PERSON AS SUFFERING FROM
26 SCHIZOPHRENIA, A MAJOR AFFECTIVE DISORDER, A DELUSIONAL DISORDER,
27 OR ANOTHER MENTAL DISORDER WITH PSYCHOTIC FEATURES; AND

1 (II) HAS BEEN CERTIFIED, PURSUANT TO THIS ARTICLE, FOR
2 TREATMENT OF THE DISORDER OR HAS BEEN ADMITTED AS AN INPATIENT
3 TO A TREATMENT FACILITY FOR TREATMENT OF THE DISORDER AT LEAST
4 TWICE DURING THE LAST THIRTY-SIX MONTHS WITH A PERIOD OF AT LEAST
5 THIRTY CALENDAR DAYS BETWEEN CERTIFICATIONS OR ADMISSIONS; AND

6 (III) IS EXHIBITING A DETERIORATING COURSE LEADING TOWARD
7 DANGER TO SELF OR OTHERS OR TOWARD THE CONDITIONS DESCRIBED IN
8 PARAGRAPH (a) OF THIS SUBSECTION (9) WITH SYMPTOMS AND BEHAVIORS
9 THAT ARE SUBSTANTIALLY SIMILAR TO THOSE THAT PRECEDED AND WERE
10 ASSOCIATED WITH HIS OR HER HOSPITAL ADMISSIONS OR CERTIFICATIONS
11 FOR TREATMENT; AND

12 (IV) IS NOT RECEIVING TREATMENT THAT IS ESSENTIAL FOR HIS OR
13 HER HEALTH OR SAFETY.

14 (c) A PERSON OF ANY AGE MAY BE "GRAVELY DISABLED", BUT
15 SUCH TERM SHALL NOT INCLUDE A PERSON WHOSE DECISION-MAKING
16 CAPABILITIES ARE LIMITED SOLELY BY HIS OR HER DEVELOPMENTAL
17 DISABILITY.

18 (d) FOR PURPOSES OF PARAGRAPH (b) OF THIS SUBSECTION (9), AN
19 INDIVIDUAL WITH A RELATIONSHIP TO A PERSON THAT IS SIMILAR TO THAT
20 OF A FAMILY MEMBER SHALL NOT INCLUDE AN EMPLOYEE OR AGENT OF A
21 BOARDING HOME OR TREATMENT FACILITY.

22 **SECTION 3.** In Colorado Revised Statutes, 27-65-102, **repeal**
23 **and reenact, with amendments,** (9) as follows:

24 **27-65-102. Definitions.** As used in this article, unless the context
25 otherwise requires:

26 (9) (a) "GRAVELY DISABLED" MEANS A CONDITION IN WHICH A
27 PERSON:

1 (I) LACKS JUDGMENT IN THE MANAGEMENT OF HIS OR HER
2 RESOURCES OR IN THE CONDUCT OF HIS OR HER SOCIAL RELATIONS TO THE
3 EXTENT THAT HIS OR HER HEALTH OR SAFETY IS SIGNIFICANTLY
4 ENDANGERED; OR

5 (II) IS INCAPABLE OF MAKING INFORMED DECISIONS ABOUT, OR
6 PROVIDING FOR, HIS OR HER ESSENTIAL NEEDS WITHOUT SIGNIFICANT
7 SUPERVISION OR ASSISTANCE FROM OTHER PEOPLE; DOES NOT HAVE, HAS
8 LOST, OR IS AT RISK OF LOSING NECESSARY CARE AND SUPPORT WITHOUT
9 WHICH THE PERSON CANNOT FUNCTION SAFELY; AND, AS A RESULT, IS AT
10 RISK OF:

11 (A) SUBSTANTIAL BODILY HARM;

12 (B) DANGEROUS WORSENING OF ANY CONCOMITANT SERIOUS
13 PHYSICAL ILLNESS;

14 (C) SIGNIFICANT DETERIORATION IN MENTAL FUNCTIONING;

15 (D) MISMANAGEMENT OF HIS OR HER ESSENTIAL NEEDS THAT
16 COULD RESULT IN SUBSTANTIAL BODILY HARM, INCLUDING BUT NOT
17 LIMITED TO NOURISHMENT, SAFE SHELTER, MEDICAL NEEDS, AND
18 CLOTHING; OR

19 (E) DESTRUCTION OF PROPERTY THAT COULD RESULT IN
20 SUBSTANTIAL BODILY HARM.

21 (b) A PERSON OF ANY AGE MAY BE "GRAVELY DISABLED", BUT
22 SUCH TERM SHALL NOT INCLUDE A PERSON WHOSE DECISION-MAKING
23 CAPABILITIES ARE LIMITED SOLELY BY HIS OR HER DEVELOPMENTAL
24 DISABILITY.

25 **SECTION 4.** In Colorado Revised Statutes, 27-65-105, **amend**
26 (1) (a) (I), (1) (b), and (3) as follows:

27 **27-65-105. Emergency procedure.** (1) Emergency procedure

1 may be invoked under either one of the following two conditions:

2 (a) (I) When any person appears to have a mental illness and, as
3 a result of such mental illness, appears to be ~~an imminent~~ A danger to
4 SELF OR others ~~or to himself or herself~~ or appears to be gravely disabled,
5 then a person specified in subparagraph (II) of this paragraph (a), each of
6 whom is referred to in this section as the "intervening professional", upon
7 probable cause and with such assistance as may be required, may take the
8 person into custody, or cause the person to be taken into custody, and
9 placed in a facility designated or approved by the executive director for
10 a seventy-two-hour treatment and evaluation.

11 (b) Upon an affidavit sworn to or affirmed before a judge that
12 relates sufficient facts to establish that a person appears to have a mental
13 illness and, as a result of the mental illness, appears to be ~~an imminent~~ A
14 danger to SELF OR others ~~or to himself or herself~~ or appears to be gravely
15 disabled, the court may order the person described in the affidavit to be
16 taken into custody and placed in a facility designated or approved by the
17 executive director for a seventy-two-hour treatment and evaluation.
18 Whenever in this article a facility is to be designated or approved by the
19 executive director, hospitals, if available, shall be approved or designated
20 in each county before other facilities are approved or designated.
21 Whenever in this article a facility is to be designated or approved by the
22 executive director as a facility for a stated purpose and the facility to be
23 designated or approved is a private facility, the consent of the private
24 facility to the enforcement of standards set by the executive director shall
25 be a prerequisite to the designation or approval.

26 (3) Such facility shall require an application in writing, stating the
27 circumstances under which the person's condition was called to the

1 attention of the intervening professional and further stating sufficient
2 facts, obtained from the personal observations of the intervening
3 professional or obtained from others whom he or she reasonably believes
4 to be reliable, to establish that the person has a mental illness and, as a
5 result of the mental illness, is ~~an imminent~~ A danger to SELF OR others ~~or~~
6 ~~to himself or herself~~ or is gravely disabled. The application shall indicate
7 when the person was taken into custody and who brought the person's
8 condition to the attention of the intervening professional. A copy of the
9 application shall be furnished to the person being evaluated, and the
10 application shall be retained in accordance with the provisions of section
11 27-65-121 (4).

12 **SECTION 5. Effective date.** This act takes effect January 1,
13 2015; except that sections 2, 5, and 6 take effect July 1, 2014.

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