

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 13-0055.01 Richard Sweetman x4333

HOUSE BILL 13-1306

HOUSE SPONSORSHIP

McCann,

SENATE SPONSORSHIP

Todd,

House Committees

Health, Insurance & Environment
Legislative Council

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CREATING A TASK FORCE TO CONSIDER PERSONS WHO**
102 **POSE A THREAT OF HARM TO THEMSELVES OR OTHERS.**

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 creates a mental health and firearms task force (task force) to advise the general assembly regarding issues surrounding the loss, maintenance, and restoration of the right to purchase and possess firearms by persons who, as a result of mental health issues, alcohol abuse, or substance abuse, are clearly dangerous to the health and safety of

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.*

themselves or others.

The task force shall submit a written report of its findings and recommendations to the judiciary committees of the house of representatives and senate, or any successor committees, on or before January 15, 2015. The first meeting of the task force shall occur no later than July 18, 2013. The task force shall meet at least 5 times.

Meetings of the task force shall be public meetings. The task force may accept reports and public testimony and may request other sources to provide testimony, written comments, and other relevant data to the task force.

Members of the task force shall serve without compensation and shall not be entitled to reimbursement for expenses. The legislative council staff and the office of legislative legal services shall not provide staff support to the task force.

The task force is repealed, effective August 1, 2015.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 27-65-132 as
3 follows:

4 **27-65-132. Mental health and firearms task force - created -**
5 **membership - duties - report - repeal.** (1) ON AND AFTER THE
6 EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT SHALL CONVENE A
7 MENTAL HEALTH AND FIREARMS TASK FORCE, REFERRED TO IN THIS
8 SECTION AS THE "TASK FORCE", FOR THE PURPOSE OF ADVISING THE
9 GENERAL ASSEMBLY REGARDING ISSUES SURROUNDING THE LOSS,
10 MAINTENANCE, AND RESTORATION OF THE RIGHT TO PURCHASE AND
11 POSSESS FIREARMS BY PERSONS WHO, AS A RESULT OF MENTAL HEALTH
12 ISSUES, ALCOHOL ABUSE, OR SUBSTANCE ABUSE, ARE CLEARLY
13 DANGEROUS TO THE HEALTH AND SAFETY OF THEMSELVES OR OTHERS,
14 INCLUDING BUT NOT LIMITED TO PERSONS WHO:

15 (a) ARE TAKEN INTO CUSTODY AND PLACED IN A FACILITY
16 DESIGNATED OR APPROVED BY THE EXECUTIVE DIRECTOR FOR A
17 SEVENTY-TWO-HOUR TREATMENT AND EVALUATION PURSUANT TO

1 SECTION 27-65-105 BECAUSE THEY APPEAR TO HAVE A MENTAL ILLNESS
2 AND, AS A RESULT OF SUCH MENTAL ILLNESS, APPEAR TO BE AN IMMINENT
3 DANGER TO THEMSELVES OR TO OTHERS;

4 (b) ARE COMMITTED, EVALUATED, AND TREATED FOR A PERIOD
5 NOT TO EXCEED FIVE DAYS PURSUANT TO SECTION 27-81-111 (3) BECAUSE
6 THEY ARE INTOXICATED OR INCAPACITATED BY ALCOHOL AND CLEARLY
7 DANGEROUS TO THE HEALTH AND SAFETY OF THEMSELVES OR OTHERS; OR

8 (c) ARE COMMITTED, EVALUATED, AND TREATED FOR A PERIOD
9 NOT TO EXCEED FIVE DAYS PURSUANT TO SECTION 27-82-107 (3) BECAUSE
10 THE PERSON IS UNDER THE INFLUENCE OF OR INCAPACITATED BY DRUGS
11 AND CLEARLY DANGEROUS TO THE HEALTH AND SAFETY OF HIMSELF,
12 HERSELF, OR OTHERS.

13 (2) THE TASK FORCE SHALL HAVE THIRTY MEMBERS, TO BE
14 APPOINTED AS FOLLOWS:

15 (a) A MEMBER OF THE HOUSE OF REPRESENTATIVES, TO BE
16 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

17 (b) A MEMBER OF THE HOUSE OF REPRESENTATIVES, TO BE
18 APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF
19 REPRESENTATIVES;

20 (c) A MEMBER OF THE SENATE, TO BE APPOINTED BY THE
21 PRESIDENT OF THE SENATE;

22 (d) A MEMBER OF THE SENATE, TO BE APPOINTED BY THE MINORITY
23 LEADER OF THE SENATE;

24 (e) A PERSON REPRESENTING GROUPS THAT ADVOCATE FOR GUN
25 SAFETY, TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF
26 REPRESENTATIVES;

27 (f) A PERSON REPRESENTING GROUPS THAT ADVOCATE FOR GUN

1 SAFETY, TO BE APPOINTED BY THE PRESIDENT OF THE SENATE;

2 (g) A PERSON REPRESENTING GROUPS THAT ADVOCATE FOR
3 FIREARMS OWNERS, TO BE APPOINTED BY THE MINORITY LEADER OF THE
4 HOUSE OF REPRESENTATIVES;

5 (h) A PERSON REPRESENTING GROUPS THAT ADVOCATE FOR
6 FIREARMS OWNERS, TO BE APPOINTED BY THE MINORITY LEADER OF THE
7 SENATE;

8 (i) A PERSON REPRESENTING THE GOVERNOR'S OFFICE,
9 PREFERABLY A REPRESENTATIVE OF THE DEPARTMENT OF PUBLIC SAFETY;

10 (j) A PERSON REPRESENTING THE STATE COURT ADMINISTRATOR'S
11 OFFICE, TO BE APPOINTED BY THE CHIEF JUSTICE OF THE SUPREME COURT;

12 AND

13 (k) TWENTY PERSONS TO BE APPOINTED BY THE EXECUTIVE
14 DIRECTOR OF THE DEPARTMENT, AS FOLLOWS:

15 (I) A PERSON WHO HAS PROFESSIONAL EXPERIENCE IN THE
16 PROVISION OF MENTAL HEALTH CARE SERVICES AT A FACILITY OF A
17 BRANCH OF THE UNITED STATES ARMED FORCES WITHIN THE STATE,
18 WHICH PERSON SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR IN
19 CONSULTATION WITH THE ADJUTANT GENERAL OF THE STATE DEPARTMENT
20 OF MILITARY AND VETERANS AFFAIRS;

21 (II) AN ADVANCED PRACTICE NURSE WITH SIGNIFICANT
22 EXPERIENCE IN THE CARE AND TREATMENT OF PERSONS WITH MENTAL
23 HEALTH ISSUES;

24 (III) A REPRESENTATIVE OF A STATEWIDE MEDICAL SOCIETY,
25 PREFERABLY AN EMERGENCY PHYSICIAN;

26 (IV) A REPRESENTATIVE OF A STATEWIDE PSYCHIATRIC SOCIETY;

27 (V) A REPRESENTATIVE OF A STATEWIDE HOSPITAL ASSOCIATION,

1 PREFERABLY A REPRESENTATIVE OF A HOSPITAL THAT PROVIDES
2 PSYCHIATRIC SERVICES;

3 (VI) TWO REPRESENTATIVES OF ONE OR MORE ORGANIZATIONS
4 THAT ADVOCATE FOR PERSONS WITH MENTAL OR BEHAVIORAL HEALTH
5 ISSUES;

6 (VII) A REPRESENTATIVE OF A STATEWIDE MEMBERSHIP
7 ORGANIZATION FOR COMMUNITY BEHAVIORAL HEALTH PROVIDERS;

8 (VIII) A PERSON WITH PROFESSIONAL EXPERIENCE IN THE
9 OPERATION OF A MENTAL HEALTH TREATMENT AND EVALUATION CENTER;

10 (IX) A LICENSED SOCIAL WORKER WITH PROFESSIONAL
11 EXPERIENCE IN MENTAL HEALTH TREATMENT;

12 (X) A MUNICIPAL ATTORNEY WITH PROFESSIONAL EXPERIENCE
13 HANDLING CASES INVOLVING PERSONS WITH MENTAL HEALTH ISSUES;

14 (XI) A COUNTY ATTORNEY WITH PROFESSIONAL EXPERIENCE
15 HANDLING CASES INVOLVING PERSONS WITH MENTAL HEALTH ISSUES;

16 (XII) A PERSON WHO IS AN ADDICTION COUNSELOR WITH
17 PROFESSIONAL EXPERIENCE IN MENTAL HEALTH TREATMENT;

18 (XIII) A PERSON WHO REPRESENTS THE COMMUNITY OF PERSONS
19 WITH DISABILITIES;

20 (XIV) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF
21 CHIEFS OF POLICE;

22 (XV) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF
23 COUNTY SHERIFFS; AND

24 (XVI) A FAMILY MEMBER OF A PERSON WHO HAS MENTAL HEALTH
25 ISSUES AND AS A RESULT, COULD BE DANGEROUS TO HIMSELF OR HERSELF
26 OR TO OTHERS;

27 (XVII) A REPRESENTATIVE OF THE COLORADO FRATERNAL ORDER

1 OF POLICE; AND

2 (XVIII) TWO PERSONS, EACH OF WHOM HAS BEEN PLACED IN A
3 FACILITY FOR TREATMENT PURSUANT TO SECTION 27-65-105, 27-81-111
4 (3), OR 27-82-107 (3).

5 (3) (a) THE APPOINTING ENTITIES DESCRIBED IN SUBSECTION (2) OF
6 THIS SECTION SHALL APPOINT THE MEMBERS OF THE TASK FORCE, AS
7 DESCRIBED IN SAID SUBSECTION (2), ON OR BEFORE JULY 1, 2013.

8 (b) ON OR BEFORE JULY 1, 2013, THE SPEAKER OF THE HOUSE OF
9 REPRESENTATIVES SHALL APPOINT A CHAIR AND A VICE CHAIR OF THE
10 TASK FORCE. IN MAKING SUCH APPOINTMENTS, THE SPEAKER SHALL
11 APPOINT ONLY PERSONS WHO HAVE BEEN OTHERWISE APPOINTED TO THE
12 TASK FORCE.

13 (4) THE TASK FORCE SHALL SUBMIT A WRITTEN REPORT OF ITS
14 FINDINGS AND RECOMMENDATIONS TO THE JUDICIARY COMMITTEES OF THE
15 HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR
16 COMMITTEES, ON OR BEFORE JANUARY 15, 2015. UPON REQUEST OF A
17 MEMBER OF THE TASK FORCE, SUMMARIES OF DISSENTING OPINIONS SHALL
18 BE PREPARED AND ATTACHED TO THE FINAL REPORT OF FINDINGS AND
19 RECOMMENDATIONS.

20 (5) (a) THE FIRST MEETING OF THE TASK FORCE SHALL OCCUR NO
21 LATER THAN JULY 18, 2013. THE TASK FORCE SHALL MEET AT LEAST FIVE
22 TIMES.

23 (b) MEETINGS OF THE TASK FORCE SHALL BE PUBLIC MEETINGS.

24 (c) THE TASK FORCE MAY ACCEPT REPORTS AND PUBLIC
25 TESTIMONY AND MAY REQUEST OTHER SOURCES TO PROVIDE TESTIMONY,
26 WRITTEN COMMENTS, AND OTHER RELEVANT DATA TO THE TASK FORCE.

27 (6) MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT

1 COMPENSATION AND ARE NOT BE ENTITLED TO REIMBURSEMENT FOR
2 EXPENSES.

3 (7) THE LEGISLATIVE COUNCIL STAFF AND THE OFFICE OF
4 LEGISLATIVE LEGAL SERVICES SHALL NOT PROVIDE STAFF SUPPORT TO THE
5 TASK FORCE.

6 (8) THIS SECTION IS REPEALED, EFFECTIVE AUGUST 1, 2015.

7 **SECTION 2. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.