

**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
Appropriations

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, AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

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.

substance abuse, are clearly dangerous to the health and safety of 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The task force is repealed, effective August 1, 2015.

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

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

27-65-132. Mental health and firearms task force - created - membership - duties - report - repeal. (1) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT SHALL CONVENE A MENTAL HEALTH AND FIREARMS TASK FORCE, REFERRED TO IN THIS SECTION AS THE "TASK FORCE", FOR THE PURPOSE OF ADVISING 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 THEMSELVES OR OTHERS, INCLUDING BUT NOT LIMITED TO PERSONS WHO:

(a) ARE TAKEN INTO CUSTODY AND PLACED IN A FACILITY DESIGNATED OR APPROVED BY THE EXECUTIVE DIRECTOR FOR A

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

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

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

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

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

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

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

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

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

1 (f) A PERSON REPRESENTING GROUPS THAT ADVOCATE FOR GUN
2 SAFETY, TO BE APPOINTED BY THE PRESIDENT OF THE SENATE;

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

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

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

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

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

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

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

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

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

1 (V) A REPRESENTATIVE OF A STATEWIDE HOSPITAL ASSOCIATION,
2 PREFERABLY A REPRESENTATIVE OF A HOSPITAL THAT PROVIDES
3 PSYCHIATRIC SERVICES;

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

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

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

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

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

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

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

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

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

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

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

1 (XVII) A REPRESENTATIVE OF THE COLORADO FRATERNAL ORDER
2 OF POLICE; AND

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

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

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

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

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

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

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

1 (6) MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT
2 COMPENSATION AND ARE NOT BE ENTITLED TO REIMBURSEMENT FOR
3 EXPENSES.

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

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

8 **SECTION 2. Appropriation.** In addition to any other
9 appropriation, there is hereby appropriated, out of any moneys in the
10 general fund not otherwise appropriated, to the department of human
11 services, for the fiscal year beginning July 1, 2013, the sum of \$25,792, or
12 so much thereof as may be necessary, for allocation to behavioral health
13 services for contract staffing costs related to the implementation of this
14 act.

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