

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

**INTRODUCED**

LLS NO. 13-0055.01 Richard Sweetman x4333

**HOUSE BILL 13-1306**

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**HOUSE SPONSORSHIP**

**McCann,**

**SENATE SPONSORSHIP**

**Todd,**

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**House Committees**

Health, Insurance & Environment

**Senate Committees**

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**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.**

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The task force is repealed, effective August 1, 2015.

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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 TWENTY-SEVEN 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, TO BE  
9 APPOINTED BY THE GOVERNOR OR HIS OR HER DESIGNEE;

10 (j) A PERSON REPRESENTING THE STATE DEPARTMENT OF PUBLIC  
11 SAFETY, TO BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE STATE  
12 DEPARTMENT OF PUBLIC SAFETY; AND

13 (k) SEVENTEEN 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 CITY ATTORNEY WITH PROFESSIONAL EXPERIENCE HANDLING  
13       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 PERSON REPRESENTING THE STATE COURT  
25       ADMINISTRATOR'S OFFICE.

26              (3) THE TASK FORCE SHALL SUBMIT A WRITTEN REPORT OF ITS  
27       FINDINGS AND RECOMMENDATIONS TO THE JUDICIARY COMMITTEES OF THE

1 HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR  
2 COMMITTEES, ON OR BEFORE JANUARY 15, 2015. UPON REQUEST OF A  
3 MEMBER OF THE TASK FORCE, SUMMARIES OF DISSENTING OPINIONS SHALL  
4 BE PREPARED AND ATTACHED TO THE FINAL REPORT OF FINDINGS AND  
5 RECOMMENDATIONS.

6 (4) (a) THE FIRST MEETING OF THE TASK FORCE SHALL OCCUR NO  
7 LATER THAN JULY 18, 2013. THE TASK FORCE SHALL MEET AT LEAST FIVE  
8 TIMES.

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

10 (c) THE TASK FORCE MAY ACCEPT REPORTS AND PUBLIC  
11 TESTIMONY AND MAY REQUEST OTHER SOURCES TO PROVIDE TESTIMONY,  
12 WRITTEN COMMENTS, AND OTHER RELEVANT DATA TO THE TASK FORCE.

13 (5) MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT  
14 COMPENSATION AND ARE NOT BE ENTITLED TO REIMBURSEMENT FOR  
15 EXPENSES.

16 (6) THE LEGISLATIVE COUNCIL STAFF AND THE OFFICE OF  
17 LEGISLATIVE LEGAL SERVICES SHALL NOT PROVIDE STAFF SUPPORT TO THE  
18 TASK FORCE.

19 (7) THIS SECTION IS REPEALED, EFFECTIVE AUGUST 1, 2015.

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