

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

REENGROSSED

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

LLS NO. 25-0737.01 Owen Hatch x2698

HOUSE BILL 25-1172

HOUSE SPONSORSHIP

Camacho and Espenoza, Duran, Gilchrist

SENATE SPONSORSHIP

Amabile and Michaelson Jenet,

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ALLOWING A STATE-OWNED PSYCHIATRIC RESIDENTIAL**
102 **TREATMENT FACILITY TO USE A SECURE PERIMETER FENCE.**

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://leg.colorado.gov>.)

The bill permits a state-owned psychiatric residential treatment facility to use a secure perimeter fence around the facility. The bill clarifies that placement of a juvenile in a state-owned psychiatric residential treatment facility is not considered detention and placement in a state-owned psychiatric residential treatment facility is not considered restraint.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
3rd Reading Unamended
February 28, 2025

HOUSE
2nd Reading Unamended
February 27, 2025

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-103, **amend**
3 (55) as follows:

4 **19-1-103. Definitions.** As used in this title 19 or in the specified
5 portion of this title 19, unless the context otherwise requires:

6 (55) "Detention" means the temporary care of a child who requires
7 secure custody in physically restricting facilities pending court disposition
8 or an execution of a court order for placement or commitment. THE
9 PLACEMENT OF A JUVENILE IN A STATE-OWNED PSYCHIATRIC RESIDENTIAL
10 TREATMENT FACILITY, AS DEFINED IN SECTION 26-6-903, IS NOT
11 CONSIDERED DETENTION.

12 **SECTION 2.** In Colorado Revised Statutes, 19-2.5-304, **add** (4)
13 as follows:

14 **19-2.5-304. Limitations on detention.** (4) THE PLACEMENT OF
15 A JUVENILE IN A STATE-OWNED PSYCHIATRIC RESIDENTIAL TREATMENT
16 FACILITY, AS DEFINED IN SECTION 26-6-903, IS NOT CONSIDERED
17 DETENTION FOR THE PURPOSES OF THIS SECTION.

18 **SECTION 3.** In Colorado Revised Statutes, 25.5-4-103, **amend**
19 (19.5) as follows:

20 **25.5-4-103. Definitions.** As used in this article 4 and articles 5
21 and 6 of this title 25.5, unless the context otherwise requires:

22 (19.5) "Psychiatric residential treatment facility" means a facility
23 that is licensed as a residential child care facility, as defined in section
24 26-6-903, that is not a hospital, and that provides inpatient psychiatric
25 services for individuals who are less than twenty-one years of age under
26 the direction of a physician licensed pursuant to article 240 of title 12, and

1 that meets any other requirement established in rule by the state board.
2 "PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY" INCLUDES A
3 STATE-OWNED PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY AS
4 DEFINED IN SECTION 26-6-903.

5 **SECTION 4.** In Colorado Revised Statutes, 26-6-903, **amend**
6 (32); and **add** (34.5) as follows:

7 **26-6-903. Definitions.** As used in this part 9, unless the context
8 otherwise requires:

9 (32) "Secure residential treatment center" means a facility
10 operated under private ownership that is licensed by the department
11 pursuant to this part 9 to provide twenty-four-hour group care and
12 treatment in a secure setting for five or more children or persons up to the
13 age of twenty-one years over whom the juvenile court retains jurisdiction
14 pursuant to section 19-2.5-103 (6) who are committed by a court,
15 pursuant to an adjudication of delinquency or pursuant to a determination
16 of guilt of a delinquent act or having been convicted as an adult and
17 sentenced for an act that would be a crime if committed in Colorado, or
18 in the committing jurisdiction, to be placed in a secure facility. "SECURE
19 RESIDENTIAL TREATMENT CENTER" DOES NOT INCLUDE A STATE-OWNED
20 PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY AS DEFINED IN
21 SUBSECTION (34.5) OF THIS SECTION.

22 (34.5) "STATE-OWNED PSYCHIATRIC RESIDENTIAL TREATMENT
23 FACILITY" MEANS A PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY, AS
24 DEFINED IN SECTION 25.5-4-103, THAT IS OPERATED ON STATE-OWNED
25 PROPERTY AND MAY HAVE A SECURE PERIMETER FENCE.

26 **SECTION 5.** In Colorado Revised Statutes, 26-6-909, **add** (9) as
27 follows:

1 **26-6-909. Standards for facilities and agencies - rules.** (9) TO
2 ENSURE COMPLIANCE WITH STATE AND FEDERAL LAWS AND REGULATIONS
3 RELATED TO SECURE FACILITIES, THE STATE BOARD SHALL ADOPT RULES
4 FOR ADMISSION TO A STATE-OWNED PSYCHIATRIC RESIDENTIAL
5 TREATMENT FACILITY. THE RULES MUST COMPLY WITH RULES ADOPTED BY
6 THE STATE DEPARTMENT AND RULES ADOPTED BY THE DEPARTMENT OF
7 HEALTH CARE POLICY AND FINANCING AND THE DEPARTMENT OF PUBLIC
8 HEALTH AND ENVIRONMENT, AS THOSE RULES RELATE TO THE OPERATION.

9 **SECTION 6.** In Colorado Revised Statutes, 26-20-102, **add** (6)(f)
10 as follows:

11 **26-20-102. Definitions.** As used in this article 20, unless the
12 context otherwise requires:

13 (6) "Restraint" means any method or device used to involuntarily
14 limit freedom of movement, including bodily physical force, mechanical
15 devices, or chemicals. Restraint must not be used as a form of discipline
16 or to gain compliance from a student. If property damage might be
17 involved, restraint may only be used when the destruction of property
18 could possibly result in bodily harm to the individual or another person.
19 "Restraint" includes chemical restraint, mechanical restraint, and physical
20 restraint. "Restraint" does not include:

21 (f) PLACEMENT IN A STATE-OWNED PSYCHIATRIC RESIDENTIAL
22 TREATMENT FACILITY, AS DEFINED IN SECTION 26-6-903.

23 **SECTION 7. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly; except
26 that, if a referendum petition is filed pursuant to section 1 (3) of article V
27 of the state constitution against this act or an item, section, or part of this

1 act within such period, then the act, item, section, or part will not take
2 effect unless approved by the people at the general election to be held in
3 November 2026 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.