

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 24-0328.01 Conrad Imel x2313

HOUSE BILL 24-1126

HOUSE SPONSORSHIP

Lynch,

SENATE SPONSORSHIP

Pelton B.,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING REQUIRING PARTICIPATION IN A TREATMENT PLAN FOR**
102 **A SUBSTANCE USE DISORDER AS A CONDITION OF BOND.**

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 court to order a person to complete a medical evaluation if the court suspects a substance use disorder contributed to the behavior giving rise to an offense for which the person was charged. The medical evaluation must determine if the person would benefit from a medically guided treatment plan for a substance use disorder (treatment plan). If the court receives a recommendation following the medical

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.*

evaluation that the person would benefit from a treatment plan, the court may order the person to participate in a treatment plan as a condition of bond.

The person's treatment provider shall submit a report to the court within 2 business days after each scheduled appointment that is part of the person's treatment plan to indicate whether the person is in compliance with the treatment plan. The bill requires a person ordered to participate in a treatment plan to waive any patient privilege necessary for a doctor or treatment provider to report to the court.

The bill prohibits the court from ordering a person required to participate in a treatment plan as a condition of bond to submit to drug or alcohol monitoring other than monitoring required by the treatment plan unless the monitoring is expressly required or permitted pursuant to any other state law.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-4-105, **add** (7.5)
3 as follows:

4 **16-4-105. Conditions of release on bond. (7.5)** IF THE COURT
5 SUSPECTS THAT A SUBSTANCE USE DISORDER HAS CONTRIBUTED TO THE
6 BEHAVIOR GIVING RISE TO AN OFFENSE FOR WHICH A PERSON HAS BEEN
7 CHARGED, AND FOLLOWING A MEDICAL EVALUATION AND DETERMINATION
8 THAT THE PERSON WOULD BENEFIT FROM A MEDICALLY GUIDED
9 TREATMENT PLAN PURSUANT TO SECTION 16-4-118 (2), THE COURT MAY
10 ORDER THAT THE PERSON PARTICIPATE IN A MEDICALLY GUIDED
11 TREATMENT PLAN AS A CONDITION OF BOND AS DESCRIBED IN SECTION
12 16-4-118.

13 **SECTION 2.** In Colorado Revised Statutes, **add** 16-4-118 as
14 follows:

15 **16-4-118. Medically guided treatment as condition of bond -**
16 **evaluation required - definitions. (1)** AS USED IN THIS SECTION, UNLESS
17 THE CONTEXT OTHERWISE REQUIRES:

1 (a) "ADDICTION MEDICINE SPECIALIST" MEANS A MEDICAL DOCTOR
2 WHO IS CERTIFIED AS AN ADDICTION MEDICINE SPECIALIST BY A
3 NATIONALLY RECOGNIZED ORGANIZATION.

4 (b) "MEDICAL DOCTOR" MEANS A DOCTOR LICENSED TO PRACTICE
5 MEDICINE PURSUANT TO ARTICLE 240 OF TITLE 12.

6 (c) "MEDICALLY GUIDED TREATMENT PLAN" OR "TREATMENT
7 PLAN" MEANS A TREATMENT PLAN FOR A SUBSTANCE USE DISORDER
8 DESCRIBED IN THIS SECTION THAT A COURT ORDERS A PERSON TO
9 PARTICIPATE IN PURSUANT TO SECTION 16-4-105 (7.5).

10 (d) "SUBSTANCE USE DOCTOR" MEANS A MEDICAL DOCTOR WHO IS
11 AN ADDICTION MEDICINE SPECIALIST OR WHO RENDERS SERVICES AT A
12 SUBSTANCE USE DISORDER TREATMENT FACILITY FOR THE DIAGNOSIS,
13 TREATMENT, OR PREVENTION OF SUBSTANCE USE DISORDERS.

14 (e) "TREATMENT PROVIDER" MEANS AN ENTITY THAT PROVIDES
15 SUBSTANCE USE DISORDER TREATMENT BY A SUBSTANCE USE DOCTOR.

16 (2) (a) IF THE COURT SUSPECTS THAT A SUBSTANCE USE DISORDER
17 HAS CONTRIBUTED TO THE BEHAVIOR GIVING RISE TO AN OFFENSE FOR
18 WHICH A PERSON HAS BEEN CHARGED, THE COURT MAY ORDER THE PERSON
19 TO COMPLETE A MEDICAL EVALUATION WITH A SUBSTANCE USE DOCTOR
20 ASSOCIATED WITH A TREATMENT PROVIDER TO DETERMINE IF THE PERSON
21 WOULD BENEFIT FROM A MEDICALLY GUIDED TREATMENT PLAN FOR A
22 SUBSTANCE USE DISORDER.

23 (b) IF A PERSON IS ORDERED BY THE COURT TO COMPLETE A
24 MEDICAL EVALUATION PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION,
25 THE PERSON'S APPOINTMENT WITH THE DOCTOR WHO PERFORMS THE
26 EVALUATION IS CONFIDENTIAL AND PRIVILEGED; EXCEPT THAT THE PERSON
27 SHALL PERMIT THE TREATMENT PROVIDER ASSOCIATED WITH THE

1 EVALUATING DOCTOR, IN WRITING, TO ADVISE THE COURT, DISTRICT
2 ATTORNEY, AND THE PERSON'S ATTORNEY, IF THE PERSON HAS AN
3 ATTORNEY, WHETHER THE PERSON WOULD BENEFIT FROM A MEDICALLY
4 GUIDED TREATMENT PLAN FOR A SUBSTANCE USE DISORDER AND HOW THE
5 COST OF THE PERSON'S TREATMENT PLAN WILL BE PAID.

6 (3) (a) A COURT MAY, PURSUANT TO SECTION 16-4-105 (7.5),
7 ORDER A PERSON TO PARTICIPATE IN A TREATMENT PLAN AS A CONDITION
8 OF BOND IF:

9 (I) THE COURT RECEIVED A RECOMMENDATION FROM THE
10 SUBSTANCE USE DOCTOR WHO CONDUCTED AN EVALUATION PURSUANT TO
11 SUBSECTION (2) OF THIS SECTION THAT A PERSON WOULD BENEFIT FROM
12 A MEDICALLY GUIDED TREATMENT PLAN DEVELOPED BY A SUBSTANCE USE
13 DOCTOR; AND

14 (II) THE TREATMENT PROVIDER AND THE PERSON HAVE
15 DETERMINED HOW THE COST OF COMPLIANCE WITH THE TREATMENT PLAN
16 WILL BE ACCOMPLISHED AND THE COURT HAS CONSIDERED HOW THE COST
17 OF COMPLIANCE WILL BE ACCOMPLISHED.

18 (b) IF THE COURT ORDERS PARTICIPATION IN A TREATMENT PLAN
19 AS A CONDITION OF BOND PURSUANT TO SUBSECTION (3)(a) OF THIS
20 SECTION, THE COURT AND TREATMENT PROVIDER SHALL DETERMINE A
21 PROCESS FOR THE TREATMENT PROVIDER TO SUBMIT TO THE COURT A
22 REPORT SIGNED BY A MEDICAL DOCTOR OR CARE PROVIDER OF THE
23 TREATMENT FACILITY ADMINISTERING THE TREATMENT PLAN THAT
24 INDICATES WHETHER THE PERSON IS IN COMPLIANCE WITH THE TREATMENT
25 PLAN. THE TREATMENT PROVIDER SHALL SUBMIT A REPORT TO THE COURT
26 WITHIN TWO BUSINESS DAYS AFTER EACH SCHEDULED APPOINTMENT THAT
27 IS PART OF THE PERSON'S TREATMENT PLAN, REGARDLESS OF WHETHER

1 THE PERSON ATTENDS. THE REPORT MUST SPECIFICALLY INDICATE
2 WHETHER THE PERSON IS IN COMPLIANCE WITH THE REQUIREMENTS OF THE
3 TREATMENT PLAN AND MAY INCLUDE THE FOLLOWING INFORMATION
4 RELATED TO THE TREATMENT PLAN:

5 (I) WHETHER THE PERSON ATTENDED THE APPOINTMENT;

6 (II) WHETHER THE PERSON IS TAKING MEDICATIONS AS
7 PRESCRIBED AND COMPLYING WITH ANY MEDICATION-MONITORING
8 REQUIREMENTS;

9 (III) WHETHER THE PERSON IS ATTENDING THERAPY THAT HAS
10 BEEN PLANNED AND SCHEDULED, OR OTHER BEHAVIORAL INSTRUCTION
11 NECESSARY FOR SUCCESSFUL TREATMENT;

12 (IV) INFORMATION THE TREATMENT PROVIDER DETERMINES IS
13 BENEFICIAL FOR THE COURT REGARDING THE PERSON'S PROGRESS TOWARD
14 GOALS OF TREATMENT AS DETERMINED IN THE TREATMENT PLAN; AND

15 (V) ANY OTHER REQUIREMENTS OF TREATMENT CONSIDERED
16 ESSENTIAL BY THE TREATMENT PROVIDER TO DETERMINE PROGRESS
17 TOWARD HARM REDUCTION AND SUCCESSFUL TREATMENT.

18 (4) THE PERSON'S PRESCRIPTIONS AND TEST RESULTS, AND DETAILS
19 OF THE PERSON'S APPOINTMENTS WITH A TREATMENT PROVIDER,
20 THERAPIST, OR BEHAVIORAL INSTRUCTION PROVIDER ARE CONFIDENTIAL
21 AND SUBJECT TO ANY APPLICABLE PATIENT PRIVILEGE. NOTWITHSTANDING
22 ANY PRIVILEGE, THE PERSON SHALL PERMIT THE TREATMENT PROVIDER, IN
23 WRITING, TO RELEASE INFORMATION ABOUT THE PERSON AND THE
24 PERSON'S TREATMENT FOR THE LIMITED PURPOSE OF MAKING THE REPORT
25 DESCRIBED IN SUBSECTION (3)(b) OF THIS SECTION.

26 (5) A PERSON REQUIRED TO PARTICIPATE IN A TREATMENT PLAN AS
27 A CONDITION OF BOND PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION

1 SHALL BE REQUIRED TO SUBMIT TO SUBSTANCE USE MONITORING ONLY IF
2 IT IS REQUIRED AS PART OF THE TREATMENT PLAN. UNLESS DRUG OR
3 ALCOHOL MONITORING IS EXPRESSLY REQUIRED OR PERMITTED PURSUANT
4 TO ANY OTHER STATE LAW, INCLUDING MONITORING ORDERED PURSUANT
5 TO SECTION 16-4-105 (6) FOLLOWING AN ARREST FOR DRIVING UNDER THE
6 INFLUENCE OR DRIVING WHILE ABILITY IMPAIRED, THE COURT SHALL NOT
7 REQUIRE THE PERSON TO SUBMIT TO DRUG OR ALCOHOL MONITORING
8 OUTSIDE THE REQUIREMENTS OF THE TREATMENT PLAN.

9 **SECTION 3.** In Colorado Revised Statutes, 16-4-109, **add** (4.5)
10 as follows:

11 **16-4-109. Reduction or increase of monetary conditions of**
12 **bond - change in type of bond or conditions of bond - definitions.**

13 (4.5) WHEN A PERSON IS ORDERED TO PARTICIPATE IN A MEDICALLY
14 GUIDED TREATMENT PLAN FOR A SUBSTANCE USE DISORDER PURSUANT TO
15 SECTION 16-4-105 (7.5), AND THE COURT FINDS, FOLLOWING RECEIPT OF
16 A REPORT PURSUANT TO SECTION 16-4-118 (3)(b), THAT THE PERSON IS
17 SUBSTANTIALLY OUT OF COMPLIANCE WITH THE MEDICALLY GUIDED
18 TREATMENT PLAN OR IS ENGAGING IN OTHER BEHAVIOR RELATED TO A
19 SUBSTANCE USE DISORDER THAT PLACES THE PERSON IN DANGER OF
20 INJURY OR DEATH, THE COURT MAY ISSUE A WARRANT COMMANDING A
21 PEACE OFFICER TO BRING THE DEFENDANT BEFORE THE COURT WITHOUT
22 UNNECESSARY DELAY FOR A HEARING TO DETERMINE THE STEPS
23 NECESSARY TO ENSURE THE PERSON'S SAFETY AND THAT THE PERSON
24 COMPLIES WITH THE MEDICALLY GUIDED TREATMENT PLAN.

25 **SECTION 4. Effective date.** This act takes effect July 1, 2024.

26 **SECTION 5. Safety clause.** The general assembly finds,
27 determines, and declares that this act is necessary for the immediate

1 preservation of the public peace, health, or safety or for appropriations for
2 the support and maintenance of the departments of the state and state
3 institutions.