

CHAPTER 155

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 25-1172

BY REPRESENTATIVE(S) Camacho and Espenoza, Duran, Gilchrist;
also SENATOR(S) Amabile and Michaelson Jenet.

AN ACT

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

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

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

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

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

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

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

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(19.5) "Psychiatric residential treatment facility" means a facility that is licensed as a residential child care facility, as defined in section 26-6-903, that is not a hospital, and that provides inpatient psychiatric services for individuals who are less than twenty-one years of age under the direction of a physician licensed pursuant to article 240 of title 12, and that meets any other requirement established in rule by the state board. "PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY" INCLUDES A STATE-OWNED PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY AS DEFINED IN SECTION 26-6-903.

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

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

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

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

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

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

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

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

(6) "Restraint" means any method or device used to involuntarily limit freedom of movement, including bodily physical force, mechanical devices, or chemicals. Restraint must not be used as a form of discipline or to gain compliance from a student. If property damage might be involved, restraint may only be used when the

destruction of property could possibly result in bodily harm to the individual or another person. "Restraint" includes chemical restraint, mechanical restraint, and physical restraint. "Restraint" does not include:

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

SECTION 7. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 30, 2025