

ORDINANCE NO. 27

Series 2016

AN ORDINANCE AMENDING THE BRECKENRIDGE TOWN CODE CONCERNING IMMUNITY FOR PERSONS WHO SUFFER OR REPORT AN EMERGENCY DRUG OR ALCOHOL EVENT

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. Section 6-3F-2(D) of the Breckenridge Town Code is amended to read as follows:

D. An underage person is immune from arrest and prosecution under this subsection D if he or she establishes the following:

1. The underage person called 911 and reported in good faith that another underage person was in need of medical assistance due to alcohol consumption;
2. The underage person who called 911 provided his or her name to the 911 operator;
3. The underage person was the first person to make the 911 report; and
4. The underage person who made the 911 call remained on the scene with the underage person in need of medical assistance until assistance arrived and cooperated with medical assistance or law enforcement personnel on the scene.

The immunity described in this subsection D also extends to the underage person who was in need of medical assistance due to alcohol consumption if the conditions of said subsection D are satisfied.

Nothing in this subsection D shall be interpreted to prohibit the prosecution of a person for an offense other than a violation of this section 6-3F-2, or to limit the ability of the town attorney, municipal prosecutor, or a law enforcement officer to obtain or use evidence obtained from a report, recording, or any other statement provided pursuant to this subsection D to investigate and prosecute an offense.

Section 2. Section 6-3F-3(B) of the Breckenridge Town Code is amended to read as follows:

B. An underage person is immune from arrest and prosecution under this subsection B if he or she establishes the following:

1. The underage person called 911 and reported in good faith that another underage person was in need of medical assistance due to alcohol consumption;
2. The underage person who called 911 provided his or her name to the 911 operator;
3. The underage person was the first person to make the 911 report; and
4. The underage person who made the 911 call remained on the scene with the underage person in need of medical assistance until assistance arrived and cooperated with medical assistance or law enforcement personnel on the scene.

The immunity described in this subsection B also extends to the underage person who was in need of medical assistance due to alcohol consumption if the conditions of said subsection B are satisfied.

Nothing in this subsection B shall be interpreted to prohibit the prosecution of a person for an offense other than a violation of this section 6-3F-3, or to limit the ability of the town attorney, municipal prosecutor, or a law enforcement officer to obtain or use evidence obtained from a report, recording, or any other statement provided pursuant to this subsection B to investigate and prosecute an offense.

Section 3. Section 6-3F-16(E) of the Breckenridge Town Code is amended to read as

follows:

E. An underage person is immune from arrest and prosecution under this subsection E if he or she establishes the following:

1. The underage person called 911 and reported in good faith that another underage person was in need of medical assistance due to alcohol consumption;
2. The underage person who called 911 provided his or her name to the 911 operator;
3. The underage person was the first person to make the 911 report; and
4. The underage person who made the 911 call remained on the scene with the underage person in need of medical assistance until assistance arrived and cooperated with medical assistance or law enforcement personnel on the scene.

The immunity described in this subsection E also extends to the underage person who was in need of medical assistance due to alcohol consumption if the conditions of said Section E are satisfied.

Nothing in this subsection E shall be interpreted to prohibit the prosecution of a person for an offense other than this section 6-3F-16, or to limit the ability of the town attorney, municipal prosecutor, or a law enforcement officer to obtain or use evidence obtained from a report, recording, or any other statement provided pursuant to this subsection E to investigate and prosecute an offense.

Section 4. Section 6-3I-10 of the Breckenridge Town Code is amended to read as follows:

6-3I-10: IMMUNITY FOR PERSONS WHO SUFFER OR REPORT AN EMERGENCY DRUG OVERDOSE EVENT:

A. An underage person is immune from arrest and prosecution for an offense described in subsection C of this section if he or she establishes the following:

1. The underage person called 911 and reported in good faith that another underage person was in need of medical assistance due to marijuana consumption;
2. The underage person who called 911 provided his or her name to the 911 operator;
3. The underage person was the first person to make the 911 report; and
4. The underage person who made the 911 call remained on the scene with the underage person in need of medical assistance until assistance arrived and cooperated with medical assistance or law enforcement personnel on the scene.

B. The immunity described in subsection A of this section also extends to the underage person who was in need of medical assistance due to marijuana consumption if the conditions of said subsection A are satisfied.

C. The immunity described in subsection A of this section shall apply to any offense described in this article.

D. Nothing in this section shall be interpreted to prohibit the prosecution of a person for an offense other than the offenses described in subsection C of this section, or to limit the ability of the town attorney, municipal prosecutor, or a law enforcement officer to obtain or use evidence obtained from a report, recording, or any other statement provided pursuant to subsection A of this section to investigate and prosecute an offense.

Section 5. Except as specifically amended by this ordinance, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 6. The Town Council finds, determines, and declares that this ordinance is

necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

Section 7. The Town Council finds, determines, and declares that it has the power to adopt this ordinance pursuant to: (i) Section 31-15-103, C.R.S. (concerning municipal police powers); (ii) Section 31-15-401, C.R.S. (concerning municipal police powers); (iii) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (iv) the powers contained in the Breckenridge Town Charter.

Section 8. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN FULL this 27th day of September, 2016.

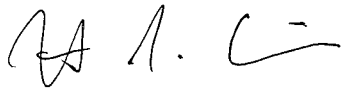
This ordinance was published in full on the Town of Breckenridge website on September 29, September 30, October 1, October 2 and October 3, 2016.

A public hearing on this ordinance was held on October 11, 2016.

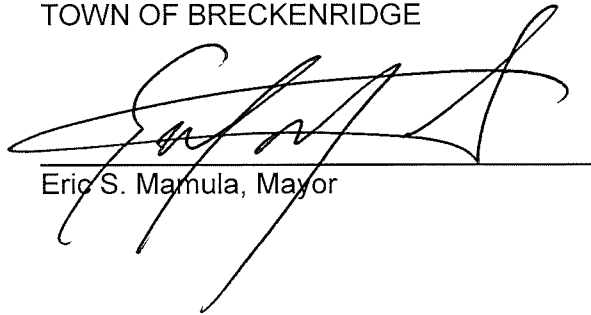
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE
TOWN'S WEBSITE this 11th day of October, 2016. A copy of this Ordinance is available for
inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

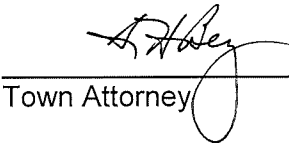


Helen Cospolich, Town Clerk



Eric S. Mamula, Mayor

APPROVED IN FORM



Town Attorney

10/11/16

Date

This Ordinance was published on the Town of Breckenridge website on October 12, October 13, October 14, October 15 and October 16, 2016. This ordinance shall become effective on November 15, 2016.