

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0200.01 Jane Ritter x4342

SENATE BILL 14-021

SENATE SPONSORSHIP

Tochtrop and King, Newell

HOUSE SPONSORSHIP

Wright, Rosenthal

Senate Committees

Judiciary
Appropriations

House Committees

Health, Insurance, & Environment
Legislative Council
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE TREATMENT OF PERSONS WITH MENTAL ILLNESS**
102 **WHO ARE INVOLVED IN THE CRIMINAL JUSTICE SYSTEMS, AND,**
103 **IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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>.)

Legislative Oversight Committee for the Continuing Examination of the Treatment of Persons with Mental Illness Who Are Involved in the Criminal and Juvenile Justice Systems. The bill extends the repeal date for the legislative oversight committee for the

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.

SENATE
3rd Reading Unamended
February 12, 2014

SENATE
Amended 2nd Reading
February 11, 2014

continuing examination of the treatment of persons with mental illness who are involved in the criminal and juvenile justice systems and associated task force from July 1, 2015, to July 1, 2020. The legislative oversight committee and task force are renamed the legislative oversight committee and task force concerning the treatment of persons with mental illness in the criminal and juvenile justice systems (oversight committee and task force), and the cash fund is renamed accordingly. Two new members are added to the task force, one from the office of the child's representative and one from the office of the alternate defense counsel. The task force is assigned additional duties. Authorization is granted to provide travel compensation and reimbursement for members of the task force, subject to available funds.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1.9-102, **amend**
3 (2) as follows:

4 **18-1.9-102. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (2) "Task force" means the task force ~~for the continuing~~
7 ~~examination of~~ CONCERNING the treatment of persons with mental illness
8 ~~who are involved~~ in the criminal and juvenile justice systems established
9 pursuant to section 18-1.9-104.

10 **SECTION 2.** In Colorado Revised Statutes, 18-1.9-103, **amend**
11 (1) (a), (1) (d), (2) (a), and (2) (c) (I) as follows:

12 **18-1.9-103. Legislative oversight committee concerning the**
13 **treatment of persons with mental illness in the criminal and juvenile**
14 **justice systems - creation - duties.** (1) **Creation.** (a) There is hereby
15 created a legislative oversight committee ~~for the continuing examination~~
16 ~~of~~ CONCERNING the treatment of persons with mental illness ~~who are~~
17 ~~involved~~ in the criminal and juvenile justice systems.

18 (d) (I) Notwithstanding the provisions of section 2-2-307, C.R.S.,
19 MEMBERS OF the committee may receive payment of per diem and

1 reimbursement for actual and necessary expenses authorized pursuant to
2 said section and any other direct or indirect costs associated with the
3 duties of the committee set forth in this article only from moneys
4 appropriated from the examination of the treatment of persons with
5 mental illness in the criminal justice system cash fund created in section
6 18-1.9-106 SECTION 2-2-307, C.R.S.

7 (II) The director of research of the legislative council and the
8 director of the office of legislative legal services may supply staff
9 assistance to the committee as they deem appropriate, within existing
10 appropriations. If staff assistance is not available within existing
11 appropriations, then the director of research of the legislative council and
12 the director of the office of legislative legal services may supply staff
13 assistance to the task force only if moneys are credited to the ~~examination~~
14 ~~of the~~ treatment of persons with mental illness in the criminal AND
15 JUVENILE justice ~~system~~ SYSTEMS cash fund created in section 18-1.9-106
16 in an amount sufficient to fund staff assistance.

17 (2) **Duties.** (a) ~~The committee shall meet at least once on or~~
18 ~~before August 1, 2004.~~ Beginning in 2005 and continuing each year
19 thereafter, ~~through 2014,~~ the committee shall meet at least three times
20 each year and at such other times as it deems necessary. ~~except that the~~
21 ~~committee shall not meet during the 2010 interim.~~

22 (c) (I) The committee shall submit a report to the general assembly
23 by January 15, 2005, ~~by each January 15 thereafter through January 15,~~
24 ~~2010, and by January 15, 2012,~~ and by each January 15 thereafter.
25 ~~through January 15, 2015.~~ The annual reports shall MUST summarize the
26 issues addressing the treatment of persons with mental illness who are
27 involved in the criminal and juvenile justice systems that have been

1 considered and ~~any~~ recommended legislative proposals, IF ANY.

2 **SECTION 3.** In Colorado Revised Statutes, 18-1.9-104, **amend**
3 (1) (a), (1) (c) introductory portion, (1) (c) (IV) introductory portion, (1)
4 (c) (XV), (2) (a) introductory portion, (2) (b) introductory portion, (2) (c)
5 introductory portion, (2) (e) introductory portion, (2) (f) introductory
6 portion, (3), and (5); and **add** (1) (c) (XVII), (1) (c) (XVIII), and (2) (g)
7 as follows:

8 **18-1.9-104. Task force concerning treatment of persons with**
9 **mental illness in the criminal and juvenile justice systems - creation**
10 **- membership - duties.** (1) **Creation.** (a) There is hereby created a task
11 force ~~for the continuing examination of the treatment of persons with~~
12 CONCERNING TREATMENT OF PERSONS WITH mental illness ~~who are~~
13 ~~involved~~ in the criminal and juvenile justice systems in Colorado. The
14 task force shall consist of ~~thirty~~ THIRTY-TWO members appointed as
15 provided in paragraphs (b) and (c) of this subsection (1).

16 (c) The chair and vice-chair of the committee shall appoint
17 ~~twenty-six~~ TWENTY-EIGHT members as follows:

18 (IV) ~~Six~~ FIVE members who represent the department of human
19 services, as follows:

20 (XV) One member who represents the department of health care
21 policy and financing; ~~and~~

22 (XVII) ONE MEMBER WHO REPRESENTS THE OFFICE OF THE CHILD'S
23 REPRESENTATIVE; AND

24 (XVIII) ONE MEMBER WHO REPRESENTS THE OFFICE OF THE
25 ALTERNATE DEFENSE COUNSEL.

26 (2) **Issues for study.** The task force shall examine the
27 identification, diagnosis, and treatment of persons with mental illness

1 who are involved in the state criminal and juvenile justice systems,
2 including an examination of liability, safety, and cost as they relate to
3 these issues. The task force shall specifically consider, but need not be
4 limited to, the following issues:

- 5 (a) On or before July 1, 2005: ~~the following issues:~~
- 6 (b) On or before July 1, 2006: ~~the following issues:~~
- 7 (c) On or before July 1, 2007: ~~the following issues:~~
- 8 (e) On or before July 1, 2009: ~~the following issues:~~
- 9 (f) Beginning July 1, 2011, through July 1, 2014, ~~the following~~
10 ~~issues:~~

- 11 (g) ON OR AFTER JULY 1, 2014:
 - 12 (I) HOUSING FOR A PERSON WITH MENTAL ILLNESS AFTER HIS OR
13 HER RELEASE FROM THE CRIMINAL OR JUVENILE JUSTICE SYSTEM;
 - 14 (II) MEDICATION CONSISTENCY, DELIVERY, AND AVAILABILITY;
 - 15 (III) BEST PRACTICES FOR SUICIDE PREVENTION, WITHIN AND
16 OUTSIDE OF CORRECTIONAL FACILITIES;
 - 17 (IV) TREATMENT OF CO-OCCURRING DISORDERS;
 - 18 (V) AWARENESS OF AND TRAINING FOR ENHANCED STAFF SAFETY,
19 INCLUDING EXPANDING TRAINING OPPORTUNITIES FOR PROVIDERS;
 - 20 (VI) ISSUES RELATED TO ADMINISTRATIVE SEGREGATION FOR
21 PERSONS WITH MENTAL ILLNESS, ESPECIALLY CONCERNING SAFETY AND
22 DIRECT RELEASE INTO THE COMMUNITY; AND
 - 23 (VII) ENHANCED DATA COLLECTION RELATED TO ISSUES
24 AFFECTING PERSONS WITH MENTAL ILLNESS IN THE CRIMINAL AND
25 JUVENILE JUSTICE SYSTEMS.

26 (3) **Additional duties of the task force.** The task force shall
27 provide guidance and make findings and recommendations to the

1 committee for its development of reports and legislative
2 recommendations for modification of the criminal and juvenile justice
3 systems, with respect to persons with mental illness who are involved in
4 these systems. In addition, the task force shall:

5 (a) On or before August 1, 2004, and by each August 1 thereafter,
6 ~~through August 1, 2013, except during the suspension of the committee~~
7 ~~during the 2010 interim,~~ select a chair and a vice-chair from among its
8 members;

9 (b) Meet at least six times each year, ~~from the date of the first~~
10 ~~meeting until January 1, 2015,~~ or more often as directed by the chair of
11 the committee; ~~except that the committee shall not meet during the 2010~~
12 ~~interim;~~

13 (c) Communicate with and obtain input from groups throughout
14 the state affected by the issues identified in subsection (2) of this section;

15 (d) Create subcommittees as needed to carry out the duties of the
16 task force. The subcommittees may consist, in part, of persons who are
17 not members of the task force. Such persons may vote on issues before
18 the subcommittee but shall not be entitled to a vote at meetings of the task
19 force.

20 (e) Submit a report to the committee by October 1, 2004, and by
21 each October 1 thereafter, ~~through October 1, 2009, and by October 1,~~
22 ~~2011, and by each October 1 thereafter through October 1, 2014,~~ THAT,
23 at a minimum, ~~specifying the following~~ SPECIFIES:

24 (I) Issues to be studied in upcoming task force meetings and a
25 prioritization of those issues;

26 (II) Findings and recommendations regarding issues of prior
27 consideration by the task force;

1 (III) Legislative proposals of the task force that identify the policy
2 issues involved, the agencies responsible for the implementation of the
3 changes, and the funding sources required for such implementation.

4 (5) **Compensation.** Members of the task force shall serve without
5 compensation. HOWEVER, MEMBERS OF THE TASK FORCE APPOINTED
6 PURSUANT TO SUBPARAGRAPH (XIV) OF PARAGRAPH (c) OF SUBSECTION
7 (1) OF THIS SECTION MAY RECEIVE REIMBURSEMENT FOR ACTUAL AND
8 NECESSARY EXPENSES ASSOCIATED WITH THEIR DUTIES ON THE TASK
9 FORCE.

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11 **SECTION 4.** In Colorado Revised Statutes, 18-1.9-105, **amend**
12 (2) as follows:

13 **18-1.9-105. Task force funding - staff support.** (2) The director
14 of research of the legislative council, the director of the office of
15 legislative legal services, the director of the division of criminal justice
16 within the department of public safety, and the executive directors of the
17 departments represented on the task force may supply staff assistance to
18 the task force as they deem appropriate within existing appropriations. If
19 staff assistance is not available from a governmental agency within
20 existing appropriations, then the executive directors of the departments
21 represented on the task force, the director of research of the legislative
22 council, and the director of the office of legislative legal services may
23 supply staff assistance to the task force only if moneys are credited to the
24 ~~examination of the~~ treatment of persons with mental illness in the
25 criminal AND JUVENILE justice system SYSTEMS cash fund created in
26 section 18-1.9-106 in an amount sufficient to fund staff assistance. The
27 task force may also accept staff support from the private sector.

1 **SECTION 5. In Colorado Revised Statutes, 18-1.9-106, amend**
2 **(1); and add (1.5) as follows:**

3 **18-1.9-106. Treatment of persons with mental illness in the**
4 **criminal and juvenile justice systems cash fund - repeal.** (1) All
5 private and public funds received through grants, contributions, and
6 donations pursuant to this article shall be transmitted to the state treasurer,
7 who shall credit the same to the ~~examination of the~~ treatment of persons
8 with mental illness in the criminal AND JUVENILE justice ~~system~~ SYSTEMS
9 cash fund, which fund is hereby created and referred to in this section as
10 the "fund". The moneys in the fund shall be subject to annual
11 appropriation by the general assembly for the direct and indirect costs
12 associated with the implementation of this article. All moneys in the fund
13 not expended for the purpose of this article may be invested by the state
14 treasurer as provided by law. All interest and income derived from the
15 investment and deposit of moneys in the fund shall be credited to the
16 fund. Any unexpended and unencumbered moneys remaining in the fund
17 at the end of a fiscal year shall remain in the fund and shall not be
18 credited or transferred to the general fund or another fund. All
19 unexpended and unencumbered moneys remaining in the fund as of July
20 1, ~~2015~~ 2020, shall be transferred to the general fund.

21 (1.5) (a) ALL UNEXPENDED AND UNENCUMBERED MONEYS
22 REMAINING IN THE EXAMINATION OF THE TREATMENT OF PERSONS WITH
23 MENTAL ILLNESS IN THE CRIMINAL JUSTICE SYSTEM CASH FUND AS OF JULY
24 1, 2014, SHALL BE TRANSFERRED TO THE TREATMENT OF PERSONS WITH
25 MENTAL ILLNESS IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS CASH
26 FUND.

27 (b) THIS SUBSECTION (1.5) IS REPEALED, EFFECTIVE JULY 1, 2015.

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SECTION 6. In Colorado Revised Statutes, **amend** 18-1.9-107 as follows:

18-1.9-107. Repeal of article. This article is repealed, effective July 1, ~~2015~~ 2020.

SECTION 7. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the legislative department, for the fiscal year beginning July 1, 2014, the sum of \$3,366, or so much thereof as may be necessary, to be allocated for per diem and reimbursement of members of the legislative oversight committee created in section 18-1.9-103, Colorado Revised Statutes.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of human services, for the fiscal year beginning July 1, 2014, the sum of \$3,746, or so much thereof as may be necessary, to be allocated to the executive director's office for reimbursement of members of the task force concerning treatment of persons with mental illness in the criminal and juvenile justice systems created in section 18-1.9-104, Colorado Revised Statutes.

SECTION 8. Effective date. This act takes effect July 1, 2014.

SECTION 9. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.