

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0150.01 Jerry Barry x4341

SENATE BILL 17-021

SENATE SPONSORSHIP

Martinez Humenik,

HOUSE SPONSORSHIP

Singer,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING REENTRY SERVICES FOR PERSONS WITH MENTAL ILLNESS
102 IN THE CRIMINAL JUSTICE SYSTEM, AND, IN CONNECTION
103 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://leg.colorado.gov/>.)

Legislative Oversight Committee Concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems. The bill directs the division of housing in the department of local affairs to establish a program to provide vouchers and supportive services to persons with a mental illness who are being released from 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.

department of corrections (DOC) or jails. The program is funded by general fund appropriations and from money unspent by the division of criminal justice (CDPS) for community corrections programs in the previous fiscal year.

The bill directs the behavioral health unit in the department of human services, in conjunction with the DOC, to implement reentry programs to assist persons with a mental illness who are transitioning from incarceration. If necessary, the programs may receive money from the community corrections appropriation to CDPS.

The bill appropriates \$2.7 million to the department of local affairs.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Individuals with serious mental illness number fewer than four
5 in every 100 American adults but occupy at least one in five of America's
6 prison and jail beds; whereas, in the community, only 11.7 state hospital
7 beds remain per 100,000 people, leaving the state with fewer hospital
8 beds per capita than at any time since before the nation stopped
9 criminalizing mental illness in the 1850s;

10 (b) Inmates with a mental illness spend five and a half times
11 longer in custody than the average inmate;

12 (c) In 2010, the department of corrections and county jail systems
13 spent \$93 million of taxpayers' money on mental health services. This
14 amounts to \$2,083 per prisoner for mental health services. In that same
15 year, only 53% of the state's known behavioral health expenditures were
16 spent through the formal public health system, the remainder being spent
17 through the prison and jail system, child welfare system, and hospitals.

18 (d) Correctional facilities and county jails are not designed and do
19 not have the resources to handle or treat persons with a mental illness but

1 have become de facto mental health institutions;

2 (e) Inmates with mental illnesses are frequently released into the
3 community after incarceration homeless and with no or insufficient
4 supportive services; and

5 (f) Housing alone is not sufficient to improve outcomes; however,
6 supportive housing models with specific support services are critical to
7 success in reducing recidivism of people with mental illnesses
8 transitioning between homelessness and incarceration.

9 **SECTION 2.** In Colorado Revised Statutes, **add 24-32-723.5** as
10 follows:

11 **24-32-723.5. Housing assistance for a person with a serious**
12 **mental illness in the criminal justice system - cash fund - definition.**

13 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
14 REQUIRES, "PERSON WITH A SERIOUS MENTAL ILLNESS" MEANS AN
15 INDIVIDUAL WHO HAS OR, AT ANY TIME DURING THE PREVIOUS TWELVE
16 MONTHS, HAD A DIAGNOSABLE MENTAL, BEHAVIORAL, OR EMOTIONAL
17 DISORDER OF SUFFICIENT DURATION TO MEET DIAGNOSTIC CRITERIA
18 SPECIFIED WITHIN THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL
19 DISORDERS, RESULTING IN FUNCTIONAL IMPAIRMENT THAT INTERFERES
20 WITH OR LIMITS ONE OR MORE MAJOR LIFE ACTIVITIES.

21 (2) IN CONJUNCTION WITH ITS OTHER PROGRAMS TO PROVIDE
22 ASSISTANCE IN OBTAINING HOUSING, THE DIVISION SHALL ESTABLISH A
23 PROGRAM THAT PROVIDES VOUCHERS AND OTHER SUPPORT SERVICES FOR
24 HOUSING ASSISTANCE FOR A HOMELESS PERSON WITH A SEVERE MENTAL
25 ILLNESS OR CO-OCCURRING BEHAVIORAL HEALTH DISORDER WHO IS
26 TRANSITIONING FROM THE DEPARTMENT OF CORRECTIONS OR A COUNTY
27 JAIL INTO THE COMMUNITY.

1 PERSONS WITH SEVERE MENTAL ILLNESSES OR CO-OCCURRING
2 BEHAVIORAL HEALTH DISORDERS PRIOR TO AND AFTER RELEASE FROM THE
3 DEPARTMENT OF CORRECTIONS OR COUNTY JAILS. THE PURPOSE OF THE
4 PROGRAMS IS TO ASSIST OFFENDERS WITH REENTRY INTO SOCIETY BASED
5 UPON THE ASSESSED NEED AND SUITABILITY OF INDIVIDUAL OFFENDERS
6 FOR SUCH SERVICES. THE UNIT SHALL DESIGN EACH REENTRY PROGRAM TO
7 REDUCE THE POSSIBILITY OF EACH OFFENDER RETURNING TO A
8 CORRECTIONAL FACILITY OR JAIL, TO ASSIST EACH OFFENDER IN
9 REHABILITATION, AND TO PROVIDE EACH OFFENDER WITH LIFE
10 MANAGEMENT SKILLS THAT ALLOW HIM OR HER TO FUNCTION
11 SUCCESSFULLY IN SOCIETY.

12 (3) SUBJECT TO APPROPRIATIONS, THE UNIT SHALL DEVELOP AND
13 IMPLEMENT INITIATIVES SPECIFICALLY DESIGNED TO ASSIST EACH
14 OFFENDER'S TRANSITION FROM A CORRECTIONAL FACILITY OR JAIL INTO
15 THE COMMUNITY. AN INITIATIVE DEVELOPED AND IMPLEMENTED
16 PURSUANT TO THIS SUBSECTION (3) MAY INCLUDE, BUT NEED NOT BE
17 LIMITED TO, THE FOLLOWING COMPONENTS:

- 18 (a) HOUSING VOUCHERS;
- 19 (b) SUPPORTIVE EMPLOYMENT SERVICES;
- 20 (c) MEDICAID ENROLLMENT SERVICES;
- 21 (d) MENTAL HEALTH TREATMENT SERVICES INCLUDING
22 PSYCHIATRIC AND COUNSELING SERVICES;
- 23 (e) CASE MANAGEMENT SERVICES;
- 24 (f) MEDICATION MONITORING;
- 25 (g) PEER SPECIALIST SUPPORT; AND
- 26 (h) POSITIVE RECREATIONAL ACTIVITIES.

27 **SECTION 4.** In Colorado Revised Statutes, 17-27-108, **amend**

1 (5); and **add** (7) as follows:

2 **17-27-108. Division of criminal justice of the department of**
3 **public safety - duties - community corrections contracts.** (5) The
4 division of criminal justice is authorized to transfer up to ten percent of
5 annual appropriations among or between line items for community
6 corrections program services OR THE REENTRY INITIATIVE DESCRIBED IN
7 SECTION 27-70-101 (3). Advance notice of such transfers shall be
8 provided to the general assembly, the governor, the executive director of
9 the department of corrections, and the chief justice of the supreme court.

10 (7) NOTWITHSTANDING ANY LAW TO THE CONTRARY, ON AND
11 AFTER JULY 1, 2016, ANY MONEY APPROPRIATED FROM THE GENERAL
12 FUND TO THE DIVISION OF CRIMINAL JUSTICE FOR THE PURPOSES OF THIS
13 ARTICLE THAT IS UNEXPENDED OR UNENCUMBERED AS OF THE CLOSE OF
14 THAT FISCAL YEAR SHALL NOT REVERT TO THE GENERAL FUND, AND THE
15 STATE TREASURER AND THE CONTROLLER SHALL TRANSFER SUCH MONEY
16 TO THE HOUSING ASSISTANCE FOR PERSONS TRANSITIONING FROM
17 INCARCERATION CASH FUND CREATED PURSUANT TO SECTION 24-32-723.5
18 (3).

19 **SECTION 5. Appropriation.** For the 2017-18 state fiscal year,
20 \$2,700,000 is appropriated to the department of local affairs for use by
21 the division of housing. This appropriation is from the general fund. To
22 implement this act, the division may use this appropriation to provide
23 housing assistance to persons described in section 24-32-723.5, C.R.S.

24 **SECTION 6. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.