

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 14-0091.01 Michael Dohr x4347

SENATE BILL 14-064

SENATE SPONSORSHIP

Ulibarri, Guzman

HOUSE SPONSORSHIP

Salazar,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING RESTRICTING THE USE OF LONG-TERM ISOLATED**
102 **CONFINEMENT FOR INMATES WITH SERIOUS MENTAL ILLNESS,**
103 **AND, IN CONNECTION THEREWITH, MAKING AND REDUCING**
104 **APPROPRIATIONS.**

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>.)

The bill requires the department of corrections to review the status of all offenders held in long-term isolated confinement within 90 days

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
April 14, 2014

SENATE
Amended 2nd Reading
April 11, 2014

after the effective date of the bill. If the review determines that the offender is seriously mentally ill, the department shall move the offender from long-term isolated confinement to a mental health step-down unit, a prison mental hospital, or other appropriate housing that does not include long-term isolated confinement. The department may not place a seriously mentally ill offender in long-term isolated confinement and must do a mental health evaluation prior to placing an inmate in long-term isolated confinement prior to placement to determine whether the placement is allowed.

The bill dictates the type and manner that discipline is applied to seriously mentally ill inmates. The bill provides seriously mentally ill inmates with the opportunity for therapy and out-of-cell time.

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

2 **SECTION 1. In Colorado Revised Statutes, add 17-1-113.8 as**
3 **follows:**

4 **17-1-113.8. Persons with serious mental illness - long-term**
5 **isolated confinement - work group. (1) THE DEPARTMENT SHALL NOT**
6 **PLACE A PERSON WITH SERIOUS MENTAL ILLNESS IN LONG-TERM ISOLATED**
7 **CONFINEMENT EXCEPT WHEN EXIGENT CIRCUMSTANCES ARE PRESENT.**

8 **(2) (a) THERE IS HEREBY ESTABLISHED WITHIN THE DEPARTMENT**
9 **A SERIOUS MENTAL ILLNESS IN LONG-TERM ISOLATED CONFINEMENT WORK**
10 **GROUP, REFERRED TO IN THIS SECTION AS THE "WORK GROUP". THE WORK**
11 **GROUP CONSISTS OF:**

12 **(I) THE DEPUTY EXECUTIVE DIRECTOR OF THE DEPARTMENT, OR**
13 **HIS OR HER DESIGNEE, WHO SHALL CONVENE AND SERVE AS THE CHAIR OF**
14 **THE WORK GROUP;**

15 **(II) THE DIRECTOR OF CLINICAL AND CORRECTIONAL SERVICES,**
16 **WITHIN THE DEPARTMENT, OR HIS OR HER DESIGNEE;**

17 **(III) THE DIRECTOR OF PRISONS, WITHIN THE DEPARTMENT, OR HIS**
18 **OR HER DESIGNEE;**

19 **(IV) THE CHIEF OF PSYCHIATRY, WITHIN THE DEPARTMENT, OR HIS**

1 OR HER DESIGNEE;

2 (V) THE DIRECTOR OF BEHAVIORAL HEALTH, WITHIN THE
3 DEPARTMENT, OR HIS OR HER DESIGNEE;

4 (VI) TWO REPRESENTATIVES FROM A NONPROFIT PRISONERS'
5 RIGHTS ADVOCACY GROUP, ONE WHO IS APPOINTED BY THE SPEAKER OF
6 THE HOUSE OF REPRESENTATIVES AND ONE WHO IS APPOINTED BY THE
7 PRESIDENT OF THE SENATE; AND

8 (VII) TWO MENTAL HEALTH PROFESSIONALS INDEPENDENT FROM
9 THE DEPARTMENT WITH PARTICULAR KNOWLEDGE OF PRISONS AND
10 CONDITIONS OF CONFINEMENT, ONE WHO IS APPOINTED BY THE SPEAKER
11 OF THE HOUSE OF REPRESENTATIVES AND ONE WHO IS APPOINTED BY THE
12 PRESIDENT OF THE SENATE.

13 (b) (I) THE WORK GROUP SHALL ADVISE THE DEPARTMENT ON
14 POLICIES AND PROCEDURES RELATED TO THE PROPER TREATMENT AND
15 CARE OF OFFENDERS WITH SERIOUS MENTAL ILLNESS IN LONG-TERM
16 ISOLATED CONFINEMENT, WITH A FOCUS ON PERSONS WITH SERIOUS
17 MENTAL ILLNESS IN LONG-TERM ISOLATED CONFINEMENT.

18 (II) THE WORK GROUP HAS THE POWER TO REQUEST, ON A PERIODIC
19 BASIS, INFORMATION AND DATA FROM THE DEPARTMENT ON THE STATUS
20 OF THE DEPARTMENT'S WORK ON THE SUBJECT MATTER OF THE WORK
21 GROUP.

22 (c) THE CHAIR OF THE WORK GROUP SHALL CONVENE THE WORK
23 GROUP'S FIRST MEETING NO LATER THAN JULY 1, 2014, AND THE WORK
24 GROUP MUST MEET AT LEAST SEMI-ANNUALLY THEREAFTER. THE CHAIR
25 SHALL SCHEDULE AND CONVENE THE WORK GROUP'S MEETINGS.

26 (d) THE CHAIR SHALL PROVIDE THE WORK GROUP WITH
27 QUARTERLY UPDATES ON THE DEPARTMENT'S POLICIES RELATED TO THE

1 WORK GROUP'S SUBJECT AREA.

2 **SECTION 2. Appropriation.** (1) For the implementation of this
3 act, the general fund appropriation made in the annual general
4 appropriation act to the controlled maintenance trust fund created in
5 section 24-75-302.5 (2) (a), Colorado Revised Statutes, for the fiscal year
6 beginning July 1, 2014, is decreased by \$1,565,025.

7 (2) In addition to any other appropriation, there is hereby
8 appropriated, out of any moneys in the general fund not otherwise
9 appropriated, to the department of corrections, for the fiscal year
10 beginning July 1, 2014, the sum of \$1,565,025 and 24.0 FTE, or so much
11 thereof as may be necessary, to be allocated for the implementation of this
12 act as follows:

13 (a) \$144,142 for health, life, and dental to be allocated to the
14 executive director's office subprogram;

15 (b) \$2,439 for short term disability to be allocated to the executive
16 director's office subprogram;

17 (c) \$44,343 for amortization equalization disbursement to be
18 allocated to the executive director's office subprogram;

19 (d) \$41,572 for supplemental amortization equalization
20 disbursement to be allocated to the executive director's office
21 subprogram;

22 (e) \$600 for operating expenses to be allocated to the inspector
23 general subprogram;

24 (f) \$763,036 and 17.0 FTE for personal services to be allocated to
25 the housing and security subprogram;

26 (g) \$38,455 for start-up costs to be allocated to the superintendents
27 subprogram;

1 (h) \$474,117 and 7.0 FTE for personal services to be allocated to
2 the mental health subprogram;

3 (i) \$12,000 for operating expenses to be allocated to the mental
4 health subprogram;

5 (j) \$32,921 for start-up costs to be allocated to the mental health
6 subprogram;

7 (k) \$10,800 for operating expenses to be allocated to the
8 communications subprogram; and

9 (l) \$600 for operating expenses to be allocated to the training
10 subprogram.

11 **SECTION 3. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.