

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

April 14, 2022

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB22-196 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 6, after line 7 insert:

2 "(7) "REVIEW COMMITTEE" MEANS THE EARLY INTERVENTION,
3 DEFLECTION, AND REDIRECTION FROM THE CRIMINAL JUSTICE SYSTEM
4 GRANT REVIEW COMMITTEE CREATED IN SECTION 27-60-403."

5 Page 6, lines 23 and 24, strike "UNDERGOING COMPETENCY RESTORATION
6 IN OUTPATIENT SETTINGS," and substitute "ENGAGED IN COMPETENCY
7 EVALUATION OR RESTORATION IN ANY SETTING,".

8 Page 7, strike lines 8 through 11 and substitute:

9 "(c) TO FUND ENHANCED STAFFING, FACILITY IMPROVEMENTS, OR
10 SECURITY MEASURES FOR EXISTING CRISIS WALK-IN CENTERS, CRISIS
11 STABILIZATION UNITS, MOBILE CRISIS SERVICES, OR CRISIS RESPITE
12 SERVICES, AS DESCRIBED IN SECTION 27-60-103 (1)(b), AND WITHDRAWAL
13 MANAGEMENT PROGRAMS AT FACILITIES APPROVED PURSUANT TO ARTICLE
14 81 OF THIS TITLE 27. A CRISIS WALK-IN CENTER MUST USE A GRANT AWARD
15 TO ENABLE THE CRISIS WALK-IN CENTER TO ACCEPT ALL BEHAVIORAL
16 HEALTH RELATED FIRST RESPONDER DROP-OFFS AND PROVIDE CRISIS
17 RECEIVING AND STABILIZATION SERVICES. GRANTS AWARDED FOR CRISIS
18 STABILIZATION UNITS, MOBILE CRISIS SERVICES, CRISIS RESPITE SERVICES,
19 AND WITHDRAWAL MANAGEMENT PROGRAMS MUST BE USED TO".

20 Page 8, after line 5 insert:

21 "(g) TO SUPPORT, CREATE, OR EXPAND PROGRAMS TO HELP PEOPLE
22 WHO HAVE A PENDING MUNICIPAL CRIMINAL CASE ATTEND THEIR COURT
23 DATES AND AVOID JAIL FOR NON-APPEARANCE, SUCH AS THROUGH COURT
24 REMINDERS, RIDE ASSISTANCE, OR OTHER SUPPORTIVE INTERVENTIONS. A
25 PROGRAM THAT OPERATES WITH GRANT MONEY MUST SERVE A

1 SUBSTANTIAL NUMBER OF PEOPLE WITH BEHAVIORAL HEALTH NEEDS.".

2 Reletter succeeding paragraphs accordingly.

3 Page 9, line 25, strike "MATCHING RESOURCES" and substitute
4 "CONTRIBUTING FUNDS OR IN-KIND CONTRIBUTING RESOURCES".

5 Page 9, line 26, strike "(3)" and substitute "(4)".

6 Page 11, line 5, strike "(2)" and substitute "(3)".

7 Page 11, strike lines 8 through 10 and substitute:
8 "(2) (a) THERE IS CREATED IN THE BHA AN EARLY INTERVENTION,
9 DEFLECTION, AND REDIRECTION FROM THE CRIMINAL JUSTICE SYSTEM
10 GRANT REVIEW COMMITTEE TO REVIEW GRANT APPLICATIONS AND MAKE
11 RECOMMENDATIONS TO THE BHA AND DEPARTMENT OF PUBLIC SAFETY.
12 THE COMMISSIONER OF THE BHA SHALL ENSURE THAT THE COMPOSITION
13 OF THE COMMITTEE IS RACIALLY, ETHNICALLY, AND GEOGRAPHICALLY
14 DIVERSE AND REPRESENTATIVE OF COMMUNITIES MOST IMPACTED BY THE
15 CRIMINAL JUSTICE SYSTEM. THE COMMITTEE CONSISTS OF THE FOLLOWING
16 MEMBERS:
17 (I) THE COMMISSIONER OF THE BHA OR THE COMMISSIONER'S
18 DESIGNEE;
19 (II) THE DIRECTOR OF THE DIVISION OF CRIMINAL JUSTICE OR THE
20 DIRECTOR'S DESIGNEE;
21 (III) THE FOLLOWING INDIVIDUALS APPOINTED BY THE
22 COMMISSIONER OF THE BHA, IN CONSULTATION WITH THE DIRECTOR OF
23 THE DIVISION OF CRIMINAL JUSTICE WITHIN THE DEPARTMENT OF PUBLIC
24 SAFETY:
25 (A) TWO CLINICIANS WITH EXPERIENCE PROVIDING BEHAVIORAL
26 HEALTH TREATMENT SERVICES TO INDIVIDUALS WHO HAVE BEEN
27 INVOLVED IN THE CRIMINAL JUSTICE SYSTEM, ONE OF WHOM MUST
28 SPECIALIZE IN SUBSTANCE ABUSE DISORDER TREATMENT, WHO ALSO HAVE
29 EXPERIENCE PROVIDING CULTURALLY RESPONSIVE TREATMENT IN
30 COMMUNITIES OF COLOR AND OTHER UNDERSERVED POPULATIONS;
31 (B) A RESEARCHER FROM AN INSTITUTION OF HIGHER EDUCATION
32 WITH A BACKGROUND IN EFFECTIVE INTERVENTIONS THAT PREVENT OR
33 REDIRECT PEOPLE WITH A BEHAVIORAL HEALTH DISORDER FROM BEING
34 INVOLVED WITH THE CRIMINAL JUSTICE SYSTEM;
35 (C) A PERSON WHO WAS IMPACTED BY THE CRIMINAL JUSTICE
36 SYSTEM, EITHER PERSONALLY OR THROUGH A FAMILY MEMBER, AND THE
37 PERSON OR THE FAMILY MEMBER HAD BEHAVIORAL HEALTH NEEDS WHILE
38 INVOLVED IN THE CRIMINAL JUSTICE SYSTEM;

- 1 (D) A VICTIM'S ADVOCATE WITH EXPERIENCE IN PROVIDING
2 CULTURALLY RESPONSIVE SERVICES IN COMMUNITIES OF COLOR, OR A
3 REPRESENTATIVE FROM A COMMUNITY-BASED VICTIM SERVICES
4 ORGANIZATION THAT SPECIALIZES IN SERVING VICTIMS OF COLOR;
- 5 (E) A REPRESENTATIVE OF A FEDERALLY RECOGNIZED INDIAN
6 TRIBE WITH JURISDICTION IN COLORADO;
- 7 (F) A MEMBER OF LAW ENFORCEMENT THAT HAS PARTICIPATED IN
8 CO-RESPONDER COMMUNITY RESPONSE, AS DEFINED IN SECTION
9 24-32-3501 (8);
- 10 (G) A PUBLIC DEFENDER OR PRIVATE CRIMINAL DEFENSE
11 ATTORNEY WITH EXPERIENCE REPRESENTING PEOPLE WITH A BEHAVIORAL
12 HEALTH DISORDER; AND
- 13 (H) A PROSECUTOR WITH EXPERIENCE OPERATING A DIVERSION
14 PROGRAM SPECIFICALLY FOR INDIVIDUALS WITH A BEHAVIORAL HEALTH
15 DISORDER.
- 16 (b) MEMBERS OF THE COMMITTEE SERVE WITHOUT COMPENSATION
17 AND WITHOUT REIMBURSEMENT FOR EXPENSES.
- 18 (c) THE COMMITTEE SHALL REVIEW APPLICATIONS FOR GRANTS
19 SUBMITTED PURSUANT TO THIS SECTION AND MAKE RECOMMENDATIONS
20 TO THE BHA AND DEPARTMENT OF PUBLIC SAFETY ABOUT WHICH
21 APPLICANTS SHOULD RECEIVE GRANTS AND THE AMOUNT OF EACH GRANT.
- 22 (3) AFTER RECEIVING AND REVIEWING RECOMMENDATIONS FROM
23 THE REVIEW COMMITTEE AND AFTER CONSULTATION WITH DEPARTMENT
24 OF PUBLIC SAFETY, THE BHA SHALL AWARD GRANTS. IN ADDITION TO
25 CONSIDERING THE RECOMMENDATIONS OF THE REVIEW COMMITTEE AND
26 AFTER".

27 Renumber succeeding subsections accordingly.

28 Page 11, strike lines 20 through 22 and substitute:

29 "(3) THE BHA SHALL ONLY AWARD GRANTS TO APPLICANTS THAT
30 OFFER A MONETARY CONTRIBUTION OR IN-KIND CONTRIBUTIONS THAT
31 DIRECTLY SUPPORT THE SERVICES PROVIDED WITH A GRANT AWARD. IN
32 DETERMINING THE AMOUNT OF CONTRIBUTING RESOURCES REQUIRED FOR
33 AN APPLICANT, THE BHA SHALL CONSIDER THE SIZE OF THE APPLICANT
34 ORGANIZATION, INCLUDING AVAILABLE STAFF AND ANNUAL OPERATING
35 BUDGET. THE BHA MAY WAIVE THE CONTRIBUTING RESOURCES
36 REQUIREMENT FOR AN APPLICANT THAT IS REQUESTING A GRANT AWARD
37 OF LESS THAN FIFTY THOUSAND DOLLARS."

38 Page 15, line 5, strike "FOR ALLOCATION TO DISTRICT ATTORNEYS".

39 Page 15, line 11 strike "EXPENSES RELATED TO" and substitute "EXPENSES."

1 THE GENERAL ASSEMBLY INTENDS THAT A PROGRAM THAT RECEIVES
2 MONEY APPROPRIATED PURSUANT TO THIS SUBSECTION (11) CONSIDERS
3 DIVERSION FOR INDIVIDUALS WITH BEHAVIORAL HEALTH DISORDERS."

4 Page 15 strike lines 12 and 13.

5 Page 15, after line 14 insert:

6 "SECTION 5. In Colorado Revised Statutes, 13-3-115, **amend**
7 (5)(d); and **add** (5)(f) and (5)(g) as follows:

8 **13-3-115. Diversion funding committee.** (5) A district attorney
9 who receives funding pursuant to this section shall collect data and
10 provide a status report to the judicial department by a date prescribed by
11 the committee that includes but is not limited to:

12 (d) Participant status, including the number of people ~~that~~ WHO
13 have successfully completed the diversion program, the number of people
14 still under active supervision in the diversion program, the number of
15 people terminated from the diversion program, and the reason for their
16 termination; **and**

17 (f) THE NUMBER OF PEOPLE SCREENED FOR BEHAVIORAL HEALTH
18 TREATMENT; AND

19 (g) THE NUMBER OF PEOPLE REFERRED TO BEHAVIORAL HEALTH
20 TREATMENT."

21 Renumber succeeding sections accordingly.

22 Page 18, line 3, strike "MAY" and substitute "SHALL, SUBJECT TO
23 AVAILABLE RESOURCES,".

24 Page 18, line 10, after the period insert "IF THE STATE DEPARTMENT
25 RECEIVES FEDERAL APPROVAL, THE STATE DEPARTMENT, SUBJECT TO
26 AVAILABLE RESOURCES, SHALL PROVIDE THE BENEFITS DESCRIBED IN THIS
27 SUBSECTION (1).".

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