

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

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LLS NO. 18-####.## Jane Ritter x4342

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: "Redirection Crim Jus Behavioral Health"

A BILL FOR AN ACT

101 **CONCERNING ESTABLISHING ALTERNATIVE PROGRAMS IN THE**
102 **CRIMINAL JUSTICE SYSTEM TO REDIRECT INDIVIDUALS WITH A**
103 **BEHAVIORAL HEALTH CONDITION TO COMMUNITY TREATMENT.**

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/>.)

Joint Budget Committee. The bill directs the chief judge of each judicial district in the state or the chief judge of Denver county court, or their designees (chief judge), to work with interested stakeholders to

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

develop alternative programs that are unique to the judicial district that redirect individuals with low-level criminal behavior with a behavioral health condition to community resources and treatment rather than continued criminal justice involvement (program). Interested stakeholders must include law enforcement, jail officials, district attorneys, public defenders, judges, pretrial service providers when available, and local community mental and behavioral health providers within the judicial district.

The chief judges shall convene stakeholder meetings to design and develop programs, contract with local community behavioral health providers to assist in accomplishing the goals of the programs, and administer the programs after implementation.

Each program must include a standardized, evidence-based screening tool to be used by jail personnel to preliminarily identify individuals in custody who might be eligible for redirection through the program. Each program must identify existing programs and resources available for individuals with behavioral health conditions. After the prescreening, designated jail personnel shall refer individuals who might potentially be eligible for the program to a redirection specialist in the judicial district who shall, within 48 hours after arrest, evaluate the individual for eligibility based on established criteria. Upon completion of the evaluation, the redirection specialist shall notify the court and all other required parties, as determined by the program, of the evaluation results and the redirection specialist's recommendation for redirection.

Information collected from or about the individual during either the prescreening or evaluation must be kept confidential as required by law.

The court shall make a determination about redirecting an individual into the community behavioral health system. If the court orders the individual into redirection and behavioral health treatment, the criminal charges against the individual must be dismissed. Each judicial district shall establish procedures and agreements concerning how to track such individual's progress.

Local community behavioral health providers are responsible for complying with any reporting and communication requirements of the program as established by the stakeholders.

The state court administrator is responsible for overall program administration, including ensuring that, on or before January 1, 2019, each judicial district implements its own unique program.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 18-1.3-101.5 as

1 follows:

2 **18-1.3-101.5. Alternative programs to redirect individuals**
3 **with a behavioral health condition - legislative intent - eligibility -**
4 **process of redirection - funding - program management - definitions.**

5 (1) THE INTENT OF THIS SECTION IS TO DEVELOP AND FACILITATE
6 PRE-PLEA LOCAL-LEVEL BEHAVIORAL HEALTH PROGRAMS IN JUDICIAL
7 DISTRICTS THROUGHOUT COLORADO THAT WILL IDENTIFY INDIVIDUALS
8 WITH BEHAVIORAL HEALTH CONDITIONS AND REDIRECT OFFENDERS WITH
9 LOW-LEVEL CRIMINAL BEHAVIOR OUT OF THE CRIMINAL JUSTICE SYSTEM
10 AND INTO TREATMENT IN THE COMMUNITY BEHAVIORAL HEALTH SYSTEM.
11 THE GOALS OF THE PROGRAMS ARE TO REDUCE CRIMINAL RECIDIVISM
12 THROUGH EARLY REDIRECTION OF INDIVIDUALS INTO TREATMENT, REDUCE
13 COSTS ASSOCIATED WITH CONTINUED INCARCERATION, AND DECREASE THE
14 NEED FOR CRIMINAL JUSTICE INVOLVEMENT. REDIRECTION SPECIALISTS
15 SHALL PARTNER WITH LAW ENFORCEMENT ENTITIES AND THE JUDICIAL
16 DEPARTMENT TO IDENTIFY INDIVIDUALS ARRESTED FOR OR CHARGED WITH
17 LOW-LEVEL CRIMINAL BEHAVIOR AND ASSESS THE INDIVIDUAL'S
18 SUITABILITY FOR REDIRECTION INTO THE COMMUNITY BEHAVIORAL
19 HEALTH SYSTEM. ONCE REDIRECTED INTO THE COMMUNITY BEHAVIORAL
20 HEALTH SYSTEM, THE COURT SHALL DISMISS THE CRIMINAL CHARGES
21 AGAINST THE INDIVIDUAL AS APPROPRIATE.

22 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
23 REQUIRES:

24 (a) "BEHAVIORAL HEALTH CONDITION" REFERS TO MENTAL
25 HEALTH AND CO-OCCURRING SUBSTANCE USE CONDITIONS THAT ARE
26 INDICATIVE OF A POSSIBLE BEHAVIORAL HEALTH PROBLEM, CONCERN, OR
27 DISORDER.

1 (b) "BEHAVIORAL HEALTH SERVICES" MEANS ANY TREATMENT
2 SERVICES PROVIDED BY A LOCAL COMMUNITY BEHAVIORAL HEALTH
3 PROVIDER.

4 (c) "COMMUNITY BEHAVIORAL HEALTH SYSTEMS" INCLUDES
5 SERVICE SYSTEMS THAT ENCOMPASS PREVENTION AND PROMOTION OF
6 EMOTIONAL HEALTH, PREVENTION AND TREATMENT SERVICES FOR MENTAL
7 HEALTH AND SUBSTANCE USE CONDITIONS, AND RECOVERY SUPPORT.

8 (d) "DETENTION PERSONNEL" MEANS AN EMPLOYEE OF A JAIL OR
9 DETENTION FACILITY, A CONTRACTOR WHO WORKS FOR THE JAIL'S
10 MEDICAL PROVIDER, OR A CONTRACTOR WHO PROVIDES JAIL-BASED
11 BEHAVIORAL HEALTH SERVICES.

12 (e) "LOCAL COMMUNITY BEHAVIORAL HEALTH PROVIDER" MEANS
13 AN INDIVIDUAL OR ENTITY THAT IS A PART OF THE COMMUNITY
14 BEHAVIORAL HEALTH SYSTEM AND THAT PROVIDES BEHAVIORAL HEALTH
15 TREATMENT SERVICES.

16 (f) "LOW-LEVEL CRIMINAL BEHAVIOR" MEANS ANY MISDEMEANOR
17 OR PETTY OFFENSE, EXCLUDING THOSE OFFENSES ENUMERATED IN SECTION
18 24-4.1-302 (1). ADDITIONAL OFFENSES MAY BE CATEGORIZED AS
19 "LOW-LEVEL CRIMINAL BEHAVIOR" FOR A SPECIFIC JUDICIAL DISTRICT
20 WITH THE AGREEMENT OF ALL THE STAKEHOLDERS FOR THAT JUDICIAL
21 DISTRICT.

22 (g) "PROGRAM" MEANS ANY ALTERNATIVE PROGRAM CREATED
23 PURSUANT TO THIS SECTION THAT REDIRECTS INDIVIDUALS WITH
24 BEHAVIORAL HEALTH CONDITIONS INTO THE COMMUNITY BEHAVIORAL
25 HEALTH SYSTEM.

26 (h) "REDIRECTION SPECIALIST" MEANS A BEHAVIORAL HEALTH
27 PROFESSIONAL WHO OPERATES WITHIN THE CRIMINAL JUSTICE SYSTEM TO

1 ASSIST IN IDENTIFYING AND EVALUATING INDIVIDUALS WITH BEHAVIORAL
2 HEALTH CONDITIONS, PREPARES RECOMMENDATIONS ABOUT SUITABILITY
3 FOR REDIRECTION FROM CRIMINAL JUSTICE INVOLVEMENT TO THE
4 COMMUNITY BEHAVIORAL HEALTH SYSTEM, COORDINATES WITH
5 BEHAVIORAL HEALTH COURT LIAISONS AND ANY JAIL-BASED BEHAVIORAL
6 HEALTH PROVIDERS, AND COMMUNICATES WITH PARTNERS TO FACILITATE
7 THE PROGRAM.

8 (i) "STAKEHOLDERS" INCLUDES, AT A MINIMUM, LAW
9 ENFORCEMENT, JAIL OFFICIALS, DISTRICT ATTORNEYS, PUBLIC DEFENDERS,
10 JUDGES, PRETRIAL SERVICE PROVIDERS WHEN AVAILABLE, AND LOCAL
11 COMMUNITY MENTAL AND BEHAVIORAL HEALTH PROVIDERS WITHIN A
12 JUDICIAL DISTRICT.

13 (j) "STATE COURT ADMINISTRATOR" MEANS THE STATE COURT
14 ADMINISTRATOR ESTABLISHED PURSUANT TO SECTION 13-13-101.

15 (3) (a) THE CHIEF JUDGE OF EACH JUDICIAL DISTRICT WITHIN THE
16 STATE, OR HIS OR HER DESIGNEE, IS RESPONSIBLE FOR DEVELOPING A
17 LOCAL ALTERNATIVE REDIRECTION PROGRAM TO REDIRECT INDIVIDUALS
18 WITH BEHAVIORAL HEALTH CONDITIONS INTO THE COMMUNITY
19 BEHAVIORAL HEALTH SYSTEM; EXCEPT THAT THE CHIEF JUDGE OF THE
20 COUNTY COURT FOR THE CITY AND COUNTY OF DENVER, OR HIS OR HER
21 DESIGNEE, IS THE RESPONSIBLE PARTY FOR THE PURPOSES OF THIS SECTION
22 FOR THE SECOND JUDICIAL DISTRICT. THE TARGET POPULATION FOR
23 REDIRECTION PROGRAMS INCLUDES INDIVIDUALS WHO HAVE FREQUENT
24 CONTACT WITH LAW ENFORCEMENT AND COURTS AND WHO WOULD
25 BENEFIT FROM EFFECTIVE INTERVENTIONS INSTEAD OF REPEATED
26 INCARCERATION. LOCAL PROGRAMS MUST BE CONSISTENT WITH THE
27 PROVISIONS OF THIS SECTION. EACH JUDICIAL DISTRICT SHALL DEVELOP ITS

1 PROGRAM AND ELIGIBILITY CRITERIA WITH INPUT FROM THE
2 STAKEHOLDERS IN THE JUDICIAL DISTRICT, AND SUCH PROGRAM MUST BE
3 DESIGNED TO SERVE AND REDIRECT INDIVIDUALS LIVING WITH
4 BEHAVIORAL HEALTH CONDITIONS THAT HAVE CONTRIBUTED TO OR
5 CREATED CIRCUMSTANCES LEADING TO LOW-LEVEL CRIMINAL BEHAVIOR
6 INTO THE COMMUNITY BEHAVIORAL HEALTH SYSTEM.

7 (b) THE DUTIES OF THE CHIEF JUDGE, OR HIS OR HER DESIGNEE,
8 WITH RESPECT TO DEVELOPING THE JUDICIAL DISTRICT'S PROGRAM,
9 INCLUDE, BUT ARE NOT LIMITED TO:

10 (I) CONVENING STAKEHOLDER MEETINGS TO DESIGN AND
11 IMPLEMENT THE JUDICIAL DISTRICT'S PROGRAM;

12 (II) CONTRACTING WITH LOCAL COMMUNITY BEHAVIORAL HEALTH
13 PROVIDERS, SUCH AS COMMUNITY MENTAL HEALTH CENTERS, THAT ARE
14 ABLE TO PROVIDE A CONTINUUM OF COMMUNITY-BASED BEHAVIORAL
15 HEALTH SERVICES IN THEIR REGION TO ACCOMPLISH THE GOALS SET FORTH
16 IN THIS SECTION AND TO PROVIDE AN ADEQUATE NUMBER OF DEDICATED
17 REDIRECTION SPECIALISTS FOR THE JUDICIAL DISTRICT; AND

18 (III) ADMINISTERING THE JUDICIAL DISTRICT'S PROGRAM ONCE IT
19 IS IMPLEMENTED.

20 (c) IN DESIGNING ITS PROGRAM, EACH JUDICIAL DISTRICT SHALL
21 WORK COLLABORATIVELY WITH LOCAL COMMUNITY BEHAVIORAL HEALTH
22 PROVIDERS AND LOCAL JAILS AND DETENTION FACILITIES TO ENSURE THAT
23 EVERY INDIVIDUAL WHO IS ARRESTED AND BROUGHT TO A JAIL OR
24 DETENTION FACILITY IS SCREENED USING A STANDARDIZED,
25 EVIDENCE-BASED SCREENING TOOL, SUCH AS THE SCREENING TOOL
26 UTILIZED BY THE OFFICE OF BEHAVIORAL HEALTH FOR THE JAIL-BASED
27 BEHAVIORAL HEALTH SERVICES PROGRAM. THE PURPOSE OF THE

1 SCREENING INSTRUMENT IS TO HELP PRELIMINARILY IDENTIFY INDIVIDUALS
2 IN CUSTODY WHO HAVE A BEHAVIORAL HEALTH CONDITION WHO MIGHT BE
3 ELIGIBLE FOR REDIRECTION THROUGH THE PROGRAM.

4 (d) AS PART OF THE DESIGN AND DEVELOPMENT PROCESS, EACH
5 JUDICIAL DISTRICT SHALL IDENTIFY EXISTING PROGRAMS AND RESOURCES
6 THAT ARE ALREADY AVAILABLE IN THE COMMUNITY, INCLUDING BUT NOT
7 LIMITED TO:

8 (I) CO-RESPONDER PROGRAMS THAT PAIR LOCAL COMMUNITY
9 BEHAVIORAL HEALTH SPECIALISTS AND PROVIDERS WITH LAW
10 ENFORCEMENT PERSONNEL;

11 (II) OTHER CRIMINAL JUSTICE DIVERSION PROGRAMS FOR
12 INDIVIDUALS WITH BEHAVIORAL HEALTH CONDITIONS;

13 (III) COMMUNITY MENTAL HEALTH CENTERS AND OTHER LOCAL
14 COMMUNITY BEHAVIORAL HEALTH PROVIDERS THAT RECEIVE STATE
15 FUNDING THROUGH THE OFFICE OF BEHAVIORAL HEALTH FOR SERVICES
16 SUCH AS:

17 (A) MENTAL HEALTH SERVICES FOR JUVENILE AND ADULT
18 OFFENDERS;

19 (B) SUBSTANCE USE TREATMENT SERVICES FOR OFFENDERS AND
20 INDIVIDUALS DIVERTED FROM THE CRIMINAL JUSTICE SYSTEM;

21 (C) TRANSITION SERVICES AND WRAPAROUND SERVICES FOR
22 INDIVIDUALS WITH SERIOUS MENTAL HEALTH DISORDERS WHO ARE
23 TRANSITIONING FROM A PSYCHIATRIC HOSPITAL OR WHO REQUIRE MORE
24 INTENSIVE SERVICES IN THE COMMUNITY TO AVOID INSTITUTIONAL
25 PLACEMENT; AND

26 (D) BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM SERVICES OR
27 THE ASSOCIATED TELEPHONE HOTLINE; AND

1 (IV) BEHAVIORAL HEALTH SERVICES PROVIDED FOR MEDICAID
2 CLIENTS THROUGH THE REGIONAL ACCOUNTABLE ENTITY THAT THE
3 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING CONTRACTS WITH
4 FOR THE PROVISION OF SUCH SERVICES.

5 (e) THE STATE COURT ADMINISTRATOR SHALL COMMUNICATE AND
6 WORK COLLABORATIVELY WITH THE DEPARTMENT OF HEALTH CARE
7 POLICY AND FINANCING AND THE OFFICE OF BEHAVIORAL HEALTH TO
8 ENSURE THAT THE BEHAVIORAL SERVICES DESCRIBED IN SUBSECTIONS
9 (3)(d)(III) AND (3)(d)(IV) ARE COORDINATED AND EFFICIENT.

10 (4) USING THE SCREENING TOOL DEVELOPED PURSUANT TO
11 SUBSECTION (3)(c) OF THIS SECTION, DESIGNATED DETENTION PERSONNEL,
12 AS IDENTIFIED BY THE JAIL OR DETENTION FACILITY, SHALL PRESCREEN
13 INDIVIDUALS CHARGED WITH LOW-LEVEL OFFENSES WHO ARE ARRESTED
14 AND BROUGHT TO A JAIL OR OTHER DETENTION FACILITY FOR BEHAVIORS
15 THAT ARE INDICATIVE OF A BEHAVIORAL HEALTH CONDITION. THE
16 DESIGNATED DETENTION PERSONNEL SHALL NOTIFY THE REDIRECTION
17 SPECIALIST FOR THE JUDICIAL DISTRICT OF ANY INDIVIDUAL, BASED ON THE
18 PRESCREENING, WHO COULD BENEFIT FROM A CLINICAL EVALUATION FOR
19 REDIRECTION TO THE COMMUNITY BEHAVIORAL HEALTH SYSTEM
20 PURSUANT TO THE PROVISIONS OF THIS SECTION.

21 (5) (a) WITHIN FORTY-EIGHT HOURS AFTER ARREST, BUT IN ANY
22 CASE PRIOR TO THE INDIVIDUAL'S FIRST COURT APPEARANCE, AND WITH
23 THE INDIVIDUAL'S CONSENT, REDIRECTION SPECIALISTS IN THE JUDICIAL
24 DISTRICT SHALL USE AN EVIDENCE-SUPPORTED EVALUATION TOOL TO
25 DETERMINE ELIGIBILITY FOR REDIRECTION. ELIGIBILITY CRITERIA MUST
26 INCLUDE, BUT IS NOT LIMITED TO:

27 (I) CURRENT SYMPTOMATOLOGY OF THE INDIVIDUAL'S

1 BEHAVIORAL HEALTH CONDITION;

2 (II) THE INDIVIDUAL'S HISTORY OF BEHAVIORAL HEALTH
3 CONDITIONS, DIAGNOSES, AND TREATMENT;

4 (III) THE INDIVIDUAL'S CURRENT INVOLVEMENT IN TREATMENT;

5 (IV) THE SOCIAL DETERMINANTS OF HEALTH RELATING TO THE
6 INDIVIDUAL, WHICH MAY INCLUDE HOMELESSNESS, UNEMPLOYMENT, AND
7 PHYSICAL HEALTH CHALLENGES; AND

8 (V) THE INDIVIDUAL'S WILLINGNESS TO ENGAGE IN AND COMMIT
9 TO TREATMENT.

10 (b) UPON COMPLETION OF THE EVALUATION PURSUANT TO SECTION
11 (5)(a) OF THIS SECTION, THE REDIRECTION SPECIALIST SHALL NOTIFY THE
12 COURT AND ANY OTHER REQUIRED PARTIES, AS DETERMINED BY THE
13 PROGRAM, OF THE RESULTS OF THE EVALUATION AND ANY
14 RECOMMENDATION FOR REDIRECTION INTO THE COMMUNITY BEHAVIORAL
15 HEALTH SYSTEM. THE REDIRECTION SPECIALIST SHALL COORDINATE WITH
16 LOCAL JAIL PERSONNEL AND JAIL-BASED BEHAVIORAL SERVICES
17 PERSONNEL, OR OTHER LOCAL COMMUNITY BEHAVIORAL HEALTH
18 PROVIDERS, AS APPROPRIATE, TO ENSURE THAT INFORMATION IS SHARED
19 THAT CONCERNS AN INDIVIDUAL WHO, BASED ON THE JAIL PRESCREENING
20 PROCESS, COULD BENEFIT FROM A CLINICAL EVALUATION FOR
21 REDIRECTION.

22 (c) ANY INFORMATION COLLECTED DURING THE REDIRECTION
23 PROCESS BY THE DESIGNATED DETENTION PERSONNEL OR REDIRECTION
24 SPECIALIST PURSUANT TO SUBSECTION (4) OF THIS SECTION OR THIS
25 SUBSECTION (5) IS CONFIDENTIAL AND MUST NOT BE DISCLOSED, EXCEPT:

26 (I) IF APPROVED IN A SIGNED WAIVER FOR RELEASE OF
27 INFORMATION THAT IS IN COMPLIANCE WITH THE "HEALTH INSURANCE

1 PORTABILITY AND ACCOUNTABILITY ACT OF 1996", PUB.L. 104-191, AS
2 AMENDED, INFORMATION OBTAINED FOR THE PURPOSE OF DETERMINING
3 ELIGIBILITY MAY BE DISCLOSED FOR THE PURPOSE OF COMMUNICATING
4 RECOMMENDATIONS TO REQUIRED PARTNERS IN THE PROGRAM AND
5 MAKING APPROPRIATE REFERRALS;

6 (II) AS MANDATED BY ANY OTHER PROVISION OF LAW; OR

7 (III) FOR IMPEACHMENT PURPOSES IF THE CASE HAS BEEN REFILED
8 AND THE INDIVIDUAL TESTIFIES IN SUCH CASE.

9 (d) AT ANY TIME DURING THE PROSECUTION OF A STATUTORILY
10 ELIGIBLE CRIMINAL CASE, ANY OTHER COURT OFFICER, INCLUDING
11 PROSECUTORS, JUDGES, AND DEFENSE COUNSEL, MAY REQUEST THAT THE
12 REDIRECTION SPECIALIST CONDUCT AN EVALUATION OR SCREENING OF
13 ANY INDIVIDUAL FOR REDIRECTION INTO THE COMMUNITY BEHAVIORAL
14 HEALTH SYSTEM PURSUANT TO THE PROVISIONS OF THIS SECTION.

15 (e) (I) AFTER RECEIPT OF THE REDIRECTION SPECIALIST'S
16 RECOMMENDATION PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION,
17 THE COURT SHALL DETERMINE WHETHER TO REFER THE CASE FOR
18 REDIRECTION INTO THE COMMUNITY BEHAVIORAL HEALTH SYSTEM. THE
19 COURT MAY DEFER ITS DECISION UNTIL FURTHER INFORMATION CAN BE
20 COLLECTED AND REVIEWED TO DETERMINE ELIGIBILITY OR
21 APPROPRIATENESS FOR REFERRAL AT A LATER DATE, AS AGREED UPON BY
22 THE PARTIES. THE COURT SHALL NOT ORDER AN INDIVIDUAL INTO
23 REDIRECTION OVER THE INDIVIDUAL'S OBJECTION TO PARTICIPATION IN
24 THE PROGRAM.

25 (II) IF THE PROSECUTION DOES NOT AGREE THAT A REDIRECTION
26 ORDER IS APPROPRIATE, THE COURT MAY, IN ITS DISCRETION, ORDER
27 REDIRECTION OF THE INDIVIDUAL, PURSUANT TO THIS SECTION, OVER THE

1 PROSECUTION'S OBJECTIONS. IN SUCH CASE, THE COURT MUST FIND, IN
2 WRITING AND BY CLEAR AND CONVINCING EVIDENCE AS PRESENTED BY
3 THE DEFENDANT, WHICH MAY INCLUDE A RECOMMENDATION PREPARED BY
4 THE REDIRECTION SPECIALIST, THAT THE NECESSARY AND APPROPRIATE
5 TREATMENT FOR THE INDIVIDUAL IS BEST PROVIDED THROUGH
6 REDIRECTION INTO THE COMMUNITY BEHAVIORAL HEALTH SYSTEM AND
7 THAT THE RESOURCES OF THE CRIMINAL JUSTICE SYSTEM ARE NOT
8 NECESSARY TO ENSURE COMMUNITY SAFETY WITH RESPECT TO THE
9 INDIVIDUAL IN QUESTION.

10 (III) IF THE COURT ORDERS AN INDIVIDUAL TO TREATMENT
11 THROUGH THE PROGRAM PURSUANT TO SUBSECTION (5)(e)(I) OF THIS
12 SECTION, THE CRIMINAL CHARGES AGAINST THE INDIVIDUAL MUST BE
13 DISMISSED IN THE INTERESTS OF JUSTICE AND THE INDIVIDUAL RELEASED
14 FROM CUSTODY IF HE OR SHE IS IN CUSTODY. EACH JUDICIAL DISTRICT
15 SHALL ESTABLISH FORMAL AGREEMENTS AMONG THE STAKEHOLDERS TO
16 IDENTIFY HOW THE INDIVIDUAL'S LEGAL STATUS WILL BE TRACKED
17 FOLLOWING REDIRECTION INTO THE PROGRAM. NO FURTHER ACTION
18 AGAINST THE INDIVIDUAL SHALL BE TAKEN UNLESS HE OR SHE:

19 (A) IS CONVICTED OF A NEW CRIMINAL OFFENSE THAT CARRIES A
20 POSSIBLE SENTENCE OF INCARCERATION WITHIN SIX MONTHS AFTER THE
21 REDIRECTION ORDER WAS ENTERED BY THE COURT; OR

22 (B) FAILS TO INITIATE ANY TREATMENT, AS DEFINED BY EACH
23 JUDICIAL DISTRICT, WITH THE LOCAL COMMUNITY BEHAVIORAL HEALTH
24 PROVIDER TO WHICH HE OR SHE WAS REFERRED WITHIN THIRTY DAYS
25 AFTER THE DISMISSAL OF THE ACTION, OR UNLESS HE OR SHE DOES NOT
26 MAKE MEANINGFUL PROGRESS TOWARD THE GOALS OF AN INDIVIDUALIZED
27 TREATMENT PLAN AS AGREED UPON BY THE PROGRAM STAKEHOLDERS.

1 (f) AN INDIVIDUAL WHO IS REDIRECTED TO THE COMMUNITY
2 BEHAVIORAL HEALTH SYSTEM PURSUANT TO THE PROVISIONS OF THIS
3 SECTION IS NOT REQUIRED TO ENTER A PLEA OR CONTRACT AS A
4 CONDITION OF HIS OR HER REDIRECTION.

5 (6) TO FOSTER SUCCESSFUL PROGRAM OUTCOMES, LOCAL
6 COMMUNITY BEHAVIORAL HEALTH PROVIDERS ARE RESPONSIBLE FOR
7 COMPLYING WITH ANY REPORTING AND COMMUNICATION REQUIREMENTS
8 OF THE PROGRAM, AS ESTABLISHED BY THE STAKEHOLDERS. SUCH
9 REQUIREMENTS MAY INCLUDE:

10 (a) INFORMING THE COURT IF THE INDIVIDUAL FAILS TO INITIATE
11 TREATMENT, AS DEFINED BY EACH JUDICIAL DISTRICT, WITHIN THIRTY
12 DAYS OR IF THE INDIVIDUAL DOES NOT MAKE MEANINGFUL PROGRESS
13 TOWARD THE GOALS OF AN INDIVIDUALIZED TREATMENT PLAN; AND

14 (b) WITHIN SIX MONTHS AFTER THE REDIRECTION REFERRAL,
15 INFORMING THE COURT, ALL OTHER PARTIES TO THE ACTION, AND ANY
16 RELEVANT DATA COLLECTION ENTITY OF THE OUTCOMES OF THE
17 INDIVIDUAL'S REDIRECTION PROCESS.

18 (7) TO FOSTER SUCCESSFUL BEHAVIORAL HEALTH OUTCOMES,
19 LOCAL COMMUNITY BEHAVIORAL HEALTH PROVIDERS SHALL:

20 (a) USE NONCOERCIVE TREATMENT METHODS AND PROMOTE
21 POSITIVE LIFE OUTCOMES FOR INDIVIDUALS LIVING WITH BEHAVIORAL
22 HEALTH CONDITIONS; AND

23 (b) MAINTAIN THE CONFIDENTIALITY OF ANY STATEMENTS MADE
24 BY THE INDIVIDUAL DURING THE COURSE OF TREATMENT UNLESS THE
25 INDIVIDUAL EXECUTES A SIGNED WAIVER FOR RELEASE OF INFORMATION
26 THAT IS IN COMPLIANCE WITH THE "HEALTH INSURANCE PORTABILITY AND
27 ACCOUNTABILITY ACT OF 1996", PUB.L. 104-191, AS AMENDED, OR ANY

1 OTHER RELEASE OF INFORMATION FORM DEVELOPED BY THE JUDICIAL
2 DISTRICT.

3 (8) THE STATE COURT ADMINISTRATOR IS RESPONSIBLE FOR
4 PROGRAM ADMINISTRATION, INCLUDING ENSURING THAT, ON OR BEFORE
5 JANUARY 1, 2019, EACH JUDICIAL DISTRICT IMPLEMENTS A LOCAL
6 PROGRAM DESIGN THAT IS ALIGNED WITH STATEWIDE GOALS AND
7 LEGISLATIVE INTENT. THE STATE COURT ADMINISTRATOR SHALL
8 ESTABLISH PROGRAM PROCEDURES, TIMELINES, FUNDING GUIDELINES, AND
9 ACCEPTABLE EXPENSES FOR THE DISTRIBUTION OF PROGRAM FUNDS TO
10 JUDICIAL DISTRICTS. THE STATE COURT ADMINISTRATOR SHALL ALLOCATE
11 PROGRAM FUNDING TO JUDICIAL DISTRICTS BASED ON CASE VOLUME,
12 GEOGRAPHICAL COMPLEXITY, AND DENSITY OF NEED.

13 **SECTION 2. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.