

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 17-0150.01 Jerry Barry x4341

SENATE BILL 17-021

SENATE SPONSORSHIP

Martinez Humenik,

HOUSE SPONSORSHIP

Singer,

Senate Committees

Judiciary
Appropriations

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

10 (b) Inmates with a mental health disorder spend five and a half
11 times 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 inmates with a behavioral or

1 mental health disorder but have become de facto mental health
2 institutions;

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

6 (f) Housing alone is not sufficient to improve outcomes; however,
7 supportive housing models with specific support services are critical to
8 success in reducing recidivism of persons with behavioral or mental
9 health disorders transitioning between homelessness and incarceration;

10 (g) The state spends \$666 per day for a bed at the Colorado mental
11 health institute at Pueblo, one of Colorado's state-operated inpatient,
12 psychiatric hospitals; and

13 (h) The state has a shortage of crisis beds, which results in
14 individuals in crisis remaining homeless or in less than ideal housing, like
15 jails, while awaiting appropriate placement.

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

18 **24-32-723.5. Housing assistance for a person with a behavioral**
19 **or mental health disorder in the criminal or juvenile justice system**
20 **- cash fund - definition. (1) AS USED IN THIS SECTION, UNLESS THE**
21 **CONTEXT OTHERWISE REQUIRES, "PERSON WITH A BEHAVIORAL OR**
22 **MENTAL HEALTH DISORDER" MEANS AN INDIVIDUAL WHO HAS OR, AT ANY**
23 **TIME DURING THE PREVIOUS TWELVE MONTHS, HAD A DIAGNOSABLE**
24 **MENTAL, BEHAVIORAL, OR EMOTIONAL DISORDER OF SUFFICIENT**
25 **DURATION TO MEET DIAGNOSTIC CRITERIA SPECIFIED WITHIN THE**
26 **DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS,**
27 **RESULTING IN FUNCTIONAL IMPAIRMENT THAT INTERFERES WITH OR LIMITS**

1 ONE OR MORE MAJOR LIFE ACTIVITIES.

2 (2) IN CONJUNCTION WITH ITS OTHER PROGRAMS TO PROVIDE
3 ASSISTANCE IN OBTAINING HOUSING, THE DIVISION SHALL ESTABLISH A
4 PROGRAM THAT PROVIDES VOUCHERS AND OTHER SUPPORT SERVICES FOR
5 HOUSING ASSISTANCE FOR A PERSON WITH A MENTAL HEALTH DISORDER
6 OR CO-OCCURRING BEHAVIORAL HEALTH DISORDER WHO IS TRANSITIONING
7 FROM THE DEPARTMENT OF CORRECTIONS, THE DIVISION OF YOUTH
8 CORRECTIONS IN THE DEPARTMENT OF HUMAN SERVICES, OR A COUNTY
9 JAIL INTO THE COMMUNITY.

10 (3) THE DIVISION SHALL ALSO PROVIDE GRANTS OR LOANS FOR THE
11 ACQUISITION, CONSTRUCTION, OR REHABILITATION OF RENTAL HOUSING
12 FOR PERSONS WITH BEHAVIORAL OR MENTAL HEALTH DISORDERS.

13 (4) THERE IS CREATED IN THE STATE TREASURY THE HOUSING
14 ASSISTANCE FOR PERSONS TRANSITIONING FROM THE CRIMINAL OR
15 JUVENILE JUSTICE SYSTEM CASH FUND, REFERRED TO IN THIS SECTION AS
16 THE "CASH FUND". THE CASH FUND CONSISTS OF ALL MONEY
17 TRANSFERRED TO THE FUND PURSUANT TO SECTION 17-27-108 (7) AND ALL
18 MONEY THAT THE GENERAL ASSEMBLY APPROPRIATES TO THE CASH FUND.
19 ALL MONEY IN THE CASH FUND IS CONTINUOUSLY APPROPRIATED TO THE
20 DIVISION FOR THE PURPOSES SET FORTH IN THIS SECTION. ALL INTEREST
21 EARNED FROM THE INVESTMENT OF MONEY IN THE CASH FUND IS CREDITED
22 TO THE CASH FUND. ALL MONEY NOT EXPENDED AT THE END OF THE
23 FISCAL YEAR REMAINS IN THE CASH FUND AND DOES NOT REVERT TO THE
24 GENERAL FUND OR ANY OTHER FUND.

25 **SECTION 3.** In Colorado Revised Statutes, **add** article 70 to title
26 27 as follows:

27 **ARTICLE 70**

1 **Reentry Programs for Persons with**
2 **Behavioral or Mental Health Disorders**

3 **27-70-101. Reentry programs for persons with behavioral or**
4 **mental health disorders - definitions. (1) AS USED IN THIS ARTICLE 70,**
5 **UNLESS THE CONTEXT OTHERWISE REQUIRES:**

6 **(a) "PERSON WITH A BEHAVIORAL OR MENTAL HEALTH DISORDER"**
7 **HAS THE SAME MEANING AS SET FORTH IN SECTION 24-32-723.5 (1).**

8 **(b) "UNIT" MEANS THE UNIT IN THE DEPARTMENT OF HUMAN**
9 **SERVICES THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND**
10 **SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND**
11 **SUBSTANCE ABUSE.**

12 **(2) THE UNIT, IN COLLABORATION WITH THE DEPARTMENT OF**
13 **CORRECTIONS, SHALL ADMINISTER APPROPRIATE REENTRY PROGRAMS FOR**
14 **PERSONS WITH MENTAL HEALTH DISORDERS OR CO-OCCURRING**
15 **BEHAVIORAL HEALTH DISORDERS WHILE HOMELESS OR PRIOR TO AND**
16 **AFTER RELEASE FROM INCARCERATION OR ADJUDICATION. THE PURPOSE**
17 **OF THE PROGRAMS IS TO ASSIST INDIVIDUALS WITH REENTRY INTO SOCIETY**
18 **BASED UPON THE ASSESSED NEED AND SUITABILITY OF INDIVIDUALS FOR**
19 **SUCH SERVICES. THE UNIT SHALL DESIGN EACH REENTRY PROGRAM TO**
20 **REDUCE THE POSSIBILITY OF EACH INDIVIDUAL RETURNING TO THE**
21 **DEPARTMENT OF CORRECTIONS, THE DIVISION OF YOUTH CORRECTIONS IN**
22 **THE DEPARTMENT OF HUMAN SERVICES, OR A COUNTY JAIL, TO ASSIST**
23 **EACH INDIVIDUAL IN REHABILITATION, AND TO PROVIDE EACH INDIVIDUAL**
24 **WITH LIFE MANAGEMENT SKILLS THAT ALLOW HIM OR HER TO FUNCTION**
25 **SUCCESSFULLY IN SOCIETY.**

26 **(3) SUBJECT TO APPROPRIATIONS, THE UNIT, IN CONJUNCTION WITH**
27 **THE DIVISION OF HOUSING IN THE DEPARTMENT OF LOCAL AFFAIRS, SHALL**

1 DEVELOP AND IMPLEMENT INITIATIVES SPECIFICALLY DESIGNED TO ASSIST
2 EACH INDIVIDUAL'S TRANSITION FROM THE DEPARTMENT OF CORRECTIONS,
3 THE DIVISION OF YOUTH CORRECTIONS IN THE DEPARTMENT OF HUMAN
4 SERVICES, OR A COUNTY JAIL INTO THE COMMUNITY. AN INITIATIVE
5 DEVELOPED AND IMPLEMENTED PURSUANT TO THIS SUBSECTION (3) MAY
6 INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING COMPONENTS:

- 7 (a) HOUSING VOUCHERS;
- 8 (b) ACQUISITION, CONSTRUCTION, OR REHABILITATION OF RENTAL
9 HOUSING;
- 10 (c) SUPPORTIVE EMPLOYMENT SERVICES;
- 11 (d) MEDICAID ENROLLMENT SERVICES;
- 12 (e) MENTAL HEALTH TREATMENT SERVICES INCLUDING
13 PSYCHIATRIC AND COUNSELING SERVICES;
- 14 (f) CASE MANAGEMENT SERVICES;
- 15 (g) MEDICATION MONITORING;
- 16 (h) PEER SPECIALIST SUPPORT; AND
- 17 (i) POSITIVE RECREATIONAL ACTIVITIES.

18 **SECTION 4.** In Colorado Revised Statutes, 17-27-108, **amend**
19 **(5); and add (7) as follows:**

20 **17-27-108. Division of criminal justice of the department of**
21 **public safety - duties - community corrections contracts. (5) The**
22 **division of criminal justice is authorized to transfer up to ten percent of**
23 **annual appropriations among or between line items for community**
24 **corrections program services OR THE REENTRY INITIATIVE DESCRIBED IN**
25 **SECTION 27-70-101 (3). Advance notice of such transfers ~~shall~~ MUST be**
26 **provided to the general assembly, the governor, the executive director of**
27 **the department of corrections, and the chief justice of the supreme court.**

1 (7) NOTWITHSTANDING ANY LAW TO THE CONTRARY, ON AND
2 AFTER JULY 1, 2016, ANY MONEY APPROPRIATED FROM THE GENERAL
3 FUND TO THE DIVISION OF CRIMINAL JUSTICE FOR THE PURPOSES OF THIS
4 ARTICLE 27 THAT IS UNEXPENDED OR UNENCUMBERED AS OF THE CLOSE OF
5 THAT FISCAL YEAR SHALL NOT REVERT TO THE GENERAL FUND, AND THE
6 STATE TREASURER AND THE CONTROLLER SHALL TRANSFER SUCH MONEY
7 TO THE HOUSING ASSISTANCE FOR PERSONS TRANSITIONING FROM THE
8 CRIMINAL OR JUVENILE JUSTICE SYSTEM CASH FUND CREATED PURSUANT
9 TO SECTION 24-32-723.5 (4).

10 **SECTION 5.** In Colorado Revised Statutes, 39-28.8-501, **amend**
11 **(2)(b)(IV)(K) and (2)(b)(IV)(L); and add (2)(b)(IV)(M) as follows:**

12 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
13 **- legislative declaration.** (2) (b) (IV) Subject to the limitation in
14 subsection (5) of this section, the general assembly may annually
15 appropriate any money in the fund for any fiscal year following the fiscal
16 year in which they were received by the state for the following purposes:

17 (K) Grants to local governments for documented retail marijuana
18 impacts through the local government retail marijuana impact grant
19 program created in section 24-32-117; C.R.S.; and

20 (L) For the Colorado veterans' service-to-career pilot program
21 created in part 2 of article 14.3 of title 8; C.R.S. AND

22 (M) FOR HOUSING, RENTAL ASSISTANCE, AND REENTRY
23 ASSISTANCE PURSUANT TO SECTION 24-32-723.5.

24 **SECTION 6. Appropriation.** For the 2017-18 state fiscal year,
25 \$4,000,000 is appropriated to the department of local affairs for use by
26 the division of housing. This appropriation is from the marijuana tax cash
27 fund established pursuant to section 39-28.8-501, C.R.S. To implement

1 this act, the division may use this appropriation to provide housing, rental
2 assistance, and reentry services to persons described in section
3 24-32-723.5, C.R.S.

4 **SECTION 7. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.