

CHAPTER 150

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 17-1215

BY REPRESENTATIVE(S) Coleman, Benavidez, Carver, Herod, Lawrence, Salazar, Weissman, Foote, Melton, Thurlow, Willett, Arndt, Becker K., Bridges, Buckner, Danielson, Esgar, Exum, Ginal, Gray, Hamner, Hansen, Hooton, Jackson, Kennedy, Kraft-Tharp, Lee, McLachlan, Michaelson Jenet, Mitsch Bush, Rosenthal, Singer, Valdez, Wilson, Winter, Young, Duran, Lebsock, Lontine;
 also SENATOR(S) Gardner and Kagan, Aguilar, Coram, Court, Crowder, Donovan, Fields, Garcia, Guzman, Hill, Jones, Kefalas, Martinez Humenik, Merrifield, Moreno, Todd, Williams A., Zenzinger.

AN ACT**CONCERNING MENTAL HEALTH SUPPORT FOR PEACE OFFICERS.**

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

SECTION 1. In Colorado Revised Statutes, **add 30-10-527** as follows:

30-10-527. Mental health professionals - grant applications encouraged - definition - repeal. (1) ~~EACH SHERIFF IS ENCOURAGED TO ADOPT A POLICY WHEREBY MENTAL HEALTH PROFESSIONALS, TO THE EXTENT PRACTICABLE, PROVIDE:~~

(a) ~~ON-SCENE RESPONSE SERVICES TO SUPPORT DEPUTY SHERIFFS' HANDLING OF PERSONS WITH MENTAL HEALTH DISORDERS; AND~~

(b) ~~COUNSELING SERVICES TO DEPUTY SHERIFFS.~~

(2) ~~IN IMPLEMENTING A POLICY AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION, A SHERIFF SHALL NOT REQUIRE A MENTAL HEALTH PROFESSIONAL TO COUNSEL BOTH A PERSON WITH A MENTAL HEALTH DISORDER AND A DEPUTY SHERIFF IF, IN THE JUDGMENT OF THE MENTAL HEALTH PROFESSIONAL, DOING SO WOULD CONSTITUTE A CONFLICT OF INTEREST OR A BREACH OF A PROFESSIONAL CODE OF ETHICS.~~

(3) ~~FOR THE PURPOSES OF THIS SECTION, EACH SHERIFF'S OFFICE IS ENCOURAGED TO APPLY ANNUALLY FOR A GRANT FROM THE PEACE OFFICERS MENTAL HEALTH SUPPORT GRANT PROGRAM CREATED IN SECTION 24-32-3501.~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(4) AS USED IN THIS SECTION, "MENTAL HEALTH PROFESSIONAL" MEANS A MENTAL HEALTH PROFESSIONAL LICENSED TO PRACTICE MEDICINE PURSUANT TO PART 1 OF ARTICLE 36 OF TITLE 12 OR A PERSON LICENSED AS A MENTAL HEALTH PROFESSIONAL PURSUANT TO ARTICLE 43 OF TITLE 12.

(5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2027.

SECTION 2. In Colorado Revised Statutes, **add** 31-30-109 as follows:

31-30-109. Mental health professionals - grant applications encouraged - definition - repeal. (1) EACH MUNICIPAL POLICE DEPARTMENT IS ENCOURAGED TO ADOPT A POLICY WHEREBY MENTAL HEALTH PROFESSIONALS, TO THE EXTENT PRACTICABLE, PROVIDE:

(a) ON-SCENE RESPONSE SERVICES TO SUPPORT OFFICERS' HANDLING OF PERSONS WITH MENTAL HEALTH DISORDERS; AND

(b) COUNSELING SERVICES TO OFFICERS OF THE POLICE DEPARTMENT.

(2) IN IMPLEMENTING A POLICY AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION, A MUNICIPAL POLICE DEPARTMENT SHALL NOT REQUIRE A MENTAL HEALTH PROFESSIONAL TO COUNSEL BOTH A PERSON WITH A MENTAL HEALTH DISORDER AND AN OFFICER IF, IN THE JUDGMENT OF THE MENTAL HEALTH PROFESSIONAL, DOING SO WOULD CONSTITUTE A CONFLICT OF INTEREST OR A BREACH OF A PROFESSIONAL CODE OF ETHICS.

(3) FOR THE PURPOSES OF THIS SECTION, EACH MUNICIPAL POLICE DEPARTMENT IS ENCOURAGED TO APPLY ANNUALLY FOR A GRANT FROM THE PEACE OFFICERS MENTAL HEALTH SUPPORT GRANT PROGRAM CREATED IN SECTION 24-32-3501.

(4) AS USED IN THIS SECTION, "MENTAL HEALTH PROFESSIONAL" MEANS A MENTAL HEALTH PROFESSIONAL LICENSED TO PRACTICE MEDICINE PURSUANT TO PART 1 OF ARTICLE 36 OF TITLE 12 OR A PERSON LICENSED AS A MENTAL HEALTH PROFESSIONAL PURSUANT TO ARTICLE 43 OF TITLE 12.

(5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2027.

SECTION 3. In Colorado Revised Statutes, **add** part 35 to article 32 of title 24 as follows:

PART 35
PEACE OFFICERS MENTAL HEALTH SUPPORT
GRANT PROGRAM

24-32-3501. Peace officers mental health support grant program - created - rules - policies and procedures - fund - repeal. (1) THERE IS CREATED IN THE DEPARTMENT OF LOCAL AFFAIRS, REFERRED TO IN THIS SECTION AS THE "DEPARTMENT", THE PEACE OFFICERS MENTAL HEALTH SUPPORT GRANT PROGRAM TO PROVIDE GRANTS OF MONEY TO COUNTY SHERIFFS' OFFICES AND MUNICIPAL POLICE DEPARTMENTS FOR THE PURPOSE OF HELPING THESE AGENCIES ENGAGE

MENTAL HEALTH PROFESSIONALS WHO CAN PROVIDE:

(a) ON-SCENE RESPONSE SERVICES TO SUPPORT PEACE OFFICERS' HANDLING OF PERSONS WITH MENTAL HEALTH DISORDERS; AND

(b) COUNSELING SERVICES TO PEACE OFFICERS.

(2) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH THE GRANT PROGRAM TO HIRE MENTAL HEALTH PROFESSIONALS AND PROVIDE:

(a) ON-SCENE RESPONSE SERVICES TO SUPPORT PEACE OFFICERS' HANDLING OF PERSONS WITH MENTAL HEALTH DISORDERS; AND

(b) COUNSELING SERVICES TO PEACE OFFICERS.

(3) COUNTY SHERIFFS' OFFICES AND MUNICIPAL POLICE DEPARTMENTS THAT APPLY FOR GRANTS FROM THE GRANT PROGRAM ARE ENCOURAGED TO DO SO, TO THE EXTENT POSSIBLE, IN COLLABORATION WITH THE COMMUNITY MENTAL HEALTH CENTERS IN THEIR REGIONS.

(4) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM AND, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS PROVIDED IN THIS SECTION. SUBJECT TO AVAILABLE APPROPRIATIONS, GRANTS SHALL BE PAID OUT OF THE FUND CREATED IN SUBSECTION (10) OF THIS SECTION.

(5) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, OR HIS OR HER DESIGNEE, SHALL DEVELOP SUCH POLICIES AND PROCEDURES AS ARE REQUIRED IN THIS SECTION AND SUCH ADDITIONAL POLICIES AND PROCEDURES AS MAY BE NECESSARY TO IMPLEMENT THE GRANT PROGRAM. AT A MINIMUM, THE POLICIES AND PROCEDURES MUST SPECIFY THE TIME FRAMES FOR APPLYING FOR GRANTS, THE FORM OF THE GRANT PROGRAM APPLICATION, THE TIME FRAMES FOR DISTRIBUTING GRANT MONEY, AND CRITERIA FOR THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE, TO USE IN AWARDING AND DENYING GRANTS.

(6) TO RECEIVE A GRANT, A SHERIFF'S OFFICE OR MUNICIPAL POLICE DEPARTMENT MUST SUBMIT AN APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH POLICIES AND PROCEDURES DEVELOPED BY THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE.

(7) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT SHALL INCLUDE A SUMMARIZED REPORT OF THE ACTIVITIES OF THE GRANT PROGRAM IN THE DEPARTMENT'S ANNUAL PRESENTATION TO THE COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORTING REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE UNTIL THE GRANT PROGRAM IS REPEALED PURSUANT TO SUBSECTION (11) OF THIS SECTION.

(8) THE DEPARTMENT MAY USE UP TO FIVE PERCENT OF THE MONEY ANNUALLY APPROPRIATED FOR THE PROGRAM TO PAY THE DIRECT AND INDIRECT COSTS THAT THE DEPARTMENT INCURS IN ADMINISTERING THE GRANT PROGRAM.

(9) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE

DEPARTMENT IS NOT REQUIRED TO IMPLEMENT THE GRANT PROGRAM UNTIL SUFFICIENT FUNDS ARE RECEIVED IN THE FUND CREATED IN SUBSECTION (10) OF THIS SECTION.

(10)(a) THE PEACE OFFICERS MENTAL HEALTH SUPPORT FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF GIFTS, GRANTS, AND DONATIONS CREDITED TO THE FUND PURSUANT TO SUBSECTION (10)(b) OF THIS SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE, MAY EXPEND MONEY FROM THE FUND FOR THE PURPOSES OF THIS SECTION.

(b) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION. THE DEPARTMENT SHALL TRANSMIT ALL MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

(c) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND REMAINS THEREIN AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(d) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND ON AUGUST 31, 2027, TO THE GENERAL FUND.

(11) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2027.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 24, 2017