

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-1251.01 Jane Ritter x4342

SENATE BILL 18-251

SENATE SPONSORSHIP

Gardner and Lambert, Jahn, Lundberg, Moreno

HOUSE SPONSORSHIP

Lee and Young, Hamner, Rankin, Singer

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING ESTABLISHING A STATEWIDE BEHAVIORAL HEALTH
102 COURT LIAISON PROGRAM.

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>.)

The bill establishes in the office of the state court administrator (office) a statewide behavioral health court liaison program (program). The purpose of the program is to identify and dedicate local behavioral health professionals as court liaisons (court liaisons) in each state judicial district to facilitate communication and collaboration among judicial, health care, and behavioral health systems. The office shall administer the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

program and establish procedures, timelines, and funding guidelines for the program. Program funding must be allocated to judicial districts based on case volume, geographical complexity, and density of need. Specific duties of the court liaisons are outlined, as well as reporting requirements.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 2 to article
3 11.9 of title 16 as follows:

4 PART 2

5 STATEWIDE BEHAVIORAL HEALTH COURT

6 LIAISON PROGRAM

7 **16-11.9-201. Legislative declaration and intent.** (1) THE
8 GENERAL ASSEMBLY FINDS AND DECLARES THAT:

9 (a) COLORADO'S CITIZENS WHO ARE LIVING WITH MENTAL HEALTH
10 AND SUBSTANCE USE DISORDERS ARE OVER-REPRESENTED IN THE
11 CRIMINAL JUSTICE SYSTEM, AND THEY ARE AT A SIGNIFICANTLY GREATER
12 RISK OF INCURRING CRIMINAL JUSTICE INVOLVEMENT, LONGER TERMS OF
13 INVOLVEMENT, AND HARSHER CONSEQUENCES OF THAT INVOLVEMENT
14 WHEN COMPARED TO THE GENERAL PUBLIC;

15 (b) COLORADO MUST MAKE A COMMITMENT TO ENSURE THAT ALL
16 INDIVIDUALS WITHIN THE CRIMINAL JUSTICE SYSTEM ARE TREATED FAIRLY
17 AND HUMANELY, REGARDLESS OF THEIR BEHAVIORAL HEALTH HISTORY OR
18 MENTAL STATE;

19 (c) INDIVIDUALS WHO BECOME INVOLVED WITH THE CRIMINAL
20 JUSTICE SYSTEM PRIMARILY DUE TO A MENTAL HEALTH OR CO-OCCURRING
21 SUBSTANCE USE DISORDER SHOULD BE DIVERTED INTO TREATMENT,
22 RATHER THAN SUBJECTED TO UNNECESSARY CRIMINAL JUSTICE
23 INVOLVEMENT; AND

1 (d) THERE IS A SIGNIFICANT NEED FOR ENHANCED
2 COMMUNICATION AMONG HEALTH CARE SYSTEMS, BEHAVIORAL HEALTH
3 SYSTEMS, AND CRIMINAL JUSTICE ENTITIES, INCLUDING LAW
4 ENFORCEMENT, DEFENSE ATTORNEYS, DISTRICT ATTORNEYS, JUDGES, AND
5 PROBATION, TO FOSTER COLLABORATION THAT PROVIDES ALL INDIVIDUALS
6 WITH A FAIR CHANCE OF LIVING A HEALTHY AND PRODUCTIVE LIFE.

7 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

8 (a) COLORADO HAS AN OBLIGATION TO ENSURE THAT ENTITIES
9 WITHIN THE CRIMINAL JUSTICE SYSTEM ARE EQUIPPED WITH A GREATER
10 UNDERSTANDING OF BEHAVIORAL HEALTH TREATMENT OPTIONS IN THE
11 COMMUNITY AND OPPORTUNITIES TO REDIRECT INDIVIDUALS AWAY FROM
12 CRIMINAL JUSTICE PROCEEDINGS; AND

13 (b) COMMUNITY MENTAL HEALTH PROVIDERS, INCLUDING
14 COMMUNITY MENTAL HEALTH CENTERS, ARE A CRITICAL COMPONENT OF
15 ACHIEVING POSITIVE OUTCOMES FOR INDIVIDUALS LIVING WITH MENTAL
16 HEALTH, BEHAVIORAL HEALTH, AND SUBSTANCE USE DISORDERS AND
17 HAVE LONG HELD AN ESSENTIAL ROLE IN ENGAGING CRIMINAL JUSTICE
18 ENTITIES.

19 (3) THE GENERAL ASSEMBLY THEREFORE FINDS THAT IT IS
20 CRITICAL TO CREATE A NETWORK OF PROFESSIONALS WHO CAN
21 COMPREHENSIVELY BRIDGE THE CRIMINAL JUSTICE SYSTEM AND THE
22 COMMUNITY BEHAVIORAL HEALTH SYSTEMS ACROSS THE STATE IN ORDER
23 TO:

24 (a) PROMOTE POSITIVE OUTCOMES FOR INDIVIDUALS LIVING WITH
25 MENTAL HEALTH OR CO-OCCURRING BEHAVIORAL HEALTH CONDITIONS;

26 (b) INFORM CRIMINAL JUSTICE ENTITIES ABOUT COMMUNITY
27 TREATMENT OPTIONS;

1 (c) CONNECT INDIVIDUALS TO BEHAVIORAL HEALTH SERVICES;
2 AND

3 (d) SERVE AS A RESOURCE FOR COMMUNITIES THAT ARE PURSUING
4 ALTERNATIVE SENTENCING, REDIRECTION, DIVERSION, AND NO-FILE
5 OPTIONS.

6 (4) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT A
7 STATEWIDE BEHAVIORAL HEALTH COURT LIAISON PROGRAM MUST
8 PROVIDE A METHOD FOR COLLABORATION AND CONSULTATION AMONG
9 BEHAVIORAL HEALTH PROVIDERS, DISTRICT ATTORNEYS, AND DEFENSE
10 ATTORNEYS ABOUT REDIRECTION, DIVERSION, COMPETENCY
11 EVALUATIONS, RESTORATION TO COMPETENCY SERVICES, AND OTHER
12 RELEVANT DECISIONS AND ISSUES FACING INDIVIDUALS WITH MENTAL
13 HEALTH OR CO-OCCURRING BEHAVIORAL HEALTH CONDITIONS WHO ARE
14 INVOLVED WITH THE CRIMINAL JUSTICE SYSTEM, INCLUDING
15 APPROPRIATENESS FOR COMMUNITY TREATMENT AND RESOURCE
16 AVAILABILITY.

17 **16-11.9-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE
18 CONTEXT OTHERWISE REQUIRES:

19 (1) "BEHAVIORAL HEALTH CONDITION" REFERS TO MENTAL
20 HEALTH AND CO-OCCURRING SUBSTANCE USE CONDITIONS THAT ARE
21 INDICATIVE OF A POSSIBLE BEHAVIORAL HEALTH PROBLEM, CONCERN, OR
22 DISORDER.

23 (2) "BEHAVIORAL HEALTH SERVICES" OR "BEHAVIORAL HEALTH
24 SYSTEMS" MEANS SERVICE SYSTEMS THAT ENCOMPASS PREVENTION AND
25 PROMOTION OF EMOTIONAL HEALTH, PREVENTION AND TREATMENT
26 SERVICES FOR MENTAL HEALTH AND SUBSTANCE USE CONDITIONS, AND
27 RECOVERY SUPPORT.

1 (3) "COURT LIAISON" MEANS A PERSON WHO IS HIRED AS A
2 DEDICATED BEHAVIORAL HEALTH COURT LIAISON FOR THE PROGRAM
3 PURSUANT TO SECTION 16-11.9-203.

4 (4) "PROGRAM" MEANS THE STATEWIDE BEHAVIORAL HEALTH
5 COURT LIAISON PROGRAM ESTABLISHED IN SECTION 16-11.9-203.

6 (5) "REDIRECTION SPECIALIST" MEANS THE MENTAL HEALTH AND
7 BEHAVIORAL HEALTH SPECIALISTS WHO OPERATE WITHIN THE CRIMINAL
8 JUSTICE SYSTEM TO ASSIST IN IDENTIFYING AND EVALUATING INDIVIDUALS
9 WITH BEHAVIORAL HEALTH CONDITIONS, PREPARE RECOMMENDATIONS
10 ABOUT SUITABILITY FOR REDIRECTION FROM CRIMINAL JUSTICE
11 INVOLVEMENT TO COMMUNITY BEHAVIORAL HEALTH TREATMENT, AND
12 COMMUNICATE WITH PARTNERS TO FACILITATE THE PROGRAM.

13 (6) "STATE COURT ADMINISTRATOR" MEANS THE STATE COURT
14 ADMINISTRATOR ESTABLISHED PURSUANT TO SECTION 13-3-101.

15 **16-11.9-203. Statewide behavioral health court liaison**
16 **program - established - purpose - administration.** (1) (a) THE
17 STATEWIDE BEHAVIORAL HEALTH COURT LIAISON PROGRAM IS
18 ESTABLISHED IN THE OFFICE OF THE STATE COURT ADMINISTRATOR. THE
19 STATE COURT ADMINISTRATOR IS RESPONSIBLE FOR PROGRAM
20 ADMINISTRATION, INCLUDING ENSURING THAT EACH JUDICIAL DISTRICT
21 IMPLEMENTS A LOCAL PROGRAM DESIGN THAT IS ALIGNED WITH
22 STATEWIDE GOALS AND LEGISLATIVE INTENT.

23 (b) THE PURPOSE OF THE PROGRAM IS TO IDENTIFY AND DEDICATE
24 LOCAL BEHAVIORAL HEALTH PROFESSIONALS AS COURT LIAISONS IN EACH
25 STATE JUDICIAL DISTRICT. THE COURT LIAISONS SHALL FACILITATE
26 COMMUNICATION AND COLLABORATION BETWEEN JUDICIAL AND
27 BEHAVIORAL HEALTH SYSTEMS.

1 (2) THE PROGRAM IS DESIGNED TO KEEP JUDGES, DISTRICT
2 ATTORNEYS, AND DEFENSE ATTORNEYS INFORMED ABOUT AVAILABLE
3 COMMUNITY-BASED BEHAVIORAL HEALTH SERVICES, INCLUDING SERVICES
4 FOR DEFENDANTS WHO HAVE BEEN ORDERED TO UNDERGO A COMPETENCY
5 EVALUATION OR RECEIVE COMPETENCY RESTORATION SERVICES
6 PURSUANT TO ARTICLE 8.5 OF THIS TITLE 16. THE PROGRAM IS FURTHER
7 DESIGNED TO ASSIST CRIMINAL JUSTICE ENTITIES AND LAW ENFORCEMENT
8 PARTNERS IN PURSUING OPPORTUNITIES FOR REDIRECTION, DIVERSION, OR
9 OTHER PROGRAMMING THAT PROMOTES POSITIVE OUTCOMES FOR AN
10 INDIVIDUAL LIVING WITH A BEHAVIORAL HEALTH CONDITION.

11 (3) ON OR BEFORE OCTOBER 1, 2018, AND AS NECESSARY
12 THEREAFTER, THE STATE COURT ADMINISTRATOR SHALL ESTABLISH
13 PROGRAM PROCEDURES, TIMELINES, FUNDING GUIDELINES, AND
14 ACCEPTABLE EXPENSES FOR THE DISTRIBUTION OF PROGRAM FUNDS TO
15 JUDICIAL DISTRICTS. THE STATE COURT ADMINISTRATOR SHALL ALLOCATE
16 PROGRAM FUNDING TO JUDICIAL DISTRICTS BASED ON CASE VOLUME,
17 GEOGRAPHICAL COMPLEXITY, AND DENSITY OF NEED.

18 (4) THE STATE COURT ADMINISTRATOR SHALL IMPLEMENT
19 CAPABILITIES WITHIN THE EXISTING STATEWIDE COURT DATA SYSTEM TO
20 INDICATE BEHAVIORAL HEALTH CONDITIONS IN CASES BROUGHT TO THE
21 COURTS.

22 (5) EACH JUDICIAL DISTRICT SHALL USE ALLOCATED PROGRAM
23 MONEY TO PARTNER WITH A COMMUNITY MENTAL HEALTH PROVIDER,
24 SUCH AS A COMMUNITY MENTAL HEALTH CENTER, THAT IS ABLE TO
25 PROVIDE A CONTINUUM OF COMMUNITY-BASED BEHAVIORAL HEALTH
26 SERVICES IN ITS REGION TO ACCOMPLISH THE PROGRAM GOALS SET FORTH
27 IN SUBSECTIONS (1) AND (2) OF THIS SECTION. PROGRAM MONEY MAY BE

1 USED FOR THE PURPOSES ESTABLISHED BY THE STATE COURT
2 ADMINISTRATOR PURSUANT TO SUBSECTION (3) OF THIS SECTION,
3 INCLUDING BUT NOT LIMITED TO:

4 (a) PROGRAM IMPLEMENTATION AND START-UP COSTS
5 DETERMINED NECESSARY AND APPROPRIATE BY THE STATE COURT
6 ADMINISTRATOR;

7 (b) CONTRACTING FOR AN ADEQUATE NUMBER OF DEDICATED
8 COURT LIAISONS RESPONSIBLE FOR THE DUTIES SET FORTH IN SECTION
9 16-11.9-204;

10 (c) PRIORITIZING, THROUGH THE COURT LIAISONS, CASES WHERE
11 COMPETENCY TO PROCEED AND RESTORATION TO COMPETENCY ARE
12 RAISED, AND PROVIDING NECESSARY SERVICES FOR SUCH CASES; AND

13 (d) OPERATIONAL FUNDING FOR COURT LIAISON ACTIVITIES AS
14 DETERMINED NECESSARY AND APPROPRIATE BY THE STATE COURT
15 ADMINISTRATOR.

16 **16-11.9-204. Behavioral health court liaisons - duties and**
17 **responsibilities - consultation and collaboration.** (1) A COURT LIAISON
18 HIRED PURSUANT TO THIS PART 2 HAS THE FOLLOWING DUTIES AND
19 RESPONSIBILITIES:

20 (a) ACCESSING LOCAL COMMUNITY MENTAL HEALTH CENTER
21 RECORDS AND APPOINTMENT SYSTEMS, AS ALLOWED BY STATE AND
22 FEDERAL LAW, TO ASSESS TREATMENT HISTORY AND MAKE DIRECT
23 CONNECTIONS TO SERVICES FOR A DEFENDANT WITH A BEHAVIORAL
24 HEALTH CONDITION;

25 (b) SCREENING FOR BEHAVIORAL HEALTH CONDITIONS AND
26 DETERMINING APPROPRIATE REFERRAL AND TREATMENT OPTIONS WHEN
27 NECESSARY;

1 (c) USING THE BEHAVIORAL HEALTH INFORMATION FROM THE
2 STATEWIDE COURT DATA SYSTEM, AS UPDATED PURSUANT TO SECTION
3 16-11.9-203 (4), TO MAKE A DETERMINATION REGARDING WHETHER A
4 BEHAVIORAL HEALTH CONSULTATION WOULD BE BENEFICIAL IN ACHIEVING
5 PROGRAM GOALS AND OBJECTIVES. IF THE COURT LIAISON OPERATING IN
6 THE JUDICIAL DISTRICT DETERMINES THAT A CONSULTATION WOULD BE
7 BENEFICIAL, THE COURT LIAISON SHALL CONSULT WITH EACH JUDICIAL
8 OFFICER, DEFENSE ATTORNEY, AND DISTRICT ATTORNEY WORKING ON THE
9 CASE, AND THE PARTIES MUST IDENTIFY, AT A MINIMUM, THE FOLLOWING
10 INFORMATION:

11 (I) THE NATURE OF THE INDIVIDUAL'S BEHAVIORAL HEALTH
12 CONDITION;

13 (II) WHETHER THE INDIVIDUAL HAS A READILY AVAILABLE
14 HISTORY OF BEHAVIORAL HEALTH TREATMENT;

15 (III) WHETHER THE INDIVIDUAL IS A CURRENT OR PAST CLIENT OF
16 A COMMUNITY MENTAL HEALTH CENTER IN THE JUDICIAL DISTRICT;

17 (IV) WHETHER THERE ARE OPPORTUNITIES FOR REDIRECTION INTO
18 COMMUNITY TREATMENT AS AN ALTERNATIVE TO FILING CHARGES
19 AGAINST THE INDIVIDUAL; AND

20 (V) THE LOCAL, REGIONAL, OR STATE AVAILABILITY OF
21 RESOURCES THAT THE INDIVIDUAL MAY NEED, INCLUDING BUT NOT
22 LIMITED TO:

23 (A) OUTPATIENT AND OUT-OF-CUSTODY COMPETENCY
24 EVALUATIONS OR COMPETENCY RESTORATION SERVICES;

25 (B) BEHAVIORAL HEALTH SERVICES OR PSYCHIATRIC SERVICES OR
26 SUPPORTS; OR

27 (C) EMPLOYMENT, HOUSING, OR OTHER SOCIAL SUPPORTS.

1 (d) FACILITATING COMMUNICATION BETWEEN BEHAVIORAL
2 HEALTH SYSTEMS AND CRIMINAL JUSTICE ENTITIES AND PROVIDING
3 CONSULTATION TO CRIMINAL JUSTICE PERSONNEL REGARDING
4 BEHAVIORAL HEALTH AND COMMUNITY TREATMENT OPTIONS; AND

5 (e) COORDINATING WITH REDIRECTION SPECIALISTS AND ANY
6 JAIL-BASED BEHAVIORAL HEALTH PROVIDERS TO ENSURE CONTINUITY OF
7 CARE AND SERVICE DELIVERY.

8 (2) IF A CONSULTATION OCCURS PURSUANT TO SUBSECTION (1)(c)
9 OF THIS SECTION, THE STATEWIDE COURT DATA SYSTEM MUST INCLUDE A
10 RECORD OF SUCH CONSULTATION ON THE INDIVIDUAL'S CASE RECORDS.

11 **16-11.9-205. Reporting requirements.** (1) THE STATE COURT
12 ADMINISTRATOR SHALL COLLABORATE WITH EACH JUDICIAL JURISDICTION
13 IN THE STATE AND EACH COURT LIAISON TO COLLECT AND ANALYZE DATA
14 REGARDING THE WORK OF THE PROGRAM, INCLUDING DATA THAT
15 DEMONSTRATES THE IMPACT OF CONSULTATION, UTILIZATION OF THE
16 COURT LIAISONS BY JUDICIAL DISTRICTS, AND THE EFFICIENCY OF THE
17 PROGRAM IN PROMOTING THE LEGISLATIVE INTENT AND STATEWIDE GOALS
18 AS SET FORTH IN THIS PART 2.

19 (2) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136, ON
20 OR BEFORE OCTOBER 1, 2019, AND EACH OCTOBER 1 THEREAFTER, THE
21 STATE COURT ADMINISTRATOR SHALL REPORT TO THE JOINT BUDGET
22 COMMITTEE, OR ANY SUCCESSOR COMMITTEE, THE NUMBER OF CASES IN
23 THE PAST YEAR FOR WHICH A BEHAVIORAL HEALTH CONDITION WAS
24 IDENTIFIED AND RESULTED IN A CONSULTATION PURSUANT TO SECTION
25 16-11.9-204, AND OUTCOMES RELATED TO THE LEGISLATIVE INTENT AND
26 STATEWIDE GOALS OF THE PROGRAM, AS SET FORTH IN THIS PART 2.

27 **SECTION 2. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.