

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0816.02 Conrad Imel x2313

SENATE BILL 22-196

SENATE SPONSORSHIP

Gonzales and Lee,

HOUSE SPONSORSHIP

Bacon and Benavidez,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING SUPPORTING THE HEALTH NEEDS OF PERSONS WHO MAY
102 BE INVOLVED WITH THE CRIMINAL JUSTICE SYSTEM.

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 the early intervention, deflection, and redirection from the criminal justice system grant program (grant program) in the behavioral health administration (BHA) to provide grants to local governments, federally recognized Indian tribes, health-care providers, community-based organizations, and nonprofit organizations

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.

to fund programs and strategies that prevent people with behavioral health needs from becoming involved with the criminal justice system or that redirect individuals in the criminal justice system with behavioral health needs from the system to appropriate services. Local law enforcement agencies are eligible for a grant only for the purpose of developing or expanding a co-responder community response program.

The BHA administers the grant program in consultation with the department of public safety. Each grant recipient must report to the BHA information about the use of the grant. The bill requires the general assembly to appropriate \$51.5 million from the behavioral and mental health cash fund to the department of human services for the grant program.

The bill requires the general assembly to appropriate \$3 million from the behavioral and mental health cash fund to the department of corrections (department) to provide medication-assisted treatment to individuals who are placed in the custody of the department. The department shall use the money for upgrades necessary to store medications at department facilities, for providing continuity of care for inmates with opioid use disorder between institutional settings and community-based treatment, and for facilitating long-term treatment and recovery of individuals upon release.

The bill requires the general assembly to appropriate \$4 million from the behavioral and mental health cash fund to the judicial department for allocation to district attorneys for pretrial diversion programs.

The bill creates the behavioral health information and data sharing program to award grants to counties to integrate the county jails' data systems with the Colorado integrated criminal justice information system. The division of criminal justice (division) within the department of public safety administers the program. The division is required to enter into an agreement with a third-party vendor to oversee the implementation of any data-sharing systems or software necessary for the program. The bill requires the general assembly to appropriate \$3.5 million from the behavioral and mental health cash fund for the program.

The bill requires the state department of health care policy and financing (HCPF) to evaluate and determine whether the state should seek additional federal authority to provide screening, brief intervention, and care coordination services through the medical assistance program to persons immediately prior to release from jail or a department of corrections facility and to improve processes for determining and redetermining individuals for medical assistance eligibility. If HCPF determines that the state should request federal authority, HCPF must make the request. If HCPF determines that the state should not request federal authority, HCPF must submit a report to the joint budget

committee of the general assembly that includes an alternate plan to ensure continuity of care for individuals being released from jail or prison.

The bill requires HCPF to determine whether federal authority is necessary to provide benefit coverage under the medical assistance program to people who are on work release from jail.

The bill requires each county jail to report quarterly about the number of inmates whose medicaid is suspended while incarcerated and the number of incarcerated inmates who are enrolled in, or whose medicaid is reinstated, prior to release. The bill requires a county jail to provide medicaid enrollment or re-enrollment paperwork to a person who is incarcerated in the jail and is eligible for medicaid benefits when the person enters the county jail.

The bill requires an administrator of a community corrections program to partner with a county department of human or social services to facilitate enrolling each offender participating in the program into medicaid.

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) In Colorado, a person with serious mental illness is more likely
5 to be in jail than in a care facility, resulting in jails and prisons acting as
6 the biggest providers of mental health care in our state;

7 (b) People with the most serious mental illnesses often cycle in
8 and out of short-term crisis hospital care and jail, exacerbating their
9 mental health challenges;

10 (c) Cycling in and out of short-term care and jail is more
11 expensive than preventive harm reduction and public safety investments
12 that keep people healthy and in their communities; and

13 (d) Diversion away from the criminal justice system begins with
14 robust community resources.

15 (2) The general assembly further finds and declares that:

1 (a) The federal government enacted the "American Rescue Plan
2 Act of 2021" (ARPA), Pub.L. 117-2, pursuant to which Colorado
3 received \$3,828,761,790 to mitigate the fiscal effects stemming from the
4 COVID-19 public health emergency;

5 (b) Government recipients of ARPA funds may use the funds to
6 provide resources for governments to meet the public health and
7 economic needs of those impacted by the pandemic in their communities.
8 Pursuant to ARPA and related federal regulations, when providing
9 behavioral health services, government recipients may presume that the
10 general public was impacted by the pandemic, and they can therefore use
11 ARPA funds to provide a broad range of behavioral health services to the
12 public.

13 (c) The expenditures in this act for behavioral health programs
14 and services, including behavioral health facilities and equipment, is
15 considered an allowable use under ARPA and is necessary to respond to
16 the COVID-19 public health emergency; and

17 (d) The behavioral health-care services and programs and funding
18 described in this act are important government services.

19 **SECTION 2.** In Colorado Revised Statutes, **add** part 4 to article
20 60 of title 27 as follows:

21 **PART 4**

22 **EARLY INTERVENTION, DEFLECTION, AND REDIRECTION**
23 **FROM THE CRIMINAL JUSTICE SYSTEM GRANT PROGRAM**

24 **27-60-401. Definitions.** AS USED IN THIS PART 4, UNLESS THE
25 CONTEXT OTHERWISE REQUIRES:

26 (1) "BEHAVIORAL HEALTH ADMINISTRATION" OR "BHA" MEANS
27 THE BEHAVIORAL HEALTH ADMINISTRATION ESTABLISHED IN SECTION

1 27-60-203.

2 (2) "COMMUNITY-BASED ORGANIZATION" MEANS A NONPROFIT
3 ORGANIZATION THAT IS REPRESENTATIVE OF THE COMMUNITY SERVED, OR
4 SIGNIFICANT SEGMENTS OF THE COMMUNITY SERVED, AND ENGAGED IN
5 MEETING THAT COMMUNITY'S NEEDS IN THE AREAS OF SOCIAL, HUMAN, OR
6 HEALTH SERVICES.

7 (3) "ELIGIBLE ENTITY" MEANS:

8 (a) A COMMUNITY-BASED ORGANIZATION;

9 (b) A NONPROFIT ORGANIZATION;

10 (c) A LOCAL GOVERNMENT;

11 (d) A FEDERALLY RECOGNIZED INDIAN TRIBE;

12 (e) AN OFFICE THAT PROVIDES OR COORDINATES
13 COURT-APPOINTED COUNSEL TO REPRESENT INDIGENT CLIENTS CHARGED
14 WITH A CRIMINAL OFFENSE IN MUNICIPAL OR STATE COURT;

15 (f) A FEDERALLY QUALIFIED HEALTH CENTER, AS DEFINED IN THE
16 FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1395x (aa)(4), THAT
17 PARTNERS AND SUBMITS A JOINT APPLICATION WITH A COMMUNITY-BASED
18 ORGANIZATION, NONPROFIT ORGANIZATION, LOCAL GOVERNMENT, OR
19 FEDERALLY RECOGNIZED INDIAN TRIBE;

20 (g) A RURAL HEALTH CLINIC, AS DEFINED IN THE FEDERAL "SOCIAL
21 SECURITY ACT", 42 U.S.C. SEC. 1395x (aa)(2), THAT PARTNERS AND
22 SUBMITS A JOINT APPLICATION WITH A COMMUNITY-BASED ORGANIZATION,
23 NONPROFIT ORGANIZATION, LOCAL GOVERNMENT, OR FEDERALLY
24 RECOGNIZED INDIAN TRIBE; AND

25 (h) A LOCAL LAW ENFORCEMENT AGENCY, BUT ONLY FOR THE
26 PURPOSE OF DEVELOPING OR EXPANDING A CO-RESPONDER COMMUNITY
27 RESPONSE PROGRAM, AS DEFINED IN SECTION 24-32-3501 (8).

1 (4) "GRANT PROGRAM" MEANS THE EARLY INTERVENTION,
2 DEFLECTION, AND REDIRECTION FROM THE CRIMINAL JUSTICE SYSTEM
3 GRANT PROGRAM ESTABLISHED IN SECTION 27-60-402.

4 (5) "LOCAL GOVERNMENT" MEANS A COUNTY, MUNICIPALITY, OR
5 CITY AND COUNTY.

6 (6) "LOCAL LAW ENFORCEMENT AGENCY" MEANS A COUNTY
7 SHERIFF'S OFFICE OR A MUNICIPAL POLICE DEPARTMENT.

8 **27-60-402. Early intervention, deflection, and redirection**
9 **from the criminal justice system grant program - established -**
10 **permissible uses.** (1) THERE IS ESTABLISHED IN THE BEHAVIORAL

11 HEALTH ADMINISTRATION THE EARLY INTERVENTION, DEFLECTION, AND
12 REDIRECTION FROM THE CRIMINAL JUSTICE SYSTEM GRANT PROGRAM TO
13 PROVIDE GRANTS TO ELIGIBLE ENTITIES TO FUND PROGRAMS AND OTHER
14 STRATEGIES THAT:

15 (a) PROVIDE BEHAVIORAL HEALTH TREATMENT OR RESOURCES TO
16 PREVENT INDIVIDUALS FROM BECOMING INVOLVED IN THE CRIMINAL
17 JUSTICE SYSTEM OR FURTHER PENETRATING INTO THE SYSTEM;

18 (b) FACILITATE A DIRECT COMMUNITY RESPONSE TO EFFECTIVELY
19 RESPOND TO A PERSON IN A BEHAVIORAL HEALTH CRISIS WITH THE GOAL
20 OF PREVENTING PEOPLE WITH BEHAVIORAL HEALTH NEEDS FROM BEING
21 ARRESTED; OR

22 (c) AFTER AN ARREST, REDIRECT INDIVIDUALS WITH BEHAVIORAL
23 HEALTH NEEDS, INCLUDING INDIVIDUALS UNDERGOING COMPETENCY
24 RESTORATION IN OUTPATIENT SETTINGS, FROM THE CRIMINAL JUSTICE
25 SYSTEM TO APPROPRIATE COMMUNITY-BASED TREATMENT AND SUPPORT
26 SERVICES.

27 (2) AN EARLY INTERVENTION, DEFLECTION, AND REDIRECTION

1 FROM THE CRIMINAL JUSTICE SYSTEM GRANT MAY BE USED FOR ANY OF
2 THE FOLLOWING:

3 (a) TO SUPPORT, CREATE, OR EXPAND PRE-ARREST EARLY
4 INTERVENTION PROGRAMS, INCLUDING COMMUNITY-BASED ALTERNATIVE
5 RESPONSE PROGRAMS DESCRIBED IN SECTION 24-32-3501 (8);

6 (b) TO SUPPORT, CREATE, OR EXPAND CO-RESPONDER COMMUNITY
7 RESPONSE, AS DEFINED IN SECTION 24-32-3501 (8);

8 (c) TO FUND ENHANCED STAFFING, FACILITY IMPROVEMENTS, AND
9 SECURITY MEASURES AT EXISTING CRISIS WALK-IN CENTERS DESCRIBED IN
10 SECTION 27-60-103 (1)(b)(II). THE FUNDING MUST BE USED TO ENABLE
11 THE WALK-IN CENTERS TO ACCEPT ALL FIRST RESPONDER DROP-OFFS AND
12 PROVIDE CRISIS RECEIVING AND STABILIZATION SERVICES.

13 (d) COLLABORATION BETWEEN COMMUNITY-BASED
14 ORGANIZATIONS AND COURT-APPOINTED COUNSEL WHO REPRESENT
15 INDIGENT CLIENTS TO FACILITATE BEHAVIORAL HEALTH SCREENING AND
16 ASSESSMENT AND TO HELP CLIENTS ACCESS BEHAVIORAL HEALTH AND
17 OTHER SUPPORTIVE SERVICES, PARTICULARLY DURING EARLY STAGES IN
18 A CRIMINAL PROCEEDING;

19 (e) COMPREHENSIVE SERVICE DELIVERY, INCLUDING MODELS
20 WHERE MULTIPLE PARTNERS CO-LOCATE OR CREATE NEW RESOURCE
21 CENTERS, TO ENSURE SWIFT CONNECTION TO AND RECEIPT OF SOCIAL
22 SUPPORT SERVICES INCLUDING, BUT NOT LIMITED TO, COUNSELING, JOB
23 PLACEMENT SERVICES, HOUSING NAVIGATION ASSISTANCE AND SUPPORT,
24 BENEFITS ENROLLMENT, FAMILY COUNSELING, SUBSTANCE USE
25 TREATMENT, CASE MANAGEMENT SERVICES, PEER SUPPORT, AND OTHER
26 SUPPORTIVE SERVICES. TO RECEIVE A GRANT FOR COMPREHENSIVE
27 SERVICE DELIVERY, THE APPLICANT MUST DEMONSTRATE COLLABORATION

1 WITH LOCAL PARTNERS THAT WILL PROVIDE SOCIAL SUPPORT SERVICES AS
2 PART OF THE COMPREHENSIVE SERVICE DELIVERY.

3 (f) COMPREHENSIVE PRE-RELEASE PLANNING FOR INDIVIDUALS IN
4 A JAIL OR PRISON WITH BEHAVIORAL HEALTH NEEDS, TO PREVENT
5 REINCARCERATION;

6 (g) OTHER INNOVATIONS OR PROGRAMS AIMED AT DEFLECTING,
7 REDIRECTING, OR OTHERWISE PREVENTING PEOPLE WITH BEHAVIORAL
8 HEALTH NEEDS FROM FURTHER PENETRATING INTO THE CRIMINAL JUSTICE
9 SYSTEM;

10 (h) TECHNICAL ASSISTANCE AND CAPACITY-BUILDING, AS
11 IDENTIFIED BY THE APPLICANT AS A COMPONENT OF THE PROGRAM, TO
12 SUPPORT DELIVERY OF EVIDENCE-BASED OR EVIDENCE-INFORMED
13 SERVICES ALONG THE BEHAVIORAL HEALTH CONTINUUM OF CARE; AND

14 (i) CAPITAL EXPENDITURES RELATED TO PROVIDING THE
15 TREATMENT AND SERVICES DESCRIBED IN THIS SUBSECTION (2).

16 (3) THE BHA SHALL PROVIDE GRANT RECIPIENTS WITH
17 INFORMATION ABOUT THE 988 CRISIS HOTLINE, DEFINED IN SECTION
18 27-64-102, TO ENSURE THAT THE GRANT RECIPIENTS ARE AWARE OF THE
19 SERVICES AVAILABLE BY USING THE 988 CRISIS HOTLINE.

20 (4) (a) THE BEHAVIORAL HEALTH ADMINISTRATION SHALL
21 ADMINISTER THE GRANT PROGRAM IN COLLABORATION WITH THE
22 DEPARTMENT OF PUBLIC SAFETY. THE BHA SHALL CREATE A GRANT
23 APPLICATION PROCESS AND SHALL MAKE THE PROCESS PUBLICLY
24 AVAILABLE ON ITS WEBSITE PRIOR TO ACCEPTING APPLICATIONS. THE BHA
25 SHALL BEGIN ACCEPTING GRANT APPLICATIONS NO LATER THAN
26 DECEMBER 31, 2022.

27 (b) THE BHA AND DEPARTMENT OF PUBLIC SAFETY SHALL ENGAGE

1 IN STATEWIDE COMMUNITY OUTREACH TO MAKE ELIGIBLE ENTITIES AWARE
2 OF THE GRANT PROGRAM, APPLICATION PROCESS, AND DEADLINES.

3 (c) NO LATER THAN SIXTY DAYS BEFORE THE GRANT APPLICATION
4 DEADLINE, THE BHA AND DEPARTMENT OF PUBLIC SAFETY SHALL JOINTLY
5 HOLD A PUBLIC MEETING TO PRESENT INFORMATION ABOUT THE GRANT
6 PROGRAM AND TO GIVE ELIGIBLE ENTITIES THE OPPORTUNITY TO ASK
7 QUESTIONS REGARDING THE GRANT PROGRAM. THE BHA MAY ALLOW
8 ELECTRONIC ATTENDANCE AND PARTICIPATION AT THE MEETING.

9 (d) THE BHA SHALL PROVIDE GRANT APPLICATION AND PROGRAM
10 DEVELOPMENT SUPPORT UPON REQUEST TO AN ELIGIBLE ENTITY THAT HAS
11 AN ANNUAL BUDGET OF LESS THAN ONE MILLION DOLLARS. AVAILABLE
12 SUPPORT MAY INCLUDE ASSISTANCE WITH GRANT-WRITING, PROGRAM
13 DESIGN, IDENTIFYING SUSTAINABLE FUNDING OPPORTUNITIES, PROGRAM
14 IMPLEMENTATION, AND DATA-GATHERING AND EVALUATION.

15 **27-60-403. Grant program application - criteria - award -**
16 **rules.** (1) IN ORDER TO RECEIVE A GRANT, AN ELIGIBLE ENTITY MUST
17 SUBMIT AN APPLICATION TO THE BHA. TWO OR MORE ELIGIBLE ENTITIES
18 MAY COLLABORATE ON A PROGRAM AND SUBMIT A JOINT APPLICATION. AT
19 A MINIMUM, AN APPLICATION MUST INCLUDE:

20 (a) THE REQUESTED AMOUNT OF THE GRANT AWARD AND A
21 DESCRIPTION OF THE PROGRAM THAT WILL BE OPERATED WITH THE GRANT
22 AWARD, INCLUDING A DESCRIPTION OF HOW THE PROPOSED PROGRAM
23 MEETS THE PURPOSES OF THE GRANT PROGRAM DESCRIBED IN SECTION
24 27-60-402 (1);

25 (b) THE SOURCE OF THE MATCHING RESOURCES PROVIDED BY THE
26 APPLICANT, AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION;

27 (c) WHETHER THE PROGRAM PLANS TO USE THE 988 CRISIS

- 1 HOTLINE DEFINED IN SECTION 27-64-102 AS A PART OF THE PROGRAM;
- 2 (d) INFORMATION ABOUT THE APPLICANT'S ABILITY AND INTENT TO
3 SUSTAIN THE SERVICES PROVIDED WITH A GRANT AWARD BEYOND THE
4 DURATION OF THE GRANT, IF APPLICABLE;
- 5 (e) A DESCRIPTION OF ANY AGREEMENTS OR PARTNERSHIPS
6 NECESSARY TO CARRY OUT THE GRANT ACTIVITIES AND HOW GRANT
7 MONEY WILL BE ALLOCATED AMONG PARTNERS, IF NEEDED TO PERFORM
8 ACTIVITIES IN THE APPLICATION;
- 9 (f) DATA DOCUMENTING THE NEED FOR THE PROJECT, INCLUDING
10 THE PROJECTED DEMOGRAPHIC INFORMATION OF CLIENTS TO BE SERVED,
11 INCLUDING AGE, RACE, ETHNICITY, GENDER, AND ANY OTHER RELEVANT
12 DEMOGRAPHIC INFORMATION;
- 13 (g) PROJECTED OUTCOMES, SPECIFIC PERFORMANCE MEASURES,
14 AND DATA COLLECTION METHODS NECESSARY FOR THE GRANTEE AND THE
15 BHA TO ASSESS THE IMPACT OF THE PROPOSED PROGRAM;
- 16 (h) A DESCRIPTION OF THE APPLICANT'S EXPERIENCE IN PROVIDING
17 CULTURALLY COMPETENT AND GENDER RESPONSIVE SERVICES, AND
18 WHETHER THE APPLICANT IS REPRESENTATIVE OF THE INDIVIDUALS THE
19 APPLICANT SEEKS TO SERVE WITH A GRANT;
- 20 (i) A DESCRIPTION OF HOW THE PROGRAM WOULD ADD VALUE TO
21 EXISTING LOCAL EFFORTS IN THE PROGRAM AREA, IF ANY, THAT ALIGN
22 WITH THE PURPOSES OF THIS GRANT PROGRAM DESCRIBED IN SECTION
23 27-60-402 (1);
- 24 (j) A COMMITMENT THAT ALL SERVICES WILL BE PROVIDED ON A
25 VOLUNTARY BASIS AND THAT THE APPLICANT WILL NOT REQUIRE
26 WARRANT CHECKS OR FINGERPRINTING TO RECEIVE SERVICES;
- 27 (k) IF THE APPLICANT IS A LOCAL GOVERNMENT OR FEDERALLY

1 RECOGNIZED INDIAN TRIBE APPLYING FOR A GRANT FOR A CAPITAL
2 EXPENDITURE, THE APPLICANT MUST DEMONSTRATE COLLABORATION
3 WITH COMMUNITY-BASED ORGANIZATIONS OR NONPROFIT ORGANIZATIONS
4 THAT ARE PROVIDING TREATMENT AND SERVICES DESCRIBED IN
5 SUBSECTION (2) OF THIS SECTION IN ASSOCIATION WITH THE CAPITAL
6 EXPENDITURE; AND

7 (1) ANY OTHER INFORMATION REQUIRED BY THE BHA.

8 (2) THE BHA AND DEPARTMENT OF PUBLIC SAFETY SHALL REVIEW
9 GRANT APPLICATIONS. AFTER CONSULTATION WITH THE DEPARTMENT OF
10 PUBLIC SAFETY, THE BHA SHALL AWARD GRANTS. IN ADDITION TO
11 CONSIDERING THE INFORMATION INCLUDED IN THE GRANT APPLICATION,
12 WHEN AWARDING GRANTS, THE BHA SHALL ENSURE THAT:

13 (a) THE PROPOSED PROGRAM FILLS AN EXISTING GAP IN
14 BEHAVIORAL HEALTH RESPONSE, AS IDENTIFIED IN THE APPLICATION, IN
15 THE PROGRAM SERVICE AREA AND WOULD MEET THE NEEDS OF THE
16 IDENTIFIED TARGET POPULATION SERVED BY THE PROGRAM; AND

17 (b) ANY DIRECT SERVICES PROVIDED THROUGH THE PROGRAM WILL
18 USE EVIDENCE-BASED OR EVIDENCE-INFORMED INTERVENTIONS THAT
19 ALIGN WITH TRAUMA-INFORMED AND HARM REDUCTION PRINCIPLES.

20 (3) THE BHA SHALL ONLY AWARD GRANTS TO APPLICANTS THAT
21 OFFER A MATCH IN RESOURCES. AS USED IN THIS SUBSECTION (3), "MATCH"
22 MEANS MONETARY AND NONMONETARY CONTRIBUTIONS TO A PROJECT.

23 (4) (a) A GRANT RECIPIENT SHALL SPEND OR OBLIGATE ANY GRANT
24 MONEY BY DECEMBER 31, 2024. ANY MONEY OBLIGATED BY DECEMBER
25 31, 2024, MUST BE EXPENDED BY DECEMBER 31, 2026.

26 (b) A GRANT RECIPIENT MAY USE NO MORE THAN TEN PERCENT OF
27 A GRANT AWARD FOR ADMINISTRATIVE COSTS ASSOCIATED WITH RECEIPT

1 OF THE GRANT AWARD.

2 **27-60-404. Grant program reporting requirements.** (1) EACH
3 GRANT RECIPIENT SHALL SUBMIT A REPORT TO THE BHA FOLLOWING THE
4 EXPIRATION OF THE GRANT TERM. THE REPORT MUST INCLUDE:

5 (a) INFORMATION ABOUT THE USE OF THE GRANT AWARD,
6 INCLUDING THE PROGRAM OPERATED WITH THE GRANT AWARD AND THE
7 NUMBER OF INDIVIDUALS THE PROGRAM DIVERTED OR REDIRECTED FROM
8 THE CRIMINAL JUSTICE SYSTEM;

9 (b) THE NUMBER OF INDIVIDUALS SERVED THROUGH THE PROGRAM
10 WHO MAY HAVE COME INTO CONTACT WITH THE CRIMINAL JUSTICE
11 SYSTEM;

12 (c) THE NUMBER OF INDIVIDUALS REFERRED BY THE PROGRAM TO
13 TREATMENT; AND

14 (d) WHETHER THE RECIPIENT IS CONTINUING THE PROGRAM AND
15 ANY OTHER INFORMATION REQUESTED BY THE STATE DEPARTMENT.

16 (2) (a) ON OR BEFORE JANUARY 31 OF EACH YEAR, THE HOUSE OF
17 REPRESENTATIVES JUDICIARY COMMITTEE, THE HOUSE OF
18 REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN
19 SERVICES COMMITTEE, THE SENATE HEALTH AND HUMAN SERVICES
20 COMMITTEE, AND THE SENATE JUDICIARY COMMITTEE, OR THEIR
21 SUCCESSOR COMMITTEES, SHALL HOLD A JOINT HEARING ON THE GRANT
22 PROGRAM. AT THE HEARING, THE STATE DEPARTMENT SHALL REPORT TO
23 THE COMMITTEES ABOUT THE GRANT PROGRAM, WHICH MUST INCLUDE AN
24 OVERVIEW OF THE GRANT PROGRAM, INFORMATION ON THE TYPE OF
25 SERVICES FUNDED WITH A GRANT AWARD, AND WHERE SERVICES WERE
26 PROVIDED.

27 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE

1 REPORTING REQUIREMENT IN THIS SUBSECTION (2) CONTINUES
2 INDEFINITELY.

3 **27-60-405. Grant program funding - requirements - reports**

4 **- appropriation.** (1) THE GENERAL ASSEMBLY SHALL APPROPRIATE TO
5 THE STATE DEPARTMENT FIFTY-ONE MILLION FIVE HUNDRED THOUSAND
6 DOLLARS FROM THE BEHAVIORAL AND MENTAL HEALTH CASH FUND
7 CREATED IN SECTION 24-75-230 TO IMPLEMENT THE GRANT PROGRAM.

8 (2) (a) THE STATE DEPARTMENT, BHA, AND ANY PERSON WHO
9 RECEIVES MONEY FROM THE BHA, INCLUDING EACH GRANT RECIPIENT,
10 SHALL COMPLY WITH THE COMPLIANCE, REPORTING, RECORD-KEEPING,
11 AND PROGRAM EVALUATION REQUIREMENTS ESTABLISHED BY THE OFFICE
12 OF STATE PLANNING AND BUDGETING AND THE STATE CONTROLLER IN
13 ACCORDANCE WITH SECTION 24-75-226 (5).

14 (b) FOR EACH GRANT AWARDED FOR A CAPITAL EXPENDITURE, THE
15 BHA IS RESPONSIBLE FOR PREPARING THE WRITTEN JUSTIFICATION
16 REQUIRED PURSUANT TO 31 CFR 35.6 (b)(4). A GRANT APPLICANT THAT
17 REQUESTS GRANT MONEY FOR A CAPITAL EXPENDITURE MUST SUBMIT TO
18 THE BHA INFORMATION REQUESTED BY THE BHA FOR INCLUSION IN THE
19 WRITTEN JUSTIFICATION; EXCEPT THAT THIS REQUIREMENT DOES NOT
20 APPLY IF THE BHA DETERMINES THAT THE WRITTEN JUSTIFICATION IS NOT
21 REQUIRED BASED ON HOW THE EXPENDITURES AUTHORIZED PURSUANT TO
22 THIS PART 4 WILL BE REPORTED TO THE UNITED STATES DEPARTMENT OF
23 THE TREASURY.

24 **27-60-406. Repeal of part.** THIS PART 4 IS REPEALED, EFFECTIVE
25 JANUARY 31, 2027.

26 **SECTION 3.** In Colorado Revised Statutes, 17-1-113.8, **add** (4)
27 as follows:

1 **17-1-113.8. Persons with serious behavioral or mental health**
2 **disorders - long-term isolated confinement - work group -**
3 **medication-assisted treatment - appropriation - repeal.** (4) (a) FOR
4 THE 2022-23 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL
5 APPROPRIATE THREE MILLION DOLLARS FROM THE BEHAVIORAL AND
6 MENTAL HEALTH CASH FUND CREATED IN SECTION 24-75-230 TO THE
7 DEPARTMENT TO PROVIDE MEDICATION-ASSISTED TREATMENT TO
8 INDIVIDUALS WHO ARE PLACED IN THE CUSTODY OF THE DEPARTMENT.
9 ANY UNEXPENDED OR UNENCUMBERED MONEY APPROPRIATED PURSUANT
10 TO THIS SUBSECTION (4)(a) REMAINS AVAILABLE FOR EXPENDITURE FOR
11 THE SAME PURPOSE IN THE 2023-24 STATE FISCAL YEAR WITHOUT FURTHER
12 APPROPRIATION.

13 (b) THE DEPARTMENT SHALL USE MONEY APPROPRIATED
14 PURSUANT TO THIS SUBSECTION (4) FOR:

15 (I) HARDWARE, SOFTWARE, AND INFRASTRUCTURE, INCLUDING
16 RENOVATIONS, NECESSARY TO STORE MEDICATIONS AT DEPARTMENT
17 FACILITIES;

18 (II) PROVIDING CONTINUITY OF CARE FOR INMATES WITH AN OPIOID
19 USE DISORDER BETWEEN THE INSTITUTIONAL SETTINGS AND
20 COMMUNITY-BASED TREATMENT CENTERS IN ORDER TO MITIGATE THE
21 ILLNESS AND SUFFERING SURROUNDING THE ACUTE WITHDRAWAL OF
22 INDIVIDUALS WITH OPIOID USE DISORDER; AND

23 (III) FACILITATING THE LONG-TERM TREATMENT AND RECOVERY
24 OF INDIVIDUALS UPON RELEASE.

25 (c) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JUNE 30, 2024.

26 **SECTION 4.** In Colorado Revised Statutes, 18-1.3-101, **add** (11)
27 as follows:

1 **18-1.3-101. Pretrial diversion - appropriation - repeal.**

2 (11) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL ASSEMBLY
3 SHALL APPROPRIATE FOUR MILLION DOLLARS FROM THE BEHAVIORAL AND
4 MENTAL HEALTH CASH FUND CREATED IN SECTION 24-75-230 TO THE
5 JUDICIAL DEPARTMENT FOR ALLOCATION TO DISTRICT ATTORNEYS FOR
6 PRETRIAL DIVERSION PROGRAMS. ANY UNEXPENDED OR UNENCUMBERED
7 MONEY APPROPRIATED PURSUANT TO THIS SUBSECTION (11) REMAINS
8 AVAILABLE FOR EXPENDITURE FOR THE SAME PURPOSE IN THE 2023-24
9 STATE FISCAL YEAR WITHOUT FURTHER APPROPRIATION. THE JUDICIAL
10 DEPARTMENT MAY USE UP TO FIVE PERCENT OF THE MONEY APPROPRIATED
11 PURSUANT TO THIS SECTION FOR ADMINISTRATIVE EXPENSES RELATED TO
12 ALLOCATING MONEY TO DISTRICT ATTORNEYS FOR PRETRIAL DIVERSION
13 PROGRAMS.

14 (b) THIS SUBSECTION (11) IS REPEALED, EFFECTIVE JULY 1, 2024.

15 **SECTION 5.** In Colorado Revised Statutes, **add** 24-33.5-525 as
16 follows:

17 **24-33.5-525. Behavioral health information and data-sharing**
18 **in the criminal justice system - grants - appropriation - repeal.**

19 (1) THERE IS ESTABLISHED IN THE DIVISION THE BEHAVIORAL HEALTH
20 INFORMATION AND DATA-SHARING PROGRAM TO ENABLE JAILS TO
21 EXCHANGE BEHAVIORAL HEALTH INFORMATION WITH THE COLORADO
22 INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM IN ORDER TO
23 MAINTAIN CONTINUITY OF CARE AS PERSONS DETAINED IN A JAIL TRANSFER
24 BETWEEN CRIMINAL JUSTICE AGENCIES AND THE COMMUNITY.

25 (2) (a) AS PART OF THE PROGRAM, THE DIVISION SHALL ISSUE
26 ONE-TIME GRANTS TO COUNTIES. A COUNTY THAT RECEIVES A GRANT
27 SHALL USE THE GRANT MONEY TO INTEGRATE THE COUNTY JAIL'S DATA

1 SYSTEMS WITH THE COLORADO INTEGRATED CRIMINAL JUSTICE
2 INFORMATION SYSTEM, STANDARDIZE CLIENT-SPECIFIC INFORMATION ON
3 BEHAVIORAL, MENTAL, AND PHYSICAL HEALTH NEEDS THROUGH COMMON
4 DATA FIELDS, AND AUTOMATE DATA REPORTING REQUIRED PURSUANT TO
5 STATE LAW. EVERY COUNTY IS ELIGIBLE FOR A GRANT.

6 (b) THE DIVISION SHALL DEVELOP POLICIES FOR AWARDING
7 GRANTS, WHICH MUST INCLUDE ELIGIBILITY CRITERIA; A PROCESS FOR
8 COUNTIES TO APPLY FOR AND RECEIVE A GRANT, INCLUDING GRANT
9 APPLICATION DEADLINES; AND A PROCESS FOR DETERMINING THE AMOUNT
10 OF A GRANT AWARD. THE DIVISION SHALL MAKE THE POLICIES PUBLICLY
11 AVAILABLE ON ITS WEBSITE AND SHALL NOT SET A GRANT APPLICATION
12 DEADLINE EARLIER THAN TWENTY-EIGHT DAYS AFTER THE POLICIES ARE
13 MADE PUBLIC. SUBJECT TO AVAILABLE APPROPRIATIONS, THE DIVISION
14 SHALL AWARD GRANTS TO COUNTIES THAT APPLY FOR A GRANT AND
15 WHOSE APPLICATION IS APPROVED BY THE APPLICATION REVIEW
16 COMMITTEE DESCRIBED IN SUBSECTION (2)(c) OF THIS SECTION.

17 (c) THE DIVISION SHALL CONVENE AN APPLICATION REVIEW
18 COMMITTEE TO REVIEW THE GRANT APPLICATIONS. THE COMMITTEE
19 CONSISTS OF A REPRESENTATIVES FROM THE DIVISION, THE OFFICE OF
20 INFORMATION TECHNOLOGY CREATED IN SECTION 24-37.5-103, THE
21 COLORADO INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM
22 PROGRAM, AND THE BEHAVIORAL HEALTH ADMINISTRATION. THE REVIEW
23 COMMITTEE SHALL REVIEW EACH GRANT APPLICATION TO ENSURE THAT
24 EACH PROPOSED PROJECT HAS JUSTIFIABLE COSTS AND INCLUDES PLANS TO
25 USE TECHNOLOGY THAT MEETS STATE STANDARDS, AND THAT ALL DATA
26 EXCHANGE REQUIREMENTS WILL BE ADDED TO THE APPLICANT'S JAIL
27 MANAGEMENT SYSTEM, AS DEFINED IN SECTION 17-26-118. THE DIVISION

1 SHALL PROVIDE TECHNICAL ASSISTANCE TO JAILS THAT NEED HELP TO
2 DETERMINE COSTS, TECHNOLOGY, AND DATA REQUIREMENTS.

3 (3) THE DIVISION SHALL ENTER INTO AN AGREEMENT WITH A
4 THIRD-PARTY VENDOR TO OVERSEE THE IMPLEMENTATION OF ANY
5 DATA-SHARING SYSTEMS OR SOFTWARE NECESSARY TO EXCHANGE
6 INFORMATION WITH THE COLORADO INTEGRATED CRIMINAL JUSTICE
7 INFORMATION SYSTEM TO ENSURE CONTINUITY OF CARE FOR PERSONS WHO
8 ARE DETAINED.

9 (4) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
10 ASSEMBLY SHALL APPROPRIATE THREE MILLION FIVE HUNDRED THOUSAND
11 DOLLARS FROM THE BEHAVIORAL AND MENTAL HEALTH CASH FUND
12 CREATED IN SECTION 24-75-230 TO THE DEPARTMENT FOR THE PURPOSES
13 OF THIS SECTION.

14 (5) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2024.

15 **SECTION 6.** In Colorado Revised Statutes, **add 25.5-4-505** as
16 follows:

17 **25.5-4-505. Federal authorization related to persons involved**
18 **in the criminal justice system - assessment - report - repeal.** (1) THE
19 STATE DEPARTMENT SHALL EVALUATE AND DETERMINE WHETHER THE
20 STATE SHOULD SEEK ADDITIONAL FEDERAL AUTHORITY TO PROVIDE
21 SCREENING, BRIEF INTERVENTION, AND CARE COORDINATION SERVICES
22 THROUGH THE MEDICAL ASSISTANCE PROGRAM TO PERSONS IMMEDIATELY
23 PRIOR TO RELEASE FROM JAIL OR A DEPARTMENT OF CORRECTIONS
24 FACILITY AND TO IMPROVE PROCESSES FOR DETERMINING AND
25 REDETERMINING INDIVIDUALS FOR MEDICAL ASSISTANCE ELIGIBILITY IN
26 ORDER TO IMPROVE CONTINUITY AND ACCESS TO HEALTH-CARE SERVICES.
27 IF THE STATE DEPARTMENT DETERMINES THAT SECURING ADDITIONAL

1 FEDERAL AUTHORITY WILL ENSURE IMPROVED ACCESS TO CARE AND
2 CONTINUITY OF CARE FOR INDIVIDUALS INVOLVED IN THE CRIMINAL
3 JUSTICE SYSTEM, THE STATE DEPARTMENT MAY SEEK APPROVAL FROM THE
4 CENTERS FOR MEDICARE AND MEDICAID SERVICES FOR ANY ADDITIONAL
5 FEDERAL AUTHORITY. IF THE STATE DEPARTMENT SEEKS APPROVAL, IT
6 SHALL NOTIFY THE MEMBERS OF THE HOUSE OF REPRESENTATIVES PUBLIC
7 AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE AND THE
8 SENATE HEALTH AND HUMAN SERVICES COMMITTEE, OR THEIR SUCCESSOR
9 COMMITTEES, AND THE MEMBERS OF THE JOINT BUDGET COMMITTEE OF
10 THE GENERAL ASSEMBLY.

11 (2) IF THE STATE DEPARTMENT DETERMINES THAT PURSUING
12 ADDITIONAL FEDERAL AUTHORITY AS DESCRIBED IN SUBSECTION (1) OF
13 THIS SECTION IS INAPPROPRIATE, THE STATE DEPARTMENT SHALL SUBMIT
14 A REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY
15 ON OR BEFORE OCTOBER 1, 2023, THAT INCLUDES THE FOLLOWING
16 INFORMATION:

17 (a) AN EXPLANATION OF WHY THE STATE DEPARTMENT BELIEVES
18 PURSUING ADDITIONAL FEDERAL AUTHORITY IS NOT AN APPROPRIATE WAY
19 TO IMPROVE CONTINUITY OF CARE FOR JUSTICE-INVOLVED POPULATIONS;

20 (b) AN ALTERNATIVE PLAN DEVELOPED BY THE STATE
21 DEPARTMENT TO ENSURE IMPROVED ACCESS TO CARE AND CONTINUITY OF
22 CARE FOR INDIVIDUALS INVOLVED IN THE CRIMINAL JUSTICE SYSTEM WHO
23 ARE BEING RELEASED FROM INCARCERATION THAT DETAILS HOW THE
24 STATE DEPARTMENT PLANS TO ENSURE CONTINUITY OF CARE FOR
25 INDIVIDUALS BEING RELEASED FROM JAIL OR PRISON;

26 (c) A PROPOSED TIMELINE FOR IMPLEMENTATION OF THE
27 ALTERNATIVE PLAN; AND

1 (d) ANY NECESSARY FISCAL OR LEGISLATIVE PROPOSALS FOR THE
2 IMPLEMENTATION OF THE STATE DEPARTMENT'S ALTERNATIVE PLAN.

3 (3) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2024.

4 **SECTION 7.** In Colorado Revised Statutes, **add** 25.5-4-215 as
5 follows:

6 **25.5-4-215. Study - benefits for persons on work release -**
7 **repeal.** (1) THE STATE DEPARTMENT SHALL DETERMINE WHETHER
8 FEDERAL AUTHORITY IS NECESSARY TO PROVIDE BENEFIT COVERAGE
9 UNDER THE MEDICAL ASSISTANCE PROGRAM TO PEOPLE WHO ARE ON WORK
10 RELEASE FROM JAIL, AS DESCRIBED IN SECTION 18-1.3-207. ON OR BEFORE
11 OCTOBER 1, 2023, THE STATE DEPARTMENT SHALL REPORT THE RESULTS
12 OF THE ASSESSMENT AND ANALYSIS TO THE JOINT BUDGET COMMITTEE OF
13 THE GENERAL ASSEMBLY.

14 (2) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2024.

15 **SECTION 8.** In Colorado Revised Statutes, 17-26-118, **add**
16 (4)(e) as follows:

17 **17-26-118. Criminal justice data collection - definitions -**
18 **repeal.** (4) (e) IN ADDITION TO THE INFORMATION DESCRIBED IN
19 SUBSECTION (4)(a) OF THIS SECTION, THE REPORT MUST INCLUDE
20 INFORMATION FROM THE PRIOR QUARTER REGARDING THE NUMBER OF
21 INMATES IN THE JAIL WHOSE MEDICAID WAS SUSPENDED WHILE
22 INCARCERATED AND THE NUMBER OF INMATES WHO WERE ENROLLED, OR
23 WHOSE MEDICAID WAS REINSTATED, PRIOR TO RELEASE.

24 **SECTION 9.** In Colorado Revised Statutes, 17-26-140, **amend**
25 (2) as follows:

26 **17-26-140. Continuity of care for persons released from jail.**
27 (2) ~~The~~ A county jail shall provide medicaid ENROLLMENT OR

1 reenrollment paperwork to ~~the person~~ A PERSON WHO IS INCARCERATED
2 IN THE JAIL AND IS ELIGIBLE FOR MEDICAID BENEFITS when the person
3 enters the county jail. The county jail must file the medicaid paperwork
4 with the county department of health and human services upon releasing
5 the person from the county jail's custody.

6 **SECTION 10.** In Colorado Revised Statutes, 17-27-104, **add** (14)
7 as follows:

8 **17-27-104. Community corrections programs operated by**
9 **units of local government, state agencies, or nongovernmental**
10 **agencies.** (14) THE ADMINISTRATOR OF A COMMUNITY CORRECTIONS
11 PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL PARTNER WITH
12 A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES TO FACILITATE
13 ENROLLING OFFENDERS IN THE PROGRAM INTO MEDICAID, WHICH MUST
14 INCLUDE DETERMINING WHETHER EACH OFFENDER IS ENROLLED IN
15 MEDICAID UPON ENTRY INTO THE COMMUNITY CORRECTIONS PROGRAM
16 AND, IF AN OFFENDER IS NOT ENROLLED, DETERMINING WHETHER THE
17 OFFENDER IS ELIGIBLE FOR MEDICAL ASSISTANCE UNDER MEDICAID AND
18 ENROLLING EACH ELIGIBLE OFFENDER IN MEDICAID.

19 **SECTION 11. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, or safety.