

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 22-0816.02 Conrad Imel x2313

SENATE BILL 22-196

SENATE SPONSORSHIP

Gonzales and Lee, Buckner, Donovan, Kolker, Moreno, Pettersen, Simpson, Story, Winter

HOUSE SPONSORSHIP

Bacon and Benavidez,

Senate Committees

Judiciary
Appropriations

House Committees

Judiciary
Appropriations

A BILL FOR AN ACT

101 **CONCERNING SUPPORTING THE HEALTH NEEDS OF PERSONS WHO MAY**
102 **BE INVOLVED WITH THE CRIMINAL JUSTICE SYSTEM, AND, IN**
103 **CONNECTION 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/>.)

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

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.*

SENATE
3rd Reading Unamended
May 2, 2022

SENATE
Amended 2nd Reading
April 29, 2022

providers, community-based organizations, and nonprofit organizations 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.

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

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

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

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

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

20 **SECTION 2.** In Colorado Revised Statutes, **add** part 4 to article
21 60 of title 27 as follows:

22 **PART 4**

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

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

27 (1) "BEHAVIORAL HEALTH ADMINISTRATION" OR "BHA" MEANS

1 THE BEHAVIORAL HEALTH ADMINISTRATION ESTABLISHED IN SECTION
2 27-60-203.

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

8 (3) "ELIGIBLE ENTITY" MEANS:

9 (a) A COMMUNITY-BASED ORGANIZATION;

10 (b) A HOSPITAL THAT PROVIDES BEHAVIORAL HEALTH TREATMENT;

11 (c) A LOCAL GOVERNMENT;

12 (d) A FEDERALLY RECOGNIZED INDIAN TRIBE;

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

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

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

27 (h) A LOCAL LAW ENFORCEMENT AGENCY, BUT ONLY FOR THE

1 PURPOSE OF DEVELOPING OR EXPANDING A CO-RESPONDER COMMUNITY
2 RESPONSE PROGRAM, AS DEFINED IN SECTION 24-32-3501 (8).

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

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

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

10 (7) "REVIEW COMMITTEE" MEANS THE EARLY INTERVENTION,
11 DEFLECTION, AND REDIRECTION FROM THE CRIMINAL JUSTICE SYSTEM
12 GRANT REVIEW COMMITTEE CREATED IN SECTION 27-60-403.

13 **27-60-402. Early intervention, deflection, and redirection**
14 **from the criminal justice system grant program - established -**
15 **permissible uses.** (1) THERE IS ESTABLISHED IN THE BEHAVIORAL
16 HEALTH ADMINISTRATION THE EARLY INTERVENTION, DEFLECTION, AND
17 REDIRECTION FROM THE CRIMINAL JUSTICE SYSTEM GRANT PROGRAM TO
18 PROVIDE GRANTS TO ELIGIBLE ENTITIES TO FUND PROGRAMS AND OTHER
19 STRATEGIES THAT:

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

23 (b) FACILITATE A DIRECT COMMUNITY RESPONSE TO EFFECTIVELY
24 RESPOND TO A PERSON IN A BEHAVIORAL HEALTH CRISIS WITH THE GOAL
25 OF PREVENTING PEOPLE WITH BEHAVIORAL HEALTH NEEDS FROM BEING
26 ARRESTED; OR

27 (c) AFTER AN ARREST, REDIRECT INDIVIDUALS WITH BEHAVIORAL

1 HEALTH NEEDS FROM THE CRIMINAL JUSTICE SYSTEM TO APPROPRIATE
2 COMMUNITY-BASED TREATMENT AND SUPPORT SERVICES.

3 (2) AN EARLY INTERVENTION, DEFLECTION, AND REDIRECTION
4 FROM THE CRIMINAL JUSTICE SYSTEM GRANT MAY BE USED FOR ANY OF
5 THE FOLLOWING:

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

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

11 (c) TO FUND ENHANCED STAFFING, FACILITY IMPROVEMENTS, OR
12 SECURITY MEASURES FOR EXISTING CRISIS WALK-IN CENTERS, CRISIS
13 STABILIZATION UNITS, MOBILE CRISIS SERVICES, OR CRISIS RESPITE
14 SERVICES, AS DESCRIBED IN SECTION 27-60-103 (1)(b), AND WITHDRAWAL
15 MANAGEMENT PROGRAMS AT FACILITIES APPROVED PURSUANT TO ARTICLE
16 81 OF THIS TITLE 27. A CRISIS WALK-IN CENTER MUST USE A GRANT AWARD
17 TO ENABLE THE CRISIS WALK-IN CENTER TO ACCEPT ALL BEHAVIORAL
18 HEALTH RELATED FIRST RESPONDER DROP-OFFS AND PROVIDE CRISIS
19 RECEIVING AND STABILIZATION SERVICES. GRANTS AWARDED FOR CRISIS
20 STABILIZATION UNITS, MOBILE CRISIS SERVICES, CRISIS RESPITE SERVICES,
21 AND WITHDRAWAL MANAGEMENT PROGRAMS MUST BE USED TO PROVIDE
22 CRISIS RECEIVING AND STABILIZATION SERVICES.

23 (d) COLLABORATION BETWEEN COMMUNITY-BASED
24 ORGANIZATIONS AND COURT-APPOINTED COUNSEL WHO REPRESENT
25 INDIGENT CLIENTS TO FACILITATE BEHAVIORAL HEALTH SCREENING AND
26 ASSESSMENT AND TO HELP CLIENTS ACCESS BEHAVIORAL HEALTH AND
27 OTHER SUPPORTIVE SERVICES, PARTICULARLY DURING EARLY STAGES IN

1 A CRIMINAL PROCEEDING;

2 (e) COMPREHENSIVE SERVICE DELIVERY, INCLUDING MODELS
3 WHERE MULTIPLE PARTNERS CO-LOCATE OR CREATE NEW RESOURCE
4 CENTERS, TO ENSURE SWIFT CONNECTION TO AND RECEIPT OF SOCIAL
5 SUPPORT SERVICES INCLUDING, BUT NOT LIMITED TO, COUNSELING, JOB
6 PLACEMENT SERVICES, HOUSING NAVIGATION ASSISTANCE AND SUPPORT,
7 BENEFITS ENROLLMENT, FAMILY COUNSELING, SUBSTANCE USE
8 TREATMENT, CASE MANAGEMENT SERVICES, PEER SUPPORT, AND OTHER
9 SUPPORTIVE SERVICES. TO RECEIVE A GRANT FOR COMPREHENSIVE
10 SERVICE DELIVERY, THE APPLICANT MUST DEMONSTRATE COLLABORATION
11 WITH LOCAL PARTNERS THAT WILL PROVIDE SOCIAL SUPPORT SERVICES AS
12 PART OF THE COMPREHENSIVE SERVICE DELIVERY.

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

16 (g) TO SUPPORT, CREATE, OR EXPAND PROGRAMS TO HELP PEOPLE
17 WHO HAVE A PENDING MUNICIPAL CRIMINAL CASE ATTEND THEIR COURT
18 DATES AND AVOID JAIL FOR NON-APPEARANCE, SUCH AS THROUGH COURT
19 REMINDERS, RIDE ASSISTANCE, OR OTHER SUPPORTIVE INTERVENTIONS. A
20 PROGRAM THAT OPERATES WITH GRANT MONEY MUST SERVE A
21 SUBSTANTIAL NUMBER OF PEOPLE WITH BEHAVIORAL HEALTH NEEDS.

22 (h) TO ESTABLISH AND OPERATE, OR FUND AN EXISTING, MOBILE
23 MEDICATION-ASSISTED TREATMENT UNIT;

24 (i) OTHER INNOVATIONS OR PROGRAMS AIMED AT DEFLECTING,
25 REDIRECTING, OR OTHERWISE PREVENTING PEOPLE WITH BEHAVIORAL
26 HEALTH NEEDS FROM FURTHER PENETRATING INTO THE CRIMINAL JUSTICE
27 SYSTEM;

1 (j) TECHNICAL ASSISTANCE AND CAPACITY-BUILDING, AS
2 IDENTIFIED BY THE APPLICANT AS A COMPONENT OF THE PROGRAM, TO
3 SUPPORT DELIVERY OF EVIDENCE-BASED OR EVIDENCE-INFORMED
4 SERVICES ALONG THE BEHAVIORAL HEALTH CONTINUUM OF CARE; AND

5 (k) CAPITAL EXPENDITURES RELATED TO PROVIDING THE
6 TREATMENT AND SERVICES DESCRIBED IN THIS SUBSECTION (2).

7 (3) THE BHA SHALL PROVIDE GRANT RECIPIENTS WITH
8 INFORMATION ABOUT THE 988 CRISIS HOTLINE, DEFINED IN SECTION
9 27-64-102, TO ENSURE THAT THE GRANT RECIPIENTS ARE AWARE OF THE
10 SERVICES AVAILABLE BY USING THE 988 CRISIS HOTLINE.

11 (4) (a) THE BEHAVIORAL HEALTH ADMINISTRATION SHALL
12 ADMINISTER THE GRANT PROGRAM IN COLLABORATION WITH THE
13 DEPARTMENT OF PUBLIC SAFETY. THE BHA SHALL CREATE A GRANT
14 APPLICATION PROCESS AND SHALL MAKE THE PROCESS PUBLICLY
15 AVAILABLE ON ITS WEBSITE PRIOR TO ACCEPTING APPLICATIONS. THE BHA
16 SHALL BEGIN ACCEPTING GRANT APPLICATIONS NO LATER THAN
17 DECEMBER 31, 2022.

18 (b) THE BHA AND DEPARTMENT OF PUBLIC SAFETY SHALL ENGAGE
19 IN STATEWIDE COMMUNITY OUTREACH TO MAKE ELIGIBLE ENTITIES AWARE
20 OF THE GRANT PROGRAM, APPLICATION PROCESS, AND DEADLINES.

21 (c) NO LATER THAN SIXTY DAYS BEFORE THE GRANT APPLICATION
22 DEADLINE, THE BHA AND DEPARTMENT OF PUBLIC SAFETY SHALL JOINTLY
23 HOLD A PUBLIC MEETING TO PRESENT INFORMATION ABOUT THE GRANT
24 PROGRAM AND TO GIVE ELIGIBLE ENTITIES THE OPPORTUNITY TO ASK
25 QUESTIONS REGARDING THE GRANT PROGRAM. THE BHA MAY ALLOW
26 ELECTRONIC ATTENDANCE AND PARTICIPATION AT THE MEETING.

27 (d) THE BHA SHALL PROVIDE GRANT APPLICATION AND PROGRAM

1 DEVELOPMENT SUPPORT UPON REQUEST TO AN ELIGIBLE ENTITY THAT HAS
2 AN ANNUAL BUDGET OF LESS THAN ONE MILLION DOLLARS. AVAILABLE
3 SUPPORT MAY INCLUDE ASSISTANCE WITH GRANT-WRITING, PROGRAM
4 DESIGN, IDENTIFYING SUSTAINABLE FUNDING OPPORTUNITIES, PROGRAM
5 IMPLEMENTATION, AND DATA-GATHERING AND EVALUATION.

6 **27-60-403. Grant program application - criteria - award -**
7 **rules.** (1) IN ORDER TO RECEIVE A GRANT, AN ELIGIBLE ENTITY MUST
8 OFFER A MONETARY CONTRIBUTION OR IN-KIND CONTRIBUTIONS, AS
9 DESCRIBED IN SUBSECTION (4) OF THIS SECTION, THAT DIRECTLY SUPPORT
10 THE SERVICES PROVIDED WITH A GRANT AWARD AND MUST SUBMIT AN
11 APPLICATION TO THE BHA. TWO OR MORE ELIGIBLE ENTITIES MAY
12 COLLABORATE ON A PROGRAM AND SUBMIT A JOINT APPLICATION. AT A
13 MINIMUM, AN APPLICATION MUST INCLUDE:

14 (a) THE REQUESTED AMOUNT OF THE GRANT AWARD AND A
15 DESCRIPTION OF THE PROGRAM THAT WILL BE OPERATED WITH THE GRANT
16 AWARD, INCLUDING A DESCRIPTION OF HOW THE PROPOSED PROGRAM
17 MEETS THE PURPOSES OF THE GRANT PROGRAM DESCRIBED IN SECTION
18 27-60-402 (1);

19 (b) THE SOURCE OF THE CONTRIBUTING FUNDS OR IN-KIND
20 CONTRIBUTING RESOURCES PROVIDED BY THE APPLICANT, AS DESCRIBED
21 IN SUBSECTION (4) OF THIS SECTION;

22 (c) WHETHER THE PROGRAM PLANS TO USE THE 988 CRISIS
23 HOTLINE DEFINED IN SECTION 27-64-102 AS A PART OF THE PROGRAM;

24 (d) INFORMATION ABOUT THE APPLICANT'S ABILITY AND INTENT TO
25 SUSTAIN THE SERVICES PROVIDED WITH A GRANT AWARD BEYOND THE
26 DURATION OF THE GRANT, IF APPLICABLE;

27 (e) A DESCRIPTION OF ANY AGREEMENTS OR PARTNERSHIPS

1 NECESSARY TO CARRY OUT THE GRANT ACTIVITIES AND HOW GRANT
2 MONEY WILL BE ALLOCATED AMONG PARTNERS, IF NEEDED TO PERFORM
3 ACTIVITIES IN THE APPLICATION;

4 (f) DATA DOCUMENTING THE NEED FOR THE PROJECT, INCLUDING
5 THE PROJECTED DEMOGRAPHIC INFORMATION OF CLIENTS TO BE SERVED,
6 INCLUDING AGE, RACE, ETHNICITY, GENDER, AND ANY OTHER RELEVANT
7 DEMOGRAPHIC INFORMATION;

8 (g) PROJECTED OUTCOMES, SPECIFIC PERFORMANCE MEASURES,
9 AND DATA COLLECTION METHODS NECESSARY FOR THE GRANTEE AND THE
10 BHA TO ASSESS THE IMPACT OF THE PROPOSED PROGRAM;

11 (h) A DESCRIPTION OF THE APPLICANT'S EXPERIENCE IN PROVIDING
12 CULTURALLY COMPETENT AND GENDER RESPONSIVE SERVICES, AND
13 WHETHER THE APPLICANT IS REPRESENTATIVE OF THE INDIVIDUALS THE
14 APPLICANT SEEKS TO SERVE WITH A GRANT;

15 (i) A DESCRIPTION OF HOW THE PROGRAM WOULD ADD VALUE TO
16 EXISTING LOCAL EFFORTS IN THE PROGRAM AREA, IF ANY, THAT ALIGN
17 WITH THE PURPOSES OF THIS GRANT PROGRAM DESCRIBED IN SECTION
18 27-60-402 (1);

19 (j) A COMMITMENT THAT ALL SERVICES WILL BE PROVIDED ON A
20 VOLUNTARY BASIS AND THAT THE APPLICANT WILL NOT REQUIRE
21 WARRANT CHECKS OR FINGERPRINTING TO RECEIVE SERVICES;

22 (k) IF THE APPLICANT IS A LOCAL GOVERNMENT OR FEDERALLY
23 RECOGNIZED INDIAN TRIBE APPLYING FOR A GRANT FOR A CAPITAL
24 EXPENDITURE, THE APPLICANT MUST DEMONSTRATE COLLABORATION
25 WITH COMMUNITY-BASED ORGANIZATIONS OR HOSPITALS THAT ARE
26 PROVIDING TREATMENT AND SERVICES DESCRIBED IN SUBSECTION (3) OF
27 THIS SECTION IN ASSOCIATION WITH THE CAPITAL EXPENDITURE; ■■■

1 (l) IF THE APPLICANT IS A LAW ENFORCEMENT AGENCY, THE
2 APPLICANT MUST DEMONSTRATE COMPLIANCE WITH THE REPORTING
3 REQUIREMENTS DESCRIBED IN SECTION 24-31-903 (2); AND

4 (m) ANY OTHER INFORMATION REQUIRED BY THE BHA.

5 (2) (a) THERE IS CREATED IN THE BHA AN EARLY INTERVENTION,
6 DEFLECTION, AND REDIRECTION FROM THE CRIMINAL JUSTICE SYSTEM
7 GRANT REVIEW COMMITTEE TO REVIEW GRANT APPLICATIONS AND MAKE
8 RECOMMENDATIONS TO THE BHA AND DEPARTMENT OF PUBLIC SAFETY.
9 THE COMMISSIONER OF THE BHA SHALL ENSURE THAT THE COMPOSITION
10 OF THE COMMITTEE IS RACIALLY, ETHNICALLY, AND GEOGRAPHICALLY
11 DIVERSE AND REPRESENTATIVE OF COMMUNITIES MOST IMPACTED BY THE
12 CRIMINAL JUSTICE SYSTEM. THE COMMITTEE CONSISTS OF THE FOLLOWING
13 MEMBERS:

14 (I) THE COMMISSIONER OF THE BHA OR THE COMMISSIONER'S
15 DESIGNEE;

16 (II) THE DIRECTOR OF THE DIVISION OF CRIMINAL JUSTICE OR THE
17 DIRECTOR'S DESIGNEE;

18 (III) THE FOLLOWING INDIVIDUALS APPOINTED BY THE
19 COMMISSIONER OF THE BHA, IN CONSULTATION WITH THE DIRECTOR OF
20 THE DIVISION OF CRIMINAL JUSTICE WITHIN THE DEPARTMENT OF PUBLIC
21 SAFETY:

22 (A) TWO CLINICIANS WITH EXPERIENCE PROVIDING BEHAVIORAL
23 HEALTH TREATMENT SERVICES TO INDIVIDUALS WHO HAVE BEEN
24 INVOLVED IN THE CRIMINAL JUSTICE SYSTEM, ONE OF WHOM MUST
25 SPECIALIZE IN SUBSTANCE ABUSE DISORDER TREATMENT, WHO ALSO HAVE
26 EXPERIENCE PROVIDING CULTURALLY RESPONSIVE TREATMENT IN
27 COMMUNITIES OF COLOR AND OTHER UNDERSERVED POPULATIONS;

1 (B) TWO REPRESENTATIVES OF ORGANIZATIONS WITH EXPERIENCE
2 AWARDING GRANTS IN BEHAVIORAL HEALTH FIELDS;

3 (C) A RESEARCHER FROM AN INSTITUTION OF HIGHER EDUCATION
4 WITH A BACKGROUND IN EFFECTIVE INTERVENTIONS THAT PREVENT OR
5 REDIRECT PEOPLE WITH A BEHAVIORAL HEALTH DISORDER FROM BEING
6 INVOLVED WITH THE CRIMINAL JUSTICE SYSTEM;

7 (D) A PERSON WHO WAS IMPACTED BY THE CRIMINAL JUSTICE
8 SYSTEM, EITHER PERSONALLY OR THROUGH A FAMILY MEMBER, AND THE
9 PERSON OR THE FAMILY MEMBER HAD BEHAVIORAL HEALTH NEEDS WHILE
10 INVOLVED IN THE CRIMINAL JUSTICE SYSTEM;

11 (E) A VICTIM'S ADVOCATE WITH EXPERIENCE IN PROVIDING
12 CULTURALLY RESPONSIVE SERVICES IN COMMUNITIES OF COLOR, OR A
13 REPRESENTATIVE FROM A COMMUNITY-BASED VICTIM SERVICES
14 ORGANIZATION THAT SPECIALIZES IN SERVING VICTIMS OF COLOR;

15 (F) A REPRESENTATIVE OF A FEDERALLY RECOGNIZED INDIAN
16 TRIBE WITH JURISDICTION IN COLORADO;

17 (G) A MEMBER OF LAW ENFORCEMENT THAT HAS PARTICIPATED IN
18 CO-RESPONDER COMMUNITY RESPONSE, AS DEFINED IN SECTION
19 24-32-3501 (8);

20 (H) A PUBLIC DEFENDER OR PRIVATE CRIMINAL DEFENSE
21 ATTORNEY WITH EXPERIENCE REPRESENTING PEOPLE WITH A BEHAVIORAL
22 HEALTH DISORDER; AND

23 (I) A PROSECUTOR WITH EXPERIENCE OPERATING A DIVERSION
24 PROGRAM SPECIFICALLY FOR INDIVIDUALS WITH A BEHAVIORAL HEALTH
25 DISORDER.

26 (b) MEMBERS OF THE COMMITTEE SERVE WITHOUT COMPENSATION
27 AND WITHOUT REIMBURSEMENT FOR EXPENSES. MEMBERS OF THE REVIEW

1 COMMITTEE SHALL DISCLOSE ANY CONFLICTS OF INTEREST, INCLUDING
2 WHETHER THE MEMBER REPRESENTS AN ORGANIZATION THAT MAY SEEK
3 A GRANT FROM THE GRANT PROGRAM.

4 (c) THE COMMITTEE SHALL REVIEW APPLICATIONS FOR GRANTS
5 SUBMITTED PURSUANT TO THIS SECTION AND MAKE RECOMMENDATIONS
6 TO THE BHA AND DEPARTMENT OF PUBLIC SAFETY ABOUT WHICH
7 APPLICANTS SHOULD RECEIVE GRANTS AND THE AMOUNT OF EACH GRANT.

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

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

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

21 (4) THE BHA SHALL ONLY AWARD GRANTS TO APPLICANTS THAT
22 OFFER A MONETARY CONTRIBUTION OR IN-KIND CONTRIBUTIONS THAT
23 DIRECTLY SUPPORT THE SERVICES PROVIDED WITH A GRANT AWARD. IN
24 DETERMINING THE AMOUNT OF CONTRIBUTING RESOURCES REQUIRED FOR
25 AN APPLICANT, THE BHA SHALL CONSIDER THE SIZE OF THE APPLICANT
26 ORGANIZATION, INCLUDING AVAILABLE STAFF AND ANNUAL OPERATING
27 BUDGET. THE BHA MAY WAIVE THE CONTRIBUTING RESOURCES

1 REQUIREMENT FOR AN APPLICANT THAT IS REQUESTING A GRANT AWARD
2 OF LESS THAN FIFTY THOUSAND DOLLARS.

3 (5) (a) A GRANT RECIPIENT SHALL SPEND OR OBLIGATE ANY GRANT
4 MONEY BY DECEMBER 31, 2024. ANY MONEY OBLIGATED BY DECEMBER
5 31, 2024, MUST BE EXPENDED BY DECEMBER 31, 2026.

6 (b) A GRANT RECIPIENT MAY USE NO MORE THAN TEN PERCENT OF
7 A GRANT AWARD FOR ADMINISTRATIVE COSTS ASSOCIATED WITH RECEIPT
8 OF THE GRANT AWARD.

9 **27-60-404. Grant program reporting requirements.** (1) EACH
10 GRANT RECIPIENT SHALL SUBMIT A REPORT TO THE BHA FOLLOWING THE
11 EXPIRATION OF THE GRANT TERM. THE REPORT MUST INCLUDE:

12 (a) INFORMATION ABOUT THE USE OF THE GRANT AWARD,
13 INCLUDING THE PROGRAM OPERATED WITH THE GRANT AWARD AND THE
14 NUMBER OF INDIVIDUALS THE PROGRAM DIVERTED OR REDIRECTED FROM
15 THE CRIMINAL JUSTICE SYSTEM;

16 (b) THE NUMBER OF INDIVIDUALS SERVED THROUGH THE PROGRAM
17 WHO MAY HAVE COME INTO CONTACT WITH THE CRIMINAL JUSTICE
18 SYSTEM;

19 (c) THE NUMBER OF INDIVIDUALS REFERRED BY THE PROGRAM TO
20 TREATMENT; AND

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

23 (2) (a) ON OR BEFORE JANUARY 31 OF EACH YEAR, THE HOUSE OF
24 REPRESENTATIVES JUDICIARY COMMITTEE, THE HOUSE OF
25 REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN
26 SERVICES COMMITTEE, THE SENATE HEALTH AND HUMAN SERVICES
27 COMMITTEE, AND THE SENATE JUDICIARY COMMITTEE, OR THEIR

1 SUCCESSOR COMMITTEES, SHALL HOLD A JOINT HEARING ON THE GRANT
2 PROGRAM. AT THE HEARING, THE STATE DEPARTMENT SHALL REPORT TO
3 THE COMMITTEES ABOUT THE GRANT PROGRAM, WHICH MUST INCLUDE AN
4 OVERVIEW OF THE GRANT PROGRAM, INFORMATION ON THE TYPE OF
5 SERVICES FUNDED WITH A GRANT AWARD, AND WHERE SERVICES WERE
6 PROVIDED.

7 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
8 REPORTING REQUIREMENT IN THIS SUBSECTION (2) CONTINUES
9 INDEFINITELY.

10 **27-60-405. Grant program funding - requirements - reports**

11 **- appropriation.** (1) THE GENERAL ASSEMBLY SHALL APPROPRIATE TO
12 THE STATE DEPARTMENT FIFTY MILLION SEVEN HUNDRED THOUSAND
13 DOLLARS FROM THE BEHAVIORAL AND MENTAL HEALTH CASH FUND
14 CREATED IN SECTION 24-75-230 TO IMPLEMENT THE GRANT PROGRAM.

15 (2) (a) THE STATE DEPARTMENT, BHA, AND ANY PERSON WHO
16 RECEIVES MONEY FROM THE BHA, INCLUDING EACH GRANT RECIPIENT,
17 SHALL COMPLY WITH THE COMPLIANCE, REPORTING, RECORD-KEEPING,
18 AND PROGRAM EVALUATION REQUIREMENTS ESTABLISHED BY THE OFFICE
19 OF STATE PLANNING AND BUDGETING AND THE STATE CONTROLLER IN
20 ACCORDANCE WITH SECTION 24-75-226 (5).

21 (b) FOR EACH GRANT AWARDED FOR A CAPITAL EXPENDITURE, THE
22 BHA IS RESPONSIBLE FOR PREPARING THE WRITTEN JUSTIFICATION
23 REQUIRED PURSUANT TO 31 CFR 35.6 (b)(4). A GRANT APPLICANT THAT
24 REQUESTS GRANT MONEY FOR A CAPITAL EXPENDITURE MUST SUBMIT TO
25 THE BHA INFORMATION REQUESTED BY THE BHA FOR INCLUSION IN THE
26 WRITTEN JUSTIFICATION; EXCEPT THAT THIS REQUIREMENT DOES NOT
27 APPLY IF THE BHA DETERMINES THAT THE WRITTEN JUSTIFICATION IS NOT

1 REQUIRED BASED ON HOW THE EXPENDITURES AUTHORIZED PURSUANT TO
2 THIS PART 4 WILL BE REPORTED TO THE UNITED STATES DEPARTMENT OF
3 THE TREASURY.

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

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

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

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

22 (I) HARDWARE, SOFTWARE, AND INFRASTRUCTURE, INCLUDING
23 RENOVATIONS, NECESSARY TO STORE MEDICATIONS AT DEPARTMENT
24 FACILITIES;

25 (II) PROVIDING CONTINUITY OF CARE FOR INMATES WITH A
26 SUBSTANCE USE DISORDER BETWEEN THE INSTITUTIONAL SETTINGS,
27 INCLUDING PROBATION, AND COMMUNITY-BASED TREATMENT CENTERS IN

1 ORDER TO MITIGATE THE ILLNESS AND SUFFERING SURROUNDING THE
2 ACUTE WITHDRAWAL OF INDIVIDUALS WITH A SUBSTANCE USE DISORDER;
3 AND

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

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

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

9 **18-1.3-101. Pretrial diversion - appropriation - repeal.**

10 (11) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL ASSEMBLY
11 SHALL APPROPRIATE FOUR MILLION DOLLARS FROM THE BEHAVIORAL AND
12 MENTAL HEALTH CASH FUND CREATED IN SECTION 24-75-230 TO THE
13 JUDICIAL DEPARTMENT _____ FOR PRETRIAL DIVERSION PROGRAMS. ANY
14 UNEXPENDED OR UNENCUMBERED MONEY APPROPRIATED PURSUANT TO
15 THIS SUBSECTION (11) REMAINS AVAILABLE FOR EXPENDITURE FOR THE
16 SAME PURPOSE IN THE 2023-24 STATE FISCAL YEAR WITHOUT FURTHER
17 APPROPRIATION. THE JUDICIAL DEPARTMENT MAY USE UP TO FIVE PERCENT
18 OF THE MONEY APPROPRIATED PURSUANT TO THIS SECTION FOR
19 ADMINISTRATIVE EXPENSES. THE JUDICIAL DEPARTMENT SHALL ALLOCATE
20 ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS OF THE MONEY
21 APPROPRIATED PURSUANT TO THIS SUBSECTION (11) TO RECIPIENTS THAT
22 PROVIDE DIVERSION FOR INDIVIDUALS WITH BEHAVIORAL HEALTH
23 DISORDERS.

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

25 **SECTION 5.** In Colorado Revised Statutes, 13-3-115, **amend**
26 **(5)(d); and add (5)(f) and (5)(g) as follows:**

27 **13-3-115. Diversion funding committee. (5) A district attorney**

1 who receives funding pursuant to this section shall collect data and
2 provide a status report to the judicial department by a date prescribed by
3 the committee that includes but is not limited to:

4 (d) Participant status, including the number of people that WHO
5 have successfully completed the diversion program, the number of people
6 still under active supervision in the diversion program, the number of
7 people terminated from the diversion program, and the reason for their
8 termination; and

9 (f) THE NUMBER OF PEOPLE SCREENED FOR BEHAVIORAL HEALTH
10 TREATMENT; AND

11 (g) THE NUMBER OF PEOPLE REFERRED TO BEHAVIORAL HEALTH
12 TREATMENT.

13 **SECTION 6.** In Colorado Revised Statutes, **add** 24-33.5-525 as
14 follows:

15 **24-33.5-525. Behavioral health information and data-sharing**
16 **in the criminal justice system - grants - appropriation - repeal.**

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

24 (2) (a) AS PART OF THE PROGRAM, THE DIVISION SHALL ISSUE
25 ONE-TIME GRANTS TO COUNTIES. EVERY COUNTY IS ELIGIBLE FOR A
26 GRANT. A COUNTY THAT RECEIVES A GRANT SHALL USE THE GRANT
27 MONEY TO:

1 (I) INTEGRATE THE COUNTY JAIL'S DATA SYSTEMS WITH THE
2 COLORADO INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM;

3 (II) STANDARDIZE CLIENT-SPECIFIC INFORMATION THROUGH
4 COMMON DATA FIELDS RELATING TO THE BEHAVIORAL, MENTAL, AND
5 PHYSICAL HEALTH NEEDS OF PERSONS DETAINED IN THE JAIL; HOUSING
6 NEEDS FOR PERSONS FOLLOWING RELEASE FROM JAIL; AND DEMOGRAPHIC
7 INFORMATION OF PERSONS DETAINED IN THE JAIL; AND

8 (III) AUTOMATE DATA REPORTING REQUIRED PURSUANT TO STATE
9 AND FEDERAL LAW.

10 (b) THE DIVISION SHALL DEVELOP POLICIES FOR AWARDING
11 GRANTS; A PROCESS FOR COUNTIES TO APPLY FOR AND RECEIVE A GRANT,
12 INCLUDING GRANT APPLICATION DEADLINES; AND A PROCESS FOR
13 DETERMINING THE AMOUNT OF A GRANT AWARD. THE DIVISION SHALL
14 MAKE THE POLICIES PUBLICLY AVAILABLE ON ITS WEBSITE AND SHALL NOT
15 SET A GRANT APPLICATION DEADLINE EARLIER THAN TWENTY-EIGHT DAYS
16 AFTER THE POLICIES ARE MADE PUBLIC. THE DIVISION SHALL PROVIDE,
17 UPON REQUEST, ASSISTANCE TO COUNTIES WITH APPLYING FOR A GRANT.
18 SUBJECT TO AVAILABLE APPROPRIATIONS, THE DIVISION SHALL AWARD
19 GRANTS TO COUNTIES THAT APPLY FOR A GRANT AND WHOSE APPLICATION
20 IS APPROVED BY THE APPLICATION REVIEW COMMITTEE DESCRIBED IN
21 SUBSECTION (2)(c) OF THIS SECTION.

22 (c) THE DIVISION SHALL CONVENE AN APPLICATION REVIEW
23 COMMITTEE TO REVIEW THE GRANT APPLICATIONS. THE COMMITTEE
24 CONSISTS OF A REPRESENTATIVES FROM THE DIVISION, THE OFFICE OF
25 INFORMATION TECHNOLOGY CREATED IN SECTION 24-37.5-103, THE
26 COLORADO INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM
27 PROGRAM, AND THE BEHAVIORAL HEALTH ADMINISTRATION. THE REVIEW

1 COMMITTEE SHALL REVIEW EACH GRANT APPLICATION TO ENSURE THAT
2 EACH PROPOSED PROJECT HAS JUSTIFIABLE COSTS AND INCLUDES PLANS TO
3 USE TECHNOLOGY THAT MEETS STATE STANDARDS, AND THAT ALL DATA
4 EXCHANGE REQUIREMENTS WILL BE ADDED TO THE APPLICANT'S JAIL
5 MANAGEMENT SYSTEM, AS DEFINED IN SECTION 17-26-118. THE DIVISION
6 SHALL PROVIDE TECHNICAL ASSISTANCE TO JAILS THAT NEED HELP TO
7 DETERMINE COSTS, TECHNOLOGY, AND DATA REQUIREMENTS.

8 (3) THE DIVISION SHALL COLLABORATE WITH THE OFFICE OF
9 INFORMATION TECHNOLOGY, CREATED IN SECTION 24-37.5-103, TO
10 OVERSEE THE IMPLEMENTATION OF ANY DATA-SHARING SYSTEMS OR
11 SOFTWARE NECESSARY TO EXCHANGE INFORMATION WITH THE COLORADO
12 INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM TO ENSURE
13 CONTINUITY OF CARE FOR PERSONS WHO ARE DETAINED.

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

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

20 **SECTION 7.** In Colorado Revised Statutes, **add** 25.5-4-505 as
21 follows:

22 **25.5-4-505. Federal authorization related to persons involved**
23 **in the criminal justice system - assessment - report - repeal.** (1) THE
24 STATE DEPARTMENT SHALL EVALUATE AND DETERMINE WHETHER THE
25 STATE SHOULD SEEK ADDITIONAL FEDERAL AUTHORITY TO PROVIDE
26 SCREENING, BRIEF INTERVENTION, AND CARE COORDINATION SERVICES
27 THROUGH THE MEDICAL ASSISTANCE PROGRAM TO PERSONS IMMEDIATELY

1 PRIOR TO RELEASE FROM JAIL OR A DEPARTMENT OF CORRECTIONS
2 FACILITY AND TO IMPROVE PROCESSES FOR DETERMINING AND
3 REDETERMINING INDIVIDUALS FOR MEDICAL ASSISTANCE ELIGIBILITY IN
4 ORDER TO IMPROVE CONTINUITY AND ACCESS TO HEALTH-CARE SERVICES.
5 IF THE STATE DEPARTMENT DETERMINES THAT SECURING ADDITIONAL
6 FEDERAL AUTHORITY WILL ENSURE IMPROVED ACCESS TO CARE AND
7 CONTINUITY OF CARE FOR INDIVIDUALS INVOLVED IN THE CRIMINAL
8 JUSTICE SYSTEM, THE STATE DEPARTMENT SHALL, SUBJECT TO AVAILABLE
9 RESOURCES, SEEK APPROVAL FROM THE CENTERS FOR MEDICARE AND
10 MEDICAID SERVICES FOR ANY ADDITIONAL FEDERAL AUTHORITY. IF THE
11 STATE DEPARTMENT SEEKS APPROVAL, IT SHALL NOTIFY THE MEMBERS OF
12 THE HOUSE OF REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND
13 HUMAN SERVICES COMMITTEE AND THE SENATE HEALTH AND HUMAN
14 SERVICES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, AND THE
15 MEMBERS OF THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY.
16 IF THE STATE DEPARTMENT RECEIVES FEDERAL APPROVAL, THE STATE
17 DEPARTMENT, SUBJECT TO AVAILABLE RESOURCES, SHALL PROVIDE THE
18 BENEFITS DESCRIBED IN THIS SUBSECTION (1).

19 (2) IF THE STATE DEPARTMENT DETERMINES THAT PURSUING
20 ADDITIONAL FEDERAL AUTHORITY AS DESCRIBED IN SUBSECTION (1) OF
21 THIS SECTION IS INAPPROPRIATE, THE STATE DEPARTMENT SHALL SUBMIT
22 A REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY
23 ON OR BEFORE OCTOBER 1, 2023, THAT INCLUDES THE FOLLOWING
24 INFORMATION:

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

1 (b) AN ALTERNATIVE PLAN DEVELOPED BY THE STATE
2 DEPARTMENT TO ENSURE IMPROVED ACCESS TO CARE AND CONTINUITY OF
3 CARE FOR INDIVIDUALS INVOLVED IN THE CRIMINAL JUSTICE SYSTEM WHO
4 ARE BEING RELEASED FROM INCARCERATION THAT DETAILS HOW THE
5 STATE DEPARTMENT PLANS TO ENSURE CONTINUITY OF CARE FOR
6 INDIVIDUALS BEING RELEASED FROM JAIL OR PRISON;

7 (c) A PROPOSED TIMELINE FOR IMPLEMENTATION OF THE
8 ALTERNATIVE PLAN; AND

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

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

12 **SECTION 8.** In Colorado Revised Statutes, **add** 25.5-4-215 as
13 follows:

14 **25.5-4-215. Study - benefits for persons on work release -**
15 **repeal.** (1) THE STATE DEPARTMENT SHALL DETERMINE WHETHER
16 FEDERAL AUTHORITY IS NECESSARY TO PROVIDE BENEFIT COVERAGE
17 UNDER THE MEDICAL ASSISTANCE PROGRAM TO PEOPLE WHO ARE ON WORK
18 RELEASE FROM JAIL, AS DESCRIBED IN SECTION 18-1.3-207. ON OR BEFORE
19 OCTOBER 1, 2023, THE STATE DEPARTMENT SHALL REPORT THE RESULTS
20 OF THE ASSESSMENT AND ANALYSIS TO THE JOINT BUDGET COMMITTEE OF
21 THE GENERAL ASSEMBLY.

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

23 **SECTION 9.** In Colorado Revised Statutes, 17-26-118, **add**
24 (4)(e) as follows:

25 **17-26-118. Criminal justice data collection - definitions -**
26 **repeal.** (4) (e) IN ADDITION TO THE INFORMATION DESCRIBED IN
27 SUBSECTION (4)(a) OF THIS SECTION, THE REPORT MUST INCLUDE

1 INFORMATION FROM THE PRIOR QUARTER REGARDING THE NUMBER OF
2 INMATES IN THE JAIL WHOSE MEDICAID WAS SUSPENDED WHILE
3 INCARCERATED AND THE NUMBER OF INMATES WHO WERE ENROLLED, OR
4 WHOSE MEDICAID WAS REINSTATED, PRIOR TO RELEASE.

5 **SECTION 10.** In Colorado Revised Statutes, 17-26-140, **amend**
6 (2) as follows:

7 **17-26-140. Continuity of care for persons released from jail.**

8 (2) ~~The~~ A county jail shall provide medicaid ENROLLMENT OR
9 reenrollment paperwork to ~~the person~~ A PERSON WHO IS INCARCERATED
10 IN THE JAIL AND IS ELIGIBLE FOR MEDICAID BENEFITS when the person
11 enters the county jail. The county jail must file the medicaid paperwork
12 with the county department of health and human services upon releasing
13 the person from the county jail's custody.

14 **SECTION 11.** In Colorado Revised Statutes, 17-27-104, **add** (14)
15 as follows:

16 **17-27-104. Community corrections programs operated by**
17 **units of local government, state agencies, or nongovernmental**

18 **agencies.** (14) THE ADMINISTRATOR OF A COMMUNITY CORRECTIONS
19 PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL PARTNER WITH
20 A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES TO FACILITATE
21 ENROLLING OFFENDERS IN THE PROGRAM INTO MEDICAID, WHICH MUST
22 INCLUDE DETERMINING WHETHER EACH OFFENDER IS ENROLLED IN
23 MEDICAID UPON ENTRY INTO THE COMMUNITY CORRECTIONS PROGRAM
24 AND, IF AN OFFENDER IS NOT ENROLLED, DETERMINING WHETHER THE
25 OFFENDER IS ELIGIBLE FOR MEDICAL ASSISTANCE UNDER MEDICAID AND
26 ENROLLING EACH ELIGIBLE OFFENDER IN MEDICAID.

27 **SECTION 12. Appropriation.** (1) For the 2022-23 state fiscal

1 year, \$50,700,000 is appropriated to the department of human services for
2 use by the behavioral health administration. This appropriation is from the
3 behavioral and mental health cash fund created in section 24-75-230
4 (2)(a), C.R.S., and is of money that the state received from the federal
5 coronavirus state fiscal recovery fund. Any money appropriated in this
6 section not expended prior to July 1, 2023, is further appropriated to the
7 department from July 1, 2023, through December 30, 2024, for the same
8 purpose. To implement this act, the administration may use this
9 appropriation as follows:

10 (a) \$951,352 for program costs, which amount is based on an
11 assumption that the administration will require 6.0 FTE in the 2022-23
12 state fiscal year and 6.0 FTE in the 2023-24 state fiscal year; and

13 (b) \$49,748,648 for health needs of persons in the criminal justice
14 system.

15 (2) For the 2022-23 state fiscal year, \$4,000,000 is appropriated
16 to the judicial department. This appropriation is from the behavioral and
17 mental health cash fund created in section 24-75-230 (2)(a), C.R.S., and
18 is of money that the state received from the federal coronavirus state
19 fiscal recovery fund. Any money appropriated in this section not
20 expended prior to July 1, 2023, is further appropriated to the department
21 from July 1, 2023, through December 30, 2024, for the same purpose. To
22 implement this act, the department may use this appropriation for adult
23 district attorney pretrial diversion programs.

24 (3) For the 2022-23 state fiscal year, \$3,500,000 is appropriated
25 to the department of public safety for use by the division of criminal
26 justice. This appropriation is from the behavioral and mental health cash
27 fund created in section 24-75-230 (2)(a), C.R.S., and is of money that the

1 state received from the federal coronavirus state fiscal recovery fund. Any
2 money appropriated in this section not expended prior to July 1, 2023, is
3 further appropriated to the department from July 1, 2023, through
4 December 30, 2024, for the same purpose. To implement this act, the
5 division may use this appropriation as follows:

6 (a) \$191,563 for DCJ administrative services, which amount is
7 based on an assumption that the division will require an additional 2.5
8 FTE in the 2022-23 state fiscal year; and

9 (b) \$3,308,437 for behavioral health information grants.

10 (4) For the 2022-23 state fiscal year, \$3,000,000 is appropriated
11 to the department of corrections for use by institutions. This appropriation
12 is from the behavioral and mental health cash fund created in section
13 24-75-230 (2)(a), C.R.S., and is of money that the state received from the
14 federal coronavirus state fiscal recovery fund. Any money appropriated
15 in this section not expended prior to July 1, 2023, is further appropriated
16 to the department from July 1, 2023, through December 30, 2024, for the
17 same purpose. To implement this act, the department may use this
18 appropriation for operating expenses related to the mental health
19 subprogram.

20 **SECTION 13. Appropriation.** (1) For the 2022-23 state fiscal
21 year, \$81,164 is appropriated to the department of health care policy and
22 financing for use by the executive director's office. This appropriation is
23 from the general fund. To implement this act, the office may use this
24 appropriation as follows:

25 (a) \$24,524 for personal services, which amount is based on an
26 assumption that the office will require an additional 0.7 FTE;

27 (b) \$3,640 for operating expenses; and

1 (c) \$53,000 for general professional services and special projects.

2 (2) For the 2022-23 state fiscal year, the general assembly
3 anticipates that the department of health care policy and financing will
4 receive \$81,164 in federal funds to implement this act, which amount is
5 subject to the "(I)" notation as defined in the annual general appropriation
6 act for the same fiscal year. The appropriation in subsection (1) of this
7 section is based on the assumption that the department will receive this
8 amount of federal funds to be used as follows:

9 (a) \$24,524 for personal services;

10 (b) \$3,640 for operating expenses; and

11 (c) \$53,000 for general professional services and special projects.

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