

**Legislative Oversight Committee Concerning the
Treatment of Persons with Mental Health Disorders in the
Criminal and Juvenile Justice Systems**

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Committee Charge

Senate Bill 14-021 reauthorized the establishment of a legislative oversight committee and an advisory task force concerning the treatment of persons with mental illness in the criminal and juvenile justice systems.

The oversight committee must meet at least three times per year and is responsible for the oversight of the advisory task force and recommending legislative changes. The 32-member advisory task force is directed to examine the identification, diagnosis, and treatment of persons with mental illness who are involved in the criminal and juvenile justice systems, including the examination of liability, safety, and cost as they relate to these issues.

The authorizing legislation directs the advisory task force to consider, at a minimum, the following issues:

- housing for a person with mental illness after his or her release from the criminal or juvenile justice system;
- medication consistency, delivery, and availability;
- best practices for suicide prevention, within and outside of correctional facilities;
- treatment of co-occurring disorders;
- awareness of and training for enhanced staff safety, including expanding training opportunities for providers; and
- enhanced data collection related to issues affecting persons with mental illness in the criminal and juvenile justice systems.

The legislation authorizes the advisory task force to work with other task forces, committees, or organizations that are pursuing policy initiatives similar to those listed above. The advisory task force is required to consider developing relationships with other groups to facilitate policy-making opportunities through collaborative efforts.

The advisory task force is required to submit a report of its findings and recommendations to the legislative oversight committee annually by October 1. The oversight committee is required to submit an annual report to the General Assembly by January 15 of each year regarding the recommended legislation resulting from the work of the task force.

Committee Activities

In 2018, the legislative oversight committee met five times to monitor and examine the work, findings, and recommendations of the advisory task force. Specifically, the committee:

- received updates on the activities of the advisory task force and its subcommittees;
- heard presentations on administration of medication in jails, competency restoration services, mental health courts, and national trends in juvenile justice reforms; and
- considered legislation recommended by the task force.

Advisory task force activities. The oversight committee received updates on recent activities of the task force, which met monthly throughout 2018. Task force subcommittees focused on housing, data and information sharing, prevention, and competency, as those topics relate to persons with mental health disorders who are involved in the criminal and juvenile justice systems. The task force also continued to study changes to the juvenile sex offender registry.

Members of the advisory task force who also serve on the Behavioral Health Transformation Council provided periodic updates about the council's activities. Additionally, the task force received outside presentations from the Governor's Office and the Office of Behavioral Health in the Department of Human Services (DHS). Finally, the advisory task force elected new leadership and created a new working group on task force governance and a new subcommittee on youth and juvenile issues. The work of the task force is discussed in more detail below.

Competency restoration. Both the oversight committee and the task force held discussions on competency restoration services for adults, and specifically the current shortage of competency restoration beds and providers. The oversight committee heard an update from DHS regarding the jail-based competency restoration program in the Arapahoe County Detention Center, and plans to increase capacity for the program. DHS also presented to the committee on efforts to increase the number of competency restoration providers in the community through an urgent request for applications. The task force discussed Senate Bill 18-252, which failed during the 2018 session. Specifically, the task force researched timeframes for releasing defendants who do not receive timely competency restoration services, or who are not likely to successfully complete competency restoration.

Juvenile sex offender registry. The task force continued discussion on the juvenile sex offender registry, and researched the effects of disallowing public access to the juvenile sex offender registry, mechanisms for removing juveniles from the registry, and judicial discretion in requiring registration. The task force discussed the negative impacts of inclusion on the registry, including social and familial isolation and increased likelihood of victimization. Bills A, B, C, and D recommend changes to the juvenile sex offender registry.

Task force annual retreat. At their annual retreat in May, the task force heard presentations on the co-responder law enforcement model, facilities that are designated to provide mental health services, the Department of Health Care Policy and Financing's Accountable Care Collaborative Phase II, and the Sex Offender Management Board. The task force also discussed the status of the subcommittees and additional topics to focus on going forward, including examining the recommendations of the Governor's Report on Steps to Health and Justice and researching strategies to decriminalize substance use disorders.

Committee Recommendations

As a result of committee discussion and deliberation, the Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems recommends the following four bills for consideration in the 2019 legislative session.

Bill A — Release of Juvenile Records Sex Offender Registry. This bill limits access to juvenile records on the sex offender registry to law enforcement, probation, and parole personnel, the Division of Child Welfare in DHS, and victims of an offense. Under the bill, these records may not be released as a part of a criminal history record check and may not be posted on websites maintained by the Colorado Bureau of Investigation (CBI) or local law enforcement agencies. In addition, the CBI, law enforcement personnel, and the Division of Child Welfare may not release juvenile sex offender registry information to the public, other than to the victim of an offense.

Bill B — Automatic Hearing Remove Juvenile from Sex Offender Registry. Under current law, DHS may petition the court to discontinue a juvenile's registration on the Colorado sex offender registry if the juvenile has yet to be released on parole and is otherwise eligible to petition. This bill requires DHS to petition the court to discontinue an eligible juvenile's registration on the Colorado sex offender registry at least 63 days before the juvenile is scheduled to be released from parole after successfully completing his or her juvenile program.

Bill C—Mandatory Lifetime Registration Sex Offender. Under current law, any person with at least two convictions as an adult or two adjudications as a delinquent juvenile for unlawful sexual behavior is subject to lifetime registration on the Colorado sex offender registry. This bill eliminates the mandatory lifetime registration requirement for persons with two or more adjudications of unlawful sexual behavior, if they have no adult convictions. For the mandatory lifetime registration requirement to apply to a person with one or more prior adjudications as a juvenile for unlawful sexual behavior, the person must have at least one conviction as an adult.

Bill D — Juvenile Relocating to Colorado No Register Sex Offender Registry. This bill eliminates the requirement to register on the Colorado sex offender registry under certain circumstances. Specifically, the bill removes the requirement of registration for juveniles who relocate to Colorado if the juvenile's duty to register in another state has been terminated by court order or if a trial court has determined that the juvenile is not required to register in that state.