



**Colorado  
Legislative  
Council  
Staff**

**Bill 2**

**FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 18-0279  
**Prime Sponsor(s):**

**Date:** October 26, 2017  
**Bill Status:** Mental Health Disorders in the Criminal and Juvenile Justice Systems Bill Request

**Fiscal Analyst:** Bill Zepernick (303-866-4777)

**BILL TOPIC:** DEPARTMENT OF HUMAN SERVICES DEFINITION OF FACILITY

<b>Fiscal Impact Summary</b>	<b>FY 2017-2018 (Current year)</b>	<b>FY 2018-2019</b>	<b>FY 2019-2020</b>
<b>State Revenue</b>			
<b>State Expenditures</b> General Fund	Workload increase. See State Expenditure section.		
<b>FTE Position Change</b>			
<b>Appropriation Required:</b> None.			
<b>Future Year Impacts:</b> Minimal ongoing workload increase.			

**Summary of Legislation**

This bill, *requested by the Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems*, adds jails approved by the executive director of the Department of Human Services (DHS) to the definition of "facility" in Article 65 of Title 27, which is the section of the state law governing the care and treatment of persons with mental health disorders. See Technical Note section for more information about the scope of the bill.

**State Expenditures**

The bill increases workload in the DHS starting in the current FY 2017-18 to promulgate rules concerning the approval of jails as mental health facilities. The Department of Law will provide additional legal services to the DHS on this matter. On an ongoing basis, the DHS will have a minimal increase in workload to identify and approve facilities and communicate facility requirements with jails. The trial courts may hear additional cases involuntary medication and other mental health emergency procedures involving the use of jails as a facility. These agencies can accomplish this work within existing appropriations.

**Local Government Impact**

Under the bill, county sheriffs will have additional workload and costs to work with the DHS concerning the approval of jails as mental health facilities. If the scope of jails as "facilities" is limited to allowing the involuntary administration of medication, jails could achieve some cost or workload savings if such medication improves the health, well-being, and behavior of persons held in jails. However, to the extent adding jails as a mental health facility results in jails being used as a place for emergency commitments, mental health and competency evaluations, and mental health treatment under Article 65 of Title 27, then county jails will have increased costs and reduced capacity for holding other types of offenders in their facilities.

**Technical Note**

While the bill title states that the bill concerns the definition of "facility" for the purpose of involuntary administration of medicine, the definition of facility, as written, appears to apply to facilities generally throughout Article 65 of Title 27, which touches on a range of issue including screening, evaluation, treatment, and temporary custody under emergency procedures of persons with mental health disorders.

**Effective Date**

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

**State and Local Government Contacts**

Counties  
Information Technology  
Law

County Sheriffs  
Judicial

Human Services  
Public Health and Environment