

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

DRAFT
8/23/24

BILL 4

LLS NO. 25-0115.01 Conrad Imel x2313

INTERIM COMMITTEE BILL

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

BILL TOPIC: Complementary Behavioral Hlth Servs in Jails Grant
DEADLINES: File by: 8/23/2024

A BILL FOR AN ACT

101 CONCERNING A PROGRAM TO INCENTIVIZE JAILS TO PROVIDE
102 COMPLEMENTARY BEHAVIORAL HEALTH SERVICES TO PERSONS
103 HELD IN CUSTODY.

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/>.)

Legislative Oversight Committee Concerning the Treatment of Persons with Behavioral Health Disorders in the Criminal and Juvenile Justice Systems. The bill creates the jail-based complementary behavioral health services grant program (grant program) to award grants to jails to train staff to administer services that complement a person's

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

primary course of treatment for a behavioral health disorder (complementary behavioral health services) and to provide the complementary behavioral health services at no cost to a person held in the jail. The behavioral health administration (BHA) in the department of human services administers the grant program and must begin awarding grants by December 31, 2025. The bill requires the general assembly to annually appropriate up to \$50,000 for the grant program. The maximum amount of a grant award for a jail is \$5,000.

The BHA is required to annually report to the health and human services and judiciary committees of the house of representatives and senate about the grant program, including information the BHA learned from the grant program about the impact of providing complementary behavioral health services in jails.

The grant program is repealed January 1, 2031. At its "SMART Act" presentation during the 2030 legislative session, the BHA must make a recommendation of whether to continue the grant program.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 27-60-106.3 as
3 follows:

4 **27-60-106.3. Jail-based complementary behavioral health**
5 **services grant program - creation - administration - report - rules -**
6 **definitions - repeal.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
7 OTHERWISE REQUIRES:

8 (a) "COMPLEMENTARY BEHAVIORAL HEALTH SERVICES" MEANS
9 SERVICES THAT COMPLEMENT A PERSON'S PRIMARY COURSE OF
10 TREATMENT FOR A BEHAVIORAL HEALTH DISORDER AND THAT DO NOT
11 REQUIRE LICENSURE TO ADMINISTER. COMPLEMENTARY BEHAVIORAL
12 HEALTH SERVICES INCLUDE, BUT ARE NOT LIMITED TO, MOTIVATIONAL
13 ENHANCEMENT THERAPY, MEDITATION, AND AURICULAR ACUDETUX.

14 (b) "GRANT PROGRAM" MEANS THE JAIL-BASED COMPLEMENTARY
15 BEHAVIORAL HEALTH SERVICES GRANT PROGRAM CREATED IN THIS
16 SECTION.

1 (2) (a) THERE IS CREATED IN THE BHA THE JAIL-BASED
2 COMPLEMENTARY BEHAVIORAL HEALTH SERVICES GRANT PROGRAM TO
3 AWARD GRANTS TO JAILS TO TRAIN STAFF TO ADMINISTER
4 COMPLEMENTARY BEHAVIORAL HEALTH SERVICES AT NO COST TO A
5 PERSON IN CUSTODY IN THE JAIL AND TO STUDY THE IMPACT OF PROVIDING
6 COMPLEMENTARY BEHAVIORAL HEALTH SERVICES IN JAILS.

7 (b) THE BHA SHALL ADMINISTER THE GRANT PROGRAM AND,
8 SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS
9 PROVIDED IN THIS SECTION. THE BHA SHALL ADOPT ANY RULES
10 NECESSARY FOR THE ADMINISTRATION OF THE GRANT PROGRAM.

11 (3) (a) TO RECEIVE A GRANT, A JAIL MUST SUBMIT AN APPLICATION
12 TO THE BHA IN ACCORDANCE WITH RULES PROMULGATED BY THE BHA.
13 AT A MINIMUM, THE APPLICATION MUST INCLUDE THE FOLLOWING
14 INFORMATION:

15 (I) THE TYPES OF COMPLEMENTARY BEHAVIORAL HEALTH
16 SERVICES THAT WILL BE PROVIDED WITH A GRANT AWARD;

17 (II) THE NAME OF THE ENTITY OR PERSON TO PROVIDE TRAINING
18 FOR EACH COMPLEMENTARY BEHAVIORAL HEALTH SERVICE;

19 (III) THE EXPECTED NUMBER OF JAIL STAFF WHO WILL BE TRAINED
20 TO ADMINISTER COMPLEMENTARY BEHAVIORAL HEALTH SERVICES; AND

21 (IV) A REQUESTED AMOUNT OF A GRANT AWARD.

22 (b) PRIOR TO THE BEGINNING OF A GRANT APPLICATION CYCLE, THE
23 BHA SHALL NOTIFY EACH SHERIFF IN THE STATE OF THE GRANT PROGRAM
24 AND THE PROCEDURES AND DEADLINE FOR SUBMITTING A GRANT
25 APPLICATION.

26 (4) (a) THE BHA SHALL REVIEW THE APPLICATIONS RECEIVED AND
27 AWARD GRANTS PURSUANT TO THIS SECTION. THE BHA SHALL BEGIN

1 AWARDING GRANTS NO LATER THAN DECEMBER 31, 2025.

2 (b) IN AWARDING GRANTS, THE BHA SHALL CONSIDER THE
3 FOLLOWING CRITERIA:

4 (I) THE LOCATION OF THE APPLICANT JAIL, WITH THE GOAL OF
5 AWARDING GRANTS TO JAILS IN VARIOUS AREAS OF THE STATE, INCLUDING
6 JAILS IN BOTH RURAL AND URBAN COUNTIES;

7 (II) THE DEMONSTRATED EFFECTIVENESS OF THE COMPLEMENTARY
8 BEHAVIORAL HEALTH SERVICES FUNDED WITH A GRANT AWARD; AND

9 (III) THE NUMBER OF PERSONS IN CUSTODY IN THE APPLICANT JAIL
10 WHO WILL BENEFIT FROM SERVICES PROVIDED WITH THE GRANT AWARD.

11 (c) THE MAXIMUM AMOUNT OF A GRANT AWARD FOR A JAIL IS FIVE
12 THOUSAND DOLLARS.

13 (5) (a) A JAIL SHALL USE A GRANT AWARD TO TRAIN JAIL STAFF TO
14 ADMINISTER COMPLEMENTARY BEHAVIORAL HEALTH SERVICES, PROVIDE
15 COMPLEMENTARY BEHAVIORAL HEALTH SERVICES TO PERSONS IN
16 CUSTODY IN THE JAIL AT NO COST TO THE PERSON, AND COLLECT
17 INFORMATION NECESSARY TO COMPLETE THE REPORT TO THE BHA
18 REQUIRED IN SUBSECTION (6) OF THIS SECTION.

19 (b) THIS SECTION DOES NOT AUTHORIZE A PERSON TO PERFORM A
20 COMPLEMENTARY BEHAVIORAL HEALTH SERVICE WITHOUT TRAINING
21 REQUIRED BY LAW, AS APPLICABLE, TO PERFORM THE SERVICE.

22 (6) A JAIL THAT RECEIVES A GRANT AWARD SHALL REPORT TO THE
23 BHA, ON AN ANNUAL SCHEDULE DETERMINED BY THE BHA, INFORMATION
24 ABOUT THE USE OF THE GRANT AWARD. THE REPORT MUST INCLUDE THE
25 INFORMATION REQUESTED BY THE BHA, INCLUDING INFORMATION
26 NECESSARY TO STUDY THE IMPACT OF PROVIDING COMPLEMENTARY
27 BEHAVIORAL HEALTH SERVICES IN JAILS.

1 (7) THE GENERAL ASSEMBLY SHALL APPROPRIATE NO MORE THAN
2 FIFTY THOUSAND DOLLARS FOR THE GRANT PROGRAM IN EACH STATE
3 FISCAL YEAR.

4 (8) (a) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), ON OR
5 BEFORE DECEMBER 31, 2026, AND EACH DECEMBER 31 THEREAFTER FOR
6 THE DURATION OF THE GRANT PROGRAM, THE BHA SHALL SUBMIT A
7 REPORT TO THE HOUSE OF REPRESENTATIVES HEALTH AND HUMAN
8 SERVICES COMMITTEE, THE HOUSE OF REPRESENTATIVES JUDICIARY
9 COMMITTEE, THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, AND
10 THE SENATE JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES,
11 ABOUT THE GRANT PROGRAM. AT A MINIMUM, THE REPORT MUST INCLUDE
12 THE NUMBER AND AMOUNT OF GRANTS AWARDED SINCE THE LAST REPORT
13 AND A SUMMARY OF INFORMATION CONCERNING THE IMPACT OF
14 PROVIDING COMPLEMENTARY BEHAVIORAL HEALTH SERVICES IN JAILS.

15 (b) THE STATE DEPARTMENT SHALL INCLUDE AS PART OF ITS
16 PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY
17 SECTION 2-7-203 DURING THE 2030 LEGISLATIVE SESSION INFORMATION
18 CONCERNING THE GRANT PROGRAM. THE PRESENTATION MUST INCLUDE A
19 SUMMARY OF THE GRANT PROGRAM'S ACTIVITIES, INFORMATION LEARNED
20 FROM THE GRANT PROGRAM ABOUT THE IMPACT OF PROVIDING
21 COMPLEMENTARY BEHAVIORAL HEALTH SERVICES IN JAILS, AND A
22 RECOMMENDATION FROM THE BHA CONCERNING WHETHER TO CONTINUE
23 THE GRANT PROGRAM. IF THE BHA RECOMMENDS CONTINUING THE GRANT
24 PROGRAM, THE BHA MAY MAKE RECOMMENDATIONS FOR LEGISLATIVE
25 CHANGES TO THE GRANT PROGRAM.

26 (9) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2031.

27 **SECTION 2. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly; except
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V
4 of the state constitution against this act or an item, section, or part of this
5 act within such period, then the act, item, section, or part will not take
6 effect unless approved by the people at the general election to be held in
7 November 2026 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.