

Consolidated Recommendations from the BHDCJS Task Force
July 20, 2023

Bill Idea #1 - Measures Related to Competency to Proceed

- Allowing the Office of Civil and Forensic Mental Health (OCFMH) the ability to independently re-evaluate cases deemed tier 2 (or greater) prior to restoration without seeking approval from attorneys or judges.
- Expand information sharing requirements for individuals in the competency system between jurisdictions and all levels of the judicial system.
- Funding incentives and technical assistance for judicial districts to create competency dockets.
- Technical clean-up and clarification of the adult competency statutes.
- Create, either by mandate or pilot, competency or mental health diversion programs as alternatives to prosecution of youth who are struggling with disabilities or mental health disorders.

Bill Idea #2 - Strengthening Colorado's Response to Behavioral Health Crises

- Remove the option of jail for Substance Use Disorder emergency commitments.
- Expand withdrawal management services and funding for crisis walk-in centers.
- Conduct a statewide analysis to determine the availability, accessibility, and effectiveness of services addressing behavioral health and ancillary needs of individuals involved in the criminal and juvenile justice systems.
- Creating, either by mandate or pilot, mobile youth crisis response teams as alternatives to law enforcement to respond to mental health and social crises.
- Generating equitable and widespread funding for a continuum of youth mental health and substance abuse treatment; in particular, funding and support is needed for youth inpatient treatment programs.

Bill Idea #3 - The Use of Medical Marijuana While on Probation

- Restricting the use of dispensary cannabis for those on probation while in court-ordered treatment.

Bill Idea #4 - The Rights of Individuals with Behavioral Health Disorders Involved in the Criminal Justice System

- Prohibit healthcare providers from inquiring about or checking a patient's criminal history or warrant status.
- Prohibit law enforcement from arresting patients with active warrants at medical and behavioral health care facilities.
- Create an outreach campaign educating patients about facility policies regarding inquiring about criminal justice status.
- Establish a presumption for the court to facilitate remote participation for a defendant if they are hospitalized or engaged in residential or intensive outpatient treatment.

Removed Legislative Recommendations:

- Provide ongoing funding and accountability measures for the Colorado 911 Resource Center.
- Enhancements to the Bridges Program to provide wraparound service coordination to justice-involved youth pending competency.