

CHAPTER 324

HUMAN SERVICES - INSTITUTIONS

HOUSE BILL 00-1034

BY REPRESENTATIVES Kester, Leyba, Tool, Alexander, Bacon, Gagliardi, Gotlieb, Hoppe, Keller, Larson, Mace, Plant, Ragsdale, Saliman, Tapia, Tupa, Vigil, S. Williams, and Windels;
also SENATORS Wham, Anderson, Martinez, Hernandez, Linkhart, Nichol, Phillips, Reeves, Rupert, Tanner, and Weddig.

AN ACT

CONCERNING THE CREATION OF COMMUNITY-BASED MANAGEMENT PILOT PROGRAMS FOR PERSONS WITH MENTAL ILLNESS WHO ARE INVOLVED IN THE CRIMINAL JUSTICE SYSTEM, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. Article 8 of title 16, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 2

**INTENSIVE TREATMENT MANAGEMENT
FOR PERSONS WITH MENTAL ILLNESS**

16-8-201. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(a) JUVENILES WHO ARE INVOLVED IN THE CRIMINAL JUSTICE SYSTEM AND WHO ARE DIAGNOSED WITH SERIOUS MENTAL ILLNESS ARE MORE LIKELY THAN PERSONS WITHOUT MENTAL ILLNESS TO REOFFEND AND REQUIRE REPEATED INCARCERATION;

(b) ALTHOUGH SOME COMMUNITY-BASED INTENSIVE TREATMENT AND MANAGEMENT SERVICES ARE CURRENTLY AVAILABLE TO PERSONS WITH SERIOUS MENTAL ILLNESS WHO ARE INVOLVED IN THE CRIMINAL JUSTICE SYSTEM, THESE SERVICES ARE NOT AVAILABLE IN ALL AREAS OF THE STATE AND ARE NOT SUFFICIENTLY SUPPORTED IN ANY SINGLE COMMUNITY WITHIN THE STATE;

(c) PROVISION OF COMMUNITY-BASED INTENSIVE TREATMENT AND MANAGEMENT

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SERVICES FOR PERSONS WITH SERIOUS MENTAL ILLNESS HAS BEEN SHOWN TO DECREASE THE RATE OF RECIDIVISM AND THE NEED FOR MULTIPLE PERIODS OF INCARCERATION AND HOSPITALIZATION AND TO ENHANCE SIGNIFICANTLY THE ABILITY OF THESE PERSONS TO FUNCTION IN THE COMMUNITY;

(d) OVER THE LONG TERM, THE COST OF PROVIDING COMMUNITY-BASED INTENSIVE TREATMENT AND MANAGEMENT SERVICES IS MORE THAN OFFSET BY THE DECREASE IN INCARCERATION AND HOSPITALIZATION COSTS AND BY THE SOCIETAL BENEFITS REALIZED BY ENABLING THESE PERSONS TO FUNCTION SAFELY AND PRODUCTIVELY IN THE COMMUNITY.

(2) THE GENERAL ASSEMBLY THEREFORE FINDS THAT CREATION OF PILOT PROGRAMS TO PROVIDE COMMUNITY-BASED INTENSIVE TREATMENT AND MANAGEMENT SERVICES TO JUVENILES WHO ARE DIAGNOSED WITH SERIOUS MENTAL ILLNESS AND WHO ARE INVOLVED IN THE CRIMINAL JUSTICE SYSTEM IS NECESSARY FOR THE PUBLIC WELFARE AND SAFETY.

16-8-202. Definitions. AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CRIMINAL JUSTICE SYSTEM" MEANS BOTH THE ADULT CRIMINAL JUSTICE SYSTEM AND THE JUVENILE JUSTICE SYSTEM.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN SERVICES.

(3) "ELIGIBLE JUVENILE OFFENDER" MEANS A PERSON WHO HAS BEEN DIAGNOSED BY A MENTAL HEALTH PROFESSIONAL AS HAVING SERIOUS MENTAL ILLNESS AND WHO EITHER IS LESS THAN EIGHTEEN YEARS OF AGE AND INVOLVED WITH THE CRIMINAL JUSTICE SYSTEM OR HAS BEEN COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES; EXCEPT THAT "ELIGIBLE JUVENILE OFFENDER" SHALL NOT INCLUDE ANY JUVENILE WHO IS ADJUDICATED FOR OR CONVICTED OF A CLASS 1 FELONY OR WHO IS ADJUDICATED FOR OR CONVICTED OF FIRST OR SECOND DEGREE SEXUAL ASSAULT, AS DESCRIBED IN SECTIONS 18-3-402 AND 18-3-403, C.R.S., RESPECTIVELY, AS THEY EXISTED PRIOR TO JULY 1, 2000, OR SEXUAL ASSAULT, AS DESCRIBED IN SECTION 18-3-402, C.R.S., AS IT EXISTS ON AND AFTER JULY 1, 2000.

(4) "ENTITY" MEANS ANY PUBLIC OR PRIVATE NONPROFIT, NOT-FOR-PROFIT, OR FOR-PROFIT ORGANIZATION, ASSOCIATION, OR CORPORATION OR ANY GOVERNMENTAL ENTITY.

(5) "JUVENILE OFFENDER PILOT PROGRAM" MEANS THE INTENSIVE TREATMENT MANAGEMENT PILOT PROGRAM FOR ELIGIBLE JUVENILE OFFENDERS CREATED PURSUANT TO SECTION 16-8-203.

(6) "MENTAL HEALTH PROFESSIONAL" MEANS A PERSON LICENSED TO PRACTICE MEDICINE PURSUANT TO PART 1 OF ARTICLE 36 OF TITLE 12, C.R.S., OR A PERSON LICENSED AS A MENTAL HEALTH PROFESSIONAL PURSUANT TO ARTICLE 43 OF TITLE 12, C.R.S.

16-8-203. Intensive treatment management pilot program for juvenile offenders - creation - request for proposals - parameters. (1) THERE IS HEREBY

CREATED THE INTENSIVE TREATMENT MANAGEMENT PILOT PROGRAM FOR JUVENILE OFFENDERS TO PROVIDE SUPERVISION AND MANAGEMENT SERVICES TO ELIGIBLE JUVENILE OFFENDERS WHO ARE CHARGED WITH OR ADJUDICATED FOR AN OFFENSE OR WHO ARE FOUND NOT GUILTY BY REASON OF INSANITY. ON OR BEFORE OCTOBER 1, 2000, THE DEPARTMENT, IN CONSULTATION WITH THE DIVISION OF YOUTH CORRECTIONS AND THE JUDICIAL DEPARTMENT, SHALL ISSUE A REQUEST FOR PROPOSALS FROM ENTITIES THAT ARE INTERESTED IN PARTICIPATING IN THE JUVENILE OFFENDER PILOT PROGRAM. ON OR BEFORE JANUARY 1, 2001, THE DEPARTMENT, IN CONSULTATION WITH THE DIVISION OF YOUTH CORRECTIONS AND THE JUDICIAL DEPARTMENT, SHALL SELECT FROM AMONG THE RESPONDING ENTITIES ONE ENTITY IN A RURAL COMMUNITY AND ONE ENTITY IN AN URBAN COMMUNITY TO OPERATE THE JUVENILE OFFENDER PILOT PROGRAM. THE DEPARTMENT SHALL BASE ITS SELECTION ON THE PARAMETERS SPECIFIED IN SUBSECTION (2) OF THIS SECTION AND ANY ADDITIONAL CRITERIA ADOPTED BY THE DEPARTMENT.

(2) A JUVENILE OFFENDER PILOT PROGRAM OPERATING PURSUANT TO THIS SECTION SHALL PROVIDE HIGH-INTENSITY SUPERVISION AND TREATMENT SERVICES IN THE COMMUNITY TO ELIGIBLE JUVENILE OFFENDERS IN ORDER TO REDUCE RECIDIVISM AND THE NEED FOR OUT-OF-HOME PLACEMENT OR HOSPITALIZATION. AT A MINIMUM, A JUVENILE OFFENDER PILOT PROGRAM SHALL:

(a) PROVIDE INTEGRATIVE, COST-EFFECTIVE, FAMILY-BASED TREATMENT TO ELIGIBLE JUVENILE OFFENDERS WHO RESIDE IN THE COMMUNITY IN WHICH THE JUVENILE OFFENDER PILOT PROGRAM OPERATES AND WHO ARE IN THE TARGET POPULATION FOR THE JUVENILE OFFENDER PILOT PROGRAM, AS DEFINED BY RULE OF THE STATE BOARD OF HUMAN SERVICES;

(b) PROVIDE SERVICES DESIGNED TO REDUCE DELINQUENT ACTIVITY AND OTHER DESTRUCTIVE BEHAVIORS SUCH AS DRUG AND ALCOHOL ABUSE;

(c) PROVIDE PSYCHIATRIC SERVICES, MEDICATION SUPERVISION, AND CRISIS INTERVENTION, AS NECESSARY;

(d) MAINTAIN A LOW CLIENT-TO-STAFF RATIO;

(e) PROMOTE EDUCATION AND VOCATIONAL SKILLS FOR ELIGIBLE JUVENILE OFFENDERS AND DEVELOPMENT OF POSITIVE SOCIAL RELATIONSHIPS;

(f) PROVIDE INTEGRATED FAMILY-BASED TREATMENT FOCUSED ON THE ELIGIBLE JUVENILE OFFENDER, THE ELIGIBLE JUVENILE OFFENDER'S FAMILY AND PEERS, AND THE ELIGIBLE JUVENILE OFFENDER'S EDUCATIONAL AND VOCATIONAL PERFORMANCE;

(g) PROMOTE THE DEVELOPMENT OF NEIGHBORHOOD AND COMMUNITY SUPPORT SYSTEMS FOR THE ELIGIBLE JUVENILE OFFENDER AND HIS OR HER FAMILY.

(3) AN ENTITY OPERATING A JUVENILE OFFENDER PILOT PROGRAM PURSUANT TO THIS SECTION MAY PROVIDE TRAINING, CONSULTATIVE SERVICES, MONITORING, AND EVALUATION FOR PERSONS PROVIDING SERVICES THROUGH THE JUVENILE OFFENDER PILOT PROGRAM.

(4) (a) EACH ENTITY THAT RESPONDS TO THE REQUEST FOR PROPOSALS ISSUED

PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL DEMONSTRATE IN THE RESPONSE THAT THE JUVENILE OFFENDER PILOT PROGRAM WOULD OPERATE AS A COLLABORATIVE EFFORT AMONG, AT A MINIMUM:

- (I) THE DISTRICT ATTORNEY'S OFFICE;
- (II) THE DIVISION OF YOUTH CORRECTIONS;
- (III) THE UNIT WITHIN THE DEPARTMENT OF HUMAN SERVICES THAT IS RESPONSIBLE FOR CHILD WELFARE SERVICES;
- (IV) THE JUDICIAL DEPARTMENT;
- (V) COMMUNITY CORRECTIONS;
- (VI) LOCAL LAW ENFORCEMENT AGENCIES;
- (VII) SUBSTANCE ABUSE TREATMENT AGENCIES;
- (VIII) THE COUNTY DEPARTMENTS OF SOCIAL SERVICES;
- (IX) COMMUNITY MENTAL HEALTH CENTERS; AND
- (X) ANY OTHER INTERESTED COMMUNITY MENTAL HEALTH ORGANIZATIONS.

(b) THE RESPONSE SHALL ALSO DEMONSTRATE THAT SAID AGENCIES AND ORGANIZATIONS ARE IN AGREEMENT WITH THE PROPOSED STRUCTURE AND THE OPERATION OF THE JUVENILE OFFENDER PILOT PROGRAM, AS DESCRIBED IN THE RESPONSE.

(5) THE ENTITY AND COLLABORATIVE AGENCIES THAT OPERATE A JUVENILE OFFENDER PILOT PROGRAM SHALL PARTICIPATE TOGETHER IN THE COST OF THE PROGRAM BY ALLOCATING, AS A GROUP, ANY MONEYS AVAILABLE TO THE ENTITY AND THE AGENCIES OR BY PROVIDING SERVICES TO THE PROGRAM OR BY A COMBINATION OF MONEYS AND SERVICES IN AN AMOUNT EQUAL TO THE AMOUNT OF STATE GENERAL FUND MONEYS RECEIVED TO OPERATE THE PROGRAM.

16-8-204. Department - guidelines. THE DEPARTMENT SHALL ADOPT GUIDELINES, AS NECESSARY, FOR THE IMPLEMENTATION OF SECTION 16-8-203, INCLUDING, AT A MINIMUM, GUIDELINES SPECIFYING THE DEADLINES, PROCEDURES, AND FORMS FOR RESPONDING TO THE REQUEST FOR PROPOSALS ISSUED PURSUANT TO SAID SECTION AND THE EVALUATIVE INFORMATION TO BE REPORTED PURSUANT TO SECTION 16-8-205. IN ADDITION, THE DEPARTMENT MAY ADOPT ADDITIONAL CRITERIA THAT ARE IN ACCORDANCE WITH THE PARAMETERS SPECIFIED IN SECTION 16-8-203 (2) FOR SELECTING THE ENTITIES THAT WILL OPERATE THE JUVENILE OFFENDER PILOT PROGRAM.

16-8-205. Intensive treatment management pilot programs - reporting requirements - evaluation. (1) ON OR BEFORE OCTOBER 1, 2002, AND ON OR BEFORE EACH OCTOBER 1 THEREAFTER, EACH ENTITY THAT IS SELECTED TO OPERATE A JUVENILE OFFENDER PILOT PROGRAM CREATED PURSUANT TO SECTION 16-8-203

SHALL SUBMIT TO THE DEPARTMENT INFORMATION EVALUATING THE PROGRAM. THE DEPARTMENT SHALL SPECIFY THE INFORMATION TO BE SUBMITTED, WHICH INFORMATION AT A MINIMUM SHALL INCLUDE:

(a) THE NUMBER OF PERSONS PARTICIPATING IN THE PROGRAM AND AN OVERVIEW OF THE SERVICES PROVIDED;

(b) THE NUMBER OF PERSONS PARTICIPATING IN THE PROGRAM FOR WHOM DIVERSION, PAROLE, PROBATION, OR CONDITIONAL RELEASE WAS REVOKED AND THE REASONS FOR EACH REVOCATION;

(c) THE NUMBER OF PERSONS PARTICIPATING IN THE PROGRAM WHO COMMITTED NEW OFFENSES WHILE RECEIVING SERVICES AND AFTER RECEIVING SERVICES UNDER THE PROGRAM AND THE NUMBER AND NATURE OF OFFENSES COMMITTED;

(d) THE NUMBER OF PERSONS PARTICIPATING IN THE PROGRAM WHO REQUIRED HOSPITALIZATION WHILE RECEIVING SERVICES AND AFTER RECEIVING SERVICES UNDER THE PROGRAM AND THE LENGTH OF AND REASON FOR EACH HOSPITALIZATION.

(2) ON OR BEFORE JANUARY 15, 2003, AND ON OR BEFORE EACH JANUARY 15 THEREAFTER, THE DEPARTMENT SHALL SUBMIT A COMPILATION OF THE INFORMATION RECEIVED PURSUANT TO SUBSECTION (1) OF THIS SECTION, WITH AN EXECUTIVE SUMMARY, TO THE JOINT BUDGET COMMITTEE AND THE JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY. SAID COMMITTEES SHALL REVIEW THE REPORT AND MAY RECOMMEND LEGISLATION TO CONTINUE OR EXPAND THE JUVENILE OFFENDER PILOT PROGRAM.

(3) THE DEPARTMENT SHALL FORWARD THE INFORMATION RECEIVED PURSUANT TO SUBSECTION (1) OF THIS SECTION TO THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY. THE DIVISION SHALL REVIEW THE OPERATION OF THE PILOT PROGRAMS AND SUBMIT A REPORT ON OR BEFORE OCTOBER 1, 2003, AND ON OR BEFORE OCTOBER 1 EVERY TWO YEARS THEREAFTER, TO THE DEPARTMENT AND TO THE JOINT BUDGET COMMITTEE AND THE JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY. AT A MINIMUM, THE REPORT PREPARED BY THE DIVISION OF CRIMINAL JUSTICE SHALL INCLUDE IDENTIFICATION OF THE COST AVOIDANCE OR COST SAVINGS, IF ANY, ACHIEVED BY THE PILOT PROGRAMS AND THE OUTCOMES ACHIEVED BY JUVENILES RECEIVING SERVICES THROUGH THE PROGRAMS.

16-8-206. Repeal of part. THIS PART 2 IS REPEALED, EFFECTIVE JULY 1, 2007.

SECTION 2. Appropriation - adjustment in 2000 long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, for the fiscal year beginning July 1, 2000, the sum of one hundred seventy-five thousand dollars (\$175,000), or so much thereof as may be necessary, for the implementation of this act. Of such sum, one hundred sixty thousand dollars (\$160,000), or so much thereof as may be necessary, is appropriated to the department of human services for implementation of the intensive treatment management pilot program of juvenile offenders created in section 16-8-203, Colorado Revised Statutes; and fifteen thousand dollars (\$15,000), or so much thereof as may be necessary, is appropriated to the department of public safety

for allocation to the division of criminal justice.

(2) For the implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1, 2000, shall be adjusted as follows:

(a) The general fund appropriation to the capital construction fund outlined in section 3 (1) (f) is reduced by one hundred seventy-five thousand dollars (\$175,000).

(b) The capital construction fund exempt appropriation to the department of transportation, construction projects, is reduced by one hundred seventy-five thousand dollars (\$175,000).

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 1, 2000