

CHAPTER 327

CRIMINAL LAW AND PROCEDURE

SENATE BILL 03-006

BY SENATOR(S) Windels, Anderson, Takis, Gordon, Groff, Hagedorn, Hanna, Keller, Linkhart, Nichol, Phillips, Tapia, and Tupa;
also REPRESENTATIVE(S) Hoppe, Veiga, Borodkin, Boyd, Frangas, Jahn, Madden, Merrifield, Paccione, Rippy, Romanoff, Stafford, Tochtrop, Weddig, Weissmann, and Williams S.

AN ACT

CONCERNING THE CREATION OF A LOCAL INITIATIVE COMMITTEE PILOT PROGRAM FOR MANAGEMENT OF COMMUNITY-BASED PROGRAMS FOR ADULTS WITH MENTAL ILLNESS WHO COME INTO CONTACT WITH THE CRIMINAL JUSTICE SYSTEM.

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

SECTION 1. Part 1 of article 11 of title 16, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

16-11-105. Local initiative committee pilot program for the management of community-based programs for adults with mental illness who come into contact with the criminal justice system - legislative declaration - creation - duties - report - repeal. (1) THE GENERAL ASSEMBLY FINDS THAT EFFECTIVE MANAGEMENT OF COMMUNITY-BASED PROGRAMS FOR ADULTS WITH MENTAL ILLNESS WHO COME INTO CONTACT WITH THE CRIMINAL JUSTICE SYSTEM REQUIRES EXTENSIVE PLANNING, COOPERATION, AND COORDINATION AMONG THE ENTITIES RESPONSIBLE FOR PROVIDING SERVICES TO THESE INDIVIDUALS. THE SUPERVISION OF COORDINATION AND COMMUNICATION AMONG SUCH ENTITIES WILL PROMOTE THE EFFICIENT USE OF SERVICES, CREATE SERVICE LINKAGES AMONG PROVIDERS WHO SERVE THIS POPULATION, ALLOW FOR EVALUATION OF EXISTING AND PROPOSED SERVICES, ENGAGE THE STAKEHOLDERS IN THE COMMUNITY, AND ULTIMATELY REDUCE RECIDIVISM AMONG OFFENDERS. THE GENERAL ASSEMBLY THEREFORE FINDS THAT THE CREATION OF LOCAL INITIATIVE COMMITTEES TO SUPERVISE THE COORDINATION OF SERVICES FOR ADULTS WITH MENTAL ILLNESS WHO COME INTO CONTACT WITH THE CRIMINAL JUSTICE SYSTEM IS NECESSARY TO IMPROVE THE QUALITY AND EFFECTIVENESS OF SERVICES PROVIDED TO THESE INDIVIDUALS.

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

(2) (a) THERE IS HEREBY CREATED A LOCAL INITIATIVE COMMITTEE PILOT PROGRAM FOR THE MANAGEMENT OF COMMUNITY-BASED PROGRAMS FOR ADULTS WITH MENTAL ILLNESS WHO COME INTO CONTACT WITH THE CRIMINAL JUSTICE SYSTEM.

(b) EFFECTIVE JANUARY 1, 2004, THE LOCAL INITIATIVE COMMITTEE PILOT PROGRAM SHALL BEGIN OPERATION IN THE SECOND JUDICIAL DISTRICT. THE CHIEF JUDGE OF THE SECOND JUDICIAL DISTRICT SHALL APPOINT THE MEMBERS OF THE LOCAL INITIATIVE COMMITTEE FOR THE SECOND JUDICIAL DISTRICT AS PROVIDED IN PARAGRAPH (e) OF THIS SUBSECTION (2).

(c) EFFECTIVE JANUARY 1, 2006, THE LOCAL INITIATIVE COMMITTEE PILOT PROGRAM SHALL BEGIN OPERATION IN THE FIRST JUDICIAL DISTRICT. THE CHIEF JUDGE OF THE FIRST JUDICIAL DISTRICT SHALL APPOINT THE MEMBERS OF THE LOCAL INITIATIVE COMMITTEE FOR THE FIRST JUDICIAL DISTRICT AS PROVIDED IN PARAGRAPH (e) OF THIS SUBSECTION (2).

(d) ON OR BEFORE JULY 1, 2006, THE LEGISLATIVE OVERSIGHT COMMITTEE FOR THE CONTINUING EXAMINATION OF THE TREATMENT OF PERSONS WITH MENTAL ILLNESS WHO ARE INVOLVED IN THE CRIMINAL JUSTICE SYSTEM SHALL SELECT AT LEAST ONE ADDITIONAL JUDICIAL DISTRICT IN WHICH THE LOCAL INITIATIVE COMMITTEE PILOT PROGRAM SHALL BEGIN OPERATION EFFECTIVE JANUARY 1, 2007. THE OVERSIGHT COMMITTEE SHALL BASE ITS SELECTION ON THE RECOMMENDATIONS OF THE TASK FORCE CREATED PURSUANT TO SECTION 18-1.7-104, C.R.S., AND AT LEAST ONE OF THE JUDICIAL DISTRICTS SELECTED SHALL NOT EXCEED ONE HUNDRED THOUSAND IN POPULATION. THE CHIEF JUDGE OF EACH OF THE SELECTED JUDICIAL DISTRICTS SHALL APPOINT THE MEMBERS OF THE LOCAL INITIATIVE COMMITTEE FOR THAT JUDICIAL DISTRICT AS PROVIDED IN PARAGRAPH (e) OF THIS SUBSECTION (2).

(e) THE CHIEF JUDGE OF EACH JUDICIAL DISTRICT PARTICIPATING IN THE LOCAL INITIATIVE COMMITTEE PILOT PROGRAM SHALL APPOINT THE MEMBERS OF THE LOCAL INITIATIVE COMMITTEE IN HIS OR HER RESPECTIVE JUDICIAL DISTRICT IN CONSIDERATION OF THE RECOMMENDATIONS FROM THE DIRECTOR OF THE DIVISION OF MENTAL HEALTH SERVICES IN THE DEPARTMENT OF HUMAN SERVICES, THE DIRECTOR OF THE DIVISION OF PROBATION SERVICES IN THE JUDICIAL DEPARTMENT, AND THE DIRECTOR OF THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY. EACH LOCAL INITIATIVE COMMITTEE, TO THE EXTENT PRACTICABLE, SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE DIRECTOR OF THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY OR HIS OR HER DESIGNEE, THE DIRECTOR OF THE DIVISION OF MENTAL HEALTH SERVICES IN THE DEPARTMENT OF HUMAN SERVICES OR HIS OR HER DESIGNEE, THE DIRECTOR OF THE DIVISION OF PROBATION SERVICES IN THE JUDICIAL DEPARTMENT OR HIS OR HER DESIGNEE, THE DIRECTOR OF THE DIVISION OF PAROLE AND COMMUNITY CORRECTIONS IN THE DEPARTMENT OF CORRECTIONS OR HIS OR HER DESIGNEE, A REPRESENTATIVE OF THE MUNICIPALITIES LOCATED WITHIN THE JUDICIAL DISTRICT, A REPRESENTATIVE OF THE DEPARTMENT OF HUMAN SERVICES WITH EXPERTISE IN SUBSTANCE ABUSE TREATMENT, THE CHIEF PROBATION OFFICER IN THE JUDICIAL DISTRICT OR HIS OR HER DESIGNEE, AND A REPRESENTATIVE FROM EACH OF THE FOLLOWING ORGANIZATIONS LOCATED WITHIN THE JUDICIAL DISTRICT:

(I) A COUNTY DEPARTMENT OF SOCIAL SERVICES;

- (II) A COUNTY SHERIFF'S OFFICE;
- (III) A LOCAL PROBATION OFFICE;
- (IV) A LOCAL OFFICE OF STATE PAROLE;
- (V) A LOCAL COMMUNITY CORRECTIONS BOARD;
- (VI) THE DISTRICT ATTORNEY'S OFFICE;
- (VII) THE PUBLIC DEFENDER'S OFFICE; AND
- (VIII) A LOCAL COMMUNITY MENTAL HEALTH OFFICE.

(3) (a) UNDER THE LEADERSHIP OF THE DIRECTOR OF THE DIVISION OF MENTAL HEALTH SERVICES IN THE DEPARTMENT OF HUMAN SERVICES, THE DIRECTOR OF THE DIVISION OF PROBATION SERVICES IN THE JUDICIAL DEPARTMENT, AND THE DIRECTOR OF THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY, EACH LOCAL INITIATIVE COMMITTEE SHALL MEET AT LEAST THREE TIMES EACH YEAR TO SUPERVISE AND SHARE INFORMATION CONCERNING THE COORDINATION OF SERVICES FOR ADULTS WITH MENTAL ILLNESS WHO COME INTO CONTACT WITH THE CRIMINAL JUSTICE SYSTEM. IN ADDITION, EACH LOCAL INITIATIVE COMMITTEE SHALL DEVELOP AND IMPLEMENT A PLAN FOR THE PROVISION AND COORDINATION OF SUCH SERVICES WITHIN THE JUDICIAL DISTRICT. AT A MINIMUM, EACH PLAN SHALL ADDRESS THE EFFICIENT USE OF SERVICES IN TREATMENT OF ADULTS WITH MENTAL ILLNESS WHO COME INTO CONTACT WITH THE CRIMINAL JUSTICE SYSTEM, THE CREATION OF SERVICE LINKAGES AMONG PROVIDERS WHO SERVE THESE ADULTS, THE ENGAGEMENT OF STAKEHOLDERS IN THE COMMUNITY, AND A METHOD FOR EVALUATING THE PLAN. EACH LOCAL INITIATIVE COMMITTEE SHALL REVIEW AND REVISE THE PLAN AS NECESSARY.

(b) MEMBERS OF THE LOCAL INITIATIVE COMMITTEE SHALL SERVE WITHOUT COMPENSATION.

(4) THE DIRECTOR OF THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY, THE DIRECTOR OF THE DIVISION OF PROBATION SERVICES IN THE JUDICIAL DEPARTMENT, AND THE DIRECTOR OF THE DIVISION OF MENTAL HEALTH SERVICES IN THE DEPARTMENT OF HUMAN SERVICES SHALL SUBMIT A COPY OF EACH LOCAL INITIATIVE COMMITTEE PLAN ADOPTED PURSUANT TO SUBSECTION (3) OF THIS SECTION TO THE JUDICIARY COMMITTEE OF THE SENATE AND THE JUDICIARY COMMITTEE OF THE HOUSE OF REPRESENTATIVES. IN ADDITION, ON OR BEFORE JULY 1, 2007, THE DIRECTOR OF THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY, THE DIRECTOR OF THE DIVISION OF PROBATION SERVICES IN THE JUDICIAL DEPARTMENT, AND THE DIRECTOR OF THE DIVISION OF MENTAL HEALTH SERVICES IN THE DEPARTMENT OF HUMAN SERVICES SHALL SUBMIT A WRITTEN REPORT EVALUATING EACH LOCAL INITIATIVE COMMITTEE'S PROVISION AND COORDINATION OF SERVICES FOR ADULTS WITH MENTAL ILLNESS WHO COME INTO CONTACT WITH THE CRIMINAL JUSTICE SYSTEM TO THE JUDICIARY COMMITTEE OF THE SENATE AND THE JUDICIARY COMMITTEE OF THE HOUSE OF REPRESENTATIVES. SAID COMMITTEES SHALL REVIEW THE REPORT AND MAY RECOMMEND LEGISLATION TO CONTINUE OR EXPAND THE LOCAL INITIATIVE COMMITTEE PILOT PROGRAM.

(5) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY, THE STATE COURT ADMINISTRATOR IN THE JUDICIAL DEPARTMENT, AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES ARE AUTHORIZED TO ACCEPT AND EXPEND ON BEHALF OF THE STATE ANY GRANTS, GIFTS, OR DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE FOR THE PURPOSE OF ESTABLISHING THE LOCAL INITIATIVE COMMITTEE PILOT PROGRAM; EXCEPT THAT NO GIFT, GRANT, OR DONATION SHALL BE ACCEPTED IF THE CONDITIONS ATTACHED TO IT REQUIRE THE EXPENDITURE THEREOF IN A MANNER CONTRARY TO LAW.

(6) (a) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2008.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (6), IF THE GRANTS, GIFTS, OR DONATIONS REQUIRED TO IMPLEMENT PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION ARE NOT RECEIVED BY JULY 1, 2004, PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION SHALL BE REPEALED EFFECTIVE JULY 1, 2004. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY, THE STATE COURT ADMINISTRATOR IN THE JUDICIAL DEPARTMENT, AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING IF THE GRANTS, GIFTS, OR DONATIONS REQUIRED TO IMPLEMENT PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION ARE NOT RECEIVED BY JULY 1, 2004.

(c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (6), IF THE GIFTS, GRANTS, OR DONATIONS REQUIRED TO IMPLEMENT PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION ARE NOT RECEIVED BY JULY 1, 2006, PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION SHALL BE REPEALED EFFECTIVE JULY 1, 2006. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY, THE STATE COURT ADMINISTRATOR IN THE JUDICIAL DEPARTMENT, AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING IF THE GIFTS, GRANTS, OR DONATIONS REQUIRED TO IMPLEMENT PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION ARE NOT RECEIVED BY JULY 1, 2006.

(d) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (6), IF THE GIFTS, GRANTS, OR DONATIONS REQUIRED TO IMPLEMENT PARAGRAPH (d) OF SUBSECTION (2) OF THIS SECTION ARE NOT RECEIVED BY JULY 1, 2007, PARAGRAPH (d) OF SUBSECTION (2) OF THIS SECTION SHALL BE REPEALED EFFECTIVE JULY 1, 2007. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY, THE STATE COURT ADMINISTRATOR IN THE JUDICIAL DEPARTMENT, AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING IF THE GIFTS, GRANTS, OR DONATIONS REQUIRED TO IMPLEMENT PARAGRAPH (d) OF SUBSECTION (2) OF THIS SECTION ARE NOT RECEIVED BY JULY 1, 2007.

SECTION 2. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

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: May 22, 2003