

## CHAPTER 299

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**GOVERNMENT - STATE**

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**HOUSE BILL 09-1022**

BY REPRESENTATIVE(S) Solano, Casso, Fischer, Frangas, Kagan, Kerr A., Kerr J., Levy, Primavera, Rice, Ryden, Schafer S., Soper, Todd, Vigil;  
also SENATOR(S) Boyd, Carroll M., Foster, Gibbs, Hodge, Hudak, Isgar, Keller, Morse, Newell, Schwartz, Tapia, Tochtrop.

**AN ACT****CONCERNING ASSISTANCE TO COUNTIES TO IMPLEMENT RECIDIVISM REDUCTION PROGRAMS FOR THE MENTALLY ILL.**

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

**SECTION 1.** Part 5 of article 33.5 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**24-33.5-512. Recidivism reduction grant program - creation - definitions - repeal.** (1) **Legislative declaration.** THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE, IN ITS 2008 REPORT, CHOSE TO FOCUS ON RECIDIVISM DURING THE PAST YEAR, STATING:

THE COMMISSION'S DECISION TO FOCUS ON REDUCING RECIDIVISM AND VICTIMIZATION WAS BASED ON THE FACT THAT RECIDIVISM RATES IN COLORADO AND THROUGHOUT THE COUNTRY ARE VERY HIGH, RAISING QUESTIONS ABOUT THE EFFECTIVENESS OF A WIDE RANGE OF TRADITIONAL CRIMINAL JUSTICE PRACTICES. IN COLORADO, OVER HALF (53 PERCENT) OF THOSE RELEASED FROM PRISON RETURN WITHIN THREE YEARS. THIS IS A SIZABLE NUMBER: IN FISCAL YEAR 2007, OVER 4,000 INDIVIDUALS WERE REVOKED FROM PAROLE AND RETURNED TO PRISON. ANOTHER 2,000 OFFENDERS WERE REVOKED FROM PROBATION SUPERVISION AND SENT TO PRISON. NOTE THAT THIS RECIDIVISM RATE DOES NOT ALWAYS REFLECT NEW CRIMINAL ACTIVITY. ONE-QUARTER OF THE PAROLEES AND ABOUT ONE-THIRD OF THE PROBATIONERS COMMITTED A NEW CRIMINAL OFFENSE—THE REMAINDER VIOLATED THE CONDITIONS OF CORRECTIONAL SUPERVISION.

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

(b) RESEARCH HAS SHOWN THAT RECIDIVISM RATES CAN BE REDUCED THROUGH A VARIETY OF PROGRAMS, INCLUDING EDUCATION AND VOCATIONAL PROGRAMS, SUBSTANCE ABUSE TREATMENT PROGRAMS, DRUG OR MENTAL HEALTH COURTS, SEX OFFENDER TREATMENT PROGRAMS, AND MENTAL HEALTH TREATMENT PROGRAMS; AND

(c) BY PROVIDING GRANTS TO COUNTIES THROUGHOUT COLORADO TO IMPLEMENT PLANS FOR RECIDIVISM REDUCTION PROGRAMS, THE STATE'S RECIDIVISM RATE COULD BE SIGNIFICANTLY REDUCED, CREATING SAFER COMMUNITIES AND REDUCING COSTS FOR THE CRIMINAL JUSTICE SYSTEM.

(2) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "GRANT PROGRAM" MEANS THE RECIDIVISM REDUCTION GRANT PROGRAM CREATED IN SUBSECTION (3) OF THIS SECTION.

(b) "TARGET POPULATION" MEANS PERSONS WITH MENTAL ILLNESSES OR CO-OCCURRING DISORDERS, AS DEFINED IN SECTION 26-22-102, C.R.S., WHO HAVE BEEN INVOLVED IN THE CRIMINAL JUSTICE SYSTEM.

(3) THERE IS HEREBY CREATED A RECIDIVISM REDUCTION GRANT PROGRAM IN THE DIVISION TO PROVIDE THREE-YEAR IMPLEMENTATION GRANTS TO A COUNTY OR GROUP OF COUNTIES THAT HAS A PLAN TO INITIATE SYSTEMATIC CHANGE TO REDUCE RECIDIVISM BY THE TARGET POPULATION THROUGH A COUNTY RECIDIVISM REDUCTION PROGRAM COMMENCING ON OR AFTER JANUARY 1, 2010.

(4) ON OR BEFORE AUGUST 15, 2009, THE DIVISION SHALL ESTABLISH AN APPLICATION FORM FOR THE GRANT PROGRAM. AN APPLICATION SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING:

(a) A DESCRIPTION OF THE STRATEGIES THE COUNTY RECIDIVISM REDUCTION PROGRAM INTENDS TO USE TO SERVE THE TARGET POPULATION;

(b) A DESCRIPTION OF THE SUPERVISION FOR THE TARGET POPULATION THE COUNTY RECIDIVISM REDUCTION PROGRAM INTENDS TO USE;

(c) A DESCRIPTION OF THE GOALS AND MEASURABLE OBJECTIVES AND THE METHOD THAT THE COUNTY OR GROUP OF COUNTIES INTENDS TO USE TO MEASURE THE GOALS AND OBJECTIVES OF THE COUNTY RECIDIVISM REDUCTION PROGRAM;

(d) A DESCRIPTION OF THE PROJECTED RESULT THE COUNTY RECIDIVISM REDUCTION PROGRAM WILL HAVE ON THE TARGET POPULATION;

(e) AN ESTIMATE OF THE CHANGE THE COUNTY RECIDIVISM REDUCTION PROGRAM WILL HAVE ON THE BUDGET OF THE COUNTY JAIL;

(f) A DESCRIPTION OF HOW THE COUNTY OR GROUP OF COUNTIES INTENDS TO MEASURE THE SAVINGS OR AVERTED COSTS ACHIEVED BY THE COUNTY RECIDIVISM REDUCTION PROGRAM AND A DESCRIPTION OF HOW SUCH COST SAVINGS OR AVERTED

COSTS WILL SUSTAIN OR EXPAND THE MENTAL HEALTH TREATMENT SERVICES AND SUPPORTS NEEDED IN THE COUNTY OR GROUP OF COUNTIES;

(g) A DESCRIPTION OF THE PUBLIC AND PRIVATE STAKEHOLDERS WILLING TO COLLABORATE ON THE COUNTY RECIDIVISM REDUCTION PROGRAM;

(h) A DESCRIPTION OF HOW THE GRANT MONEYS RECEIVED FROM THE GRANT PROGRAM WILL BE USED AND ADDITIONAL SOURCES AND USES OF MONEY PROPOSED TO BE USED ON THE COUNTY RECIDIVISM REDUCTION PROGRAM;

(i) A DESCRIPTION OF THE METHOD TO BE USED TO EVALUATE THE COUNTY RECIDIVISM REDUCTION PROGRAM; AND

(j) A DESCRIPTION OF ANY PUBLIC AND PRIVATE PARTNERSHIP MODELS AND EVIDENCE-BASED PRACTICES THE COUNTY RECIDIVISM REDUCTION PROGRAM MAY USE.

(5) THE GRANT PROGRAM MAY PROVIDE GRANT MONEYS TO COUNTY RECIDIVISM REDUCTION PROGRAMS THAT INCLUDE, BUT NEED NOT BE LIMITED TO:

(a) MENTAL HEALTH COURTS, WHICH EMPLOY ALTERNATIVE SENTENCING PROGRAMS AND DIVERSION PROGRAMS;

(b) SERVICE DELIVERY OF COLLATERAL SERVICES SUCH AS TRANSITIONAL AND RESIDENTIAL HOUSING AND SUPPORTED EMPLOYMENT;

(c) REENTRY SERVICES THAT CREATE OR EXPAND MENTAL HEALTH SERVICES AND SUPPORTS FOR AFFECTED INDIVIDUALS, INCLUDING BUT NOT LIMITED TO WRAP-AROUND SERVICES, RESIDENTIAL AND TRANSITIONAL HOUSING, AND CASE MANAGEMENT SERVICES;

(d) POST-BOOKING ALTERNATIVES TO INCARCERATION;

(e) NEW COURT PROGRAMS, INCLUDING PRETRIAL SERVICES AND SPECIALIZED DOCKETS;

(f) INTENSIFIED TRANSITION SERVICES THAT ARE DIRECTED TO THE TARGET POPULATION WHILE THEY ARE IN JAIL OR PRISON TO FACILITATE TRANSITION TO THE COMMUNITY INCLUDING RESIDENTIAL AND TRANSITIONAL HOUSING PROGRAMS; AND

(g) DAY-REPORTING CENTERS AND COMMUNITY CORRECTIONS PROGRAMS.

(6) ON OR BEFORE OCTOBER 1, 2009, AND EACH OCTOBER 1 THEREAFTER, A COUNTY OR GROUP OF COUNTIES MAY SUBMIT AN APPLICATION TO THE DIVISION FOR A GRANT FROM THE GRANT PROGRAM FOR A COUNTY RECIDIVISM REDUCTION PROGRAM.

(7) ON OR BEFORE NOVEMBER 15, 2009, AND EACH NOVEMBER 15 THEREAFTER, THE DIVISION SHALL AWARD GRANTS TO COUNTIES OR GROUPS OF COUNTIES. EACH GRANT ISSUED FOR A COUNTY RECIDIVISM REDUCTION PROGRAM SHALL NOT EXCEED ONE HUNDRED THOUSAND DOLLARS IN ANY ONE YEAR OR TWO HUNDRED THOUSAND

DOLLARS OVER THREE YEARS.

(8) THE DIVISION SHALL ONLY ACCEPT APPLICATIONS PURSUANT TO SUBSECTION (6) OF THIS SECTION AND AWARD GRANTS PURSUANT TO SUBSECTION (7) OF THIS SECTION IF THE DIVISION DETERMINES THAT THE RECIDIVISM REDUCTION GRANT PROGRAM FUND CREATED IN SUBSECTION (10) OF THIS SECTION HAS RECEIVED SUFFICIENT GIFTS, GRANTS, AND DONATIONS TO MAKE A GRANT AWARD PURSUANT TO SUBSECTION (7) OF THIS SECTION.

(9) ON OR BEFORE MARCH 1, 2013, THE DIVISION SHALL SUBMIT A REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, DESCRIBING THE GRANT PROGRAM AND EVALUATING THE SUCCESS OF EACH COUNTY RECIDIVISM REDUCTION PROGRAM IF THE DIVISION HAS AWARDED ANY GRANTS PURSUANT TO SUBSECTION (7) OF THIS SECTION.

(10) THE DEPARTMENT IS AUTHORIZED TO ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF IMPLEMENTING THIS SECTION; EXCEPT THAT NO GIFT, GRANT, OR DONATION MAY BE ACCEPTED BY THE DEPARTMENT IF IT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH ANY LAW OF THE STATE. ALL MONEYS RECEIVED PURSUANT TO THIS SUBSECTION (10) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE RECIDIVISM REDUCTION GRANT PROGRAM FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS SUBSECTION (10) AS THE "FUND". THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS SECTION. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

(11) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2013.

**SECTION 2. 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 21, 2009