

HB1040\_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB18-1040 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, add 17-1-115.9 as  
4 follows:

5 17-1-115.9. Incentives for contracted mental health  
6 professionals - report - legislative declaration. (1) THE GENERAL  
7 ASSEMBLY FINDS THAT:

8 (a) THE FAILURE TO PROVIDE TIMELY NEEDED SEX OFFENDER  
9 TREATMENT OR SERVICES CREATES A RISK WHEN AN INMATE IS RELEASED  
10 INTO THE COMMUNITY AND INCREASES EXPENSES WHEN AN INMATE  
11 REMAINS IN PRISON DUE TO HIS OR HER FAILURE TO RECEIVE TREATMENT  
12 OR SERVICES; AND

13 (b) IN ORDER TO PROVIDE THE NECESSARY SEX OFFENDER  
14 TREATMENT AND SERVICES IN DIFFICULT-TO-SERVE AREAS IN A TIMELY  
15 MANNER, THE DEPARTMENT MUST HAVE THE FLEXIBILITY TO OFFER  
16 INCENTIVES TO CONTRACTED MENTAL HEALTH PROFESSIONALS TO  
17 PROVIDE SUCH TREATMENT AND SERVICES IN SUCH AREAS.

18 (2) THE DEPARTMENT SHALL MONITOR THE NUMBER OF INMATES  
19 WHO HAVE A SPECIFIED SEX OFFENDER TREATMENT OR SERVICE IDENTIFIED  
20 IN THE INMATE'S RECOMMENDED REHABILITATION REPORT AND WHO ARE  
21 NOT RECEIVING THE TREATMENT OR SERVICE DUE TO A LACK OF  
22 TREATMENT OR SERVICE PROVIDERS. THE DEPARTMENT SHALL DEVELOP  
23 AN INCENTIVE PLAN FOR EACH SEX OFFENDER TREATMENT OR SERVICE  
24 AND EACH GEOGRAPHIC AREA IN WHICH THERE IS A NEED FOR ADDITIONAL  
25 CONTRACTED MENTAL HEALTH PROFESSIONALS TO PROVIDE THE  
26 IDENTIFIED SEX OFFENDER TREATMENT OR SERVICE. THE INCENTIVE PLAN  
27 MUST INCLUDE SPECIFIC INCENTIVES TO CONTRACT WITH THE NECESSARY  
28 MENTAL HEALTH PROFESSIONALS AND MAY INCLUDE INCREASES IN FEES  
29 AND TRAVEL REIMBURSEMENTS PAID, BONUSES, AND OTHER FINANCIAL  
30 INCENTIVES.

31 (3) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136  
32 (11), ON OR BEFORE DECEMBER 1, 2019, AND EACH DECEMBER 1  
33 THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE JOINT  
34 BUDGET COMMITTEE THAT MUST INCLUDE:

35 (a) THE STATEWIDE NUMBER OF INMATES REQUIRING EACH SEX  
36 OFFENDER TREATMENT OR SERVICE PROVIDED BY A MENTAL HEALTH  
37 PROFESSIONAL AND THE NUMBER OF INMATES UNABLE TO RECEIVE SUCH  
38 TREATMENT OR SERVICE; AND

39 (b) FOR EACH INCENTIVE PLAN DEVELOPED PURSUANT TO THIS  
40 SECTION, THE NUMBER OF INMATES REQUIRING THE TREATMENT OR

1 SERVICE, THE NUMBER OF INMATES STILL UNABLE TO RECEIVE THE  
2 TREATMENT OR SERVICE, A DESCRIPTION OF THE INCENTIVE PLAN  
3 DEVELOPED, AND A REPORT ON THE EFFECTIVENESS OF ANY INCENTIVE  
4 OFFERED BY THE DEPARTMENT UNDER THE PLAN.

5 **SECTION 2. Act subject to petition - effective date.** This act  
6 takes effect at 12:01 a.m. on the day following the expiration of the  
7 ninety-day period after final adjournment of the general assembly (August  
8 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
9 referendum petition is filed pursuant to section 1 (3) of article V of the  
10 state constitution against this act or an item, section, or part of this act  
11 within such period, then the act, item, section, or part will not take effect  
12 unless approved by the people at the general election to be held in  
13 November 2018 and, in such case, will take effect on the date of the  
14 official declaration of the vote thereon by the governor."

15 Page 1, strike lines 101 and 102 and substitute:

16 "CONCERNING CONTRACTOR INCENTIVES FOR PROVISION OF SEX  
17 OFFENDER SERVICES IN THE DEPARTMENT OF CORRECTIONS."

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