

CHAPTER 119

COURTS

SENATE BILL 23-229

BY SENATOR(S) Bridges and Kirkmeyer, Zenzinger, Buckner, Coleman, Cutter, Exum, Gardner, Gonzales, Hinrichsen, Jaquez Lewis, Kolker, Lundeen, Moreno, Mullica, Priola, Simpson, Will, Winter F.; also REPRESENTATIVE(S) Sirota and Bockenfeld, Bird, Amabile, Bacon, Brown, Epps, Froelich, Hamrick, Jodeh, Joseph, Lieder, Lindsay, Lindstedt, Marshall, Michaelson Jenet, Ricks, Snyder, Story, Titone, Vigil, Weissman, Willford, Young, McCluskie.

AN ACT

CONCERNING THE OFFICE OF THE STATEWIDE BEHAVIORAL HEALTH COURT LIAISON, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

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

SECTION 1. In Colorado Revised Statutes, **add with amended and relocated provisions** article 95 to title 13 as follows:

ARTICLE 95
Office of the Statewide Behavioral Health Court Liaison

13-95-101. [Formerly 16-11.9-201] Legislative declaration and intent. (1) The general assembly finds and declares that:

(a) Colorado's citizens who are living with mental health and substance use disorders are overrepresented in the criminal justice system, and they are at a significantly greater risk of incurring criminal justice involvement, longer terms of involvement, and harsher consequences of that involvement when compared to the general public;

(b) Colorado must make a commitment to ensure that all individuals within the criminal justice system are treated fairly and humanely, regardless of their behavioral health history or mental state; and

(c) There is a significant need for enhanced communication among health-care systems, behavioral health systems, and criminal justice entities, including law

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

enforcement, defense attorneys, district attorneys, COUNTY ATTORNEYS, judges, and probation, to foster collaboration that provides all individuals with a fair chance of living a healthy and productive life.

(2) The general assembly further finds that:

(a) Colorado has an obligation to ensure that entities within the criminal justice system are equipped with a greater understanding of behavioral health treatment options in the community; and

(b) Community mental health providers, including community mental health centers, are a critical component of achieving positive outcomes for individuals living with mental health, behavioral health, and substance use disorders and have long held an essential role in engaging criminal justice entities.

(3) The general assembly therefore finds that it is critical to create a network of professionals who can comprehensively bridge the criminal justice system and the community behavioral health systems across the state in order to:

(a) Promote positive outcomes for individuals living with mental health or co-occurring behavioral health conditions;

(b) Inform criminal justice entities about community treatment options; and

(c) Connect individuals to behavioral health services.

(4) Therefore, the general assembly declares that a statewide behavioral health court liaison program ~~must provide~~ PROVIDES a method for collaboration and consultation among behavioral health providers, district attorneys, COUNTY ATTORNEYS, and defense attorneys about available community-based behavioral health services and supports, competency evaluations, restoration to competency services, and other relevant decisions and issues facing individuals with mental health or co-occurring behavioral health ~~conditions~~ CHALLENGES, INCLUDING MENTAL HEALTH DISABILITIES, who are involved with the criminal OR JUVENILE justice system, including appropriateness for community treatment and resource availability.

13-95-102. [Formerly 16-11.9-202] Definitions. As used in this ~~part 2~~ ARTICLE 95, unless the context otherwise requires:

(1) "Behavioral health ~~condition~~ CHALLENGE" refers to mental health and co-occurring ~~substance use conditions that are indicative of a possible behavioral health problem, concern, or disorder~~ CHALLENGES THAT MAY OR MAY NOT HAVE BEEN PREVIOUSLY DIAGNOSED, INCLUDING SUBSTANCE USE CHALLENGES AND MENTAL DISABILITIES.

(2) "Behavioral health services" or "behavioral health systems" means service systems that encompass prevention and promotion of emotional health, prevention and treatment services for ~~mental health and substance use conditions~~ BEHAVIORAL HEALTH CHALLENGES, and recovery support.

(3) "CO-OCCURRING CHALLENGE" MEANS A DISORDER THAT MAY OR MAY NOT HAVE BEEN PREVIOUSLY DIAGNOSED THAT COMMONLY COINCIDES WITH BEHAVIORAL HEALTH CHALLENGES AND MAY INCLUDE, BUT IS NOT LIMITED TO, SUBSTANCE ABUSE AND SUBSTANCE USE DISORDERS, INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, FETAL ALCOHOL SYNDROME, AND TRAUMATIC BRAIN INJURY.

(4) "COMMISSION" MEANS THE BRIDGES PROGRAM COMMISSION CREATED IN SECTION 13-95-104.

~~(5)~~ (5) "Court liaison" means a person who is hired OR CONTRACTED BY THE OFFICE as a dedicated behavioral health court liaison for the program pursuant to ~~section 16-11-9-203~~ THIS ARTICLE 95.

(6) "DIRECTOR" MEANS THE DIRECTOR OF THE OFFICE DESCRIBED IN SECTION 13-95-103.

(7) "MENTAL DISABILITY" MEANS A PSYCHIATRIC DISABILITY, DEVELOPMENTAL DISABILITY, LEARNING DISABILITY, OR COGNITIVE IMPAIRMENT, INCLUDING A TRAUMATIC BRAIN INJURY AND DEMENTIA DISEASES AND RELATED DISABILITIES AS DEFINED IN SECTION 25-1-502.

(8) "OFFICE" MEANS THE OFFICE OF THE STATEWIDE BEHAVIORAL HEALTH COURT LIAISON ESTABLISHED IN SECTION 13-95-103.

(9) "PARTICIPANT" MEANS AN INDIVIDUAL WITH BEHAVIORAL HEALTH CHALLENGES WHO IS INVOLVED WITH THE CRIMINAL OR JUVENILE JUSTICE SYSTEM AND FOR WHOM A COURT LIAISON HAS BEEN APPOINTED PURSUANT TO A COURT ORDER.

~~(10)~~ (10) "Program" OR "BRIDGES PROGRAM" means the statewide behavioral health court liaison program established in ~~section 16-11-9-203~~ SECTION 13-95-105.

(11) "SOCIAL DETERMINANTS OF HEALTH" MEANS THE NON-MEDICAL FACTORS THAT INFLUENCE HEALTH OUTCOMES, INCLUDING HEALTH-CARE ACCESS AND QUALITY, EDUCATION ACCESS AND QUALITY, SOCIAL AND COMMUNITY CONTEXT, ECONOMIC STABILITY, HOUSING, AND TRANSPORTATION.

~~(12)~~ (12) "State court administrator" means the state court administrator established pursuant to section 13-3-101.

13-95-103. Office of statewide behavioral health court liaison - administrative support - director - repeal. (1) (a) THERE IS CREATED THE OFFICE OF STATEWIDE BEHAVIORAL HEALTH COURT LIAISON AS AN INDEPENDENT AGENCY IN THE JUDICIAL DEPARTMENT. THE OFFICE HAS THE POWERS AND DUTIES DESCRIBED IN THIS ARTICLE 95.

(b) THE OFFICE AND COURT LIAISONS SHALL PROVIDE BRIDGES PROGRAM SERVICES, AS DESCRIBED IN SECTIONS 13-95-104 AND 13-95-105, TO PERSONS ACCUSED OF CRIMES OR DELINQUENT ACTS. THE OFFICE AND COURT LIAISONS SHALL PROVIDE BRIDGES PROGRAM SERVICES TO PARTICIPANTS INDEPENDENTLY OF ANY

POLITICAL CONSIDERATIONS OR PRIVATE INTERESTS.

(c) (I) THE HEAD OF THE OFFICE IS THE DIRECTOR. EXCEPT FOR THE INITIAL DIRECTOR OF THE OFFICE DESCRIBED IN SUBSECTION (1)(c)(II) OF THIS SECTION, THE COMMISSION SHALL APPOINT THE DIRECTOR. THE DIRECTOR SHALL EMPLOY OR CONTRACT WITH PERSONS NECESSARY TO DISCHARGE THE FUNCTIONS OF THE OFFICE IN ACCORDANCE WITH THIS ARTICLE 95.

(II) (A) NOTWITHSTANDING THE APPOINTMENT AUTHORITY DESCRIBED IN SUBSECTION (1)(c)(I) OF THIS SECTION, THE PERSON WHO, ON THE EFFECTIVE DATE OF THIS ACT, IS SERVING AS DIRECTOR OF THE STATEWIDE BEHAVIORAL HEALTH COURT LIAISON PROGRAM, AS IT EXISTED PRIOR TO ITS REPEAL IN 2023, IS THE DIRECTOR OF THE OFFICE FOR A TERM EXPIRING JUNE 30, 2026. AFTER THE INITIAL TERM OF APPOINTMENT, THE COMMISSION MAY APPOINT THE PERSON AS DIRECTOR PURSUANT TO SUBSECTION (1)(c)(I) OF THIS SECTION. THE COMMISSION MAY REMOVE THE DIRECTOR SERVING PURSUANT TO THIS SUBSECTION (1)(c)(II)(A) FOR CAUSE.

(B) THIS SUBSECTION (1)(c)(II) IS REPEALED, EFFECTIVE DECEMBER 31, 2026.

(2) THE DIRECTOR SHALL ADMINISTER THE OFFICE IN ACCORDANCE WITH THE MEMORANDUM OF UNDERSTANDING WITH THE JUDICIAL DEPARTMENT. THE OFFICE AND JUDICIAL DEPARTMENT SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING THAT CONTAINS, AT A MINIMUM:

(a) A REQUIREMENT THAT THE OFFICE HAS ITS OWN PERSONNEL RULES;

(b) A REQUIREMENT THAT THE DIRECTOR HAS INDEPENDENT HIRING AND TERMINATION AUTHORITY OVER OFFICE EMPLOYEES AND CONTRACTED COURT LIAISONS;

(c) A REQUIREMENT THAT THE OFFICE MUST FOLLOW THE JUDICIAL DEPARTMENT'S FISCAL RULES; AND

(d) TERMS TO PROVIDE ADMINISTRATIVE SUPPORT FOR THE OFFICE THAT WILL HELP MAINTAIN THE INDEPENDENCE OF THE OFFICE.

(3) (a) AS AN INCLUDED AGENCY FOR THE PURPOSES OF ARTICLE 100 OF THIS TITLE 13, THE OFFICE RECEIVES ADMINISTRATIVE AND FISCAL SUPPORT SERVICES FROM THE OFFICE OF ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES.

(b) (I) THE JUDICIAL DEPARTMENT SHALL PROVIDE THE OFFICE WITH CENTRAL ACCOUNTING, BUDGETING, AND HUMAN RESOURCES AND PAYROLL SUPPORT TO THE EXTENT AND PERIOD NECESSARY UNTIL THOSE SUPPORT SERVICES CAN BE PROVIDED INDEPENDENTLY BY THE OFFICE OF ADMINISTRATIVE SERVICES FOR INDEPENDENT AGENCIES.

(II) THIS SUBSECTION (3)(b) IS REPEALED, EFFECTIVE JUNE 30, 2024.

(4) (a) THE OFFICE AND JUDICIAL DEPARTMENT SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING TO PROVIDE THE OFFICE AND COURT LIAISONS

ELECTRONIC READ-ONLY ACCESS TO THE NAME INDEX AND REGISTER OF ACTIONS FOR THOSE CASE TYPES NECESSARY TO CARRY OUT THE OFFICE'S AND COURT LIAISONS' STATUTORY PURPOSE AND THE DUTIES OF THEIR COURT APPOINTMENT. THE MEMORANDUM OF UNDERSTANDING MUST ALSO DELINEATE A FILING PROCESS FOR COURT LIAISONS TO SUBMIT REPORTS TO THE COURT.

(b) THE JUDICIAL DEPARTMENT SHALL PROVIDE TRANSITION SERVICES TO ESTABLISH THE OFFICE UNTIL THE DEPARTMENT AND THE OFFICE DETERMINE THAT THE TRANSITION IS COMPLETE.

(5) THE OFFICE SHALL PAY THE EXPENSES OF THE BRIDGES PROGRAM COMMISSION, ESTABLISHED IN SECTION 13-95-104.

13-95-104. Bridges program commission - creation - membership - duties - repeal. (1) THERE IS CREATED IN THE OFFICE THE BRIDGES PROGRAM COMMISSION TO SUPPORT THE OFFICE.

(2) (a) THE COMMISSION IS COMPRISED OF THE FOLLOWING MEMBERS:

(I) THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT ATTORNEYS' COUNCIL, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(II) THE STATE PUBLIC DEFENDER, OR THE STATE PUBLIC DEFENDER'S DESIGNEE;

(III) THE COMMISSIONER OF THE BEHAVIORAL HEALTH ADMINISTRATION, OR THE COMMISSIONER'S DESIGNEE;

(IV) THE DIRECTOR OF THE OFFICE WITHIN A STATE DEPARTMENT RESPONSIBLE FOR ASSISTING CIVIL AND FORENSIC MENTAL HEALTH PATIENTS, OR THE DIRECTOR'S DESIGNEE;

(V) THE STATE COURT ADMINISTRATOR, OR THE STATE COURT ADMINISTRATOR'S DESIGNEE; AND

(VI) THE FOLLOWING MEMBERS, APPOINTED BY THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT:

(A) A REPRESENTATIVE FROM A DISABILITY RIGHTS ORGANIZATION THAT PROVIDES SERVICES TO THE POPULATIONS SERVED BY THE BRIDGES PROGRAM;

(B) A REPRESENTATIVE FROM A BEHAVIORAL HEALTH, DISABILITY, OR CRIMINAL JUSTICE ADVOCACY ORGANIZATION THAT ADVOCATES FOR THE POPULATIONS SERVED BY THE BRIDGES PROGRAM;

(C) A REPRESENTATIVE FROM AN ORGANIZATION THAT PROVIDES HOUSING OR OTHER RESOURCES TO THE POPULATIONS SERVED BY THE BRIDGES PROGRAM; AND

(D) THREE COLORADO RESIDENTS, AT LEAST TWO OF WHOM ARE INDIVIDUALS WITH LIVED EXPERIENCE REFLECTIVE OF THE POPULATIONS SERVED BY THE BRIDGES PROGRAM.

(b) THE CHIEF JUSTICE SHALL MAKE APPOINTMENTS TO THE COMMISSION PURSUANT TO SUBSECTION (2)(a)(VI) OF THIS SECTION NO LATER THAN JULY 1, 2023.

(c) MEMBERS APPOINTED BY THE CHIEF JUSTICE SHALL NOT BE EMPLOYED OR UNDER CONTRACT WITH THE OFFICE OF THE STATEWIDE BEHAVIORAL HEALTH COURT LIAISON OR THE OFFICE WITHIN A STATE DEPARTMENT RESPONSIBLE FOR ASSISTING CIVIL AND FORENSIC MENTAL HEALTH PATIENTS. TO REPRESENT THE DIVERSITY OF THE COMMUNITIES SERVED BY THE BRIDGES PROGRAM, WHEN MAKING DESIGNATIONS OR APPOINTMENTS TO THE COMMISSION, THE DESIGNATING AND APPOINTING AUTHORITIES SHALL CONSIDER A DESIGNEE'S OR APPOINTEE'S PLACE OF RESIDENCE OR EMPLOYMENT, GENDER AND GENDER IDENTITY, SEXUAL ORIENTATION, ABILITY, RACE, ETHNIC BACKGROUND, AND LIVED EXPERIENCE.

(d) (I) EXCEPT FOR THE INITIAL APPOINTMENTS MADE PURSUANT TO SUBSECTION (2)(d)(II) OF THIS SECTION, THE TERM OF APPOINTMENT FOR EACH MEMBER APPOINTED BY THE CHIEF JUSTICE PURSUANT TO SUBSECTION (2)(a)(VI) OF THIS SECTION IS THREE YEARS. THE CHIEF JUSTICE MAY REAPPOINT A MEMBER FOR ADDITIONAL TERMS.

(II) (A) FOR THE INITIAL TERM OF APPOINTMENT OF THE MEMBERS PURSUANT TO SUBSECTION (2)(a)(VI) OF THIS SECTION, THE CHIEF JUSTICE SHALL APPOINT TWO MEMBERS TO A THREE-YEAR TERM, TWO MEMBERS TO A TWO-YEAR TERM, AND ONE MEMBER TO A ONE-YEAR TERM.

(B) THIS SUBSECTION (2)(d)(II) IS REPEALED, EFFECTIVE DECEMBER 31, 2025.

(e) EACH MEMBER OF THE COMMISSION SERVES WITHOUT COMPENSATION BUT IS ENTITLED TO REIMBURSEMENT FOR ACTUAL AND REASONABLE EXPENSES INCURRED IN THE PERFORMANCE OF THE MEMBER'S DUTIES.

(3) THE DIRECTOR SHALL CALL THE FIRST MEETING OF THE COMMISSION TO OCCUR NO LATER THAN JULY 31, 2023.

(4) THE DIRECTOR AND THE COMMISSION SHALL ESTABLISH PROCEDURES FOR THE OPERATION OF THE COMMISSION.

(5) THE COMMISSION SHALL:

(a) APPOINT THE DIRECTOR OF THE OFFICE. THE COMMISSION MAY REMOVE A DIRECTOR FOR CAUSE.

(b) WORK COOPERATIVELY WITH THE DIRECTOR TO PROVIDE GUIDANCE TO THE OFFICE; PROVIDE FISCAL OVERSIGHT OF THE GENERAL OPERATING BUDGET OF THE OFFICE; PARTICIPATE IN FUNDING DECISIONS RELATING TO THE PROVISION OF PROGRAM SERVICES; AND ASSIST WITH THE DUTIES OF THE OFFICE CONCERNING BRIDGES PROGRAM TRAINING AND PUBLIC OUTREACH, AS NEEDED.

13-95-105. Statewide behavioral health court liaison program - established - purpose - administration. (1) [Formerly 16-11.9-203 (1)(a)] The statewide behavioral health court liaison program, KNOWN AS THE BRIDGES PROGRAM, is

established in the office. ~~of the state court administrator. The state court administrator is responsible for program administration including ensuring that each judicial district implements a local program design that is~~ BEGINNING JULY 1, 2023, THE OFFICE SHALL OPERATE THE BRIDGES PROGRAM IN EACH JUDICIAL DISTRICT IN THE STATE. THE OFFICE SHALL DISTRIBUTE COURT LIAISON AND PROGRAM RESOURCES EQUITABLY IN EACH JUDICIAL DISTRICT AND SHALL ENSURE THAT THE PROGRAM SERVICES IN EACH JUDICIAL DISTRICT ARE CONSISTENT WITH THE POLICIES, PROCEDURES, AND BEST PRACTICES OF THE BRIDGES PROGRAM, AS ESTABLISHED BY THE OFFICE AND COMMISSION, AND ARE aligned with statewide goals and legislative intent.

(2) **[Formerly 16-11.9-203 (1)(b)]** The purpose of the BRIDGES program is to identify and dedicate ~~local~~ behavioral health professionals TO SERVE as court liaisons in each state judicial district. The court liaisons shall facilitate communication and collaboration between judicial and behavioral health systems. THE OFFICE SHALL HIRE, OR ENTER INTO CONTRACTS FOR, INDIVIDUALS TO SERVE AS COURT LIAISONS WHO PROVIDE PROGRAM SERVICES TO COURTS AND PARTICIPANTS IN JUDICIAL DISTRICTS.

(3) **[Formerly 16-11.9-203 (2)]** (a) The BRIDGES program ~~is designed to~~ MUST keep judges, district attorneys, COUNTY ATTORNEYS, and defense attorneys informed about available community-based behavioral health services, including services for defendants who have been ordered to undergo a competency evaluation or receive competency restoration services pursuant to article 8.5 of ~~this~~ title 16 AND ARTICLE 2.5 OF TITLE 19.

(b) The BRIDGES program ~~is further designed to~~ MUST MAKE EFFORTS TO CONNECT PARTICIPANTS TO, AND SUPPORT ENGAGEMENT WITH, BEHAVIORAL HEALTH SERVICES AND SERVICES FOR SOCIAL DETERMINANTS OF HEALTH AND TO promote positive outcomes for individuals living with ~~mental health or co-occurring~~ behavioral health ~~conditions~~ CHALLENGES.

(c) THE BRIDGES PROGRAM MUST MAKE EFFORTS TO COLLABORATE WITH SERVICE PROVIDERS, INCLUDING THE OFFICE WITHIN A STATE DEPARTMENT RESPONSIBLE FOR ASSISTING CIVIL AND FORENSIC MENTAL HEALTH PATIENTS AND JAIL-BASED BEHAVIORAL HEALTH PROVIDERS, TO ENSURE CONTINUITY OF CARE AND SERVICE DELIVERY IN A MANNER THAT AVOIDS DUPLICATION AND BIFURCATION OF SERVICES.

13-95-106. Behavioral health court liaisons - duties and responsibilities.

(1) **[Formerly 16-11.9-204 (1) introductory portion]** A court liaison hired OR CONTRACTED pursuant to this ~~part 2~~ ARTICLE 95 has the following duties and responsibilities:

(a) **[Formerly 16-11.9-204 (1)(b)]** CONDUCTING INTAKE, screening, AND ASSESSMENT, WITH PARTICIPANTS, for behavioral health ~~conditions and determining appropriate referral and treatment options when necessary~~ HISTORY AND NEEDS AND SOCIAL DETERMINANTS OF HEALTH NEEDS;

(b) DETERMINING APPROPRIATE REFERRAL AND TREATMENT OPTIONS WHEN NECESSARY AND MAKING DIRECT CONNECTIONS TO, AND SUPPORTING ENGAGEMENT WITH, SERVICES FOR PARTICIPANTS, INCLUDING OTHER CRIMINAL OR JUVENILE

JUSTICE DIVERSION PROGRAMS FOR INDIVIDUALS WITH BEHAVIORAL HEALTH CHALLENGES, WHICH MAY INCLUDE ALTERNATIVES TO COMPETENCY SERVICES, PROSECUTION, AND CUSTODY OR CONFINEMENT; IF A PARTICIPANT IS CONVICTED, ALTERNATIVES TO SENTENCES TO CONFINEMENT WHILE PROMOTING PUBLIC SAFETY; AND OTHER DIVERSION-ORIENTED PROGRAMS, INCLUDING PROBLEM-SOLVING COURTS, COMPETENCY DOCKETS, TREATMENT, SOBER OR SUPPORTIVE HOUSING, AND PEER MENTOR PROGRAMS;

(c) **[Formerly 16-11.9-204 (1)(c) introductory portion]** Using the ~~behavioral health~~ COMPETENCY information from the statewide court data system, as updated pursuant to ~~section 16-11.9-203 (4), to make a determination regarding whether a behavioral health consultation would~~ SECTION 13-3-101 (17), TO IDENTIFY INDIVIDUALS WHO HAVE NOT BEEN APPOINTED A COURT LIAISON BUT FOR WHOM AN APPOINTMENT TO THE BRIDGES PROGRAM MAY BE BENEFICIAL. ~~in achieving program goals and objectives. If the court liaison operating in the judicial district determines that a consultation would be beneficial~~ IF A COURT LIAISON OR THE BRIDGES PROGRAM IDENTIFIES AN INDIVIDUAL FOR WHOM SERVICES MAY BE APPROPRIATE, the court liaison ~~shall consult with each~~ MAY RECOMMEND TO THE judicial officer, defense attorney, and district attorney working on the case ~~and the liaison must identify, at a minimum, the following information:~~ THAT A COURT LIAISON BE APPOINTED FOR THE INDIVIDUAL.

(d) ADDRESSING SYSTEM GAPS AND BARRIERS AND PROMOTING POSITIVE OUTCOMES FOR PARTICIPANTS IN CASES TO WHICH THE LIAISON IS ASSIGNED;

(e) KEEPING JUDGES; DISTRICT ATTORNEYS OR COUNTY ATTORNEYS, AS APPLICABLE; AND DEFENSE ATTORNEYS INFORMED ABOUT AVAILABLE COMMUNITY-BASED BEHAVIORAL HEALTH SERVICES FOR THE PARTICIPANT IN A CASE, AND, IF APPLICABLE, CASE PLANNING FOR POSSIBLE RELEASE FROM CUSTODY FOR A PARTICIPANT WHO HAS BEEN ORDERED TO UNDERGO A COMPETENCY EVALUATION OR RECEIVE COMPETENCY RESTORATION SERVICES PURSUANT TO ARTICLE 8.5 OF TITLE 16 AND ARTICLE 2.5 OF TITLE 19.

(f) **[Formerly 16-11.9-204 (1)(d)]** Facilitating communication AND COLLABORATION between behavioral health systems and criminal justice entities; ~~and providing consultation to criminal justice personnel regarding behavioral health and community treatment options;~~

(g) PROVIDING CONSULTATION AND TRAINING TO CRIMINAL AND JUVENILE JUSTICE PERSONNEL REGARDING BEHAVIORAL HEALTH AND COMMUNITY TREATMENT OPTIONS AND BRIDGES PROGRAM BEST PRACTICES; AND

(h) **[Formerly 16-11.9-204 (1)(e)]** Coordinating with SERVICE PROVIDERS, INCLUDING THE OFFICE WITHIN A STATE DEPARTMENT RESPONSIBLE FOR ASSISTING CIVIL AND FORENSIC MENTAL HEALTH PATIENTS AND ~~jail-based behavioral health providers, to ensure continuity of care and service delivery and~~ IN A MANNER THAT AVOIDS DUPLICATION AND BIFURCATION OF SERVICES.

(2) **[Formerly 16-11.9-204 (2)]** If a ~~consultation occurs pursuant to subsection (1)(c) of this section~~ COURT APPOINTS A COURT LIAISON FOR A PERSON, the statewide court data system must include a record of ~~such consultation~~ THE APPOINTMENT AND

ACTIONS RELATED TO THE APPOINTMENT on the individual's PERSON'S case records.

(3) A COURT LIAISON APPOINTED IN A CASE SHALL ACT AS A RESOURCE FOR THE COURT AND THE PARTIES TO THE CASE. A COURT LIAISON SHALL NOT BE AN INDEPENDENT PARTY IN A CASE OR SERVE IN A ROLE INTENDED TO MONITOR COMPLIANCE WITH A COURT ORDER BY A PARTY OR OTHER PERSON ASSOCIATED WITH A CASE.

(4) A COURT LIAISON MAY CONTINUE TO SERVE A PARTICIPANT FOR UP TO NINETY DAYS AFTER FINAL DISPOSITION OF THE CASE FOR WHICH THE LIAISON WAS APPOINTED.

13-95-107. Bridges program participant services funding. (1) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE OFFICE MAY EXPEND APPROPRIATED PROGRAM MONEY TO PROVIDE, OR CONTRACT FOR THE PROVISION OF, BEHAVIORAL HEALTH SERVICES, BASIC NECESSITIES, TRANSITIONAL HOUSING, AND OTHER SERVICES TO SUPPORT THE SOCIAL DETERMINANTS OF HEALTH, FOR PARTICIPANTS.

(2) REQUESTS FOR MONEY MUST BE SUBMITTED THROUGH THE APPOINTED COURT LIAISON OR OTHER EMPLOYEE OR DESIGNEE OF THE OFFICE.

(3) THE OFFICE SHALL MAKE PAYMENTS TO THE ENTITY PROVIDING SERVICES TO PARTICIPANTS AND SHALL NOT MAKE PAYMENTS DIRECTLY TO A PARTICIPANT.

13-95-108. Gifts, grants, and donations. THE OFFICE MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS ARTICLE 95.

13-95-109. Reporting requirements. (1) ON OR BEFORE NOVEMBER 1 OF EACH YEAR, THE OFFICE SHALL REPORT TO THE JOINT BUDGET COMMITTEE, OR ANY SUCCESSOR COMMITTEE, ABOUT THE OFFICE'S WORK AND ADMINISTRATION OF THE BRIDGES PROGRAM DURING THE PRIOR YEAR. THE REPORT MUST INCLUDE:

(a) THE NUMBER AND COMPETENCY STATUS OF CASES IN THE PAST YEAR WHEN A COURT LIAISON WAS APPOINTED AND OUTCOMES IN THOSE CASES RELATED TO THE LEGISLATIVE INTENT AND STATEWIDE GOALS OF THE PROGRAM, AS SET FORTH IN THIS ARTICLE 95, INCLUDING DATA RELATED TO ALTERNATIVES TO COMPETENCY SERVICES, ALTERNATIVES TO CUSTODY, AND ALTERNATIVES TO CRIMINAL JUSTICE SYSTEM INVOLVEMENT; AND

(b) INFORMATION CONCERNING THE USE OF MONEY FROM THE BRIDGES PROGRAM PARTICIPANT SERVICE FUND, INCLUDING A SUMMARY OF HOW MONEY FROM THE FUND IS BEING USED TO ALLEVIATE SYSTEM GAPS AND BARRIERS TO SERVICES.

(2) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORTING REQUIREMENT DESCRIBED IN THIS SECTION CONTINUES INDEFINITELY.

SECTION 2. Repeal of relocated and nonrelocated provisions in this act. In Colorado Revised Statutes, **repeal** part 2 of title 11.9 of title 16; except that 16-11.9-203 (3), 16-11.9-203 (4), and 16-11.9-203 (5); 16-11.9-204 (1)(a),

16-11.9-204 (1)(c)(I), 16-11.9-204 (1)(c)(II), 16-11.9-204 (1)(c)(III), 16-11.9-204 (1)(c)(IV), and 16-11.9-204 (1)(f); and 16-11.9-205 are not relocated.

SECTION 3. In Colorado Revised Statutes, 13-3-101, **add** (17) as follows:

13-3-101. State court administrator - report - definitions - repeal. (17) THE STATE COURT ADMINISTRATOR SHALL HAVE THE CAPABILITIES WITHIN THE EXISTING STATEWIDE COURT DATA SYSTEM TO INDICATE COURT LIAISON APPOINTMENT AND ACTIONS RELATED TO THE APPOINTMENT IN CASES.

SECTION 4. In Colorado Revised Statutes, 16-8.5-103, **amend** (1)(b) as follows:

16-8.5-103. Determination of competency to proceed. (1) (b) On or before the date when a court orders that a defendant be evaluated for competency, a court liaison for the district hired OR CONTRACTED pursuant to ~~part 2 of article 11.9 of this title 16~~ ARTICLE 95 OF TITLE 13 may be assigned to the defendant.

SECTION 5. In Colorado Revised Statutes, 16-8.5-105, **amend** (1)(a)(III) and (6) as follows:

16-8.5-105. Evaluations, locations, time frames, and report. (1) (a) (III) The court shall determine the type of bond and the conditions of release after consideration of the presumptions and factors enumerated in article 4 of this title 16, which include consideration of the information received from any pretrial services program pursuant to the provisions of section 16-4-106 and any information provided by the court liaison hired OR CONTRACTED pursuant to ~~part 2 of article 11.9 of this title 16~~ ARTICLE 95 OF TITLE 13. As a condition of any bond, the court shall require the defendant's cooperation with the competency evaluation on an outpatient and out-of-custody basis. In setting the bond, the court shall not consider the need for the defendant to receive an evaluation pursuant to this article 8.5 as a factor in determining any monetary condition of bond.

(6) Whenever a competency evaluation is ordered upon the request of either party, the court may notify the county attorney or district attorney required to conduct proceedings pursuant to section 27-65-113 (6) for the county in which the charges are pending and the court liaison hired OR CONTRACTED pursuant to ~~part 2 of article 11.9 of this title 16~~ ARTICLE 95 OF TITLE 13 of all court dates for return of the report on competency to ensure that all parties are on notice of the expected need for coordinated services and planning with consideration of possible civil certification.

SECTION 6. Appropriation - adjustments to 2023 long bill. To implement this act, the general fund appropriation made in the annual general appropriation act for the 2023-24 state fiscal year to the judicial department for the statewide behavioral health court liaison program is decreased by \$2,802,491, and the related FTE is decreased by 12.0 FTE.

SECTION 7. Appropriation. (1) For the 2023-24 state fiscal year, \$5,181,020 is appropriated to the judicial department for use by the office of the statewide behavioral health court liaison. This appropriation is from the general fund. To

implement this act, the office may use this appropriation as follows:

(a) \$3,566,814 for personal services, which amount is based on an assumption that the office will require an additional 33.7 FTE;

(b) \$604,300 for operating expenses;

(c) \$300,000 for IT and CMS;

(d) \$388,783 for health, life, and dental;

(e) \$5,057 for short-term disability;

(f) \$158,033 for S.B. 04-257 amortization equalization disbursement; and

(g) \$158,033 for S.B. 06-235 supplemental amortization equalization disbursement.

(2) For the 2023-24 state fiscal year, \$100,453 is appropriated to the judicial department. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the purchase of legal services.

(3) For the 2023-24 state fiscal year, \$100,453 is appropriated to the department of law. This appropriation is from reappropriated funds received from the judicial department under subsection (2) of this section and is based on an assumption that the department of law will require an additional 0.5 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the judicial department.

SECTION 8. Effective date. (1) Except as otherwise provided in this section, this act takes effect upon passage.

(2) Section 13-95-103 (2), Colorado Revised Statutes, enacted in section 1 of this act, takes effect only if Senate Bill 23-228 does not become law.

(3) Section 13-95-103 (3), Colorado Revised Statutes, enacted in section 1 of this act, takes effect only if Senate Bill 23-228 becomes law, in which case section 13-95-103 (3) takes effect on the effective date of this act or Senate Bill 23-228, whichever is later.

SECTION 9. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: April 27, 2023