

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 22, 2018  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB18-1040 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

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 mental health professionals - report**  
6 **- legislative declaration.** (1) THE GENERAL ASSEMBLY FINDS THAT:

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

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

17 (2) THE DEPARTMENT SHALL MONITOR THE NUMBER OF INMATES  
18 WHO HAVE A SPECIFIED SEX OFFENDER TREATMENT OR SERVICE IDENTIFIED  
19 IN THE INMATE'S RECOMMENDED REHABILITATION REPORT AND WHO ARE  
20 NOT RECEIVING THE TREATMENT OR SERVICE DUE TO A LACK OF  
21 TREATMENT OR SERVICE PROVIDERS. THE DEPARTMENT SHALL DEVELOP  
22 AND MAY IMPLEMENT AN INCENTIVE PLAN FOR EACH SEX OFFENDER  
23 TREATMENT OR SERVICE AND EACH GEOGRAPHIC AREA IN WHICH THERE IS

1 A NEED FOR ADDITIONAL CONTRACTED MENTAL HEALTH PROFESSIONALS  
2 TO PROVIDE THE IDENTIFIED SEX OFFENDER TREATMENT OR SERVICE. THE  
3 INCENTIVE PLAN MUST INCLUDE SPECIFIC INCENTIVES TO CONTRACT WITH  
4 THE NECESSARY MENTAL HEALTH PROFESSIONALS AND MAY INCLUDE  
5 INCREASES IN FEES AND TRAVEL REIMBURSEMENTS PAID, BONUSES, AND  
6 OTHER FINANCIAL INCENTIVES.

7 (3) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136  
8 (11), ON OR BEFORE DECEMBER 1, 2018, AND EACH DECEMBER 1  
9 THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE JOINT  
10 BUDGET COMMITTEE THAT MUST INCLUDE:

11 (a) THE STATEWIDE NUMBER OF INMATES REQUIRING EACH SEX  
12 OFFENDER TREATMENT OR SERVICE PROVIDED BY A MENTAL HEALTH  
13 PROFESSIONAL AND THE NUMBER OF INMATES UNABLE TO RECEIVE SUCH  
14 TREATMENT OR SERVICE; AND

15 (b) FOR EACH INCENTIVE PLAN DEVELOPED PURSUANT TO THIS  
16 SECTION, THE NUMBER OF INMATES REQUIRING THE TREATMENT OR  
17 SERVICE, THE NUMBER OF INMATES STILL UNABLE TO RECEIVE THE  
18 TREATMENT OR SERVICE, A DESCRIPTION OF THE INCENTIVE PLAN  
19 DEVELOPED, AND A REPORT ON THE EFFECTIVENESS OF ANY INCENTIVE  
20 OFFERED BY THE DEPARTMENT UNDER THE PLAN.

21 **SECTION 2. Act subject to petition - effective date.** This act  
22 takes effect at 12:01 a.m. on the day following the expiration of the  
23 ninety-day period after final adjournment of the general assembly (August  
24 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
25 referendum petition is filed pursuant to section 1 (3) of article V of the  
26 state constitution against this act or an item, section, or part of this act  
27 within such period, then the act, item, section, or part will not take effect  
28 unless approved by the people at the general election to be held in  
29 November 2018 and, in such case, will take effect on the date of the  
30 official declaration of the vote thereon by the governor."

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

32 "CONCERNING INCENTIVES FOR PROVISION OF SEX OFFENDER SERVICES  
33 IN THE DEPARTMENT OF CORRECTIONS."

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