

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 17-0150.01 Jerry Barry x4341

SENATE BILL 17-021

SENATE SPONSORSHIP

Martinez Humenik,

HOUSE SPONSORSHIP

Singer,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING REENTRY SERVICES FOR PERSONS WITH MENTAL ILLNESS**
102 **IN THE CRIMINAL JUSTICE SYSTEM. ==**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Legislative Oversight Committee Concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems. The bill directs the division of housing in the department of local affairs to establish a program to provide vouchers and supportive services to persons with a mental illness who are being released from the department of corrections (DOC) or jails. The program is funded by

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
Amended 2nd Reading
May 8, 2017

general fund appropriations and from money unspent by the division of criminal justice (CDPS) for community corrections programs in the previous fiscal year.

The bill directs the behavioral health unit in the department of human services, in conjunction with the DOC, to implement reentry programs to assist persons with a mental illness who are transitioning from incarceration. If necessary, the programs may receive money from the community corrections appropriation to CDPS.

The bill appropriates \$2.7 million to the department of local affairs.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Individuals with serious mental health disorders number fewer
5 than four in every 100 American adults but occupy at least one in five of
6 America's prison and jail beds; whereas, in the community, only 11.7 state
7 hospital beds remain per 100,000 people, leaving the state with fewer
8 hospital beds per capita than at any time since before the nation stopped
9 criminalizing mental health disorders in the 1850s;

10 (b) Inmates with a mental health disorder spend five and a half
11 times longer in custody than the average inmate;

12 (c) In 2010, the department of corrections and county jail systems
13 spent \$93 million of taxpayers' money on mental health services. This
14 amounts to \$2,083 per prisoner for mental health services. In that same
15 year, only 53% of the state's known behavioral health expenditures were
16 spent through the formal public health system, the remainder being spent
17 through the prison and jail system, child welfare system, and hospitals.

18 (d) Correctional facilities and county jails are not designed and do
19 not have the resources to handle or treat inmates with a behavioral or
20 mental health disorder but have become de facto mental health

1 institutions;

2 (e) Inmates with behavioral or mental health disorders are
3 frequently released into the community after incarceration homeless and
4 with no or insufficient supportive services;

5 (f) Housing alone is not sufficient to improve outcomes; however,
6 supportive housing models with specific support services are critical to
7 success in reducing recidivism of persons with behavioral or mental
8 health disorders transitioning between homelessness and incarceration;

9 (g) The state spends \$666 per day for a bed at the Colorado mental
10 health institute at Pueblo, one of Colorado's state-operated inpatient,
11 psychiatric hospitals; and

12 (h) The state has a shortage of crisis beds, which results in
13 individuals in crisis remaining homeless or in less than ideal housing, like
14 jails, while awaiting appropriate placement.

15 **SECTION 2.** In Colorado Revised Statutes, **add 24-32-723.5** as
16 follows:

17 **24-32-723.5. Housing assistance for a person with a behavioral**
18 **or mental health disorder in the criminal or juvenile justice system**
19 **- cash fund - definition.** (1) AS USED IN THIS SECTION, UNLESS THE
20 CONTEXT OTHERWISE REQUIRES, "PERSON WITH A BEHAVIORAL OR
21 MENTAL HEALTH DISORDER" MEANS AN INDIVIDUAL WHO HAS OR, AT ANY
22 TIME DURING THE PREVIOUS TWELVE MONTHS, HAD A DIAGNOSABLE
23 MENTAL, BEHAVIORAL, OR EMOTIONAL DISORDER OF SUFFICIENT
24 DURATION TO MEET DIAGNOSTIC CRITERIA SPECIFIED WITHIN THE
25 DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS,
26 RESULTING IN FUNCTIONAL IMPAIRMENT THAT INTERFERES WITH OR LIMITS
27 ONE OR MORE MAJOR LIFE ACTIVITIES.

1 (2) IN CONJUNCTION WITH ITS OTHER PROGRAMS TO PROVIDE
2 ASSISTANCE IN OBTAINING HOUSING, THE DIVISION SHALL ESTABLISH A
3 PROGRAM THAT PROVIDES VOUCHERS AND OTHER SUPPORT SERVICES FOR
4 HOUSING ASSISTANCE FOR A PERSON WITH A MENTAL HEALTH DISORDER
5 OR CO-OCCURRING BEHAVIORAL HEALTH DISORDER WHO IS TRANSITIONING
6 FROM THE DEPARTMENT OF CORRECTIONS, THE DIVISION OF YOUTH
7 CORRECTIONS IN THE DEPARTMENT OF HUMAN SERVICES, OR A COUNTY
8 JAIL INTO THE COMMUNITY.

9 (3) THE DIVISION SHALL ALSO PROVIDE GRANTS OR LOANS FOR THE
10 ACQUISITION, CONSTRUCTION, OR REHABILITATION OF RENTAL HOUSING
11 FOR PERSONS WITH BEHAVIORAL OR MENTAL HEALTH DISORDERS.

12 (4) THERE IS CREATED IN THE STATE TREASURY THE HOUSING
13 ASSISTANCE FOR PERSONS TRANSITIONING FROM THE CRIMINAL OR
14 JUVENILE JUSTICE SYSTEM CASH FUND, REFERRED TO IN THIS SECTION AS
15 THE "CASH FUND". THE CASH FUND CONSISTS OF ALL MONEY
16 TRANSFERRED TO THE FUND PURSUANT TO SECTION 17-27-108 (7) AND ALL
17 MONEY THAT THE GENERAL ASSEMBLY APPROPRIATES TO THE CASH FUND.
18 SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE
19 DIVISION MAY EXPEND MONEY IN THE CASH FUND FOR THE PURPOSES SET
20 FORTH IN THIS SECTION. ALL INTEREST EARNED FROM THE INVESTMENT OF
21 MONEY IN THE CASH FUND IS CREDITED TO THE CASH FUND. ALL MONEY
22 NOT EXPENDED AT THE END OF THE FISCAL YEAR REMAINS IN THE CASH
23 FUND AND DOES NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND.

24 **SECTION 3.** In Colorado Revised Statutes, 17-27-108, **add** (7)
25 as follows:

26 **17-27-108. Division of criminal justice of the department of**
27 **public safety - duties - community corrections contracts.**

1 (7) NOTWITHSTANDING ANY LAW TO THE CONTRARY, ON AND AFTER JULY
2 1, 2016, ANY MONEY APPROPRIATED FROM THE GENERAL FUND TO THE
3 DIVISION OF CRIMINAL JUSTICE FOR THE PURPOSES OF THIS ARTICLE 27
4 THAT IS UNEXPENDED OR UNENCUMBERED AS OF THE CLOSE OF THAT
5 FISCAL YEAR SHALL NOT REVERT TO THE GENERAL FUND, AND THE STATE
6 TREASURER AND THE CONTROLLER SHALL TRANSFER SUCH MONEY TO THE
7 HOUSING ASSISTANCE FOR PERSONS TRANSITIONING FROM THE CRIMINAL
8 OR JUVENILE JUSTICE SYSTEM CASH FUND CREATED PURSUANT TO SECTION
9 24-32-723.5 (4).

10 **SECTION 4.** In Colorado Revised Statutes, 39-28.8-501, **amend**
11 **(2)(b)(IV)(K) and (2)(b)(IV)(L); and add (2)(b)(IV)(M) as follows:**

12 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
13 **- legislative declaration.** (2) (b) (IV) Subject to the limitation in
14 subsection (5) of this section, the general assembly may annually
15 appropriate any money in the fund for any fiscal year following the fiscal
16 year in which they were received by the state for the following purposes:

17 (K) Grants to local governments for documented retail marijuana
18 impacts through the local government retail marijuana impact grant
19 program created in section 24-32-117; C.R.S.; and

20 (L) For the Colorado veterans' service-to-career pilot program
21 created in part 2 of article 14.3 of title 8; C.R.S. AND

22 (M) FOR HOUSING, RENTAL ASSISTANCE, AND REENTRY
23 ASSISTANCE PURSUANT TO SECTION 24-32-723.5.

24 **SECTION 5. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.