

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0282.01 Jerry Barry x4341

**HOUSE BILL 18-1040**

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**HOUSE SPONSORSHIP**

**Benavidez**, Singer

**SENATE SPONSORSHIP**

**Fields**,

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING INCENTIVES FOR PROVISION OF SEX OFFENDER SERVICES**

102 **IN THE DEPARTMENT OF CORRECTIONS.**

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**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 Health Disorders in the Criminal and Juvenile Justice Systems.** The bill requires the department of corrections to institute an incentive plan to contract for more mental health professionals in difficult-to-serve geographic areas if the number of inmates who need a treatment or service in the area exceeds the number

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

of available spaces by 20%.

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

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

4 **17-1-115.9. Incentives for mental health professionals - report**  
5 **- legislative declaration.** (1) THE GENERAL ASSEMBLY FINDS THAT:

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

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

16 (2) THE DEPARTMENT SHALL MONITOR THE NUMBER OF INMATES  
17 WHO HAVE A SPECIFIED SEX OFFENDER TREATMENT OR SERVICE IDENTIFIED  
18 IN THE INMATE'S RECOMMENDED REHABILITATION REPORT AND WHO ARE  
19 NOT RECEIVING THE TREATMENT OR SERVICE DUE TO A LACK OF  
20 TREATMENT OR SERVICE PROVIDERS. THE DEPARTMENT SHALL DEVELOP  
21 AND MAY IMPLEMENT AN INCENTIVE PLAN FOR EACH SEX OFFENDER  
22 TREATMENT OR SERVICE AND EACH GEOGRAPHIC AREA IN WHICH THERE IS  
23 A NEED FOR ADDITIONAL CONTRACTED MENTAL HEALTH PROFESSIONALS  
24 TO PROVIDE THE IDENTIFIED SEX OFFENDER TREATMENT OR SERVICE. THE  
25 INCENTIVE PLAN MUST INCLUDE SPECIFIC INCENTIVES TO CONTRACT WITH

1 THE NECESSARY MENTAL HEALTH PROFESSIONALS AND MAY INCLUDE  
2 INCREASES IN FEES AND TRAVEL REIMBURSEMENTS PAID, BONUSES, AND  
3 OTHER FINANCIAL INCENTIVES.

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

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

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

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