

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 18-1253.01 Jane Ritter x4342

SENATE BILL 18-249

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SENATE SPONSORSHIP

**Gardner and Lambert**, Jahn, Lundberg, Moreno

HOUSE SPONSORSHIP

**Lee and Young**, Hamner, Rankin, Singer

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Senate Committees

Judiciary

House Committees

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A BILL FOR AN ACT

101 CONCERNING ESTABLISHING ALTERNATIVE PROGRAMS IN THE  
102 CRIMINAL JUSTICE SYSTEM TO REDIRECT INDIVIDUALS WITH A  
103 BEHAVIORAL HEALTH CONDITION TO COMMUNITY TREATMENT.

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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>.)*

The bill directs the chief judge of each judicial district in the state or the chief judge of Denver county court, or their designees (chief judge), to work with interested stakeholders to develop alternative programs that are unique to the judicial district that redirect individuals with low-level criminal behavior with a behavioral health condition to

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.

community resources and treatment rather than continued criminal justice involvement (program). Interested stakeholders must include law enforcement, jail officials, district attorneys, public defenders, judges, pretrial service providers when available, and local community mental and behavioral health providers within the judicial district.

The chief judges shall convene stakeholder meetings to design and develop programs, contract with local community behavioral health providers to assist in accomplishing the goals of the programs, and administer the programs after implementation.

Each program must include a standardized, evidence-based screening tool to be used by jail personnel to preliminarily identify individuals in custody who might be eligible for redirection through the program. Each program must identify existing programs and resources available for individuals with behavioral health conditions. After the prescreening, designated jail personnel shall refer individuals who might potentially be eligible for the program to a redirection specialist in the judicial district who shall, within 48 hours after arrest, evaluate the individual for eligibility based on established criteria. Upon completion of the evaluation, the redirection specialist shall notify the court and all other required parties, as determined by the program, of the evaluation results and the redirection specialist's recommendation for redirection.

Information collected from or about the individual during either the prescreening or evaluation must be kept confidential as required by law.

The court shall make a determination about redirecting an individual into the community behavioral health system. If the court orders the individual into redirection and behavioral health treatment, the criminal charges against the individual must be dismissed. Each judicial district shall establish procedures and agreements concerning how to track such individual's progress.

Local community behavioral health providers are responsible for complying with any reporting and communication requirements of the program as established by the stakeholders.

The state court administrator is responsible for overall program administration, including ensuring that, on or before January 1, 2019, each judicial district implements its own unique program.

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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** 18-1.3-101.5 as  
3 follows:

4           **18-1.3-101.5. Alternative programs to redirect individuals**

1 **with a behavioral health condition - legislative intent - eligibility -**  
2 **process of redirection - funding - program management - definitions.**

3 (1) THE INTENT OF THIS SECTION IS TO DEVELOP AND FACILITATE  
4 PRE-PLEA LOCAL-LEVEL BEHAVIORAL HEALTH PROGRAMS IN JUDICIAL  
5 DISTRICTS THROUGHOUT COLORADO THAT WILL IDENTIFY INDIVIDUALS  
6 WITH BEHAVIORAL HEALTH CONDITIONS AND REDIRECT OFFENDERS WITH  
7 LOW-LEVEL CRIMINAL BEHAVIOR OUT OF THE CRIMINAL JUSTICE SYSTEM  
8 AND INTO TREATMENT IN THE COMMUNITY BEHAVIORAL HEALTH SYSTEM.  
9 THE GOALS OF THE PROGRAMS ARE TO REDUCE CRIMINAL RECIDIVISM  
10 THROUGH EARLY REDIRECTION OF INDIVIDUALS INTO TREATMENT, REDUCE  
11 COSTS ASSOCIATED WITH CONTINUED INCARCERATION, AND DECREASE THE  
12 NEED FOR CRIMINAL JUSTICE INVOLVEMENT. REDIRECTION SPECIALISTS  
13 SHALL PARTNER WITH LAW ENFORCEMENT ENTITIES AND THE JUDICIAL  
14 DEPARTMENT TO IDENTIFY INDIVIDUALS ARRESTED FOR OR CHARGED WITH  
15 LOW-LEVEL CRIMINAL BEHAVIOR AND ASSESS THE INDIVIDUAL'S  
16 SUITABILITY FOR REDIRECTION INTO THE COMMUNITY BEHAVIORAL  
17 HEALTH SYSTEM. ONCE REDIRECTED INTO THE COMMUNITY BEHAVIORAL  
18 HEALTH SYSTEM, THE COURT SHALL DISMISS THE CRIMINAL CHARGES  
19 AGAINST THE INDIVIDUAL AS APPROPRIATE.

20 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
21 REQUIRES:

22 (a) "BEHAVIORAL HEALTH CONDITION" REFERS TO MENTAL  
23 HEALTH AND CO-OCCURRING SUBSTANCE USE CONDITIONS THAT ARE  
24 INDICATIVE OF A POSSIBLE BEHAVIORAL HEALTH PROBLEM, CONCERN, OR  
25 DISORDER.

26 (b) "BEHAVIORAL HEALTH SERVICES" MEANS ANY TREATMENT  
27 SERVICES PROVIDED BY A LOCAL COMMUNITY BEHAVIORAL HEALTH

1 PROVIDER.

2 (c) "COMMUNITY BEHAVIORAL HEALTH SYSTEMS" INCLUDES  
3 SERVICE SYSTEMS THAT ENCOMPASS PREVENTION AND PROMOTION OF  
4 EMOTIONAL HEALTH, PREVENTION AND TREATMENT SERVICES FOR MENTAL  
5 HEALTH AND SUBSTANCE USE CONDITIONS, AND RECOVERY SUPPORT.

6 (d) "DETENTION PERSONNEL" MEANS AN EMPLOYEE OF A JAIL OR  
7 DETENTION FACILITY, A CONTRACTOR WHO WORKS FOR THE JAIL'S  
8 MEDICAL PROVIDER, OR A CONTRACTOR WHO PROVIDES JAIL-BASED  
9 BEHAVIORAL HEALTH SERVICES.

10 (e) "LOCAL COMMUNITY BEHAVIORAL HEALTH PROVIDER" MEANS  
11 AN INDIVIDUAL OR ENTITY THAT IS A PART OF THE COMMUNITY  
12 BEHAVIORAL HEALTH SYSTEM AND THAT PROVIDES BEHAVIORAL HEALTH  
13 TREATMENT SERVICES.

14 (f) "LOW-LEVEL CRIMINAL BEHAVIOR" MEANS ANY MISDEMEANOR  
15 OR PETTY OFFENSE, EXCLUDING THOSE OFFENSES ENUMERATED IN SECTION  
16 24-4.1-302 (1). ADDITIONAL OFFENSES MAY BE CATEGORIZED AS  
17 "LOW-LEVEL CRIMINAL BEHAVIOR" FOR A SPECIFIC JUDICIAL DISTRICT  
18 WITH THE AGREEMENT OF ALL THE STAKEHOLDERS FOR THAT JUDICIAL  
19 DISTRICT.

20 (g) "PROGRAM" MEANS ANY ALTERNATIVE PROGRAM CREATED  
21 PURSUANT TO THIS SECTION THAT REDIRECTS INDIVIDUALS WITH  
22 BEHAVIORAL HEALTH CONDITIONS INTO THE COMMUNITY BEHAVIORAL  
23 HEALTH SYSTEM.

24 (h) "REDIRECTION SPECIALIST" MEANS A BEHAVIORAL HEALTH  
25 PROFESSIONAL WHO OPERATES WITHIN THE CRIMINAL JUSTICE SYSTEM TO  
26 ASSIST IN IDENTIFYING AND EVALUATING INDIVIDUALS WITH BEHAVIORAL  
27 HEALTH CONDITIONS, PREPARES RECOMMENDATIONS ABOUT SUITABILITY

1 FOR REDIRECTION FROM CRIMINAL JUSTICE INVOLVEMENT TO THE  
2 COMMUNITY BEHAVIORAL HEALTH SYSTEM, COORDINATES WITH  
3 BEHAVIORAL HEALTH COURT LIAISONS AND ANY JAIL-BASED BEHAVIORAL  
4 HEALTH PROVIDERS, AND COMMUNICATES WITH PARTNERS TO FACILITATE  
5 THE PROGRAM.

6 (i) "STAKEHOLDERS" INCLUDES, AT A MINIMUM, LAW  
7 ENFORCEMENT, JAIL OFFICIALS, DISTRICT ATTORNEYS, PUBLIC DEFENDERS,  
8 JUDGES, PRETRIAL SERVICE PROVIDERS WHEN AVAILABLE, AND LOCAL  
9 COMMUNITY MENTAL AND BEHAVIORAL HEALTH PROVIDERS WITHIN A  
10 JUDICIAL DISTRICT.

11 (j) "STATE COURT ADMINISTRATOR" MEANS THE STATE COURT  
12 ADMINISTRATOR ESTABLISHED PURSUANT TO SECTION 13-13-101.

13 (3) (a) THE CHIEF JUDGE OF EACH JUDICIAL DISTRICT WITHIN THE  
14 STATE, OR HIS OR HER DESIGNEE, IS RESPONSIBLE FOR DEVELOPING A  
15 LOCAL ALTERNATIVE REDIRECTION PROGRAM TO REDIRECT INDIVIDUALS  
16 WITH BEHAVIORAL HEALTH CONDITIONS INTO THE COMMUNITY  
17 BEHAVIORAL HEALTH SYSTEM; EXCEPT THAT THE CHIEF JUDGE OF THE  
18 COUNTY COURT FOR THE CITY AND COUNTY OF DENVER, OR HIS OR HER  
19 DESIGNEE, IS THE RESPONSIBLE PARTY FOR THE PURPOSES OF THIS SECTION  
20 FOR THE SECOND JUDICIAL DISTRICT. THE TARGET POPULATION FOR  
21 REDIRECTION PROGRAMS INCLUDES INDIVIDUALS WHO HAVE FREQUENT  
22 CONTACT WITH LAW ENFORCEMENT AND COURTS AND WHO WOULD  
23 BENEFIT FROM EFFECTIVE INTERVENTIONS INSTEAD OF REPEATED  
24 INCARCERATION. LOCAL PROGRAMS MUST BE CONSISTENT WITH THE  
25 PROVISIONS OF THIS SECTION. EACH JUDICIAL DISTRICT SHALL DEVELOP ITS  
26 PROGRAM AND ELIGIBILITY CRITERIA WITH INPUT FROM THE  
27 STAKEHOLDERS IN THE JUDICIAL DISTRICT, AND SUCH PROGRAM MUST BE

1 DESIGNED TO SERVE AND REDIRECT INDIVIDUALS LIVING WITH  
2 BEHAVIORAL HEALTH CONDITIONS THAT HAVE CONTRIBUTED TO OR  
3 CREATED CIRCUMSTANCES LEADING TO LOW-LEVEL CRIMINAL BEHAVIOR  
4 INTO THE COMMUNITY BEHAVIORAL HEALTH SYSTEM.

5 (b) THE DUTIES OF THE CHIEF JUDGE, OR HIS OR HER DESIGNEE,  
6 WITH RESPECT TO DEVELOPING THE JUDICIAL DISTRICT'S PROGRAM,  
7 INCLUDE, BUT ARE NOT LIMITED TO:

8 (I) CONVENING STAKEHOLDER MEETINGS TO DESIGN AND  
9 IMPLEMENT THE JUDICIAL DISTRICT'S PROGRAM;

10 (II) CONTRACTING WITH LOCAL COMMUNITY BEHAVIORAL HEALTH  
11 PROVIDERS, SUCH AS COMMUNITY MENTAL HEALTH CENTERS, THAT ARE  
12 ABLE TO PROVIDE A CONTINUUM OF COMMUNITY-BASED BEHAVIORAL  
13 HEALTH SERVICES IN THEIR REGION TO ACCOMPLISH THE GOALS SET FORTH  
14 IN THIS SECTION AND TO PROVIDE AN ADEQUATE NUMBER OF DEDICATED  
15 REDIRECTION SPECIALISTS FOR THE JUDICIAL DISTRICT; AND

16 (III) ADMINISTERING THE JUDICIAL DISTRICT'S PROGRAM ONCE IT  
17 IS IMPLEMENTED.

18 (c) IN DESIGNING ITS PROGRAM, EACH JUDICIAL DISTRICT SHALL  
19 WORK COLLABORATIVELY WITH LOCAL COMMUNITY BEHAVIORAL HEALTH  
20 PROVIDERS AND LOCAL JAILS AND DETENTION FACILITIES TO ENSURE THAT  
21 EVERY INDIVIDUAL WHO IS ARRESTED AND BROUGHT TO A JAIL OR  
22 DETENTION FACILITY IS SCREENED USING A STANDARDIZED,  
23 EVIDENCE-BASED SCREENING TOOL, SUCH AS THE SCREENING TOOL  
24 UTILIZED BY THE OFFICE OF BEHAVIORAL HEALTH FOR THE JAIL-BASED  
25 BEHAVIORAL HEALTH SERVICES PROGRAM. THE PURPOSE OF THE  
26 SCREENING INSTRUMENT IS TO HELP PRELIMINARILY IDENTIFY INDIVIDUALS  
27 IN CUSTODY WHO HAVE A BEHAVIORAL HEALTH CONDITION WHO MIGHT BE

1 ELIGIBLE FOR REDIRECTION THROUGH THE PROGRAM.

2 (d) AS PART OF THE DESIGN AND DEVELOPMENT PROCESS, EACH  
3 JUDICIAL DISTRICT SHALL IDENTIFY EXISTING PROGRAMS AND RESOURCES  
4 THAT ARE ALREADY AVAILABLE IN THE COMMUNITY, INCLUDING BUT NOT  
5 LIMITED TO:

6 (I) CO-RESPONDER PROGRAMS THAT PAIR LOCAL COMMUNITY  
7 BEHAVIORAL HEALTH SPECIALISTS AND PROVIDERS WITH LAW  
8 ENFORCEMENT PERSONNEL;

9 (II) OTHER CRIMINAL JUSTICE DIVERSION PROGRAMS FOR  
10 INDIVIDUALS WITH BEHAVIORAL HEALTH CONDITIONS;

11 (III) COMMUNITY MENTAL HEALTH CENTERS AND OTHER LOCAL  
12 COMMUNITY BEHAVIORAL HEALTH PROVIDERS THAT RECEIVE STATE  
13 FUNDING THROUGH THE OFFICE OF BEHAVIORAL HEALTH FOR SERVICES  
14 SUCH AS:

15 (A) MENTAL HEALTH SERVICES FOR JUVENILE AND ADULT  
16 OFFENDERS;

17 (B) SUBSTANCE USE TREATMENT SERVICES FOR OFFENDERS AND  
18 INDIVIDUALS DIVERTED FROM THE CRIMINAL JUSTICE SYSTEM;

19 (C) TRANSITION SERVICES AND WRAPAROUND SERVICES FOR  
20 INDIVIDUALS WITH SERIOUS MENTAL HEALTH DISORDERS WHO ARE  
21 TRANSITIONING FROM A PSYCHIATRIC HOSPITAL OR WHO REQUIRE MORE  
22 INTENSIVE SERVICES IN THE COMMUNITY TO AVOID INSTITUTIONAL  
23 PLACEMENT; AND

24 (D) BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM SERVICES OR  
25 THE ASSOCIATED TELEPHONE HOTLINE; AND

26 (IV) BEHAVIORAL HEALTH SERVICES PROVIDED FOR MEDICAID  
27 CLIENTS THROUGH THE REGIONAL ACCOUNTABLE ENTITY THAT THE

1 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING CONTRACTS WITH  
2 FOR THE PROVISION OF SUCH SERVICES.

3 (e) THE STATE COURT ADMINISTRATOR, THE DEPARTMENT OF  
4 HEALTH CARE POLICY AND FINANCING, AND THE OFFICE OF BEHAVIORAL  
5 HEALTH SHALL COMMUNICATE AND WORK COLLABORATIVELY TO ENSURE  
6 THAT THE BEHAVIORAL SERVICES DESCRIBED IN SUBSECTIONS (3)(d)(III)  
7 AND (3)(d)(IV) OF THIS SECTION ARE COORDINATED AND EFFICIENT.

8 (4) USING THE SCREENING TOOL DEVELOPED PURSUANT TO  
9 SUBSECTION (3)(c) OF THIS SECTION, DESIGNATED DETENTION PERSONNEL,  
10 AS IDENTIFIED BY THE JAIL OR DETENTION FACILITY, SHALL PRESCREEN  
11 INDIVIDUALS CHARGED WITH LOW-LEVEL OFFENSES WHO ARE ARRESTED  
12 AND BROUGHT TO A JAIL OR OTHER DETENTION FACILITY FOR BEHAVIORS  
13 THAT ARE INDICATIVE OF A BEHAVIORAL HEALTH CONDITION. THE  
14 DESIGNATED DETENTION PERSONNEL SHALL NOTIFY THE REDIRECTION  
15 SPECIALIST FOR THE JUDICIAL DISTRICT OF ANY INDIVIDUAL, BASED ON THE  
16 PRESCREENING, WHO COULD BENEFIT FROM A CLINICAL EVALUATION FOR  
17 REDIRECTION TO THE COMMUNITY BEHAVIORAL HEALTH SYSTEM  
18 PURSUANT TO THE PROVISIONS OF THIS SECTION.

19 (5) (a) WITHIN FORTY-EIGHT HOURS AFTER ARREST, BUT IN ANY  
20 CASE PRIOR TO THE INDIVIDUAL'S FIRST COURT APPEARANCE, AND WITH  
21 THE INDIVIDUAL'S CONSENT, REDIRECTION SPECIALISTS IN THE JUDICIAL  
22 DISTRICT SHALL USE AN EVIDENCE-SUPPORTED EVALUATION TOOL TO  
23 DETERMINE ELIGIBILITY FOR REDIRECTION. THE EVALUATION MUST  
24 INCLUDE, BUT IS NOT LIMITED TO:

25 (I) CURRENT SYMPTOMATOLOGY OF THE INDIVIDUAL'S  
26 BEHAVIORAL HEALTH CONDITION;

27 (II) THE INDIVIDUAL'S HISTORY OF BEHAVIORAL HEALTH



1 CONDITIONS, DIAGNOSES, AND TREATMENT;  
2 (III) THE INDIVIDUAL'S CURRENT INVOLVEMENT IN TREATMENT;  
3 (IV) THE SOCIAL DETERMINANTS OF HEALTH RELATING TO THE  
4 INDIVIDUAL, WHICH MAY INCLUDE HOMELESSNESS, UNEMPLOYMENT, AND  
5 PHYSICAL HEALTH CHALLENGES; AND  
6 (V) THE INDIVIDUAL'S WILLINGNESS TO ENGAGE IN AND COMMIT  
7 TO TREATMENT.

8 (b) UPON COMPLETION OF THE EVALUATION PURSUANT TO SECTION  
9 (5)(a) OF THIS SECTION, THE REDIRECTION SPECIALIST SHALL NOTIFY THE  
10 COURT AND ANY OTHER REQUIRED PARTIES, AS DETERMINED BY THE  
11 PROGRAM, OF THE RESULTS OF THE EVALUATION AND ANY  
12 RECOMMENDATION FOR REDIRECTION INTO THE COMMUNITY BEHAVIORAL  
13 HEALTH SYSTEM. THE REDIRECTION SPECIALIST SHALL COORDINATE WITH  
14 LOCAL JAIL PERSONNEL AND JAIL-BASED BEHAVIORAL SERVICES  
15 PERSONNEL, OR OTHER LOCAL COMMUNITY BEHAVIORAL HEALTH  
16 PROVIDERS, AS APPROPRIATE, TO ENSURE THAT INFORMATION IS SHARED  
17 THAT CONCERNS AN INDIVIDUAL WHO, BASED ON THE JAIL PRESCREENING  
18 PROCESS, COULD BENEFIT FROM A CLINICAL EVALUATION FOR  
19 REDIRECTION.

20 (c) ANY INFORMATION COLLECTED DURING THE REDIRECTION  
21 PROCESS BY THE DESIGNATED DETENTION PERSONNEL OR REDIRECTION  
22 SPECIALIST PURSUANT TO SUBSECTION (4) OF THIS SECTION OR THIS  
23 SUBSECTION (5) IS CONFIDENTIAL AND MUST NOT BE DISCLOSED, EXCEPT:

24 (I) IF APPROVED IN A SIGNED WAIVER FOR RELEASE OF  
25 INFORMATION THAT IS IN COMPLIANCE WITH THE "HEALTH INSURANCE  
26 PORTABILITY AND ACCOUNTABILITY ACT OF 1996", PUB.L. 104-191, AS  
27 AMENDED, INFORMATION OBTAINED FOR THE PURPOSE OF DETERMINING

1 ELIGIBILITY MAY BE DISCLOSED FOR THE PURPOSE OF COMMUNICATING  
2 RECOMMENDATIONS TO REQUIRED PARTNERS IN THE PROGRAM AND  
3 MAKING APPROPRIATE REFERRALS;

4 (II) AS MANDATED BY ANY OTHER PROVISION OF LAW; OR

5 (III) FOR IMPEACHMENT PURPOSES IF THE CASE HAS BEEN REFILED  
6 AND THE INDIVIDUAL TESTIFIES IN SUCH CASE.

7 (d) AT ANY TIME DURING THE PROSECUTION OF A STATUTORILY  
8 ELIGIBLE CRIMINAL CASE, ANY OTHER COURT OFFICER, INCLUDING  
9 PROSECUTORS, JUDGES, AND DEFENSE COUNSEL, MAY REQUEST THAT THE  
10 REDIRECTION SPECIALIST CONDUCT AN EVALUATION OR SCREENING OF  
11 ANY INDIVIDUAL FOR REDIRECTION INTO THE COMMUNITY BEHAVIORAL  
12 HEALTH SYSTEM PURSUANT TO THE PROVISIONS OF THIS SECTION.

13 (e) (I) AFTER RECEIPT OF THE REDIRECTION SPECIALIST'S  
14 RECOMMENDATION PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION,  
15 THE COURT SHALL DETERMINE WHETHER TO REFER THE CASE FOR  
16 REDIRECTION INTO THE COMMUNITY BEHAVIORAL HEALTH SYSTEM. THE  
17 COURT MAY DEFER ITS DECISION UNTIL FURTHER INFORMATION CAN BE  
18 COLLECTED AND REVIEWED TO DETERMINE ELIGIBILITY OR  
19 APPROPRIATENESS FOR REFERRAL AT A LATER DATE, AS AGREED UPON BY  
20 THE PARTIES. THE COURT SHALL NOT ORDER AN INDIVIDUAL INTO  
21 REDIRECTION OVER THE INDIVIDUAL'S OBJECTION TO PARTICIPATION IN  
22 THE PROGRAM.

23 (II) IF THE PROSECUTION DOES NOT AGREE THAT A REDIRECTION  
24 ORDER IS APPROPRIATE, THE COURT MAY, IN ITS DISCRETION, ORDER  
25 REDIRECTION OF THE INDIVIDUAL, PURSUANT TO THIS SECTION, OVER THE  
26 PROSECUTION'S OBJECTIONS. IN SUCH CASE, THE COURT MUST FIND, IN  
27 WRITING AND BY CLEAR AND CONVINCING EVIDENCE AS PRESENTED BY

1 THE DEFENDANT, WHICH MAY INCLUDE A RECOMMENDATION PREPARED BY  
2 THE REDIRECTION SPECIALIST, THAT THE NECESSARY AND APPROPRIATE  
3 TREATMENT FOR THE INDIVIDUAL IS BEST PROVIDED THROUGH  
4 REDIRECTION INTO THE COMMUNITY BEHAVIORAL HEALTH SYSTEM AND  
5 THAT THE RESOURCES OF THE CRIMINAL JUSTICE SYSTEM ARE NOT  
6 NECESSARY TO ENSURE COMMUNITY SAFETY WITH RESPECT TO THE  
7 INDIVIDUAL IN QUESTION.

8 (III) IF THE COURT ORDERS AN INDIVIDUAL TO TREATMENT  
9 THROUGH THE PROGRAM PURSUANT TO SUBSECTION (5)(e)(I) OF THIS  
10 SECTION, THE CRIMINAL CHARGES AGAINST THE INDIVIDUAL MUST BE  
11 DISMISSED IN THE INTERESTS OF JUSTICE AND THE INDIVIDUAL RELEASED  
12 FROM CUSTODY IF HE OR SHE IS IN CUSTODY. EACH JUDICIAL DISTRICT  
13 SHALL ESTABLISH FORMAL AGREEMENTS AMONG THE STAKEHOLDERS TO  
14 IDENTIFY HOW THE INDIVIDUAL'S LEGAL STATUS WILL BE TRACKED  
15 FOLLOWING REDIRECTION INTO THE PROGRAM. NO FURTHER ACTION  
16 AGAINST THE INDIVIDUAL SHALL BE TAKEN UNLESS HE OR SHE:

17 (A) IS CONVICTED OF A NEW CRIMINAL OFFENSE THAT CARRIES A  
18 POSSIBLE SENTENCE OF INCARCERATION WITHIN SIX MONTHS AFTER THE  
19 REDIRECTION ORDER WAS ENTERED BY THE COURT; OR

20 (B) FAILS TO INITIATE ANY TREATMENT, AS DEFINED BY EACH  
21 JUDICIAL DISTRICT, WITH THE LOCAL COMMUNITY BEHAVIORAL HEALTH  
22 PROVIDER TO WHICH HE OR SHE WAS REFERRED WITHIN THIRTY DAYS  
23 AFTER THE DISMISSAL OF THE ACTION, OR UNLESS HE OR SHE DOES NOT  
24 MAKE MEANINGFUL PROGRESS TOWARD THE GOALS OF AN INDIVIDUALIZED  
25 TREATMENT PLAN AS AGREED UPON BY THE PROGRAM STAKEHOLDERS.

26 (f) AN INDIVIDUAL WHO IS REDIRECTED TO THE COMMUNITY  
27 BEHAVIORAL HEALTH SYSTEM PURSUANT TO THE PROVISIONS OF THIS

1 SECTION IS NOT REQUIRED TO ENTER A PLEA OR CONTRACT AS A  
2 CONDITION OF HIS OR HER REDIRECTION.

3 (6) TO FOSTER SUCCESSFUL PROGRAM OUTCOMES, LOCAL  
4 COMMUNITY BEHAVIORAL HEALTH PROVIDERS ARE RESPONSIBLE FOR  
5 COMPLYING WITH ANY REPORTING AND COMMUNICATION REQUIREMENTS  
6 OF THE PROGRAM, AS ESTABLISHED BY THE STAKEHOLDERS. SUCH  
7 REQUIREMENTS MAY INCLUDE:

8 (a) INFORMING THE COURT IF THE INDIVIDUAL FAILS TO INITIATE  
9 TREATMENT, AS DEFINED BY EACH JUDICIAL DISTRICT, WITHIN THIRTY  
10 DAYS OR IF THE INDIVIDUAL DOES NOT MAKE MEANINGFUL PROGRESS  
11 TOWARD THE GOALS OF AN INDIVIDUALIZED TREATMENT PLAN; AND

12 (b) WITHIN SIX MONTHS AFTER THE REDIRECTION REFERRAL,  
13 INFORMING THE COURT, ALL OTHER PARTIES TO THE ACTION, AND ANY  
14 RELEVANT DATA COLLECTION ENTITY OF THE OUTCOMES OF THE  
15 INDIVIDUAL'S REDIRECTION PROCESS.

16 (7) TO FOSTER SUCCESSFUL BEHAVIORAL HEALTH OUTCOMES,  
17 LOCAL COMMUNITY BEHAVIORAL HEALTH PROVIDERS SHALL:

18 (a) USE NONCOERCIVE TREATMENT METHODS AND PROMOTE  
19 POSITIVE LIFE OUTCOMES FOR INDIVIDUALS LIVING WITH BEHAVIORAL  
20 HEALTH CONDITIONS; AND

21 (b) MAINTAIN THE CONFIDENTIALITY OF ANY STATEMENTS MADE  
22 BY THE INDIVIDUAL DURING THE COURSE OF TREATMENT UNLESS THE  
23 INDIVIDUAL EXECUTES A SIGNED WAIVER FOR RELEASE OF INFORMATION  
24 THAT IS IN COMPLIANCE WITH THE "HEALTH INSURANCE PORTABILITY AND  
25 ACCOUNTABILITY ACT OF 1996", PUB.L. 104-191, AS AMENDED, OR ANY  
26 OTHER RELEASE OF INFORMATION FORM DEVELOPED BY THE JUDICIAL  
27 DISTRICT.

1           (8) THE STATE COURT ADMINISTRATOR IS RESPONSIBLE FOR  
2 PROGRAM ADMINISTRATION, INCLUDING ENSURING THAT, ON OR BEFORE  
3 JANUARY 1, 2019, EACH JUDICIAL DISTRICT IMPLEMENTS A LOCAL  
4 PROGRAM DESIGN THAT IS ALIGNED WITH STATEWIDE GOALS AND  
5 LEGISLATIVE INTENT. THE STATE COURT ADMINISTRATOR SHALL  
6 ESTABLISH PROGRAM PROCEDURES, TIMELINES, FUNDING GUIDELINES, AND  
7 ACCEPTABLE EXPENSES FOR THE DISTRIBUTION OF PROGRAM FUNDS TO  
8 JUDICIAL DISTRICTS. THE STATE COURT ADMINISTRATOR SHALL ALLOCATE  
9 PROGRAM FUNDING TO JUDICIAL DISTRICTS BASED ON CASE VOLUME,  
10 GEOGRAPHICAL COMPLEXITY, AND DENSITY OF NEED.

11           **SECTION 2. Safety clause.** The general assembly hereby finds,  
12 determines, and declares that this act is necessary for the immediate  
13 preservation of the public peace, health, and safety.