

Second 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. 18-1251.01 Jane Ritter x4342

SENATE BILL 18-251

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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  
Appropriations

House Committees

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A BILL FOR AN ACT

101 CONCERNING ESTABLISHING A STATEWIDE BEHAVIORAL HEALTH  
102 COURT LIAISON PROGRAM, AND, IN CONNECTION THEREWITH,  
103 MAKING AN APPROPRIATION.

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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 establishes in the office of the state court administrator (office) a statewide behavioral health court liaison program (program). The purpose of the program is to identify and dedicate local behavioral health professionals as court liaisons (court liaisons) in each state judicial district to facilitate communication and collaboration among judicial,

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.

SENATE  
Amended 2nd Reading  
May 2, 2018



1 OF LIVING A HEALTHY AND PRODUCTIVE LIFE.

2 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

3 (a) COLORADO HAS AN OBLIGATION TO ENSURE THAT ENTITIES  
4 WITHIN THE CRIMINAL JUSTICE SYSTEM ARE EQUIPPED WITH A GREATER  
5 UNDERSTANDING OF BEHAVIORAL HEALTH TREATMENT OPTIONS IN THE  
6 COMMUNITY; AND

7 (b) COMMUNITY MENTAL HEALTH PROVIDERS, INCLUDING  
8 COMMUNITY MENTAL HEALTH CENTERS, ARE A CRITICAL COMPONENT OF  
9 ACHIEVING POSITIVE OUTCOMES FOR INDIVIDUALS LIVING WITH MENTAL  
10 HEALTH, BEHAVIORAL HEALTH, AND SUBSTANCE USE DISORDERS AND  
11 HAVE LONG HELD AN ESSENTIAL ROLE IN ENGAGING CRIMINAL JUSTICE  
12 ENTITIES.

13 (3) THE GENERAL ASSEMBLY THEREFORE FINDS THAT IT IS  
14 CRITICAL TO CREATE A NETWORK OF PROFESSIONALS WHO CAN  
15 COMPREHENSIVELY BRIDGE THE CRIMINAL JUSTICE SYSTEM AND THE  
16 COMMUNITY BEHAVIORAL HEALTH SYSTEMS ACROSS THE STATE IN ORDER  
17 TO:

18 (a) PROMOTE POSITIVE OUTCOMES FOR INDIVIDUALS LIVING WITH  
19 MENTAL HEALTH OR CO-OCCURRING BEHAVIORAL HEALTH CONDITIONS;

20 (b) INFORM CRIMINAL JUSTICE ENTITIES ABOUT COMMUNITY  
21 TREATMENT OPTIONS; AND

22 (c) CONNECT INDIVIDUALS TO BEHAVIORAL HEALTH SERVICES.

23 ==

24 (4) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT A  
25 STATEWIDE BEHAVIORAL HEALTH COURT LIAISON PROGRAM MUST  
26 PROVIDE A METHOD FOR COLLABORATION AND CONSULTATION AMONG  
27 BEHAVIORAL HEALTH PROVIDERS, DISTRICT ATTORNEYS, AND DEFENSE

1 ATTORNEYS ABOUT        COMPETENCY EVALUATIONS, RESTORATION TO  
2 COMPETENCY SERVICES, AND OTHER RELEVANT DECISIONS AND ISSUES  
3 FACING INDIVIDUALS WITH MENTAL HEALTH OR CO-OCCURRING  
4 BEHAVIORAL HEALTH CONDITIONS WHO ARE INVOLVED WITH THE  
5 CRIMINAL JUSTICE SYSTEM, INCLUDING APPROPRIATENESS FOR  
6 COMMUNITY TREATMENT AND RESOURCE AVAILABILITY.

7 **16-11.9-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE  
8 CONTEXT OTHERWISE REQUIRES:

9 (1) "BEHAVIORAL HEALTH CONDITION" REFERS TO MENTAL  
10 HEALTH AND CO-OCCURRING SUBSTANCE USE CONDITIONS THAT ARE  
11 INDICATIVE OF A POSSIBLE BEHAVIORAL HEALTH PROBLEM, CONCERN, OR  
12 DISORDER.

13 (2) "BEHAVIORAL HEALTH SERVICES" OR "BEHAVIORAL HEALTH  
14 SYSTEMS" MEANS SERVICE SYSTEMS THAT ENCOMPASS PREVENTION AND  
15 PROMOTION OF EMOTIONAL HEALTH, PREVENTION AND TREATMENT  
16 SERVICES FOR MENTAL HEALTH AND SUBSTANCE USE CONDITIONS, AND  
17 RECOVERY SUPPORT.

18 (3) "COURT LIAISON" MEANS A PERSON WHO IS HIRED AS A  
19 DEDICATED BEHAVIORAL HEALTH COURT LIAISON FOR THE PROGRAM  
20 PURSUANT TO SECTION 16-11.9-203.

21 (4) "PROGRAM" MEANS THE STATEWIDE BEHAVIORAL HEALTH  
22 COURT LIAISON PROGRAM ESTABLISHED IN SECTION 16-11.9-203.

23         
24 (5) "STATE COURT ADMINISTRATOR" MEANS THE STATE COURT  
25 ADMINISTRATOR ESTABLISHED PURSUANT TO SECTION 13-3-101.

26 **16-11.9-203. Statewide behavioral health court liaison**  
27 **program - established - purpose - administration.** (1) (a) THE

1 STATEWIDE BEHAVIORAL HEALTH COURT LIAISON PROGRAM IS  
2 ESTABLISHED IN THE OFFICE OF THE STATE COURT ADMINISTRATOR. THE  
3 STATE COURT ADMINISTRATOR IS RESPONSIBLE FOR PROGRAM  
4 ADMINISTRATION, INCLUDING ENSURING THAT EACH JUDICIAL DISTRICT  
5 IMPLEMENTS A LOCAL PROGRAM DESIGN THAT IS ALIGNED WITH  
6 STATEWIDE GOALS AND LEGISLATIVE INTENT.

7 (b) THE PURPOSE OF THE PROGRAM IS TO IDENTIFY AND DEDICATE  
8 LOCAL BEHAVIORAL HEALTH PROFESSIONALS AS COURT LIAISONS IN EACH  
9 STATE JUDICIAL DISTRICT. THE COURT LIAISONS SHALL FACILITATE  
10 COMMUNICATION AND COLLABORATION BETWEEN JUDICIAL AND  
11 BEHAVIORAL HEALTH SYSTEMS.

12 (2) THE PROGRAM IS DESIGNED TO KEEP JUDGES, DISTRICT  
13 ATTORNEYS, AND DEFENSE ATTORNEYS INFORMED ABOUT AVAILABLE  
14 COMMUNITY-BASED BEHAVIORAL HEALTH SERVICES, INCLUDING SERVICES  
15 FOR DEFENDANTS WHO HAVE BEEN ORDERED TO UNDERGO A COMPETENCY  
16 EVALUATION OR RECEIVE COMPETENCY RESTORATION SERVICES  
17 PURSUANT TO ARTICLE 8.5 OF THIS TITLE 16.

18 (3) ON OR BEFORE OCTOBER 1, 2018, AND AS NECESSARY  
19 THEREAFTER, THE STATE COURT ADMINISTRATOR SHALL ESTABLISH  
20 PROGRAM PROCEDURES, TIMELINES, FUNDING GUIDELINES, AND  
21 ACCEPTABLE EXPENSES FOR THE DISTRIBUTION OF PROGRAM FUNDS TO  
22 JUDICIAL DISTRICTS. THE STATE COURT ADMINISTRATOR SHALL ALLOCATE  
23 PROGRAM FUNDING TO JUDICIAL DISTRICTS BASED ON CASE VOLUME,  
24 GEOGRAPHICAL COMPLEXITY, AND DENSITY OF NEED.

25 (4) THE STATE COURT ADMINISTRATOR SHALL IMPLEMENT  
26 CAPABILITIES WITHIN THE EXISTING STATEWIDE COURT DATA SYSTEM TO  
27 INDICATE BEHAVIORAL HEALTH CONDITIONS IN CASES BROUGHT TO THE

1 COURTS.

2 (5) EACH JUDICIAL DISTRICT SHALL USE ALLOCATED PROGRAM  
3 MONEY TO PARTNER WITH COMMUNITY MENTAL HEALTH PROVIDERS,  
4 SUCH AS A COMMUNITY MENTAL HEALTH CENTER, THAT ARE ABLE TO  
5 PROVIDE A CONTINUUM OF COMMUNITY-BASED BEHAVIORAL HEALTH  
6 SERVICES IN THEIR REGION TO ACCOMPLISH THE PROGRAM GOALS SET  
7 FORTH IN SUBSECTIONS (1) AND (2) OF THIS SECTION. PROGRAM MONEY  
8 MAY BE USED FOR THE PURPOSES ESTABLISHED BY THE STATE COURT  
9 ADMINISTRATOR PURSUANT TO SUBSECTION (3) OF THIS SECTION,  
10 INCLUDING BUT NOT LIMITED TO:

11 (a) PROGRAM IMPLEMENTATION AND START-UP COSTS  
12 DETERMINED NECESSARY AND APPROPRIATE BY THE STATE COURT  
13 ADMINISTRATOR;

14 (b) CONTRACTING FOR AN ADEQUATE NUMBER OF DEDICATED  
15 COURT LIAISONS RESPONSIBLE FOR THE DUTIES SET FORTH IN SECTION  
16 16-11.9-204;

17 (c) PRIORITIZING, THROUGH THE COURT LIAISONS, CASES WHERE  
18 COMPETENCY TO PROCEED AND RESTORATION TO COMPETENCY ARE  
19 RAISED, AND PROVIDING NECESSARY SERVICES FOR SUCH CASES; AND

20 (d) OPERATIONAL FUNDING FOR COURT LIAISON ACTIVITIES AS  
21 DETERMINED NECESSARY AND APPROPRIATE BY THE STATE COURT  
22 ADMINISTRATOR.

23 **16-11.9-204. Behavioral health court liaisons - duties and**  
24 **responsibilities - consultation and collaboration.** (1) A COURT LIAISON  
25 HIRED PURSUANT TO THIS PART 2 HAS THE FOLLOWING DUTIES AND  
26 RESPONSIBILITIES:

27 (a) ACCESSING LOCAL COMMUNITY MENTAL HEALTH CENTER

1 RECORDS AND APPOINTMENT SYSTEMS, AS ALLOWED BY STATE AND  
2 FEDERAL LAW, TO ASSESS TREATMENT HISTORY AND MAKE DIRECT  
3 CONNECTIONS TO SERVICES FOR A DEFENDANT WITH A BEHAVIORAL  
4 HEALTH CONDITION;

5 (b) SCREENING FOR BEHAVIORAL HEALTH CONDITIONS AND  
6 DETERMINING APPROPRIATE REFERRAL AND TREATMENT OPTIONS WHEN  
7 NECESSARY;

8 (c) USING THE BEHAVIORAL HEALTH INFORMATION FROM THE  
9 STATEWIDE COURT DATA SYSTEM, AS UPDATED PURSUANT TO SECTION  
10 16-11.9-203 (4), TO MAKE A DETERMINATION REGARDING WHETHER A  
11 BEHAVIORAL HEALTH CONSULTATION WOULD BE BENEFICIAL IN ACHIEVING  
12 PROGRAM GOALS AND OBJECTIVES. IF THE COURT LIAISON OPERATING IN  
13 THE JUDICIAL DISTRICT DETERMINES THAT A CONSULTATION WOULD BE  
14 BENEFICIAL, THE COURT LIAISON SHALL CONSULT WITH EACH JUDICIAL  
15 OFFICER, DEFENSE ATTORNEY, AND DISTRICT ATTORNEY WORKING ON THE  
16 CASE, AND THE LIAISON MUST IDENTIFY, AT A MINIMUM, THE FOLLOWING  
17 INFORMATION:

18 (I) THE NATURE OF THE INDIVIDUAL'S BEHAVIORAL HEALTH  
19 CONDITION;

20 (II) WHETHER THE INDIVIDUAL HAS A READILY AVAILABLE  
21 HISTORY OF BEHAVIORAL HEALTH TREATMENT;

22 (III) WHETHER THE INDIVIDUAL IS A CURRENT OR PAST CLIENT OF  
23 A COMMUNITY MENTAL HEALTH CENTER IN THE JUDICIAL DISTRICT; AND

24 ==  
25 (IV) THE LOCAL, REGIONAL, OR STATE AVAILABILITY OF  
26 RESOURCES THAT THE INDIVIDUAL MAY NEED, INCLUDING BUT NOT  
27 LIMITED TO:

1 (A) OUTPATIENT AND OUT-OF-CUSTODY COMPETENCY  
2 EVALUATIONS OR COMPETENCY RESTORATION SERVICES;

3 (B) BEHAVIORAL HEALTH SERVICES OR PSYCHIATRIC SERVICES OR  
4 SUPPORTS; OR

5 (C) EMPLOYMENT, HOUSING, OR OTHER SOCIAL SUPPORTS.

6 (d) FACILITATING COMMUNICATION BETWEEN BEHAVIORAL  
7 HEALTH SYSTEMS AND CRIMINAL JUSTICE ENTITIES AND PROVIDING  
8 CONSULTATION TO CRIMINAL JUSTICE PERSONNEL REGARDING  
9 BEHAVIORAL HEALTH AND COMMUNITY TREATMENT OPTIONS;     

10 (e) COORDINATING WITH      JAIL-BASED BEHAVIORAL HEALTH  
11 PROVIDERS TO ENSURE CONTINUITY OF CARE AND SERVICE DELIVERY; AND

12 (f) IDENTIFYING EXISTING PROGRAMS AND RESOURCES THAT ARE  
13 ALREADY AVAILABLE IN THE COMMUNITY, INCLUDING BUT NOT LIMITED  
14 TO:

15 (I) CO-RESPONDER PROGRAMS THAT PAIR LOCAL COMMUNITY  
16 BEHAVIORAL HEALTH SPECIALISTS AND PROVIDERS WITH LAW  
17 ENFORCEMENT PERSONNEL;

18 (II) OTHER CRIMINAL JUSTICE DIVERSION PROGRAMS FOR  
19 INDIVIDUALS WITH BEHAVIORAL HEALTH CONDITIONS;

20 (III) COMMUNITY MENTAL HEALTH CENTERS AND OTHER LOCAL  
21 COMMUNITY BEHAVIORAL HEALTH PROVIDERS THAT RECEIVE STATE  
22 FUNDING THROUGH THE OFFICE OF BEHAVIORAL HEALTH FOR SERVICES  
23 SUCH AS:

24 (A) MENTAL HEALTH SERVICES FOR JUVENILE AND ADULT  
25 OFFENDERS;

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



1           (C) TRANSITION SERVICES AND WRAPAROUND SERVICES FOR  
2           INDIVIDUALS WITH SERIOUS MENTAL HEALTH DISORDERS WHO ARE  
3           TRANSITIONING FROM A PSYCHIATRIC HOSPITAL OR WHO REQUIRE MORE  
4           INTENSIVE SERVICES IN THE COMMUNITY TO AVOID INSTITUTIONAL  
5           PLACEMENT; AND

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

8           (IV) BEHAVIORAL HEALTH SERVICES PROVIDED FOR MEDICAID  
9           CLIENTS THROUGH THE REGIONAL ACCOUNTABLE ENTITY THAT THE  
10          DEPARTMENT OF HEALTH CARE POLICY AND FINANCING CONTRACTS WITH  
11          FOR THE PROVISION OF SUCH SERVICES.

12           (2) IF A CONSULTATION OCCURS PURSUANT TO SUBSECTION (1)(c)  
13           OF THIS SECTION, THE STATEWIDE COURT DATA SYSTEM MUST INCLUDE A  
14           RECORD OF SUCH CONSULTATION ON THE INDIVIDUAL'S CASE RECORDS.

15           **16-11.9-205. Reporting requirements.** (1) THE STATE COURT  
16           ADMINISTRATOR SHALL COLLABORATE WITH EACH JUDICIAL JURISDICTION  
17           IN THE STATE AND EACH COURT LIAISON TO COLLECT AND ANALYZE DATA  
18           REGARDING THE WORK OF THE PROGRAM, INCLUDING DATA THAT  
19           DEMONSTRATES THE IMPACT OF CONSULTATION, UTILIZATION OF THE  
20           COURT LIAISONS BY JUDICIAL DISTRICTS, AND THE EFFICIENCY OF THE  
21           PROGRAM IN PROMOTING THE LEGISLATIVE INTENT AND STATEWIDE GOALS  
22           AS SET FORTH IN THIS PART 2.

23           (2) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136, ON  
24           OR BEFORE OCTOBER 1, 2019, AND EACH OCTOBER 1 THEREAFTER, THE  
25           STATE COURT ADMINISTRATOR SHALL REPORT TO THE JOINT BUDGET  
26           COMMITTEE, OR ANY SUCCESSOR COMMITTEE, THE NUMBER OF CASES IN  
27           THE PAST YEAR FOR WHICH A BEHAVIORAL HEALTH CONDITION WAS

1 IDENTIFIED AND RESULTED IN A CONSULTATION PURSUANT TO SECTION  
2 16-11.9-204, AND OUTCOMES RELATED TO THE LEGISLATIVE INTENT AND  
3 STATEWIDE GOALS OF THE PROGRAM, AS SET FORTH IN THIS PART 2.

4 **SECTION 2. Appropriation.** For the 2018-19 state fiscal year,  
5 \$1,997,112 is appropriated to the judicial department. This appropriation  
6 is from the general fund and is based on an assumption that the  
7 department will require an additional 0.9 FTE. To implement this act, the  
8 department may use this appropriation for the statewide behavioral health  
9 court liaison program.

10 **SECTION 3. Safety clause.** The general assembly hereby finds,  
11 determines, and declares that this act is necessary for the immediate  
12 preservation of the public peace, health, and safety.