

**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. 18-1251.01 Jane Ritter x4342

SENATE BILL 18-251

SENATE SPONSORSHIP

Gardner and Lambert, Jahn, Lundberg, Moreno

HOUSE SPONSORSHIP

Lee and Young, Hamner, Rankin, Singer

Senate Committees

Judiciary
Appropriations

House Committees

Judiciary
Appropriations

A BILL FOR AN ACT

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

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
3rd Reading Unamended
May 3, 2018

SENATE
Amended 2nd Reading
May 2, 2018

health care, and behavioral health systems. The office shall administer the program and establish procedures, timelines, and funding guidelines for the program. Program funding must be allocated to judicial districts based on case volume, geographical complexity, and density of need. Specific duties of the court liaisons are outlined, as well as reporting requirements.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 2 to article
3 11.9 of title 16 as follows:

4 PART 2

5 STATEWIDE BEHAVIORAL HEALTH COURT

6 LIAISON PROGRAM

7 **16-11.9-201. Legislative declaration and intent.** (1) THE
8 GENERAL ASSEMBLY FINDS AND DECLARES THAT:

9 (a) COLORADO'S CITIZENS WHO ARE LIVING WITH MENTAL HEALTH
10 AND SUBSTANCE USE DISORDERS ARE OVER-REPRESENTED IN THE
11 CRIMINAL JUSTICE SYSTEM, AND THEY ARE AT A SIGNIFICANTLY GREATER
12 RISK OF INCURRING CRIMINAL JUSTICE INVOLVEMENT, LONGER TERMS OF
13 INVOLVEMENT, AND HARSHER CONSEQUENCES OF THAT INVOLVEMENT
14 WHEN COMPARED TO THE GENERAL PUBLIC;

15 (b) COLORADO MUST MAKE A COMMITMENT TO ENSURE THAT ALL
16 INDIVIDUALS WITHIN THE CRIMINAL JUSTICE SYSTEM ARE TREATED FAIRLY
17 AND HUMANELY, REGARDLESS OF THEIR BEHAVIORAL HEALTH HISTORY OR
18 MENTAL STATE; AND

19 (c) THERE IS A SIGNIFICANT NEED FOR ENHANCED COMMUNICATION
20 AMONG HEALTH CARE SYSTEMS, BEHAVIORAL HEALTH SYSTEMS, AND
21 CRIMINAL JUSTICE ENTITIES, INCLUDING LAW ENFORCEMENT, DEFENSE
22 ATTORNEYS, DISTRICT ATTORNEYS, JUDGES, AND PROBATION, TO FOSTER
23 COLLABORATION THAT PROVIDES ALL INDIVIDUALS WITH A FAIR CHANCE

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.

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

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

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

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

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

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

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

27 **16-11.9-203. Statewide behavioral health court liaison**

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

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

13 (2) THE PROGRAM IS DESIGNED TO KEEP JUDGES, DISTRICT
14 ATTORNEYS, AND DEFENSE ATTORNEYS INFORMED ABOUT AVAILABLE
15 COMMUNITY-BASED BEHAVIORAL HEALTH SERVICES, INCLUDING SERVICES
16 FOR DEFENDANTS WHO HAVE BEEN ORDERED TO UNDERGO A COMPETENCY
17 EVALUATION OR RECEIVE COMPETENCY RESTORATION SERVICES
18 PURSUANT TO ARTICLE 8.5 OF THIS TITLE 16. THE PROGRAM IS FURTHER
19 DESIGNED TO PROMOTE POSITIVE OUTCOMES FOR INDIVIDUALS LIVING
20 WITH MENTAL HEALTH OR CO-OCCURRING BEHAVIORAL HEALTH
21 CONDITIONS.

22 (3) ON OR BEFORE OCTOBER 1, 2018, AND AS NECESSARY
23 THEREAFTER, THE STATE COURT ADMINISTRATOR SHALL ESTABLISH
24 PROGRAM PROCEDURES, TIMELINES, FUNDING GUIDELINES, AND
25 ACCEPTABLE EXPENSES FOR THE DISTRIBUTION OF PROGRAM FUNDS TO
26 JUDICIAL DISTRICTS. THE STATE COURT ADMINISTRATOR SHALL ALLOCATE
27 PROGRAM FUNDING TO JUDICIAL DISTRICTS BASED ON CASE VOLUME,

1 GEOGRAPHICAL COMPLEXITY, AND DENSITY OF NEED.

2 (4) THE STATE COURT ADMINISTRATOR SHALL IMPLEMENT
3 CAPABILITIES WITHIN THE EXISTING STATEWIDE COURT DATA SYSTEM TO
4 INDICATE BEHAVIORAL HEALTH CONDITIONS IN CASES BROUGHT TO THE
5 COURTS.

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

15 (a) PROGRAM IMPLEMENTATION AND START-UP COSTS
16 DETERMINED NECESSARY AND APPROPRIATE BY THE STATE COURT
17 ADMINISTRATOR;

18 (b) CONTRACTING FOR AN ADEQUATE NUMBER OF DEDICATED
19 COURT LIAISONS RESPONSIBLE FOR THE DUTIES SET FORTH IN SECTION
20 16-11.9-204;

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

24 (d) OPERATIONAL FUNDING FOR COURT LIAISON ACTIVITIES AS
25 DETERMINED NECESSARY AND APPROPRIATE BY THE STATE COURT
26 ADMINISTRATOR.

27 **16-11.9-204. Behavioral health court liaisons - duties and**

1 **responsibilities - consultation and collaboration.** (1) A COURT LIAISON
2 HIRED PURSUANT TO THIS PART 2 HAS THE FOLLOWING DUTIES AND
3 RESPONSIBILITIES:

4 (a) ACCESSING LOCAL COMMUNITY MENTAL HEALTH CENTER
5 RECORDS AND APPOINTMENT SYSTEMS, AS ALLOWED BY STATE AND
6 FEDERAL LAW, TO ASSESS TREATMENT HISTORY AND MAKE DIRECT
7 CONNECTIONS TO SERVICES FOR A DEFENDANT WITH A BEHAVIORAL
8 HEALTH CONDITION;

9 (b) SCREENING FOR BEHAVIORAL HEALTH CONDITIONS AND
10 DETERMINING APPROPRIATE REFERRAL AND TREATMENT OPTIONS WHEN
11 NECESSARY;

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

22 (I) THE NATURE OF THE INDIVIDUAL'S BEHAVIORAL HEALTH
23 CONDITION;

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

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

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

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

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

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

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

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

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

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

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

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

1 (A) MENTAL HEALTH SERVICES FOR JUVENILE AND ADULT
2 OFFENDERS;

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

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

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

12 (IV) BEHAVIORAL HEALTH SERVICES PROVIDED FOR MEDICAID
13 CLIENTS THROUGH THE REGIONAL ACCOUNTABLE ENTITY THAT THE
14 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING CONTRACTS WITH
15 FOR THE PROVISION OF SUCH SERVICES.

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

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

27 (2) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136, ON

1 OR BEFORE OCTOBER 1, 2019, AND EACH OCTOBER 1 THEREAFTER, THE
2 STATE COURT ADMINISTRATOR SHALL REPORT TO THE JOINT BUDGET
3 COMMITTEE, OR ANY SUCCESSOR COMMITTEE, THE NUMBER OF CASES IN
4 THE PAST YEAR FOR WHICH A BEHAVIORAL HEALTH CONDITION WAS
5 IDENTIFIED AND RESULTED IN A CONSULTATION PURSUANT TO SECTION
6 16-11.9-204, AND OUTCOMES RELATED TO THE LEGISLATIVE INTENT AND
7 STATEWIDE GOALS OF THE PROGRAM, AS SET FORTH IN THIS PART 2.

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

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