



**Legislative  
Council Staff**  
*Nonpartisan Services for Colorado's Legislature*

**FINAL  
FISCAL NOTE**

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**Drafting Number:** LLS 18-1136      **Date:** June 22, 2018  
**Prime Sponsors:** Sen. Martinez Humenik      **Bill Status:** Postponed Indefinitely  
Rep. Singer; Landgraf      **Fiscal Analyst:** Aaron Carpenter | 303-866-4918  
Aaron.Carpenter@state.co.us

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**Bill Topic:** PILOT PROG COURT APPROVAL TREATMENT MED IN JAILS

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**Summary of  
Fiscal Impact:**  State Revenue (*potential, minimal*)       TABOR Refund (*potential, minimal*)  
 State Expenditure       Local Government  
 State Transfer       Statutory Public Entity

This bill creates a pilot program to allow psychiatrists to petition the court to administer medications over the objection of an inmate in a jail. The bill will increase state and local revenue, expenditures, and workload on an ongoing basis.

**Appropriation  
Summary:** No appropriation is required.

**Fiscal Note  
Status:** This fiscal note reflects the reengrossed bill. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

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### Summary of Legislation

This bill establishes a pilot program, under the supervision of the Office of Behavioral Health, to allow a licensed psychiatrist to petition the court to administer medications over the objection of an inmate in a jail for a maximum period of three months. Up to five jails may participate in the pilot program. The advisory board in the Department of Human Services (DHS) on mental health service standards for health care facilities will make recommendations, after seeking input from a membership association that represents defense attorneys, for the selection of the five jails. The bill sets out minimum criteria for medication and for jails to participate in the program, including having established a contract with a public or private hospital, clinic, community mental health center, acute treatment unit, institution, or residential care facility to provide mental health services that meet certain minimum standards. The bill requires the DHS to submit a report to the General Assembly on the pilot program by December 31, 2020, as part of its SMART Act hearings.

### State Revenue

Starting in FY 2018-19, cash fund revenue to the Judicial Department may increase due to court fees for filing a petition. It is unclear if psychiatrists will be exempt from paying the petition fee but to the extent that they are not, revenue will increase. Overall, this impact is assumed to be minimal.

**TABOR Refund**

This bill increases state revenue from cash funds, which will increase the amount of money required to be refunded under TABOR for FY 2018-19 and FY 2019-20. A TABOR refund obligation is not expected for the current FY 2017-18. Since the bill increases the TABOR refund obligation without a corresponding change in General Fund revenue, the amount of money available in the General Fund for the budget will decrease by an identical amount.

**State Expenditures**

Starting in the current FY 2017-18, workload will increase for DHS and starting in FY 2018-19, workload for trial courts in the Judicial Department will increase.

**Department of Human Services.** Starting in the current FY 2017-18, workload in the DHS will increase for the Office of Behavioral Health to promulgate rules, and to monitor and oversee the five jails participating in the program. Workload will also increase for the DHS to collect data and report on the pilot program. The increase in workload can be accomplished within existing appropriations.

**Judicial Department.** Trial courts in judicial districts that have jails participating in the pilot program will hold additional hearings to the extent that psychiatrists petition the court. Because the pilot program is restricted to just five jails, the expected increase in workload is not expected to require additional appropriations to the Judicial Department.

**Judicial agencies that represent indigent persons.** To the extent that the advisory board seeks advice from the Public Defenders Office or the Office of Alternative Defense Counsel on what jails should participate in the program, workload for these agencies will increase. The expected increase can be handled within existing appropriations.

**Advisory board.** Workload will also increase for the members of the advisory board on mental health service standards from various state agencies such as the DHS and the Department of Public Health and Environment to establish program requirements and to approve participation in the pilot program. This increase in workload can be accomplished within existing appropriations.

**Local Government**

The bill will increase revenue, expenditures and workload for local governments who participate in the pilot program, as discussed below.

**County jails.** To the extent that county jails do not meet the minimum qualifications but want to participate in the pilot program, expenditures and workload to meet the minimum qualifications will increase. Participating jails will have workload to coordinate with psychiatrists on petitions and other services required by the pilot program. Participating county jails may also save on inmate medical care and transportation costs since inmates could receive their medication in the jails, which could reduce the need for out of pocket mental health and medical services.

**County attorneys.** To the extent that the bill results in more court hearings, workload and expenditures for county attorneys will also increase.

**Denver County Court.** To the extent that Denver County participates in the pilot program, revenue, expenditures, and workload will increase for Denver County Court to hear petitions brought by psychiatrists.

#### **Effective Date**

The bill was postponed indefinitely by the House Judiciary Committee on May 8, 2018.

#### **State and Local Government Contacts**

Counties  
Judicial  
Sheriffs

Human Services  
Municipalities

Information Technology  
Public Defender