

CHAPTER 199

CORRECTIONS

HOUSE BILL 18-1040

BY REPRESENTATIVE(S) Benavidez, Singer, Bridges, Buckner, Coleman, Exum, Hamner, Hansen, Herod, Kennedy, Lee, Lontine, Melton, Pettersen, Rosenthal, Salazar, Winter, Young, Duran;
also SENATOR(S) Fields, Aguilar, Court, Jones, Kefalas, Merrifield, Moreno, Todd, Williams A.

AN ACT**CONCERNING INCENTIVES FOR PROVISION OF SEX OFFENDER SERVICES IN THE DEPARTMENT OF CORRECTIONS.**

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

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

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

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

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

(2) THE DEPARTMENT SHALL MONITOR THE NUMBER OF INMATES WHO HAVE A SPECIFIED SEX OFFENDER TREATMENT OR SERVICE IDENTIFIED IN THE INMATE'S RECOMMENDED REHABILITATION REPORT AND WHO ARE NOT RECEIVING THE TREATMENT OR SERVICE DUE TO A LACK OF TREATMENT OR SERVICE PROVIDERS. THE DEPARTMENT SHALL DEVELOP AND MAY IMPLEMENT AN INCENTIVE PLAN FOR EACH SEX OFFENDER TREATMENT OR SERVICE AND EACH GEOGRAPHIC AREA IN WHICH THERE IS A NEED FOR ADDITIONAL CONTRACTED MENTAL HEALTH

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

PROFESSIONALS TO PROVIDE THE IDENTIFIED SEX OFFENDER TREATMENT OR SERVICE. THE INCENTIVE PLAN MUST INCLUDE SPECIFIC INCENTIVES TO CONTRACT WITH THE NECESSARY MENTAL HEALTH PROFESSIONALS AND MAY INCLUDE INCREASES IN FEES AND TRAVEL REIMBURSEMENTS PAID, BONUSES, AND OTHER FINANCIAL INCENTIVES.

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

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

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

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

Approved: May 4, 2018