

CHAPTER 119

CRIMINAL LAW AND PROCEDURE

SENATE BILL 19-211

BY SENATOR(S) Moreno, Zenzinger, Rankin, Crowder, Hisey, Priola, Tate, Woodward;
also REPRESENTATIVE(S) Esgar, Hansen, Benavidez, Bird, Buckner, Buentello, Caraveo, Carver, Coleman, Cutter, Duran,
Exum, Galindo, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Kipp, Melton, Michaelson Jenet, Mullica, Singer, Sirota,
Snyder, Tipper, Valdez A., Weissman, Becker.

AN ACT

**CONCERNING CHANGES TO THE MENTAL HEALTH CRIMINAL JUSTICE DIVERSION PROGRAMS, AND,
IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

SECTION 1. In Colorado Revised Statutes, 18-1.3-101.5, **amend** (6)(a), (6)(b), and (7); and **add** (6.5) as follows:

18-1.3-101.5. Alternative pilot programs to divert individuals with mental health conditions - legislative intent - eligibility - process of diversion - grant program - program management - definitions - repeal. (6) There is created in the office of the state court administrator the mental health criminal justice diversion grant program. The state court administrator is responsible for administering and monitoring the grant program including, but not limited to:

(a) Establishing grant funding guidelines and acceptable expenses for the distribution of grant program grant money to the pilot program sites based upon specific allocations required by the grant program, the specific award to the district attorney's office in each of the four designated judicial districts, other pilot program needs, and any other criteria, such as case volume, geographical complexity, and density of need. In addition to any other allowable expenses to be paid for by the grant program, each district attorney's office participating in the pilot program shall receive fifty thousand dollars per year from the grant funding for each ~~of the two~~ **years** YEAR of the grant program. Such money must be used to assist in covering the costs related to personnel and administrative requirements to establish and operate pilot programs in four designated judicial districts.

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

(b) Awarding annual grants to the pilot programs; ~~except that the total of all grants awarded per year must not exceed seven hundred fifty thousand dollars;~~

(6.5) (a) ON OR BEFORE NOVEMBER 1, 2019, AND ON OR BEFORE EACH NOVEMBER 1 THEREAFTER, THE STATE COURT ADMINISTRATOR SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY AND TO THE JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, ON THE PILOT PROGRAM AND THE GRANT PROGRAM FOR THE PRECEDING STATE FISCAL YEAR. THE REPORT MUST INCLUDE:

(I) A DESCRIPTION OF THE PROGRAMS, INCLUDING ELIGIBILITY CRITERIA, SCREENING AND ASSESSMENT PROCESSES, AND DIFFERENCES AMONG JUDICIAL DISTRICTS;

(II) A DISCUSSION OF PROBLEMS AND OBSTACLES THE PROGRAMS ARE ENCOUNTERING;

(III) NONIDENTIFYING, DEMOGRAPHIC INFORMATION ON INDIVIDUALS EVALUATED AND PARTICIPANTS ENROLLED IN THE PROGRAMS, INCLUDING AGE, GENDER, RACE, AND ETHNICITY;

(IV) PARTICIPANT STATUS, INCLUDING THE NUMBER OF INDIVIDUALS WHO SUCCESSFULLY COMPLETED THE PROGRAMS; THE NUMBER OF PARTICIPANTS REMAINING IN THE PROGRAMS; THE NUMBER OF PARTICIPANTS TERMINATED FROM THE GRANT PROGRAM, AND THE PRIMARY REASONS FOR TERMINATION; AND THE AVERAGE DURATION OF STAY IN THE PROGRAMS;

(V) AN ACCOUNTING OF EXPENDITURES UNDER THE GRANT PROGRAM, INCLUDING THE COSTS OF THE STATE COURT ADMINISTRATOR; AND

(VI) INFORMATION REGARDING THE ADEQUACY OF AND NEED FOR MONEY TO COVER DISTRICT ATTORNEY PROGRAM-RELATED PERSONNEL AND ADMINISTRATIVE COST, INCLUDING THE NATURE OF SUCH COSTS AND THE EXTENT OF ANY PROGRAM-RELATED PROSECUTORIAL COST SAVINGS.

(b) IN ADDITION TO THE INFORMATION REQUIRED IN SUBSECTION (6.5)(a) OF THIS SECTION, THE REPORT DUE ON OR BEFORE NOVEMBER 1, 2021, MUST ALSO INCLUDE AN EVALUATION COMPONENT WITH RECOMMENDATIONS FOR BEST PRACTICES, INCLUDING TARGET POPULATIONS, PARTICIPANT TREATMENT AND OVERSIGHT, FUNDING, AND ANY PROPOSED REVISIONS TO THE MODEL RECOMMENDED BY THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE.

(7) This section is repealed, effective ~~December 1, 2021~~ JUNE 30, 2022.

SECTION 2. Appropriation. For the 2019-20 state fiscal year, \$442,543 is appropriated to the judicial department. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the mental health criminal justice diversion grant program.

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

Approved: April 16, 2019