

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-0260.02 Jane Ritter x4342

SENATE BILL 20-042

SENATE SPONSORSHIP

Rodriguez and Fields,

HOUSE SPONSORSHIP

Singer, Benavidez

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REAUTHORIZATION OF THE LEGISLATIVE**
102 **OVERSIGHT COMMITTEE CONCERNING THE TREATMENT OF**
103 **PERSONS WITH BEHAVIORAL HEALTH DISORDERS IN THE**
104 **CRIMINAL AND JUVENILE JUSTICE SYSTEMS.**

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 Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems. The bill extends the repeal date for the

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.

1 2011 THROUGH 2012 INDICATE THAT HALF OF THE PEOPLE INCARCERATED
2 IN PRISONS, AND TWO-THIRDS OF THOSE IN JAIL, HAVE EITHER A CURRENT
3 SERIOUS PSYCHOLOGICAL DISTRESS OR A HISTORY OF MENTAL HEALTH
4 CONCERNS.

5 (c) THE DEPARTMENT OF CORRECTIONS DATA INDICATE THAT ONE
6 OUT OF EVERY THREE MEN AND FOUR OUT OF EVERY FIVE WOMEN
7 IMPRISONED IN COLORADO HAVE A MODERATE TO SEVERE MENTAL
8 HEALTH DISORDER;

9 (d) THE DIVISION OF YOUTH SERVICES DATA INDICATE THAT
10 FIFTY-NINE PERCENT OF NEWLY COMMITTED YOUTH REQUIRE MENTAL
11 HEALTH INTERVENTION OR SERVICES, AND NATIONALLY, JUVENILE
12 INSTITUTIONS ARE ILL-EQUIPPED TO PROVIDE A COMPREHENSIVE ARRAY OF
13 SUCH SERVICES TO MEET THE NEEDS; AND

14 (e) LARGE NUMBERS OF PEOPLE WITH BEHAVIORAL HEALTH
15 DISORDERS ARE BEING SENT TO SECURE JUSTICE SETTINGS INSTEAD OF
16 RECEIVING COMMUNITY TREATMENT. AS A RESULT, THE CRIMINAL JUSTICE
17 SYSTEM HAS BECOME THE STOPGAP PROVIDER TO ADDRESS CHRONIC AND
18 ACUTE BEHAVIORAL HEALTH NEEDS IN OUR STATE.

19 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

20 (a) ACTIONS FOCUSED ON PERSONS WHO ARE AT RISK OF ENTRY
21 INTO THE SYSTEM DUE TO BEHAVIORAL HEALTH DISORDERS, AND ACTIONS
22 TO HELP REDUCE AND PREVENT RECIDIVISM ONCE SUCH INDIVIDUALS ARE
23 IN THE SYSTEM, ARE CRITICAL IN ADDRESSING THE PROBLEM;

24 (b) RESEARCH DEMONSTRATES A NEED TO DIVERT PERSONS WITH
25 BEHAVIORAL HEALTH DISORDERS TO TREATMENT PROGRAMS AND TO
26 PROVIDE WRAPAROUND SERVICES, SUCH AS HOUSING AND CONTINUED
27 MEDICAL AND BEHAVIORAL HEALTH TREATMENT UPON RELEASE; AND

1 (c) PREVENTION AND INTERVENTION NEEDS RANGE FROM, BUT ARE
2 NOT LIMITED TO, SCHOOL-BASED BEHAVIORAL HEALTH SERVICES; LAW
3 ENFORCEMENT DIRECTED DIVERSION; COMMUNITY SCREENING,
4 ASSESSMENT, AND TREATMENT; SECURE SETTINGS WITHIN CORRECTION
5 FACILITIES; AND SUPPORTIVE RE-ENTRY SERVICES, INCLUDING HOUSING,
6 AS CRITICAL COMPONENTS OF DIGNITY, SAFETY, AND RECOVERY.

7 (3) IN ADDITION, THE GENERAL ASSEMBLY FINDS THAT THE
8 RESULTS OF A REPORT REQUESTED BY THE JOINT BUDGET COMMITTEE IN
9 1999 RECOMMENDED CROSS-SYSTEM COLLABORATION AND
10 COMMUNICATION AS A METHOD FOR REDUCING THE NUMBER OF PERSONS
11 WITH MENTAL HEALTH DISORDERS WHO ARE INVOLVED IN THE CRIMINAL
12 AND JUVENILE JUSTICE SYSTEMS. THE COMMITTEE AND TASK FORCE
13 CREATED BY THIS ARTICLE 1.9 SHALL CONSIDER THE BROADER CONTINUUM
14 OF BEHAVIORAL HEALTH DISORDERS TO BETTER ACCOUNT FOR THE NEEDS
15 OF THE AT-RISK POPULATION BEING STUDIED.

16 (4) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT,
17 DESPITE THE IMPACT AND REACH OF THE PREVIOUS WORK OF THE
18 LEGISLATIVE OVERSIGHT COMMITTEE AND TASK FORCE, A SIGNIFICANT
19 NEED REMAINS FOR ONGOING INNOVATION TO ADDRESS THESE AND
20 RELATED ISSUES. THE GENERAL ASSEMBLY THEREFORE DETERMINES THAT
21 IT IS NECESSARY TO CONTINUE THE LEGISLATIVE OVERSIGHT COMMITTEE
22 AND TASK FORCE TO EXAMINE THE IDENTIFICATION, DIAGNOSIS, AND
23 TREATMENT OF PERSONS WITH BEHAVIORAL HEALTH DISORDERS WHO ARE
24 AT RISK OF INVOLVEMENT WITH OR WHO ARE ALREADY INVOLVED IN THE
25 CRIMINAL OR JUVENILE JUSTICE SYSTEMS AND TO DEVELOP STRATEGIES TO
26 ADDRESS THE ISSUES SUCH PEOPLE FACE.

27 **18-1.9-102. Definitions.** AS USED IN THIS ARTICLE 1.9, UNLESS

1 THE CONTEXT OTHERWISE REQUIRES:

2 (1) "BEHAVIORAL HEALTH" REFERS TO AN INDIVIDUAL'S MENTAL
3 ANDEMOITIONAL WELL-BEING AND ACTIONS THAT AFFECT AN INDIVIDUAL'S
4 OVERALL WELLNESS. BEHAVIORAL HEALTH PROBLEMS AND DISORDERS
5 INCLUDE SUBSTANCE USE DISORDERS, SERIOUS PSYCHOLOGICAL DISTRESS,
6 SUICIDE, AND OTHER MENTAL HEALTH DISORDERS. PROBLEMS RANGING
7 FROM UNHEALTHY STRESS OR SUBCLINICAL CONDITIONS TO DIAGNOSABLE
8 AND TREATABLE DISEASES ARE INCLUDED IN THE TERM "BEHAVIORAL
9 HEALTH". THE TERM "BEHAVIORAL HEALTH" IS ALSO USED TO DESCRIBE
10 SERVICE SYSTEMS THAT ENCOMPASS PREVENTION AND PROMOTION OF
11 EMOTIONAL HEALTH, PREVENTION AND TREATMENT SERVICES FOR MENTAL
12 HEALTH AND SUBSTANCE USE DISORDERS, AND RECOVERY SUPPORT.

13 (2) "CO-OCCURRING DISORDER" MEANS A DISORDER THAT
14 COMMONLY COINCIDES WITH MENTAL HEALTH DISORDERS AND MAY
15 INCLUDE, BUT IS NOT LIMITED TO, SUBSTANCE ABUSE AND SUBSTANCE USE
16 DISORDERS, BEHAVIORAL HEALTH DISORDERS, INTELLECTUAL AND
17 DEVELOPMENTAL DISABILITIES, FETAL ALCOHOL SYNDROME, AND
18 TRAUMATIC BRAIN INJURY.

19 (3) "LEGISLATIVE OVERSIGHT COMMITTEE" OR "COMMITTEE"
20 MEANS THE LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING THE
21 TREATMENT OF PERSONS WITH BEHAVIORAL HEALTH DISORDERS IN THE
22 CRIMINAL AND JUVENILE JUSTICE SYSTEMS ESTABLISHED PURSUANT TO
23 SECTION 18-1.9-103.

24 (4) "TASK FORCE" MEANS THE TASK FORCE CONCERNING THE
25 TREATMENT OF PERSONS WITH BEHAVIORAL HEALTH DISORDERS IN THE
26 CRIMINAL AND JUVENILE JUSTICE SYSTEMS ESTABLISHED PURSUANT TO
27 SECTION 18-1.9-104.

1 **18-1.9-103. Legislative oversight committee concerning the**
2 **treatment of persons with behavioral health disorders in the criminal**
3 **and juvenile justice systems - creation - duties. (1) Creation.**

4 (a) THERE IS CREATED A LEGISLATIVE OVERSIGHT COMMITTEE
5 CONCERNING THE TREATMENT OF PERSONS WITH BEHAVIORAL HEALTH
6 DISORDERS IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS.

7 (b) THE COMMITTEE CONSISTS OF SIX MEMBERS AS FOLLOWS:

8 (I) THE PRESIDENT OF THE SENATE SHALL APPOINT TWO SENATORS
9 TO SERVE ON THE COMMITTEE, AND THE MINORITY LEADER OF THE SENATE
10 SHALL APPOINT ONE SENATOR TO SERVE ON THE COMMITTEE; AND

11 (II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
12 APPOINT THREE REPRESENTATIVES TO SERVE ON THE COMMITTEE, NO
13 MORE THAN TWO OF WHOM ARE MEMBERS OF THE SAME POLITICAL PARTY.

14 (c) APPOINTEES TO THE COMMITTEE MUST HAVE EXPERIENCE WITH
15 OR INTEREST IN THE STUDY AREAS OF THE COMMITTEE AND TASK FORCE,
16 AS SET FORTH IN SECTION 18-1.9-104.

17 (d) THE TERMS OF THE MEMBERS WHO ARE SERVING ON THE
18 EFFECTIVE DATE OF THIS SECTION ARE EXTENDED TO AND EXPIRE ON OR
19 TERMINATE ON THE CONVENING DATE OF THE FIRST REGULAR SESSION OF
20 THE SEVENTY-THIRD GENERAL ASSEMBLY. AS SOON AS PRACTICABLE
21 AFTER SUCH CONVENING DATE, BUT NO LATER THAN THE END OF THE
22 LEGISLATIVE SESSION, THE SPEAKER, THE PRESIDENT, AND THE MINORITY
23 LEADER OF THE SENATE SHALL EACH APPOINT OR REAPPOINT MEMBERS IN
24 THE SAME MANNER AS PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION.
25 THEREAFTER, THE TERMS OF MEMBERS APPOINTED OR REAPPOINTED BY
26 THE SPEAKER, THE PRESIDENT, AND THE MINORITY LEADER OF THE SENATE
27 EXPIRE ON THE CONVENING DATE OF THE FIRST REGULAR SESSION OF EACH

1 GENERAL ASSEMBLY, AND ALL SUBSEQUENT APPOINTMENTS AND
2 REAPPOINTMENTS BY THE SPEAKER, THE PRESIDENT, AND THE MINORITY
3 LEADER OF THE SENATE MUST BE MADE AS SOON AS PRACTICABLE AFTER
4 SUCH CONVENING DATE, BUT NO LATER THAN THE END OF THE
5 LEGISLATIVE SESSION.

6 (e) THE PERSON MAKING THE ORIGINAL APPOINTMENT OR
7 REAPPOINTMENT SHALL FILL ANY VACANCY BY APPOINTMENT FOR THE
8 REMAINDER OF AN UNEXPIRED TERM. MEMBERS APPOINTED OR
9 REAPPOINTED SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY
10 AND CONTINUE IN OFFICE UNTIL THE MEMBER'S SUCCESSOR IS APPOINTED.

11 (f) THE PRESIDENT OF THE SENATE SHALL SELECT THE FIRST CHAIR
12 OF THE COMMITTEE, AND THE SPEAKER OF THE HOUSE OF
13 REPRESENTATIVES SHALL SELECT THE FIRST VICE-CHAIR. THE CHAIR AND
14 VICE-CHAIR SHALL ALTERNATE ANNUALLY THEREAFTER BETWEEN THE
15 TWO HOUSES.

16 (g) THE CHAIR AND VICE-CHAIR OF THE COMMITTEE MAY
17 ESTABLISH SUCH ORGANIZATIONAL AND PROCEDURAL RULES AS ARE
18 NECESSARY FOR THE OPERATION OF THE COMMITTEE AND, IN
19 COLLABORATION WITH THE TASK FORCE, GUIDELINES AND EXPECTATIONS
20 FOR ONGOING COLLABORATION WITH THE TASK FORCE.

21 (h) (I) MEMBERS OF THE COMMITTEE MAY RECEIVE PAYMENT OF
22 PER DIEM AND REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES
23 AUTHORIZED PURSUANT TO SECTION 2-2-307.

24 (II) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL
25 AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL
26 SUPPLY STAFF ASSISTANCE TO THE COMMITTEE AS THEY DEEM
27 APPROPRIATE, WITHIN EXISTING APPROPRIATIONS.

1 (2) **Duties. (a)** THE COMMITTEE SHALL MEET AT LEAST THREE
2 TIMES EACH YEAR AND AT SUCH OTHER TIMES AS IT DEEMS NECESSARY.

3 ==
4 (b) THE COMMITTEE IS RESPONSIBLE FOR THE OVERSIGHT OF THE
5 TASK FORCE AND SHALL SUBMIT ANNUAL REPORTS TO THE GENERAL
6 ASSEMBLY REGARDING THE TASK FORCE'S FINDINGS AND
7 RECOMMENDATIONS. IN ADDITION, THE COMMITTEE MAY RECOMMEND
8 LEGISLATIVE CHANGES THAT ARE TREATED AS BILLS RECOMMENDED BY
9 AN INTERIM LEGISLATIVE COMMITTEE FOR PURPOSES OF ANY
10 INTRODUCTION DEADLINES OR BILL LIMITATIONS IMPOSED BY THE JOINT
11 RULES OF THE GENERAL ASSEMBLY.

12 (c) ON OR BEFORE JANUARY 15 OF EACH YEAR, THE COMMITTEE
13 SHALL SUBMIT, AND MAKE PUBLICLY AVAILABLE ON ITS WEBSITE, A
14 REPORT TO THE GENERAL ASSEMBLY. THE ANNUAL REPORTS MUST BRIEFLY
15 SUMMARIZE THE STUDY ISSUES, RECOMMENDATIONS CONSIDERED, AND
16 ANY ACTIONS TAKEN BY THE COMMITTEE DURING THE PREVIOUS YEAR.
17 THE REPORTS MUST COMPLY WITH THE PROVISIONS OF SECTION 24-1-136
18 (9). NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT
19 IN THIS SECTION TO REPORT TO THE GENERAL ASSEMBLY CONTINUES
20 INDEFINITELY.

21 **18-1.9-104. Task force concerning the treatment of persons**
22 **with behavioral health disorders in the criminal and juvenile justice**
23 **systems - creation - membership - duties. (1) Creation. (a)** THERE IS
24 CREATED A TASK FORCE CONCERNING THE TREATMENT OF PERSONS WITH
25 BEHAVIORAL HEALTH DISORDERS IN THE CRIMINAL AND JUVENILE JUSTICE
26 SYSTEMS. THE TASK FORCE CONSISTS OF TWENTY-EIGHT MEMBERS
27 APPOINTED AS PROVIDED IN SUBSECTIONS (1)(b) AND (1)(c) OF THIS

1 SECTION AND ANY STAFF SUPPORT AS PROVIDED FOR IN SECTION
2 18-1.9-105.

3 (b) THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL
4 APPOINT TWO MEMBERS WHO REPRESENT THE JUDICIAL DEPARTMENT, ONE
5 OF WHOM REPRESENTS THE DIVISION OF PROBATION WITHIN THE
6 DEPARTMENT.

7 (c) THE CHAIR AND VICE-CHAIR OF THE COMMITTEE SHALL APPOINT
8 TWENTY-SIX MEMBERS AS FOLLOWS:

9 (I) ONE MEMBER WHO REPRESENTS THE DIVISION OF CRIMINAL
10 JUSTICE WITHIN THE DEPARTMENT OF PUBLIC SAFETY;

11 (II) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF
12 CORRECTIONS;

13 (III) TWO MEMBERS WHO REPRESENT LOCAL LAW ENFORCEMENT
14 AGENCIES, ONE OF WHOM REPRESENTS POLICE OFFICERS AND THE OTHER
15 OF WHOM REPRESENTS THE SHERIFF DEPARTMENTS THROUGHOUT THE
16 STATE;

17 (IV) THREE MEMBERS WHO REPRESENT THE DEPARTMENT OF
18 HUMAN SERVICES, AS FOLLOWS:

19 (A) ONE MEMBER WHO REPRESENTS THE OFFICE OF BEHAVIORAL
20 HEALTH;

21 (B) ONE MEMBER WHO REPRESENTS THE DIVISION OF YOUTH
22 SERVICES; AND

23 (C) ONE MEMBER WHO REPRESENTS THE UNIT WITHIN THE
24 DEPARTMENT OF HUMAN SERVICES THAT IS RESPONSIBLE FOR CHILD
25 WELFARE SERVICES;

26 (V) ONE MEMBER WHO REPRESENTS THE INTERESTS OF COUNTY
27 DEPARTMENTS OF HUMAN OR SOCIAL SERVICES AND CAN REPRESENT A

- 1 RURAL COLORADO PERSPECTIVE;
- 2 (VI) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF
3 EDUCATION;
- 4 (VII) ONE MEMBER WHO REPRESENTS THE STATE ATTORNEY
5 GENERAL'S OFFICE;
- 6 (VIII) ONE MEMBER WHO REPRESENTS THE DISTRICT ATTORNEYS
7 WITHIN THE STATE;
- 8 (IX) TWO MEMBERS WHO REPRESENT THE CRIMINAL DEFENSE BAR
9 WITHIN THE STATE, ONE OF WHOM HAS EXPERIENCE REPRESENTING
10 JUVENILES IN THE JUVENILE JUSTICE SYSTEM;
- 11 (X) TWO MEMBERS WHO ARE LICENSED MENTAL HEALTH
12 PROFESSIONALS PRACTICING WITHIN THE STATE, ONE OF WHOM HAS
13 EXPERIENCE TREATING JUVENILES;
- 14 (XI) ONE MEMBER WHO REPRESENTS COMMUNITY MENTAL
15 HEALTH CENTERS WITHIN THE STATE;
- 16 (XII) ONE MEMBER WHO IS A PERSON WITH KNOWLEDGE OF PUBLIC
17 BENEFITS AND PUBLIC HOUSING WITHIN THE STATE;
- 18 (XIII) ONE MEMBER WHO IS A MENTAL HEALTH PROFESSIONAL
19 PRACTICING IN FORENSIC ENVIRONMENTS;
- 20 (XIV) ONE MEMBER WHO REPRESENTS A NONPROFIT
21 ORGANIZATION THAT WORKS ON STATEWIDE LEGISLATION AND
22 ORGANIZING COLORADANS TO PROMOTE BEHAVIORAL, MENTAL, AND
23 PHYSICAL HEALTH NEEDS;
- 24 (XV) THREE MEMBERS OF THE PUBLIC AS FOLLOWS:
- 25 (A) ONE MEMBER WHO IS LIVING WITH A BEHAVIORAL HEALTH
26 DISORDER AND HAS BEEN INVOLVED IN THE CRIMINAL OR JUVENILE
27 JUSTICE SYSTEM IN THIS STATE;

1 (B) ONE MEMBER WHO HAS AN ADULT FAMILY MEMBER WHO HAS
2 A BEHAVIORAL HEALTH DISORDER AND HAS BEEN INVOLVED IN THE
3 CRIMINAL JUSTICE SYSTEM IN THIS STATE; AND

4 (C) ONE MEMBER WHO IS THE PARENT OF A CHILD WHO HAS A
5 BEHAVIORAL HEALTH DISORDER AND HAS BEEN INVOLVED IN THE
6 JUVENILE JUSTICE SYSTEM IN THIS STATE;

7 (XVI) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF
8 HEALTH CARE POLICY AND FINANCING;

9 (XVII) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF
10 LABOR AND EMPLOYMENT;

11 (XVIII) ONE MEMBER WHO REPRESENTS THE OFFICE OF THE
12 CHILD'S REPRESENTATIVE; AND

13 (XIX) ONE MEMBER WHO REPRESENTS THE OFFICE OF THE
14 ALTERNATE DEFENSE COUNSEL.

15 (d) MEMBERS OF THE TASK FORCE SERVE WITHOUT
16 COMPENSATION. HOWEVER, MEMBERS OF THE TASK FORCE APPOINTED
17 PURSUANT TO SUBSECTION (1)(c)(XV) OF THIS SECTION MAY RECEIVE
18 REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES ASSOCIATED
19 WITH THEIR DUTIES ON THE TASK FORCE.

20 (e) A VACANCY OCCURRING IN A POSITION APPOINTED BY THE
21 CHIEF JUSTICE OF THE COLORADO SUPREME COURT PURSUANT TO
22 SUBSECTION (1)(b) OF THIS SECTION MUST BE FILLED AS SOON AS POSSIBLE
23 BY THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT IN
24 ACCORDANCE WITH THE LIMITATIONS SPECIFIED IN SUBSECTION (1)(b) OF
25 THIS SECTION. IN ADDITION, THE CHIEF JUSTICE OF THE COLORADO
26 SUPREME COURT MAY REMOVE AND REPLACE ANY APPOINTMENT TO THE
27 TASK FORCE MADE PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION.

1 (f) A VACANCY OCCURRING IN A POSITION FILLED BY THE CHAIR
2 AND VICE-CHAIR OF THE COMMITTEE PURSUANT TO SUBSECTION (1)(c) OF
3 THIS SECTION MUST BE FILLED AS SOON AS POSSIBLE BY THE CHAIR AND
4 VICE-CHAIR OF THE COMMITTEE IN ACCORDANCE WITH THE LIMITATIONS
5 SPECIFIED IN SUBSECTION (1)(c) OF THIS SECTION. IN ADDITION, THE CHAIR
6 AND VICE-CHAIR OF THE COMMITTEE MAY REMOVE AND REPLACE ANY
7 APPOINTMENT TO THE TASK FORCE MADE PURSUANT TO SUBSECTION (1)(c)
8 OF THIS SECTION.

9 (g) IN MAKING APPOINTMENTS TO THE TASK FORCE, THE
10 APPOINTING AUTHORITIES SHALL ENSURE THAT THE MEMBERSHIP OF THE
11 TASK FORCE INCLUDES PERSONS WHO HAVE EXPERIENCE WITH OR
12 INTEREST IN THE STUDY AREAS OF THE TASK FORCE AS SET FORTH IN
13 SUBSECTION (2) OF THIS SECTION; PERSONS WHO REFLECT THE ETHNIC,
14 CULTURAL, AND GENDER DIVERSITY OF THE STATE; REPRESENTATION OF
15 ALL AREAS OF THE STATE; AND, TO THE EXTENT PRACTICABLE, PERSONS
16 WITH DISABILITIES.

17 (h) (I) ALL TASK FORCE MEMBERS ARE EXPECTED TO SEEK INPUT
18 FROM THE VARIOUS NETWORKS OR ORGANIZATIONAL STRUCTURES OF THE
19 BODY THEY REPRESENT, IF ANY. EVERY AGENCY IS ENCOURAGED TO
20 NOMINATE A REPRESENTATIVE WHO CAN PARTICIPATE IN MAKING TASK
21 FORCE SUBJECT MATTER EXPERT RECOMMENDATIONS YET STILL
22 APPROPRIATELY REPRESENT THE AGENCY'S CONSTITUENCY.

23 (II) IN ORDER TO ADVANCE THE WORK OF THE TASK FORCE,
24 MEMBERS ARE ENCOURAGED TO PARTICIPATE IN DECISION-MAKING, WITH
25 THE UNDERSTANDING THAT INDIVIDUAL VOTES ON TASK FORCE ISSUES ARE
26 BASED ON SUBJECT MATTER EXPERTISE AND DO NOT COMMIT
27 REPRESENTATIVE AGENCIES OR ORGANIZATIONS TO ANY POSITION OR

1 ACTION. TASK FORCE MEMBERS SHALL ADHERE TO ANY AGREED-UPON
2 PROCEDURAL RULES AND GUIDELINES.

3 (2) **Issues for study.** (a) THE TASK FORCE SHALL STUDY BEST AND
4 PROMISING PRACTICES TO PROMOTE POSITIVE SOCIAL AND EMOTIONAL
5 OUTCOMES FOR INDIVIDUALS WITH BEHAVIORAL HEALTH DISORDERS WHO
6 ARE AT RISK OF INITIAL OR CONTINUED INVOLVEMENT IN THE CRIMINAL OR
7 JUVENILE JUSTICE SYSTEMS, WITH THE FOCUS ON BETTER UNDERSTANDING
8 AND ADDRESSING NECESSARY RESOURCES AND ACTIONS FOR
9 IMPLEMENTATION TO PREVENT INITIAL OR CONTINUED INVOLVEMENT WITH
10 THE CRIMINAL OR JUVENILE JUSTICE SYSTEMS.

11 (b) THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (2) DO NOT
12 PROHIBIT THE TASK FORCE, AT ANY TIME DURING ITS EXISTENCE, FROM
13 STUDYING, PRESENTING FINDINGS AND RECOMMENDATIONS ON, OR
14 REQUESTING PERMISSION TO DRAFT LEGISLATIVE PROPOSALS CONCERNING
15 ANY ISSUE DESCRIBED IN THIS SUBSECTION (2).

16 (c) THE TASK FORCE SHALL SPECIFICALLY CONSIDER ISSUES
17 INCLUDING:

18 (I) EARLY IDENTIFICATION OF AND INTERVENTION STRATEGIES FOR
19 INDIVIDUALS WHO ARE AT A HIGHER RISK OF INVOLVEMENT WITH THE
20 CRIMINAL OR JUVENILE JUSTICE SYSTEM DUE TO ESTABLISHED OR
21 DEVELOPING BEHAVIORAL HEALTH CONCERNS;

22 (II) THE PROMOTION OF RESILIENCE AND HEALTH FOR PERSONS AT
23 RISK OF OR ALREADY EXPERIENCING INVOLVEMENT WITH THE CRIMINAL
24 OR JUVENILE JUSTICE SYSTEM DUE TO BEHAVIORAL HEALTH CONCERNS;

25 (III) THE INTERSECTION OF BEHAVIORAL HEALTH DISORDERS AND
26 THE RISK OF INVOLVEMENT IN THE JUVENILE OR CRIMINAL JUSTICE
27 SYSTEMS, WITH A SPECIFIC FOCUS ON DIVERTING PERSONS WITH MENTAL

1 HEALTH, SUBSTANCE USE, OR CO-OCCURRING DISORDERS AWAY FROM
2 INITIAL OR CONTINUED JUVENILE OR CRIMINAL JUSTICE INVOLVEMENT;
3 AND

4 (IV) ISSUES RELATING TO PERSONS WITH BEHAVIORAL HEALTH
5 DISORDERS WHO ARE ALREADY INVOLVED IN THE CRIMINAL OR JUVENILE
6 JUSTICE SYSTEM, UTILIZING SAFE AND EFFECTIVE INTERVENTIONS WITH A
7 FOCUS ON PREVENTING FURTHER INVOLVEMENT, PROMOTING GOOD
8 HEALTH OUTCOMES UPON RELEASE, AND ENHANCING RECOVERY SUCCESS.

9 (3) **Additional duties of the task force.** THE TASK FORCE SHALL
10 ANNUALLY DELIVER POLICY AND LEGISLATIVE RECOMMENDATIONS TO THE
11 COMMITTEE PURSUANT TO THIS SECTION. IN ADDITION, THE TASK FORCE
12 SHALL:

13 (a) ON OR BEFORE AUGUST 1 OF EACH YEAR, SELECT A CHAIR AND
14 VICE-CHAIR FROM AMONG ITS MEMBERS;

15 (b) MEET AT LEAST SIX TIMES EACH YEAR, OR MORE OFTEN AS
16 DIRECTED BY THE CHAIR OF THE COMMITTEE;

17 (c) ESTABLISH ORGANIZATIONAL AND PROCEDURAL RULES FOR THE
18 OPERATION OF THE TASK FORCE AND FOR COLLABORATION WITH THE
19 COMMITTEE;

20 (d) DESIGNATE SPECIFIC TASK FORCE MEMBERS RESPONSIBLE FOR
21 COLLABORATING WITH AND OBTAINING INPUT FROM OTHER GROUPS, TASK
22 FORCES, OR STATEWIDE INITIATIVES THAT COMPLEMENT OR RELATE TO
23 THE TASK FORCE'S IDENTIFIED AREAS OF STUDY;

24 (e) CREATE SUBCOMMITTEES AS NEEDED TO CARRY OUT THE
25 DUTIES OF THE TASK FORCE. THE SUBCOMMITTEES MAY CONSIST, IN PART,
26 OF PERSONS WHO ARE NOT MEMBERS OF THE TASK FORCE. SUCH PERSONS
27 MAY VOTE ON ISSUES BEFORE THE SUBCOMMITTEE BUT ARE NOT ENTITLED

1 TO A VOTE AT TASK FORCE MEETINGS.

2 (f) STUDY THE IMPLEMENTATION OF COMMITTEE LEGISLATION
3 PASSED BY THE GENERAL ASSEMBLY;

4 (g) UPON REQUEST BY A COMMITTEE MEMBER, PROVIDE
5 EVIDENCE-BASED FEEDBACK ON THE POTENTIAL BENEFITS OR
6 CONSEQUENCES OF A LEGISLATIVE OR OTHER POLICY PROPOSAL NOT
7 DIRECTLY AFFILIATED WITH OR GENERATED BY THE TASK FORCE. THE
8 FEEDBACK MUST BE DELIVERED WITHIN TWO WEEKS TO THE ENTIRE
9 COMMITTEE AND REMAIN AS CONCISE AS POSSIBLE WHILE CAPTURING ANY
10 AVAILABLE EVIDENCE. IF THE TASK FORCE CANNOT IDENTIFY EVIDENCE TO
11 EFFECTIVELY INFORM A RESPONSE, THE FEEDBACK WILL INDICATE A LACK
12 OF EVIDENCE AND REPORT ON ANY ACTIONS TAKEN.

13 (h) ON OR BEFORE OCTOBER 1 OF EACH YEAR, PREPARE AND
14 SUBMIT TO THE COMMITTEE, WHICH MAY MAKE PUBLICLY AVAILABLE ON
15 ITS WEBSITE, A REPORT THAT, AT A MINIMUM, INCLUDES:

16 (I) ISSUES STUDIED BY THE TASK FORCE, AS WELL AS FINDINGS FOR
17 LEGISLATIVE OR OTHER RECOMMENDATIONS;

18 (II) LEGISLATIVE OR POLICY PROPOSALS OF THE TASK FORCE THAT
19 IDENTIFY THE POLICY ISSUES INVOLVED, THE AGENCIES RESPONSIBLE FOR
20 THE IMPLEMENTATION OF THE CHANGES, AND THE FUNDING SOURCES
21 REQUIRED FOR IMPLEMENTATION;

22 (III) A SUMMARY OF MONTHLY TASK FORCE MEETING ACTIVITIES
23 AND DISCUSSIONS;

24 (IV) ANY EVIDENCE-BASED FEEDBACK PROVIDED TO THE
25 COMMITTEE PURSUANT TO SUBSECTION (3)(g) OF THIS SECTION; AND

26 (V) A SUMMARY OF EFFORTS MADE TO COMMUNICATE,
27 COLLABORATE, OR COORDINATE WITH OTHER GROUPS, TASK FORCES, OR

1 STATE INITIATIVES.

2 (4) **Flexibility.** A REQUIREMENT SET FORTH IN SUBSECTION (2) OF
3 THIS SECTION SHALL NOT, AT ANY TIME DURING THE EXISTENCE OF THE
4 TASK FORCE, PROHIBIT THE TASK FORCE FROM STUDYING, PRESENTING
5 FINDINGS AND RECOMMENDATIONS ON, OR REQUESTING PERMISSION TO
6 DRAFT LEGISLATIVE PROPOSALS CONCERNING ANY ISSUE DESCRIBED IN
7 SUBSECTION (2) OF THIS SECTION.

8 (5) **Coordination.** THE TASK FORCE MAY WORK WITH OTHER
9 GROUPS, TASK FORCES, OR STATEWIDE INITIATIVES THAT ARE PURSUING
10 ISSUES AND POLICY INITIATIVES SIMILAR TO THOSE ADDRESSED IN
11 SUBSECTION (2) OF THIS SECTION. THE TASK FORCE MAY DEVELOP
12 RELATIONSHIPS WITH OTHER TASK FORCES, COMMITTEES, AND
13 ORGANIZATIONS TO LEVERAGE EFFICIENT POLICY-MAKING OPPORTUNITIES
14 THROUGH COLLABORATIVE EFFORTS.

15 **18-1.9-105. Task force funding - staff support.** (1) THE
16 LEGISLATIVE COUNCIL STAFF SHALL SUPPLY STAFF ASSISTANCE, WITHIN
17 EXISTING APPROPRIATIONS, TO THE TASK FORCE AS THE COMMITTEE
18 DEEMS APPROPRIATE. IF EXISTING APPROPRIATIONS ARE NOT ADEQUATE
19 TO SUPPLY STAFF ASSISTANCE THROUGH THE LEGISLATIVE COUNCIL STAFF,
20 THE DIRECTOR OF LEGISLATIVE COUNCIL STAFF SHALL REQUEST
21 ADDITIONAL NECESSARY FUNDING IN ITS ANNUAL BUDGET REQUEST.

22 (2) THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
23 PUBLIC SAFETY, THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT
24 OF HUMAN SERVICES, AND ANY STATE DEPARTMENT OR AGENCY WITH AN
25 ACTIVE REPRESENTATIVE ON THE TASK FORCE ARE AUTHORIZED TO
26 RECEIVE AND EXPEND GIFTS, GRANTS, AND DONATIONS, INCLUDING
27 DONATIONS OF IN-KIND SERVICES FOR STAFF SUPPORT, FROM ANY PUBLIC

1 OR PRIVATE ENTITY FOR ANY DIRECT OR INDIRECT COSTS ASSOCIATED
2 WITH THE DUTIES OF THE TASK FORCE.

3 **18-1.9-106. Treatment of persons with behavioral health**
4 **disorders in the criminal and juvenile justice systems fund.** (1) THE
5 TREATMENT OF PERSONS WITH BEHAVIORAL HEALTH DISORDERS IN THE
6 CRIMINAL AND JUVENILE JUSTICE SYSTEMS FUND, REFERRED TO IN THIS
7 SECTION AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE FUND
8 CONSISTS OF MONEY APPROPRIATED OR TRANSFERRED TO THE FUND BY
9 THE GENERAL ASSEMBLY AND ANY PRIVATE AND PUBLIC FUNDS RECEIVED
10 THROUGH GIFTS, GRANTS, OR DONATIONS FOR THE PURPOSE OF
11 IMPLEMENTING THE PROVISIONS OF THIS ARTICLE 1.9. MONEY IN THE FUND
12 IS SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR
13 THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION
14 OF THIS ARTICLE 1.9. MONEY IN THE FUND NOT EXPENDED FOR THE
15 PURPOSE OF IMPLEMENTING THIS ARTICLE 1.9 MAY BE INVESTED BY THE
16 STATE TREASURER AS PROVIDED BY LAW. THE STATE TREASURER SHALL
17 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
18 INVESTMENT OF MONEY IN THE FUND TO THE FUND. THE STATE TREASURER
19 SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED MONEY
20 REMAINING IN THE FUND AS OF JULY 1, 2025, TO THE GENERAL FUND.

21 (2) THE CHAIR OF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE
22 COUNCIL SHALL APPROVE ANY COMPENSATION PROVIDED FOR IN SECTIONS
23 18-1.9-103 (1)(h), 18-1.9-104 (1)(d), AND 18-1.9-105 FOR MEMBERS OF
24 THE GENERAL ASSEMBLY, SPECIFIED MEMBERS OF THE TASK FORCE, AND
25 STAFF ASSISTANCE TO THE COMMITTEE AND TASK FORCE, AS PROVIDED BY
26 THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL AND THE
27 DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES.

1 COMPENSATION MUST BE PAID BY VOUCHERS AND WARRANTS DRAWN AS
2 PROVIDED BY LAW FROM MONEY APPROPRIATED FOR SUCH PURPOSE AND
3 ALLOCATED TO THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL
4 FROM THE FUND.

5 **18-1.9-107. Repeal of article.** THIS ARTICLE 1.9 IS REPEALED,
6 EFFECTIVE JULY 1, 2023.

7 **SECTION 2. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, or safety.