

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-1056.01 Jerry Barry x4341

HOUSE BILL 20-1393

HOUSE SPONSORSHIP

Esgar and McCluskie, Ransom

SENATE SPONSORSHIP

Zenzinger and Rankin, Moreno

House Committees
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING EXPANDING THE MENTAL HEALTH DIVERSION PILOT
102 PROGRAMS TO INCLUDE MORE JUDICIAL DISTRICTS.

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/>.)

Joint Budget Committee. Under current law, the alternative pilot programs to divert individuals with mental health conditions may operate in up to 4 judicial districts. The bill allows the programs to be expanded into 5 or more judicial districts to increase the number of participants.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1.3-101.5, **amend**
3 (1), (3), (5) introductory portion, and (6)(a) as follows:

4 **18-1.3-101.5. Alternative pilot programs to divert individuals**
5 **with mental health conditions - legislative intent - eligibility - process**
6 **of diversion - grant program - program management - definitions -**

7 **repeal.** (1) The intent of this section is to establish and facilitate ~~four~~
8 FIVE OR MORE pre-plea local-level mental health pilot programs in
9 selected judicial districts that will identify individuals with mental health
10 conditions who have been charged with a low-level criminal offense and
11 divert such individuals out of the criminal justice system and into
12 community treatment programs in accordance with the principles and
13 proposed model recommended by the Colorado commission on criminal
14 and juvenile justice, adopted on January 12, 2018. In addition, proceeding
15 pursuant to the model recommended by the Colorado commission on
16 criminal and juvenile justice encourages and facilitates flexible and
17 locally controlled programs in a manner that can accommodate and
18 respect the availability or limitation of resources in each jurisdiction
19 while still maintaining the core integrity and objectives of the effort to
20 foster the use of mental health diversion programs throughout the state.

21 (3) There are created ~~up to four~~ FIVE OR MORE pilot programs in
22 judicial districts in the state. The state court administrator and the
23 Colorado district attorneys' council shall collaborate to identify potential
24 pilot program sites with the agreement of the elected district attorneys and
25 chief judges in a judicial district. The state court administrator and the
26 Colorado district attorneys' council shall consider geographic diversity in
27 identifying pilot program sites. The purpose of the pilot programs is to

1 identify individuals with mental health conditions who have been charged
2 with a low-level criminal offense and divert such individuals out of the
3 criminal justice system and into community treatment programs. The
4 district attorney and the chief judge for a judicial district selected as a
5 pilot program site pursuant to this subsection (3) shall work
6 collaboratively and through consensus with interested and necessary
7 participants within the judicial district, including but not limited to law
8 enforcement, jail officials, public defenders, judges, pretrial service
9 providers, and local community mental and behavioral health service
10 providers, to decide which courts and counties within the judicial district
11 are best suited to implement the pilot program.

12 (5) The state court administrator is responsible for administration
13 and oversight of the pilot programs, including certifying that, on or before
14 January 1, ~~2019~~ 2021, each pilot program site implements a design that
15 is consistent with the principles and proposed model adopted by the
16 Colorado commission on criminal and juvenile justice and the legislative
17 intent of this section. The duties of the state court administrator with
18 respect to the pilot programs include, but are not limited to:

19 (6) There is created in the office of the state court administrator
20 the mental health criminal justice diversion grant program. The state court
21 administrator is responsible for administering and monitoring the grant
22 program including, but not limited to:

23 (a) Establishing grant funding guidelines and acceptable expenses
24 for the distribution of grant program grant money to the pilot program
25 sites based upon specific allocations required by the grant program, the
26 specific award to the district attorney's office in each of the ~~four~~
27 designated judicial districts, other pilot program needs, and any other

1 criteria, such as case volume, geographical complexity, and density of
2 need. In addition to any other allowable expenses to be paid for by the
3 grant program, each district attorney's office participating in the pilot
4 program ~~shall~~ MUST receive fifty thousand dollars per year from the grant
5 funding for each year of the grant program. Such money must be used to
6 assist in covering the costs related to personnel and administrative
7 requirements to establish and operate pilot programs in ~~four~~ THE
8 designated judicial districts.

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