

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 22-0816.02 Conrad Imel x2313

SENATE BILL 22-196

SENATE SPONSORSHIP

Gonzales and Lee,

HOUSE SPONSORSHIP

Bacon and Benavidez,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING SUPPORTING THE HEALTH NEEDS OF PERSONS WHO MAY**
102 **BE INVOLVED WITH THE CRIMINAL JUSTICE SYSTEM, AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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 bill establishes the early intervention, deflection, and redirection from the criminal justice system grant program (grant program) in the behavioral health administration (BHA) to provide grants to local governments, federally recognized Indian tribes, health-care

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.*

providers, community-based organizations, and nonprofit organizations to fund programs and strategies that prevent people with behavioral health needs from becoming involved with the criminal justice system or that redirect individuals in the criminal justice system with behavioral health needs from the system to appropriate services. Local law enforcement agencies are eligible for a grant only for the purpose of developing or expanding a co-responder community response program.

The BHA administers the grant program in consultation with the department of public safety. Each grant recipient must report to the BHA information about the use of the grant. The bill requires the general assembly to appropriate \$51.5 million from the behavioral and mental health cash fund to the department of human services for the grant program.

The bill requires the general assembly to appropriate \$3 million from the behavioral and mental health cash fund to the department of corrections (department) to provide medication-assisted treatment to individuals who are placed in the custody of the department. The department shall use the money for upgrades necessary to store medications at department facilities, for providing continuity of care for inmates with opioid use disorder between institutional settings and community-based treatment, and for facilitating long-term treatment and recovery of individuals upon release.

The bill requires the general assembly to appropriate \$4 million from the behavioral and mental health cash fund to the judicial department for allocation to district attorneys for pretrial diversion programs.

The bill creates the behavioral health information and data sharing program to award grants to counties to integrate the county jails' data systems with the Colorado integrated criminal justice information system. The division of criminal justice (division) within the department of public safety administers the program. The division is required to enter into an agreement with a third-party vendor to oversee the implementation of any data-sharing systems or software necessary for the program. The bill requires the general assembly to appropriate \$3.5 million from the behavioral and mental health cash fund for the program.

The bill requires the state department of health care policy and financing (HCPF) to evaluate and determine whether the state should seek additional federal authority to provide screening, brief intervention, and care coordination services through the medical assistance program to persons immediately prior to release from jail or a department of corrections facility and to improve processes for determining and redetermining individuals for medical assistance eligibility. If HCPF determines that the state should request federal authority, HCPF must make the request. If HCPF determines that the state should not request

federal authority, HCPF must submit a report to the joint budget committee of the general assembly that includes an alternate plan to ensure continuity of care for individuals being released from jail or prison.

The bill requires HCPF to determine whether federal authority is necessary to provide benefit coverage under the medical assistance program to people who are on work release from jail.

The bill requires each county jail to report quarterly about the number of inmates whose medicaid is suspended while incarcerated and the number of incarcerated inmates who are enrolled in, or whose medicaid is reinstated, prior to release. The bill requires a county jail to provide medicaid enrollment or re-enrollment paperwork to a person who is incarcerated in the jail and is eligible for medicaid benefits when the person enters the county jail.

The bill requires an administrator of a community corrections program to partner with a county department of human or social services to facilitate enrolling each offender participating in the program into medicaid.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) In Colorado, a person with serious mental illness is more likely
5 to be in jail than in a care facility, resulting in jails and prisons acting as
6 the biggest providers of mental health care in our state;

7 (b) People with the most serious mental illnesses often cycle in
8 and out of short-term crisis hospital care and jail, exacerbating their
9 mental health challenges;

10 (c) Cycling in and out of short-term care and jail is more
11 expensive than preventive harm reduction and public safety investments
12 that keep people healthy and in their communities; and

13 (d) Diversion away from the criminal justice system begins with
14 robust community resources.

1 (2) The general assembly further finds and declares that:

2 (a) The federal government enacted the "American Rescue Plan
3 Act of 2021" (ARPA), Pub.L. 117-2, pursuant to which Colorado
4 received \$3,828,761,790 to mitigate the fiscal effects stemming from the
5 COVID-19 public health emergency;

6 (b) Government recipients of ARPA funds may use the funds to
7 provide resources for governments to meet the public health and
8 economic needs of those impacted by the pandemic in their communities.
9 Pursuant to ARPA and related federal regulations, when providing
10 behavioral health services, government recipients may presume that the
11 general public was impacted by the pandemic, and they can therefore use
12 ARPA funds to provide a broad range of behavioral health services to the
13 public.

14 (c) The expenditures in this act for behavioral health programs
15 and services, including behavioral health facilities and equipment, is
16 considered an allowable use under ARPA and is necessary to respond to
17 the COVID-19 public health emergency; and

18 (d) The behavioral health-care services and programs and funding
19 described in this act are important government services.

20 **SECTION 2.** In Colorado Revised Statutes, **add** part 4 to article
21 60 of title 27 as follows:

22 **PART 4**

23 **EARLY INTERVENTION, DEFLECTION, AND REDIRECTION**
24 **FROM THE CRIMINAL JUSTICE SYSTEM GRANT PROGRAM**

25 **27-60-401. Definitions.** AS USED IN THIS PART 4, UNLESS THE
26 CONTEXT OTHERWISE REQUIRES:

27 (1) "BEHAVIORAL HEALTH ADMINISTRATION" OR "BHA" MEANS

1 THE BEHAVIORAL HEALTH ADMINISTRATION ESTABLISHED IN SECTION
2 27-60-203.

3 (2) "COMMUNITY-BASED ORGANIZATION" MEANS A NONPROFIT
4 ORGANIZATION THAT IS REPRESENTATIVE OF THE COMMUNITY SERVED, OR
5 SIGNIFICANT SEGMENTS OF THE COMMUNITY SERVED, AND ENGAGED IN
6 MEETING THAT COMMUNITY'S NEEDS IN THE AREAS OF SOCIAL, HUMAN, OR
7 HEALTH SERVICES.

8 (3) "ELIGIBLE ENTITY" MEANS:

9 (a) A COMMUNITY-BASED ORGANIZATION;

10 (b) A NONPROFIT ORGANIZATION;

11 (c) A LOCAL GOVERNMENT;

12 (d) A FEDERALLY RECOGNIZED INDIAN TRIBE;

13 (e) AN OFFICE THAT PROVIDES OR COORDINATES
14 COURT-APPOINTED COUNSEL TO REPRESENT INDIGENT CLIENTS CHARGED
15 WITH A CRIMINAL OFFENSE IN MUNICIPAL OR STATE COURT;

16 (f) A FEDERALLY QUALIFIED HEALTH CENTER, AS DEFINED IN THE
17 FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1395x (aa)(4), THAT
18 PARTNERS AND SUBMITS A JOINT APPLICATION WITH A COMMUNITY-BASED
19 ORGANIZATION, NONPROFIT ORGANIZATION, LOCAL GOVERNMENT, OR
20 FEDERALLY RECOGNIZED INDIAN TRIBE;

21 (g) A RURAL HEALTH CLINIC, AS DEFINED IN THE FEDERAL "SOCIAL
22 SECURITY ACT", 42 U.S.C. SEC. 1395x (aa)(2), THAT PARTNERS AND
23 SUBMITS A JOINT APPLICATION WITH A COMMUNITY-BASED ORGANIZATION,
24 NONPROFIT ORGANIZATION, LOCAL GOVERNMENT, OR FEDERALLY
25 RECOGNIZED INDIAN TRIBE; AND

26 (h) A LOCAL LAW ENFORCEMENT AGENCY, BUT ONLY FOR THE
27 PURPOSE OF DEVELOPING OR EXPANDING A CO-RESPONDER COMMUNITY

1 RESPONSE PROGRAM, AS DEFINED IN SECTION 24-32-3501 (8).

2 (4) "GRANT PROGRAM" MEANS THE EARLY INTERVENTION,
3 DEFLECTION, AND REDIRECTION FROM THE CRIMINAL JUSTICE SYSTEM
4 GRANT PROGRAM ESTABLISHED IN SECTION 27-60-402.

5 (5) "LOCAL GOVERNMENT" MEANS A COUNTY, MUNICIPALITY, OR
6 CITY AND COUNTY.

7 (6) "LOCAL LAW ENFORCEMENT AGENCY" MEANS A COUNTY
8 SHERIFF'S OFFICE OR A MUNICIPAL POLICE DEPARTMENT.

9 (7) "REVIEW COMMITTEE" MEANS THE EARLY INTERVENTION,
10 DEFLECTION, AND REDIRECTION FROM THE CRIMINAL JUSTICE SYSTEM
11 GRANT REVIEW COMMITTEE CREATED IN SECTION 27-60-403.

12 **27-60-402. Early intervention, deflection, and redirection**
13 **from the criminal justice system grant program - established -**
14 **permissible uses.** (1) THERE IS ESTABLISHED IN THE BEHAVIORAL
15 HEALTH ADMINISTRATION THE EARLY INTERVENTION, DEFLECTION, AND
16 REDIRECTION FROM THE CRIMINAL JUSTICE SYSTEM GRANT PROGRAM TO
17 PROVIDE GRANTS TO ELIGIBLE ENTITIES TO FUND PROGRAMS AND OTHER
18 STRATEGIES THAT:

19 (a) PROVIDE BEHAVIORAL HEALTH TREATMENT OR RESOURCES TO
20 PREVENT INDIVIDUALS FROM BECOMING INVOLVED IN THE CRIMINAL
21 JUSTICE SYSTEM OR FURTHER PENETRATING INTO THE SYSTEM;

22 (b) FACILITATE A DIRECT COMMUNITY RESPONSE TO EFFECTIVELY
23 RESPOND TO A PERSON IN A BEHAVIORAL HEALTH CRISIS WITH THE GOAL
24 OF PREVENTING PEOPLE WITH BEHAVIORAL HEALTH NEEDS FROM BEING
25 ARRESTED; OR

26 (c) AFTER AN ARREST, REDIRECT INDIVIDUALS WITH BEHAVIORAL
27 HEALTH NEEDS, INCLUDING INDIVIDUALS ENGAGED IN COMPETENCY

1 EVALUATION OR RESTORATION IN ANY SETTING, FROM THE CRIMINAL
2 JUSTICE SYSTEM TO APPROPRIATE COMMUNITY-BASED TREATMENT AND
3 SUPPORT SERVICES.

4 (2) AN EARLY INTERVENTION, DEFLECTION, AND REDIRECTION
5 FROM THE CRIMINAL JUSTICE SYSTEM GRANT MAY BE USED FOR ANY OF
6 THE FOLLOWING:

7 (a) TO SUPPORT, CREATE, OR EXPAND PRE-ARREST EARLY
8 INTERVENTION PROGRAMS, INCLUDING COMMUNITY-BASED ALTERNATIVE
9 RESPONSE PROGRAMS DESCRIBED IN SECTION 24-32-3501 (8);

10 (b) TO SUPPORT, CREATE, OR EXPAND CO-RESPONDER COMMUNITY
11 RESPONSE, AS DEFINED IN SECTION 24-32-3501 (8);

12 (c) TO FUND ENHANCED STAFFING, FACILITY IMPROVEMENTS, OR
13 SECURITY MEASURES FOR EXISTING CRISIS WALK-IN CENTERS, CRISIS
14 STABILIZATION UNITS, MOBILE CRISIS SERVICES, OR CRISIS RESPITE
15 SERVICES, AS DESCRIBED IN SECTION 27-60-103 (1)(b), AND WITHDRAWAL
16 MANAGEMENT PROGRAMS AT FACILITIES APPROVED PURSUANT TO ARTICLE
17 81 OF THIS TITLE 27. A CRISIS WALK-IN CENTER MUST USE A GRANT AWARD
18 TO ENABLE THE CRISIS WALK-IN CENTER TO ACCEPT ALL BEHAVIORAL
19 HEALTH RELATED FIRST RESPONDER DROP-OFFS AND PROVIDE CRISIS
20 RECEIVING AND STABILIZATION SERVICES. GRANTS AWARDED FOR CRISIS
21 STABILIZATION UNITS, MOBILE CRISIS SERVICES, CRISIS RESPITE SERVICES,
22 AND WITHDRAWAL MANAGEMENT PROGRAMS MUST BE USED TO PROVIDE
23 CRISIS RECEIVING AND STABILIZATION SERVICES.

24 (d) COLLABORATION BETWEEN COMMUNITY-BASED
25 ORGANIZATIONS AND COURT-APPOINTED COUNSEL WHO REPRESENT
26 INDIGENT CLIENTS TO FACILITATE BEHAVIORAL HEALTH SCREENING AND
27 ASSESSMENT AND TO HELP CLIENTS ACCESS BEHAVIORAL HEALTH AND

1 OTHER SUPPORTIVE SERVICES, PARTICULARLY DURING EARLY STAGES IN
2 A CRIMINAL PROCEEDING;

3 (e) COMPREHENSIVE SERVICE DELIVERY, INCLUDING MODELS
4 WHERE MULTIPLE PARTNERS CO-LOCATE OR CREATE NEW RESOURCE
5 CENTERS, TO ENSURE SWIFT CONNECTION TO AND RECEIPT OF SOCIAL
6 SUPPORT SERVICES INCLUDING, BUT NOT LIMITED TO, COUNSELING, JOB
7 PLACEMENT SERVICES, HOUSING NAVIGATION ASSISTANCE AND SUPPORT,
8 BENEFITS ENROLLMENT, FAMILY COUNSELING, SUBSTANCE USE
9 TREATMENT, CASE MANAGEMENT SERVICES, PEER SUPPORT, AND OTHER
10 SUPPORTIVE SERVICES. TO RECEIVE A GRANT FOR COMPREHENSIVE
11 SERVICE DELIVERY, THE APPLICANT MUST DEMONSTRATE COLLABORATION
12 WITH LOCAL PARTNERS THAT WILL PROVIDE SOCIAL SUPPORT SERVICES AS
13 PART OF THE COMPREHENSIVE SERVICE DELIVERY.

14 (f) COMPREHENSIVE PRE-RELEASE PLANNING FOR INDIVIDUALS IN
15 A JAIL OR PRISON WITH BEHAVIORAL HEALTH NEEDS, TO PREVENT
16 REINCARCERATION;

17 (g) TO SUPPORT, CREATE, OR EXPAND PROGRAMS TO HELP PEOPLE
18 WHO HAVE A PENDING MUNICIPAL CRIMINAL CASE ATTEND THEIR COURT
19 DATES AND AVOID JAIL FOR NON-APPEARANCE, SUCH AS THROUGH COURT
20 REMINDERS, RIDE ASSISTANCE, OR OTHER SUPPORTIVE INTERVENTIONS. A
21 PROGRAM THAT OPERATES WITH GRANT MONEY MUST SERVE A
22 SUBSTANTIAL NUMBER OF PEOPLE WITH BEHAVIORAL HEALTH NEEDS.

23 (h) OTHER INNOVATIONS OR PROGRAMS AIMED AT DEFLECTING,
24 REDIRECTING, OR OTHERWISE PREVENTING PEOPLE WITH BEHAVIORAL
25 HEALTH NEEDS FROM FURTHER PENETRATING INTO THE CRIMINAL JUSTICE
26 SYSTEM;

27 (i) TECHNICAL ASSISTANCE AND CAPACITY-BUILDING, AS

1 IDENTIFIED BY THE APPLICANT AS A COMPONENT OF THE PROGRAM, TO
2 SUPPORT DELIVERY OF EVIDENCE-BASED OR EVIDENCE-INFORMED
3 SERVICES ALONG THE BEHAVIORAL HEALTH CONTINUUM OF CARE; AND

4 (i) CAPITAL EXPENDITURES RELATED TO PROVIDING THE
5 TREATMENT AND SERVICES DESCRIBED IN THIS SUBSECTION (2).

6 (3) THE BHA SHALL PROVIDE GRANT RECIPIENTS WITH
7 INFORMATION ABOUT THE 988 CRISIS HOTLINE, DEFINED IN SECTION
8 27-64-102, TO ENSURE THAT THE GRANT RECIPIENTS ARE AWARE OF THE
9 SERVICES AVAILABLE BY USING THE 988 CRISIS HOTLINE.

10 (4) (a) THE BEHAVIORAL HEALTH ADMINISTRATION SHALL
11 ADMINISTER THE GRANT PROGRAM IN COLLABORATION WITH THE
12 DEPARTMENT OF PUBLIC SAFETY. THE BHA SHALL CREATE A GRANT
13 APPLICATION PROCESS AND SHALL MAKE THE PROCESS PUBLICLY
14 AVAILABLE ON ITS WEBSITE PRIOR TO ACCEPTING APPLICATIONS. THE BHA
15 SHALL BEGIN ACCEPTING GRANT APPLICATIONS NO LATER THAN
16 DECEMBER 31, 2022.

17 (b) THE BHA AND DEPARTMENT OF PUBLIC SAFETY SHALL ENGAGE
18 IN STATEWIDE COMMUNITY OUTREACH TO MAKE ELIGIBLE ENTITIES AWARE
19 OF THE GRANT PROGRAM, APPLICATION PROCESS, AND DEADLINES.

20 (c) NO LATER THAN SIXTY DAYS BEFORE THE GRANT APPLICATION
21 DEADLINE, THE BHA AND DEPARTMENT OF PUBLIC SAFETY SHALL JOINTLY
22 HOLD A PUBLIC MEETING TO PRESENT INFORMATION ABOUT THE GRANT
23 PROGRAM AND TO GIVE ELIGIBLE ENTITIES THE OPPORTUNITY TO ASK
24 QUESTIONS REGARDING THE GRANT PROGRAM. THE BHA MAY ALLOW
25 ELECTRONIC ATTENDANCE AND PARTICIPATION AT THE MEETING.

26 (d) THE BHA SHALL PROVIDE GRANT APPLICATION AND PROGRAM
27 DEVELOPMENT SUPPORT UPON REQUEST TO AN ELIGIBLE ENTITY THAT HAS

1 AN ANNUAL BUDGET OF LESS THAN ONE MILLION DOLLARS. AVAILABLE
2 SUPPORT MAY INCLUDE ASSISTANCE WITH GRANT-WRITING, PROGRAM
3 DESIGN, IDENTIFYING SUSTAINABLE FUNDING OPPORTUNITIES, PROGRAM
4 IMPLEMENTATION, AND DATA-GATHERING AND EVALUATION.

5 **27-60-403. Grant program application - criteria - award -**
6 **rules.** (1) IN ORDER TO RECEIVE A GRANT, AN ELIGIBLE ENTITY MUST
7 SUBMIT AN APPLICATION TO THE BHA. TWO OR MORE ELIGIBLE ENTITIES
8 MAY COLLABORATE ON A PROGRAM AND SUBMIT A JOINT APPLICATION. AT
9 A MINIMUM, AN APPLICATION MUST INCLUDE:

10 (a) THE REQUESTED AMOUNT OF THE GRANT AWARD AND A
11 DESCRIPTION OF THE PROGRAM THAT WILL BE OPERATED WITH THE GRANT
12 AWARD, INCLUDING A DESCRIPTION OF HOW THE PROPOSED PROGRAM
13 MEETS THE PURPOSES OF THE GRANT PROGRAM DESCRIBED IN SECTION
14 27-60-402 (1);

15 (b) THE SOURCE OF THE CONTRIBUTING FUNDS OR IN-KIND
16 CONTRIBUTING RESOURCES PROVIDED BY THE APPLICANT, AS DESCRIBED
17 IN SUBSECTION (4) OF THIS SECTION;

18 (c) WHETHER THE PROGRAM PLANS TO USE THE 988 CRISIS
19 HOTLINE DEFINED IN SECTION 27-64-102 AS A PART OF THE PROGRAM;

20 (d) INFORMATION ABOUT THE APPLICANT'S ABILITY AND INTENT TO
21 SUSTAIN THE SERVICES PROVIDED WITH A GRANT AWARD BEYOND THE
22 DURATION OF THE GRANT, IF APPLICABLE;

23 (e) A DESCRIPTION OF ANY AGREEMENTS OR PARTNERSHIPS
24 NECESSARY TO CARRY OUT THE GRANT ACTIVITIES AND HOW GRANT
25 MONEY WILL BE ALLOCATED AMONG PARTNERS, IF NEEDED TO PERFORM
26 ACTIVITIES IN THE APPLICATION;

27 (f) DATA DOCUMENTING THE NEED FOR THE PROJECT, INCLUDING

1 THE PROJECTED DEMOGRAPHIC INFORMATION OF CLIENTS TO BE SERVED,
2 INCLUDING AGE, RACE, ETHNICITY, GENDER, AND ANY OTHER RELEVANT
3 DEMOGRAPHIC INFORMATION;

4 (g) PROJECTED OUTCOMES, SPECIFIC PERFORMANCE MEASURES,
5 AND DATA COLLECTION METHODS NECESSARY FOR THE GRANTEE AND THE
6 BHA TO ASSESS THE IMPACT OF THE PROPOSED PROGRAM;

7 (h) A DESCRIPTION OF THE APPLICANT'S EXPERIENCE IN PROVIDING
8 CULTURALLY COMPETENT AND GENDER RESPONSIVE SERVICES, AND
9 WHETHER THE APPLICANT IS REPRESENTATIVE OF THE INDIVIDUALS THE
10 APPLICANT SEEKS TO SERVE WITH A GRANT;

11 (i) A DESCRIPTION OF HOW THE PROGRAM WOULD ADD VALUE TO
12 EXISTING LOCAL EFFORTS IN THE PROGRAM AREA, IF ANY, THAT ALIGN
13 WITH THE PURPOSES OF THIS GRANT PROGRAM DESCRIBED IN SECTION
14 27-60-402 (1);

15 (j) A COMMITMENT THAT ALL SERVICES WILL BE PROVIDED ON A
16 VOLUNTARY BASIS AND THAT THE APPLICANT WILL NOT REQUIRE
17 WARRANT CHECKS OR FINGERPRINTING TO RECEIVE SERVICES;

18 (k) IF THE APPLICANT IS A LOCAL GOVERNMENT OR FEDERALLY
19 RECOGNIZED INDIAN TRIBE APPLYING FOR A GRANT FOR A CAPITAL
20 EXPENDITURE, THE APPLICANT MUST DEMONSTRATE COLLABORATION
21 WITH COMMUNITY-BASED ORGANIZATIONS OR NONPROFIT ORGANIZATIONS
22 THAT ARE PROVIDING TREATMENT AND SERVICES DESCRIBED IN
23 SUBSECTION (3) OF THIS SECTION IN ASSOCIATION WITH THE CAPITAL
24 EXPENDITURE; AND

25 (l) ANY OTHER INFORMATION REQUIRED BY THE BHA.

26 (2) (a) THERE IS CREATED IN THE BHA AN EARLY INTERVENTION,
27 DEFLECTION, AND REDIRECTION FROM THE CRIMINAL JUSTICE SYSTEM

1 GRANT REVIEW COMMITTEE TO REVIEW GRANT APPLICATIONS AND MAKE
2 RECOMMENDATIONS TO THE BHA AND DEPARTMENT OF PUBLIC SAFETY.
3 THE COMMISSIONER OF THE BHA SHALL ENSURE THAT THE COMPOSITION
4 OF THE COMMITTEE IS RACIALLY, ETHNICALLY, AND GEOGRAPHICALLY
5 DIVERSE AND REPRESENTATIVE OF COMMUNITIES MOST IMPACTED BY THE
6 CRIMINAL JUSTICE SYSTEM. THE COMMITTEE CONSISTS OF THE FOLLOWING
7 MEMBERS:

8 (I) THE COMMISSIONER OF THE BHA OR THE COMMISSIONER'S
9 DESIGNEE;

10 (II) THE DIRECTOR OF THE DIVISION OF CRIMINAL JUSTICE OR THE
11 DIRECTOR'S DESIGNEE;

12 (III) THE FOLLOWING INDIVIDUALS APPOINTED BY THE
13 COMMISSIONER OF THE BHA, IN CONSULTATION WITH THE DIRECTOR OF
14 THE DIVISION OF CRIMINAL JUSTICE WITHIN THE DEPARTMENT OF PUBLIC
15 SAFETY:

16 (A) TWO CLINICIANS WITH EXPERIENCE PROVIDING BEHAVIORAL
17 HEALTH TREATMENT SERVICES TO INDIVIDUALS WHO HAVE BEEN
18 INVOLVED IN THE CRIMINAL JUSTICE SYSTEM, ONE OF WHOM MUST
19 SPECIALIZE IN SUBSTANCE ABUSE DISORDER TREATMENT, WHO ALSO HAVE
20 EXPERIENCE PROVIDING CULTURALLY RESPONSIVE TREATMENT IN
21 COMMUNITIES OF COLOR AND OTHER UNDERSERVED POPULATIONS;

22 (B) A RESEARCHER FROM AN INSTITUTION OF HIGHER EDUCATION
23 WITH A BACKGROUND IN EFFECTIVE INTERVENTIONS THAT PREVENT OR
24 REDIRECT PEOPLE WITH A BEHAVIORAL HEALTH DISORDER FROM BEING
25 INVOLVED WITH THE CRIMINAL JUSTICE SYSTEM;

26 (C) A PERSON WHO WAS IMPACTED BY THE CRIMINAL JUSTICE
27 SYSTEM, EITHER PERSONALLY OR THROUGH A FAMILY MEMBER, AND THE

1 PERSON OR THE FAMILY MEMBER HAD BEHAVIORAL HEALTH NEEDS WHILE
2 INVOLVED IN THE CRIMINAL JUSTICE SYSTEM;

3 (D) A VICTIM'S ADVOCATE WITH EXPERIENCE IN PROVIDING
4 CULTURALLY RESPONSIVE SERVICES IN COMMUNITIES OF COLOR, OR A
5 REPRESENTATIVE FROM A COMMUNITY-BASED VICTIM SERVICES
6 ORGANIZATION THAT SPECIALIZES IN SERVING VICTIMS OF COLOR;

7 (E) A REPRESENTATIVE OF A FEDERALLY RECOGNIZED INDIAN
8 TRIBE WITH JURISDICTION IN COLORADO;

9 (F) A MEMBER OF LAW ENFORCEMENT THAT HAS PARTICIPATED IN
10 CO-RESPONDER COMMUNITY RESPONSE, AS DEFINED IN SECTION
11 24-32-3501 (8);

12 (G) A PUBLIC DEFENDER OR PRIVATE CRIMINAL DEFENSE
13 ATTORNEY WITH EXPERIENCE REPRESENTING PEOPLE WITH A BEHAVIORAL
14 HEALTH DISORDER; AND

15 (H) A PROSECUTOR WITH EXPERIENCE OPERATING A DIVERSION
16 PROGRAM SPECIFICALLY FOR INDIVIDUALS WITH A BEHAVIORAL HEALTH
17 DISORDER.

18 (b) MEMBERS OF THE COMMITTEE SERVE WITHOUT COMPENSATION
19 AND WITHOUT REIMBURSEMENT FOR EXPENSES.

20 (c) THE COMMITTEE SHALL REVIEW APPLICATIONS FOR GRANTS
21 SUBMITTED PURSUANT TO THIS SECTION AND MAKE RECOMMENDATIONS
22 TO THE BHA AND DEPARTMENT OF PUBLIC SAFETY ABOUT WHICH
23 APPLICANTS SHOULD RECEIVE GRANTS AND THE AMOUNT OF EACH GRANT.

24 (3) AFTER RECEIVING AND REVIEWING RECOMMENDATIONS FROM
25 THE REVIEW COMMITTEE AND AFTER CONSULTATION WITH DEPARTMENT
26 OF PUBLIC SAFETY, THE BHA SHALL AWARD GRANTS. IN ADDITION TO
27 CONSIDERING THE RECOMMENDATIONS OF THE REVIEW COMMITTEE AND

1 AFTER CONSIDERING THE INFORMATION INCLUDED IN THE GRANT
2 APPLICATION, WHEN AWARDING GRANTS, THE BHA SHALL ENSURE THAT:

3 (a) THE PROPOSED PROGRAM FILLS AN EXISTING GAP IN
4 BEHAVIORAL HEALTH RESPONSE, AS IDENTIFIED IN THE APPLICATION, IN
5 THE PROGRAM SERVICE AREA AND WOULD MEET THE NEEDS OF THE
6 IDENTIFIED TARGET POPULATION SERVED BY THE PROGRAM; AND

7 (b) ANY DIRECT SERVICES PROVIDED THROUGH THE PROGRAM WILL
8 USE EVIDENCE-BASED OR EVIDENCE-INFORMED INTERVENTIONS THAT
9 ALIGN WITH TRAUMA-INFORMED AND HARM REDUCTION PRINCIPLES.

10 (4) THE BHA SHALL ONLY AWARD GRANTS TO APPLICANTS THAT
11 OFFER A MONETARY CONTRIBUTION OR IN-KIND CONTRIBUTIONS THAT
12 DIRECTLY SUPPORT THE SERVICES PROVIDED WITH A GRANT AWARD. IN
13 DETERMINING THE AMOUNT OF CONTRIBUTING RESOURCES REQUIRED FOR
14 AN APPLICANT, THE BHA SHALL CONSIDER THE SIZE OF THE APPLICANT
15 ORGANIZATION, INCLUDING AVAILABLE STAFF AND ANNUAL OPERATING
16 BUDGET. THE BHA MAY WAIVE THE CONTRIBUTING RESOURCES
17 REQUIREMENT FOR AN APPLICANT THAT IS REQUESTING A GRANT AWARD
18 OF LESS THAN FIFTY THOUSAND DOLLARS.

19 (5) (a) A GRANT RECIPIENT SHALL SPEND OR OBLIGATE ANY GRANT
20 MONEY BY DECEMBER 31, 2024. ANY MONEY OBLIGATED BY DECEMBER
21 31, 2024, MUST BE EXPENDED BY DECEMBER 31, 2026.

22 (b) A GRANT RECIPIENT MAY USE NO MORE THAN TEN PERCENT OF
23 A GRANT AWARD FOR ADMINISTRATIVE COSTS ASSOCIATED WITH RECEIPT
24 OF THE GRANT AWARD.

25 **27-60-404. Grant program reporting requirements.** (1) EACH
26 GRANT RECIPIENT SHALL SUBMIT A REPORT TO THE BHA FOLLOWING THE
27 EXPIRATION OF THE GRANT TERM. THE REPORT MUST INCLUDE:

1 (a) INFORMATION ABOUT THE USE OF THE GRANT AWARD,
2 INCLUDING THE PROGRAM OPERATED WITH THE GRANT AWARD AND THE
3 NUMBER OF INDIVIDUALS THE PROGRAM DIVERTED OR REDIRECTED FROM
4 THE CRIMINAL JUSTICE SYSTEM;

5 (b) THE NUMBER OF INDIVIDUALS SERVED THROUGH THE PROGRAM
6 WHO MAY HAVE COME INTO CONTACT WITH THE CRIMINAL JUSTICE
7 SYSTEM;

8 (c) THE NUMBER OF INDIVIDUALS REFERRED BY THE PROGRAM TO
9 TREATMENT; AND

10 (d) WHETHER THE RECIPIENT IS CONTINUING THE PROGRAM AND
11 ANY OTHER INFORMATION REQUESTED BY THE STATE DEPARTMENT.

12 (2) (a) ON OR BEFORE JANUARY 31 OF EACH YEAR, THE HOUSE OF
13 REPRESENTATIVES JUDICIARY COMMITTEE, THE HOUSE OF
14 REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN
15 SERVICES COMMITTEE, THE SENATE HEALTH AND HUMAN SERVICES
16 COMMITTEE, AND THE SENATE JUDICIARY COMMITTEE, OR THEIR
17 SUCCESSOR COMMITTEES, SHALL HOLD A JOINT HEARING ON THE GRANT
18 PROGRAM. AT THE HEARING, THE STATE DEPARTMENT SHALL REPORT TO
19 THE COMMITTEES ABOUT THE GRANT PROGRAM, WHICH MUST INCLUDE AN
20 OVERVIEW OF THE GRANT PROGRAM, INFORMATION ON THE TYPE OF
21 SERVICES FUNDED WITH A GRANT AWARD, AND WHERE SERVICES WERE
22 PROVIDED.

23 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
24 REPORTING REQUIREMENT IN THIS SUBSECTION (2) CONTINUES
25 INDEFINITELY.

26 **27-60-405. Grant program funding - requirements - reports**
27 **- appropriation.** (1) THE GENERAL ASSEMBLY SHALL APPROPRIATE TO

1 THE STATE DEPARTMENT FIFTY MILLION SEVEN HUNDRED THOUSAND
2 DOLLARS FROM THE BEHAVIORAL AND MENTAL HEALTH CASH FUND
3 CREATED IN SECTION 24-75-230 TO IMPLEMENT THE GRANT PROGRAM.

4 (2) (a) THE STATE DEPARTMENT, BHA, AND ANY PERSON WHO
5 RECEIVES MONEY FROM THE BHA, INCLUDING EACH GRANT RECIPIENT,
6 SHALL COMPLY WITH THE COMPLIANCE, REPORTING, RECORD-KEEPING,
7 AND PROGRAM EVALUATION REQUIREMENTS ESTABLISHED BY THE OFFICE
8 OF STATE PLANNING AND BUDGETING AND THE STATE CONTROLLER IN
9 ACCORDANCE WITH SECTION 24-75-226 (5).

10 (b) FOR EACH GRANT AWARDED FOR A CAPITAL EXPENDITURE, THE
11 BHA IS RESPONSIBLE FOR PREPARING THE WRITTEN JUSTIFICATION
12 REQUIRED PURSUANT TO 31 CFR 35.6 (b)(4). A GRANT APPLICANT THAT
13 REQUESTS GRANT MONEY FOR A CAPITAL EXPENDITURE MUST SUBMIT TO
14 THE BHA INFORMATION REQUESTED BY THE BHA FOR INCLUSION IN THE
15 WRITTEN JUSTIFICATION; EXCEPT THAT THIS REQUIREMENT DOES NOT
16 APPLY IF THE BHA DETERMINES THAT THE WRITTEN JUSTIFICATION IS NOT
17 REQUIRED BASED ON HOW THE EXPENDITURES AUTHORIZED PURSUANT TO
18 THIS PART 4 WILL BE REPORTED TO THE UNITED STATES DEPARTMENT OF
19 THE TREASURY.

20 **27-60-406. Repeal of part.** THIS PART 4 IS REPEALED, EFFECTIVE
21 JANUARY 31, 2027.

22 **SECTION 3.** In Colorado Revised Statutes, 17-1-113.8, **add** (4)
23 as follows:

24 **17-1-113.8. Persons with serious behavioral or mental health**
25 **disorders - long-term isolated confinement - work group -**
26 **medication-assisted treatment - appropriation - repeal.** (4) (a) FOR
27 THE 2022-23 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL

1 APPROPRIATE THREE MILLION DOLLARS FROM THE BEHAVIORAL AND
2 MENTAL HEALTH CASH FUND CREATED IN SECTION 24-75-230 TO THE
3 DEPARTMENT TO PROVIDE MEDICATION-ASSISTED TREATMENT TO
4 INDIVIDUALS WHO ARE PLACED IN THE CUSTODY OF THE DEPARTMENT.
5 ANY UNEXPENDED OR UNENCUMBERED MONEY APPROPRIATED PURSUANT
6 TO THIS SUBSECTION (4)(a) REMAINS AVAILABLE FOR EXPENDITURE FOR
7 THE SAME PURPOSE IN THE 2023-24 STATE FISCAL YEAR WITHOUT FURTHER
8 APPROPRIATION.

9 (b) THE DEPARTMENT SHALL USE MONEY APPROPRIATED
10 PURSUANT TO THIS SUBSECTION (4) FOR:

11 (I) HARDWARE, SOFTWARE, AND INFRASTRUCTURE, INCLUDING
12 RENOVATIONS, NECESSARY TO STORE MEDICATIONS AT DEPARTMENT
13 FACILITIES;

14 (II) PROVIDING CONTINUITY OF CARE FOR INMATES WITH AN OPIOID
15 USE DISORDER BETWEEN THE INSTITUTIONAL SETTINGS AND
16 COMMUNITY-BASED TREATMENT CENTERS IN ORDER TO MITIGATE THE
17 ILLNESS AND SUFFERING SURROUNDING THE ACUTE WITHDRAWAL OF
18 INDIVIDUALS WITH OPIOID USE DISORDER; AND

19 (III) FACILITATING THE LONG-TERM TREATMENT AND RECOVERY
20 OF INDIVIDUALS UPON RELEASE.

21 (c) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JUNE 30, 2024.

22 **SECTION 4.** In Colorado Revised Statutes, 18-1.3-101, **add** (11)
23 as follows:

24 **18-1.3-101. Pretrial diversion - appropriation - repeal.**

25 (11) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL ASSEMBLY
26 SHALL APPROPRIATE FOUR MILLION DOLLARS FROM THE BEHAVIORAL AND
27 MENTAL HEALTH CASH FUND CREATED IN SECTION 24-75-230 TO THE

1 JUDICIAL DEPARTMENT _____ FOR PRETRIAL DIVERSION PROGRAMS. ANY
2 UNEXPENDED OR UNENCUMBERED MONEY APPROPRIATED PURSUANT TO
3 THIS SUBSECTION (11) REMAINS AVAILABLE FOR EXPENDITURE FOR THE
4 SAME PURPOSE IN THE 2023-24 STATE FISCAL YEAR WITHOUT FURTHER
5 APPROPRIATION. THE JUDICIAL DEPARTMENT MAY USE UP TO FIVE PERCENT
6 OF THE MONEY APPROPRIATED PURSUANT TO THIS SECTION FOR
7 ADMINISTRATIVE EXPENSES. THE GENERAL ASSEMBLY INTENDS THAT A
8 PROGRAM THAT RECEIVES MONEY APPROPRIATED PURSUANT TO THIS
9 SUBSECTION (11) CONSIDERS DIVERSION FOR INDIVIDUALS WITH
10 BEHAVIORAL HEALTH DISORDERS. _____

11 (b) THIS SUBSECTION (11) IS REPEALED, EFFECTIVE JULY 1, 2024.

12 **SECTION 5.** In Colorado Revised Statutes, 13-3-115, **amend**
13 **(5)(d); and add (5)(f) and (5)(g) as follows:**

14 **13-3-115. Diversion funding committee. (5) A district attorney**
15 **who receives funding pursuant to this section shall collect data and**
16 **provide a status report to the judicial department by a date prescribed by**
17 **the committee that includes but is not limited to:**

18 **(d) Participant status, including the number of people that WHO**
19 **have successfully completed the diversion program, the number of people**
20 **still under active supervision in the diversion program, the number of**
21 **people terminated from the diversion program, and the reason for their**
22 **termination; and**

23 **(f) THE NUMBER OF PEOPLE SCREENED FOR BEHAVIORAL HEALTH**
24 **TREATMENT; AND**

25 **(g) THE NUMBER OF PEOPLE REFERRED TO BEHAVIORAL HEALTH**
26 **TREATMENT.**

27 **SECTION 6.** In Colorado Revised Statutes, **add** 24-33.5-525 as

1 follows:

2 **24-33.5-525. Behavioral health information and data-sharing**
3 **in the criminal justice system - grants - appropriation - repeal.**

4 (1) THERE IS ESTABLISHED IN THE DIVISION THE BEHAVIORAL HEALTH
5 INFORMATION AND DATA-SHARING PROGRAM TO ENABLE JAILS TO
6 EXCHANGE BEHAVIORAL HEALTH INFORMATION WITH THE COLORADO
7 INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM IN ORDER TO
8 MAINTAIN CONTINUITY OF CARE AS PERSONS DETAINED IN A JAIL TRANSFER
9 BETWEEN CRIMINAL JUSTICE AGENCIES AND THE COMMUNITY.

10 (2) (a) AS PART OF THE PROGRAM, THE DIVISION SHALL ISSUE
11 ONE-TIME GRANTS TO COUNTIES. A COUNTY THAT RECEIVES A GRANT
12 SHALL USE THE GRANT MONEY TO INTEGRATE THE COUNTY JAIL'S DATA
13 SYSTEMS WITH THE COLORADO INTEGRATED CRIMINAL JUSTICE
14 INFORMATION SYSTEM, STANDARDIZE CLIENT-SPECIFIC INFORMATION ON
15 BEHAVIORAL, MENTAL, AND PHYSICAL HEALTH NEEDS THROUGH COMMON
16 DATA FIELDS, AND AUTOMATE DATA REPORTING REQUIRED PURSUANT TO
17 STATE LAW. EVERY COUNTY IS ELIGIBLE FOR A GRANT.

18 (b) THE DIVISION SHALL DEVELOP POLICIES FOR AWARDING
19 GRANTS, WHICH MUST INCLUDE ELIGIBILITY CRITERIA; A PROCESS FOR
20 COUNTIES TO APPLY FOR AND RECEIVE A GRANT, INCLUDING GRANT
21 APPLICATION DEADLINES; AND A PROCESS FOR DETERMINING THE AMOUNT
22 OF A GRANT AWARD. THE DIVISION SHALL MAKE THE POLICIES PUBLICLY
23 AVAILABLE ON ITS WEBSITE AND SHALL NOT SET A GRANT APPLICATION
24 DEADLINE EARLIER THAN TWENTY-EIGHT DAYS AFTER THE POLICIES ARE
25 MADE PUBLIC. SUBJECT TO AVAILABLE APPROPRIATIONS, THE DIVISION
26 SHALL AWARD GRANTS TO COUNTIES THAT APPLY FOR A GRANT AND
27 WHOSE APPLICATION IS APPROVED BY THE APPLICATION REVIEW

1 COMMITTEE DESCRIBED IN SUBSECTION (2)(c) OF THIS SECTION.

2 (c) THE DIVISION SHALL CONVENE AN APPLICATION REVIEW
3 COMMITTEE TO REVIEW THE GRANT APPLICATIONS. THE COMMITTEE
4 CONSISTS OF A REPRESENTATIVES FROM THE DIVISION, THE OFFICE OF
5 INFORMATION TECHNOLOGY CREATED IN SECTION 24-37.5-103, THE
6 COLORADO INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM
7 PROGRAM, AND THE BEHAVIORAL HEALTH ADMINISTRATION. THE REVIEW
8 COMMITTEE SHALL REVIEW EACH GRANT APPLICATION TO ENSURE THAT
9 EACH PROPOSED PROJECT HAS JUSTIFIABLE COSTS AND INCLUDES PLANS TO
10 USE TECHNOLOGY THAT MEETS STATE STANDARDS, AND THAT ALL DATA
11 EXCHANGE REQUIREMENTS WILL BE ADDED TO THE APPLICANT'S JAIL
12 MANAGEMENT SYSTEM, AS DEFINED IN SECTION 17-26-118. THE DIVISION
13 SHALL PROVIDE TECHNICAL ASSISTANCE TO JAILS THAT NEED HELP TO
14 DETERMINE COSTS, TECHNOLOGY, AND DATA REQUIREMENTS.

15 (3) THE DIVISION SHALL ENTER INTO AN AGREEMENT WITH A
16 THIRD-PARTY VENDOR TO OVERSEE THE IMPLEMENTATION OF ANY
17 DATA-SHARING SYSTEMS OR SOFTWARE NECESSARY TO EXCHANGE
18 INFORMATION WITH THE COLORADO INTEGRATED CRIMINAL JUSTICE
19 INFORMATION SYSTEM TO ENSURE CONTINUITY OF CARE FOR PERSONS WHO
20 ARE DETAINED.

21 (4) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
22 ASSEMBLY SHALL APPROPRIATE THREE MILLION FIVE HUNDRED THOUSAND
23 DOLLARS FROM THE BEHAVIORAL AND MENTAL HEALTH CASH FUND
24 CREATED IN SECTION 24-75-230 TO THE DEPARTMENT FOR THE PURPOSES
25 OF THIS SECTION.

26 (5) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2024.

27 **SECTION 7.** In Colorado Revised Statutes, **add** 25.5-4-505 as

1 follows:

2 **25.5-4-505. Federal authorization related to persons involved**
3 **in the criminal justice system - assessment - report - repeal.** (1) THE

4 STATE DEPARTMENT SHALL EVALUATE AND DETERMINE WHETHER THE
5 STATE SHOULD SEEK ADDITIONAL FEDERAL AUTHORITY TO PROVIDE
6 SCREENING, BRIEF INTERVENTION, AND CARE COORDINATION SERVICES
7 THROUGH THE MEDICAL ASSISTANCE PROGRAM TO PERSONS IMMEDIATELY
8 PRIOR TO RELEASE FROM JAIL OR A DEPARTMENT OF CORRECTIONS
9 FACILITY AND TO IMPROVE PROCESSES FOR DETERMINING AND
10 REDETERMINING INDIVIDUALS FOR MEDICAL ASSISTANCE ELIGIBILITY IN
11 ORDER TO IMPROVE CONTINUITY AND ACCESS TO HEALTH-CARE SERVICES.
12 IF THE STATE DEPARTMENT DETERMINES THAT SECURING ADDITIONAL
13 FEDERAL AUTHORITY WILL ENSURE IMPROVED ACCESS TO CARE AND
14 CONTINUITY OF CARE FOR INDIVIDUALS INVOLVED IN THE CRIMINAL
15 JUSTICE SYSTEM, THE STATE DEPARTMENT SHALL, SUBJECT TO AVAILABLE
16 RESOURCES, SEEK APPROVAL FROM THE CENTERS FOR MEDICARE AND
17 MEDICAID SERVICES FOR ANY ADDITIONAL FEDERAL AUTHORITY. IF THE
18 STATE DEPARTMENT SEEKS APPROVAL, IT SHALL NOTIFY THE MEMBERS OF
19 THE HOUSE OF REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND
20 HUMAN SERVICES COMMITTEE AND THE SENATE HEALTH AND HUMAN
21 SERVICES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, AND THE
22 MEMBERS OF THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY.
23 IF THE STATE DEPARTMENT RECEIVES FEDERAL APPROVAL, THE STATE
24 DEPARTMENT, SUBJECT TO AVAILABLE RESOURCES, SHALL PROVIDE THE
25 BENEFITS DESCRIBED IN THIS SUBSECTION (1).

26 (2) IF THE STATE DEPARTMENT DETERMINES THAT PURSUING
27 ADDITIONAL FEDERAL AUTHORITY AS DESCRIBED IN SUBSECTION (1) OF

1 THIS SECTION IS INAPPROPRIATE, THE STATE DEPARTMENT SHALL SUBMIT
2 A REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY
3 ON OR BEFORE OCTOBER 1, 2023, THAT INCLUDES THE FOLLOWING
4 INFORMATION:

5 (a) AN EXPLANATION OF WHY THE STATE DEPARTMENT BELIEVES
6 PURSUING ADDITIONAL FEDERAL AUTHORITY IS NOT AN APPROPRIATE WAY
7 TO IMPROVE CONTINUITY OF CARE FOR JUSTICE-INVOLVED POPULATIONS;

8 (b) AN ALTERNATIVE PLAN DEVELOPED BY THE STATE
9 DEPARTMENT TO ENSURE IMPROVED ACCESS TO CARE AND CONTINUITY OF
10 CARE FOR INDIVIDUALS INVOLVED IN THE CRIMINAL JUSTICE SYSTEM WHO
11 ARE BEING RELEASED FROM INCARCERATION THAT DETAILS HOW THE
12 STATE DEPARTMENT PLANS TO ENSURE CONTINUITY OF CARE FOR
13 INDIVIDUALS BEING RELEASED FROM JAIL OR PRISON;

14 (c) A PROPOSED TIMELINE FOR IMPLEMENTATION OF THE
15 ALTERNATIVE PLAN; AND

16 (d) ANY NECESSARY FISCAL OR LEGISLATIVE PROPOSALS FOR THE
17 IMPLEMENTATION OF THE STATE DEPARTMENT'S ALTERNATIVE PLAN.

18 (3) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2024.

19 **SECTION 8.** In Colorado Revised Statutes, **add** 25.5-4-215 as
20 follows:

21 **25.5-4-215. Study - benefits for persons on work release -**
22 **repeal.** (1) THE STATE DEPARTMENT SHALL DETERMINE WHETHER
23 FEDERAL AUTHORITY IS NECESSARY TO PROVIDE BENEFIT COVERAGE
24 UNDER THE MEDICAL ASSISTANCE PROGRAM TO PEOPLE WHO ARE ON WORK
25 RELEASE FROM JAIL, AS DESCRIBED IN SECTION 18-1.3-207. ON OR BEFORE
26 OCTOBER 1, 2023, THE STATE DEPARTMENT SHALL REPORT THE RESULTS
27 OF THE ASSESSMENT AND ANALYSIS TO THE JOINT BUDGET COMMITTEE OF

1 THE GENERAL ASSEMBLY.

2 (2) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2024.

3 **SECTION 9.** In Colorado Revised Statutes, 17-26-118, **add**
4 (4)(e) as follows:

5 **17-26-118. Criminal justice data collection - definitions -**
6 **repeal.** (4) (e) IN ADDITION TO THE INFORMATION DESCRIBED IN
7 SUBSECTION (4)(a) OF THIS SECTION, THE REPORT MUST INCLUDE
8 INFORMATION FROM THE PRIOR QUARTER REGARDING THE NUMBER OF
9 INMATES IN THE JAIL WHOSE MEDICAID WAS SUSPENDED WHILE
10 INCARCERATED AND THE NUMBER OF INMATES WHO WERE ENROLLED, OR
11 WHOSE MEDICAID WAS REINSTATED, PRIOR TO RELEASE.

12 **SECTION 10.** In Colorado Revised Statutes, 17-26-140, **amend**
13 (2) as follows:

14 **17-26-140. Continuity of care for persons released from jail.**
15 (2) ~~The~~ A county jail shall provide medicaid ENROLLMENT OR
16 reenrollment paperwork to ~~the person~~ A PERSON WHO IS INCARCERATED
17 IN THE JAIL AND IS ELIGIBLE FOR MEDICAID BENEFITS when the person
18 enters the county jail. The county jail must file the medicaid paperwork
19 with the county department of health and human services upon releasing
20 the person from the county jail's custody.

21 **SECTION 11.** In Colorado Revised Statutes, 17-27-104, **add** (14)
22 as follows:

23 **17-27-104. Community corrections programs operated by**
24 **units of local government, state agencies, or nongovernmental**
25 **agencies.** (14) THE ADMINISTRATOR OF A COMMUNITY CORRECTIONS
26 PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL PARTNER WITH
27 A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES TO FACILITATE

1 ENROLLING OFFENDERS IN THE PROGRAM INTO MEDICAID, WHICH MUST
2 INCLUDE DETERMINING WHETHER EACH OFFENDER IS ENROLLED IN
3 MEDICAID UPON ENTRY INTO THE COMMUNITY CORRECTIONS PROGRAM
4 AND, IF AN OFFENDER IS NOT ENROLLED, DETERMINING WHETHER THE
5 OFFENDER IS ELIGIBLE FOR MEDICAL ASSISTANCE UNDER MEDICAID AND
6 ENROLLING EACH ELIGIBLE OFFENDER IN MEDICAID.

7 **SECTION 12. Appropriation.** (1) For the 2022-23 state fiscal
8 year, \$50,700,000 is appropriated to the department of human services for
9 use by the behavioral health administration. This appropriation is from the
10 behavioral and mental health cash fund created in section 24-75-230
11 (2)(a), C.R.S., and is of money that the state received from the federal
12 coronavirus state fiscal recovery fund. Any money appropriated in this
13 section not expended prior to July 1, 2023, is further appropriated to the
14 department from July 1, 2023, through December 30, 2024, for the same
15 purpose. To implement this act, the administration may use this
16 appropriation as follows:

17 (a) \$951,352 for program costs, which amount is based on an
18 assumption that the administration will require 6.0 FTE in the 2022-23
19 state fiscal year and 6.0 FTE in the 2023-24 state fiscal year; and

20 (b) \$49,748,648 for health needs of persons in the criminal justice
21 system.

22 (2) For the 2022-23 state fiscal year, \$4,000,000 is appropriated
23 to the judicial department. This appropriation is from the behavioral and
24 mental health cash fund created in section 24-75-230 (2)(a), C.R.S., and
25 is of money that the state received from the federal coronavirus state
26 fiscal recovery fund. Any money appropriated in this section not
27 expended prior to July 1, 2023, is further appropriated to the department

1 from July 1, 2023, through December 30, 2024, for the same purpose. To
2 implement this act, the department may use this appropriation for adult
3 district attorney pretrial diversion programs.

4 (3) For the 2022-23 state fiscal year, \$3,500,000 is appropriated
5 to the department of public safety for use by the division of criminal
6 justice. This appropriation is from the behavioral and mental health cash
7 fund created in section 24-75-230 (2)(a), C.R.S., and is of money that the
8 state received from the federal coronavirus state fiscal recovery fund. Any
9 money appropriated in this section not expended prior to July 1, 2023, is
10 further appropriated to the department from July 1, 2023, through
11 December 30, 2024, for the same purpose. To implement this act, the
12 division may use this appropriation as follows:

13 (a) \$191,563 for DCJ administrative services, which amount is
14 based on an assumption that the division will require an additional 2.5
15 FTE in the 2022-23 state fiscal year; and

16 (b) \$3,308,437 for behavioral health information grants.

17 (4) For the 2022-23 state fiscal year, \$3,000,000 is appropriated
18 to the department of corrections for use by institutions. This appropriation
19 is from the behavioral and mental health cash fund created in section 24-
20 75-230 (2)(a), C.R.S., and is of money that the state received from the
21 federal coronavirus state fiscal recovery fund. Any money appropriated
22 in this section not expended prior to July 1, 2023, is further appropriated
23 to the department from July 1, 2023, through December 30, 2024, for the
24 same purpose. To implement this act, the department may use this
25 appropriation for operating expenses related to the mental health
26 subprogram.

27 **SECTION 13. Appropriation.** (1) For the 2022-23 state fiscal

1 year, \$81,164 is appropriated to the department of health care policy and
2 financing for use by the executive director's office. This appropriation is
3 from the general fund. To implement this act, the office may use this
4 appropriation as follows:

5 (a) \$24,524 for personal services, which amount is based on an
6 assumption that the office will require an additional 0.7 FTE;

7 (b) \$3,640 for operating expenses; and

8 (c) \$53,000 for general professional services and special projects.

9 (2) For the 2022-23 state fiscal year, the general assembly
10 anticipates that the department of health care policy and financing will
11 receive \$81,164 in federal funds to implement this act, which amount is
12 subject to the "(I)" notation as defined in the annual general appropriation
13 act for the same fiscal year. The appropriation in subsection (1) of this
14 section is based on the assumption that the department will receive this
15 amount of federal funds to be used as follows:

16 (a) \$24,524 for personal services;

17 (b) \$3,640 for operating expenses; and

18 (c) \$53,000 for general professional services and special projects.

19 **SECTION 14. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, or safety.