

LEGISLATIVE REQUEST FOR INTERIM STUDY COMMITTEE

To: Legislative Council

Requested by: Representative Hamrick & Senator Michaelson Jenet
With support of:

Re: Request for interim study committee to consider legislation expanding the services and treatment resources available to individuals experiencing serious mental illness, including those needing competency evaluation and restoration services and beds for individuals involved in the criminal justice system.

Date: 4/12/2024

Information Required Pursuant to Section 2-3-303.3, C.R.S.

I hereby request that an interim study committee be formed to consider legislation expanding the services, treatment, bed capacity, and other resources available to individuals experiencing serious mental illness in the criminal justice system, including those needing competency evaluation and restoration services, during the interim between the 2024 and 2025 legislative sessions. The interim study committee would be named the “Expanding Capacity for Mental Health and Competency in the Criminal Justice System Interim Study Committee.”

The policy issues to be studied are:

1. Barriers to timely access for competency and wrap-around services for individuals with behavioral health issues involved in the criminal justice system.
2. Challenges in the Denver Metro area and Pueblo to complete timely competency assessments, resulting in increased costs and a backlog of beds for individuals awaiting competency hearings.
3. Lack of mental health competency beds and relationship to higher crime rates and community safety.
4. Ways in which to engage law enforcement in behavioral health cases, generally, and competency, specifically.
5. Costs associated with higher levels of care for individuals who cannot be restored to competency.
6. Impact on the criminal justice system for minor crimes committed by individuals on the competency waitlists.
7. Use of Social Media Impact Bonds to demonstrate the positive benefit of expanding state competency beds in the Denver Metro area and advance wrap-around care with collaborative behavioral health services.

8. Impact of imposed fines set forth by the Federal Consent Decree on the waitlist for competency and state bed capacity, in an effort to move toward satisfying the Consent Decree and eliminating fines.
9. Impact on victims' rights and access to justice for delays associated with the competency waitlist.

The interim study committee would need to meet 4 times to study the issues.

The interim study committee should consist of 6 members of the General Assembly selected as follows:

- 2 members of the Senate, with 1 appointed by the President of the Senate, appointed by the Majority Leader of the Senate, and 1 appointed by the Minority Leader of the Senate.
- 4 members of the House of Representatives, with 2 appointed by the Speaker of the House of Representatives, 1 appointed by the Majority Leader of the House of Representatives, and 1 appointed by the Minority Leader of the House of Representatives.

Nonlegislative members will have a role in the interim study committee.

Nonlegislative member participation is requested to provide input and expertise about the current issues facing competency to stand trial throughout Colorado, including but not limited to, behavioral health treatment resources, waitlists, and public safety. The nonlegislative member experience and knowledge is intended to strengthen the committee's understanding of this complex topic through a more collaborative safety lens. These members have first-hand knowledge about the interactive relationship between crime, public safety, and follow-up wrap around behavioral health care in facilities and the community.

Nonlegislative members will be expected to participate in committee discussion and activities, but in a nonvoting capacity. These members will be required to provide input and expertise about competency to stand trial related issues and weigh in on recommendations for legislation.

Nine nonlegislative members are requested, including the following individuals or agency representatives:

- John Kellner, District Attorney 18th Judicial District;
- Brian Mason, District Attorney 17th Judicial District;
- Emma Pinter, Adams County Commissioner;
- Carrie Warren-Gulley, Arapahoe County Commissioner;
- Tyler Brown, Sheriff, Arapahoe County;
- Gene Claps, Sheriff, Adams County; and

One representative from each of the following agencies, appointed by that agency:

- the Colorado Behavioral Health Administration;
- the Office of the State Public Defender; and
- the Governor's Office.

A task force is not necessary to assist the interim study committee in studying the scope of policy issues described above.

The interim study committee will need 6 bills to address the issues it studies.

Additional Information Related to the Interim Study Committee Request

The following agencies may be called upon to provide assistance or information to the interim study committee:

- (1) the Behavioral Health Administration may be asked to take steps to reduce the wait list and satisfy the conditions of the Consent Decree.
- (2) the Office of the Attorney General may be asked to provide the viability of a waiver for a time-out of the Consent Decree Penalty to be redirected to increasing competency beds in the criminal justice system.
- (3) the Treatment of Persons with Behavioral Health in the Criminal and Juvenile Justice System Legislative Oversight Committee may be asked to provide collaborative input.

The interim study committee would not need to conduct meetings outside of the Denver metropolitan area.

Thank you for your consideration of this request.