

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
10.2.17

BILL 8

LLS NO. 18-0250.01 Richard Sweetman x4333

INTERIM COMMITTEE BILL

**County Courthouse and County Jail Funding and Overcrowding Solutions
Interim Study Committee**

BILL TOPIC: "Encourage Crim Jus Coordination Councils"

A BILL FOR AN ACT

101 **CONCERNING CRIMINAL JUSTICE COORDINATION COUNCILS.**

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/>.)

County Courthouse and County Jail Funding and Overcrowding Solutions Interim Study Committee. The bill allows certain individuals involved in the criminal justice system to form local criminal justice coordination councils (councils) in each county or judicial district. A council may study any opportunity to improve the local provision of criminal justice services and shall determine and pursue measurable outcomes.

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

1 (c) THE DEVELOPMENT AND SUPPORT OF CRIMINAL JUSTICE
2 COORDINATION COUNCILS THAT INCLUDE THE INPUT, EXPERTISE, AND
3 ACTIVE PARTICIPATION OF DIVERSE STAKEHOLDERS AND ADVOCATES MAY
4 REDUCE DUPLICATION AND ELIMINATE FRAGMENTATION OF SERVICES;
5 INCREASE THE QUALITY, APPROPRIATENESS, AND EFFECTIVENESS OF
6 SERVICES PROVIDED; ENCOURAGE COST SHARING AND COST SAVING; AND
7 ULTIMATELY LEAD TO BETTER SERVICES AND BETTER OUTCOMES FOR
8 PEOPLE IN THE CRIMINAL JUSTICE SYSTEM; AND

9 (d) THE USE OF A COORDINATED AND COLLABORATIVE APPROACH
10 TO CRIMINAL JUSTICE WILL PRODUCE SAVINGS IN GENERAL FUND MONEY,
11 WHICH MAY BE REINVESTED IN THE AGENCIES PARTICIPATING IN THE
12 COUNCILS.

13 (2) NOW, THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
14 IT IS IN THE BEST INTERESTS OF COLORADO TO ENCOURAGE AND SUPPORT
15 LOCAL CRIMINAL JUSTICE COORDINATION COUNCILS THAT INCLUDE
16 EXPERTS IN CRIMINAL JUSTICE, CORRECTIONS, MENTAL HEALTH,
17 SUBSTANCE USE DISORDERS, VICTIMS' RIGHTS, JUVENILE JUSTICE, LOCAL
18 GOVERNMENT, AND OTHER PERTINENT DISCIPLINES AND THAT ENGAGE IN
19 AN EVIDENCE-BASED APPROACH TO THE CRIMINAL JUSTICE SYSTEM.

20 **16-2-302. Criminal justice coordination councils - membership**
21 **- powers - policies and procedures.** (1) INDIVIDUALS DESCRIBED IN THIS
22 SUBSECTION (1) MAY FORM A CRIMINAL JUSTICE COORDINATION COUNCIL,
23 REFERRED TO IN THIS SECTION AS THE "COUNCIL", IN EACH COUNTY OR
24 JUDICIAL DISTRICT TO PROMOTE A COLLABORATIVE SYSTEM TO
25 COORDINATE AND MANAGE THE PROVISION OF SERVICES TO ALL PEOPLE
26 INVOLVED IN THE CRIMINAL JUSTICE SYSTEM:

27 (a) A REPRESENTATIVE OF THE OFFICE OF THE STATE COURT

- 1 ADMINISTRATOR CREATED IN SECTION 13-3-101;
- 2 (b) ANY JUDGE, INCLUDING ANY RETIRED JUDGE;
- 3 (c) A REPRESENTATIVE OF A PROBATION SERVICES PROGRAM,
4 INCLUDING BUT NOT LIMITED TO A PROBATION OFFICER;
- 5 (d) A REPRESENTATIVE OF A BRANCH OFFICE OF THE DIVISION OF
6 ADULT PAROLE, INCLUDING BUT NOT LIMITED TO A PAROLE OFFICER;
- 7 (e) A REPRESENTATIVE OF THE DIVISION OF YOUTH SERVICES
8 CREATED PURSUANT TO SECTION 19-2-203;
- 9 (f) A REPRESENTATIVE OF THE DISTRICT ATTORNEY'S OFFICE;
- 10 (g) A REPRESENTATIVE OF THE OFFICE OF STATE PUBLIC DEFENDER;
- 11 (h) A REPRESENTATIVE OF THE COUNTY SHERIFF'S OFFICE,
12 INCLUDING BUT NOT LIMITED TO ANY DETENTION OFFICER;
- 13 (i) A REPRESENTATIVE OF A LOCAL MUNICIPAL LAW ENFORCEMENT
14 AGENCY;
- 15 (j) A REPRESENTATIVE OF THE BOARD OF COUNTY COMMISSIONERS;
- 16 (k) A REPRESENTATIVE OF THE COUNTY DEPARTMENT OF SOCIAL
17 SERVICES;
- 18 (l) A REPRESENTATIVE OF A CITY COUNCIL;
- 19 (m) A REPRESENTATIVE OF A LOCAL BEHAVIORAL HEALTH CENTER;
- 20 (n) A REPRESENTATIVE OF A SUBSTANCE USE DISORDER
21 TREATMENT PROVIDER;
- 22 (o) A REPRESENTATIVE OF A VICTIMS' RIGHTS ORGANIZATION;
- 23 (p) A REPRESENTATIVE OF A LOCAL COMMUNITY CORRECTIONS
24 PROGRAM OR BOARD; AND
- 25 (q) ANY OTHER PERSONS WHO HAVE EXPERTISE IN CRIMINAL
26 JUSTICE AND WHO ARE DEEMED APPROPRIATE BY A MAJORITY OF THE
27 COUNCIL MEMBERS.

1 (2) A COUNCIL CREATED PURSUANT TO THIS SECTION MAY
2 ESTABLISH BY-LAWS AS APPROPRIATE FOR ITS EFFECTIVE OPERATION.

3 (3) A COUNCIL CREATED PURSUANT TO THIS SECTION MAY STUDY
4 ANY OPPORTUNITY TO IMPROVE THE LOCAL PROVISION OF CRIMINAL
5 JUSTICE SERVICES AND SHALL DETERMINE AND PURSUE MEASURABLE
6 OUTCOMES WHENEVER POSSIBLE. AREAS OF STUDY AND IMPROVEMENT
7 FOR A COUNCIL MAY INCLUDE, BUT ARE NOT LIMITED TO:

8 (a) EARLY INTERVENTION AND DIVERSION OF OFFENDERS FROM
9 INCARCERATION;

10 (b) DIVERSION AND PRETRIAL SERVICES;

11 (c) DETERMINATION OF MONETARY BOND CONDITIONS;

12 (d) STRATEGIES, INCLUDING PHONE CALLS AND TEXT REMINDERS,
13 TO MINIMIZE A DEFENDANT'S FAILURE TO APPEAR FOR SCHEDULED COURT
14 PROCEDURES;

15 (e) BEHAVIORAL HEALTH AND SUBSTANCE USE DISORDERS AND
16 THEIR IMPACTS ON CRIME;

17 (f) COMMUNITY CORRECTIONS PROGRAMS;

18 (g) PROBATION;

19 (h) REENTRY AND TRANSITION SERVICES; AND

20 (i) JUVENILE JUSTICE.

21 (4) TO THE EXTENT PERMISSIBLE BY LAW, UPON THE APPROVAL OF
22 THE DIRECTOR OR OTHER CHIEF EXECUTIVE OF EACH ENTITY DESCRIBED IN
23 SUBSECTION (1) OF THIS SECTION, EACH MEMBER OF SUCH AN ENTITY MAY
24 CONTRIBUTE TIME, RESOURCES, AND FUNDING TO SOLVE PROBLEMS
25 IDENTIFIED BY A COUNCIL CREATED PURSUANT TO THIS SECTION.

26 (5) (a) THERE IS CREATED IN THE DIVISION OF CRIMINAL JUSTICE
27 IN THE DEPARTMENT OF PUBLIC SAFETY THE CRIMINAL JUSTICE

1 COORDINATION COUNCIL GRANT PROGRAM, REFERRED TO IN THIS SECTION
2 AS THE "GRANT PROGRAM", TO PROVIDE GRANTS TO COUNCILS IN THE
3 STATE FOR THE PURPOSES DESCRIBED IN THIS SECTION.

4 (b) THE DIVISION OF CRIMINAL JUSTICE SHALL ADMINISTER THE
5 GRANT PROGRAM AND, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL
6 AWARD GRANTS TO COUNCILS IN THE STATE. SUBJECT TO AVAILABLE
7 APPROPRIATIONS, THE DIVISION OF CRIMINAL JUSTICE SHALL PAY GRANTS
8 OUT OF THE CRIMINAL JUSTICE COORDINATION COUNCIL GRANT PROGRAM
9 FUND CREATED IN SUBSECTION (6) OF THIS SECTION.

10 (c) PURSUANT TO ARTICLE 4 OF TITLE 24, THE EXECUTIVE
11 DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY SHALL PROMULGATE
12 SUCH POLICIES AND PROCEDURES AS ARE REQUIRED FOR THE
13 ADMINISTRATION OF THE GRANT PROGRAM. AT A MINIMUM, THE POLICIES
14 AND PROCEDURES MUST SPECIFY THE TIME FRAMES FOR APPLYING FOR
15 GRANTS, THE FORM OF THE GRANT PROGRAM APPLICATION, AND THE TIME
16 FRAMES FOR DISTRIBUTING GRANT MONEY. THE EXECUTIVE DIRECTOR
17 SHALL IMPLEMENT THE GRANT PROGRAM IN ACCORDANCE WITH THIS
18 SECTION AND ANY POLICIES AND PROCEDURES PROMULGATED PURSUANT
19 TO THIS SUBSECTION (5)(c).

20 (6) (a) THE CRIMINAL JUSTICE COORDINATION COUNCIL GRANT
21 PROGRAM FUND, REFERRED TO IN THIS SUBSECTION (6) AS THE "FUND", IS
22 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF ANY MONEY
23 THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE
24 FUND FROM THE GENERAL FUND. THE MONEY IN THE FUND IS SUBJECT TO
25 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE
26 DEPARTMENT OF PUBLIC SAFETY.

27 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND

1 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
2 FUND TO THE FUND.

3 (c) ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING
4 IN THE FUND AT THE END OF A FISCAL YEAR REMAINS IN THE FUND AND
5 DOES NOT REVERT TO THE GENERAL FUND.

6 (d) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
7 ASSEMBLY, THE DIVISION OF CRIMINAL JUSTICE SHALL AWARD GRANTS TO
8 ELIGIBLE COUNCILS. ANY ENTITY THAT SATISFIES THE DESCRIPTION OF A
9 COUNCIL IN THIS SECTION AND SATISFIES THE REQUIREMENTS SET FORTH
10 IN SUBSECTIONS (6)(e) AND (6)(f) OF THIS SECTION IS ELIGIBLE TO RECEIVE
11 GRANTS. GRANT MONEY MAY BE USED TO OBTAIN TECHNICAL ASSISTANCE,
12 INCLUDING BUT NOT LIMITED TO FACILITATORS AND DATA COLLECTION, TO
13 INFORM THE ACTIVITIES AND GOALS OF THE COUNCIL.

14 (e) EACH COUNCIL THAT RECEIVES A GRANT FROM THE GRANT
15 PROGRAM SHALL ESTABLISH MEASURABLE GOALS, AS DEFINED BY THE
16 DIVISION OF CRIMINAL JUSTICE, RELATING TO POSITIVE OUTCOMES IN THE
17 CRIMINAL JUSTICE SYSTEM.

18 (f) IF A COUNCIL DEMONSTRATES MEANINGFUL PROGRESS TOWARD
19 THE COUNCIL'S ESTABLISHED GOALS, AS DETERMINED BY THE DIVISION OF
20 CRIMINAL JUSTICE, THE COUNCIL MAY BE AWARDED ADDITIONAL GRANTS,
21 SUBJECT TO AVAILABLE APPROPRIATIONS. SUCH GRANTS MAY BE USED FOR
22 CRIMINAL JUSTICE PURPOSES AS DETERMINED BY THE COUNCIL.

23 (7) EACH COUNCIL THAT RECEIVES A GRANT FROM THE GRANT
24 PROGRAM SHALL PROVIDE A REPORT TO THE DIVISION OF CRIMINAL JUSTICE
25 IN THE DEPARTMENT OF PUBLIC SAFETY. THE REPORT MUST DESCRIBE ANY
26 WORK THAT THE COUNCIL HAS DONE DURING THE PRECEDING CALENDAR
27 YEAR. NOTWITHSTANDING SECTION 24-1-136 (11)(a), ON OR BEFORE

1 JANUARY 1, 2019, AND ON OR BEFORE JANUARY 1 EACH YEAR
2 THEREAFTER, THE DIVISION OF CRIMINAL JUSTICE SHALL SUBMIT A
3 SUMMARY OF THE REPORTS TO THE JUDICIARY COMMITTEES OF THE HOUSE
4 OF REPRESENTATIVES AND SENATE, OR TO ANY SUCCESSOR COMMITTEES.

5 **SECTION 2.** In Colorado Revised Statutes, 24-32-104, **amend**
6 (1)(l); and **add** (1)(m) as follows:

7 **24-32-104. Functions of the division.** (1) The division shall
8 perform the following functions:

9 (l) Administer emergency services provided by the state; AND

10 (m) RETAIN THE REPORTS OF CRIMINAL JUSTICE COORDINATION
11 COUNCILS RECEIVED PURSUANT TO SECTION 16-2-302 (7) AND PROVIDE
12 PUBLIC ACCESS TO SUCH REPORTS UPON THE REQUEST OF ANY PERSON.

13 **SECTION 3.** In Colorado Revised Statutes, 24-75-402, **amend**
14 (5)(ll) and (5)(mm); and **add** (5)(nn) as follows:

15 **24-75-402. Cash funds - limit on uncommitted reserves -**
16 **reduction in amount of fees - exclusions - repeal.** (5) Notwithstanding
17 any provision of this section to the contrary, the following cash funds are
18 excluded from the limitations specified in this section:

19 (ll) The technology advancement and emergency fund created in
20 section 24-37.5-115; ~~and~~

21 (mm) The division of youth services pilot program cash fund
22 created in section 19-2-203 (4); AND

23 (nn) THE CRIMINAL JUSTICE COORDINATION COUNCIL GRANT
24 PROGRAM FUND CREATED IN SECTION 16-2-302 (6).

25 **SECTION 4. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2018 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.