

# SUMMARY REPORT

## *of Interim Committee Activities*

November 2023



## Treatment of Persons with Behavioral Health Disorders in the Criminal and Juvenile Justice Systems

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**Committee Members:** Representative Judy Amabile, Chair, Senator Robert Rodriguez, Vice-chair  
Senators Rhonda Fields, Rod Pelton  
Representatives Mary Bradfield, Regina English

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### Committee Charge

The Legislative Oversight Committee Concerning the Treatment of Persons with Behavioral Health Disorders in the Criminal and Juvenile Justice Systems (committee) and an advisory task force have been in existence for over two decades (Article 1.9 of Title 18, C.R.S.). The committee is responsible for the oversight of the advisory task force, as well as recommending legislative changes. The committee also develops and proposes areas of study for the task force.

The advisory task force is specifically directed to examine the identification, diagnosis, and treatment of persons with behavioral health disorders who are involved in the criminal and juvenile justice systems. This includes liability, safety, and cost as they relate to these issues.

### Calendar of Events

March 14, 2023

- Scope of study letter for advisory task force
- Task force appointments

June 15, 2023

- Overview of 2023 legislation recommended by the Legislative Oversight Committee
- Overview of advisory task force activities and subcommittee updates
- Discussion about legislation for 2024 session
- Public testimony

July 27, 2023

- Presentation on the competency crisis nationally and in Colorado
- Crisis services overview
- Inmate maternal health recommendations
- Update on behavioral health services and benefits
- 2024 legislation updates from the task force
- Task force appointments



## Treatment of Persons with Behavioral Health Disorders in the Criminal and Juvenile Justice Systems

### Calendar of Events (Cont'd)

August 29, 2023

- Public testimony
- Bill draft requests

October 24, 2023

- Public testimony
- Final action on bill draft requests
- Task force appointments

### Recommended Legislation

As a result of committee discussion and deliberation, the committee recommends the following bills for consideration in the 2024 legislative session.

#### ***Bill A – Strengthen Response to Behavioral Health Crises***

The bill prohibits jail detention for emergency commitments of persons under the influence of, or incapacitated by, substances. Additionally, the bill requires local law enforcement agencies to report certain data to the Behavioral Health Administration (BHA) about the persons taken into protective custody pursuant to emergency commitments. The BHA is directed to use the data for planning service levels. Approved treatment facilities or emergency medical facilities that detain or hold emergency commitments are also required to provide quarterly reports to the BHA about the persons committed in aggregate. Reporting requirements are to begin on July 1, 2024.

#### ***Bill B – Adult Competency to Stand Trial***

The bill makes several changes to the adult competency process, including:

- providing a definition of “reasonably foreseeable future;”
- clarifying who raises the competency question in parole hearings;
- requiring the Department of Human Services (CDHS) to report records of past competency evaluations;
- changing what is included in a competency report;
- updating procedures for determining competency; and,
- changing the amount of time a defendant may remain in custody while deemed incompetent to proceed.



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### Recommended Legislation (Cont'd)

#### ***Bill C –Ongoing Funding for 911 Resource Center***

The bill requires annual funding of \$250,000 for the Colorado 911 Resource Center from the General Fund. The 911 Resource Center is an independent nonprofit entity created by the Public Utilities Commission (PUC) to provide resources and centralized assistance to local 911 emergency call services throughout the state. Current funding for the center is from a 2004 agreement with the PUC requiring telecommunications companies to provide \$2 million to create and operate the nonprofit.

#### ***Bill D –Youth Behavioral Health***

The bill codifies the Crisis Resolution Team program administered by the BHA, extends the program indefinitely, and expands services available under the program. The program provides specified services to children or youth who are experiencing high-acuity behavioral health crises and their caregivers. A child or youth is eligible for services if they are 21 years of age or younger and meet other criteria in the bill.

#### ***Bill E –Factors for Pretrial Diversion Programs***

The bill allows juveniles with intellectual or developmental disabilities, mental health or behavioral health issues, or lack of capacity, to participate in juvenile diversion programs. For juveniles with severe behaviors or symptoms, other available alternatives, such as a referral to CDHS or a collaborative management program, must be considered.

Additionally, the bill extends diversion agreements to adult defendants whose competency is raised or found to be incompetent to proceed. The court must first determine if the defendant has the ability to participate and be advised of consequences for noncompliance. The bill further specifies that the diversion agreement alone is not evidence of competency, and violations of the diversion agreement may result in the proceedings on the original charges to resume.