

CHAPTER 67

CRIMINAL LAW AND PROCEDURE

SENATE BILL 00-047

BY SENATORS Anderson and Martinez;
also REPRESENTATIVES Leyba, Kester, Tool, Alexander, Clarke, Coleman, Gagliardi, Gotlieb, Lawrence, Mace, Mitchell,
Plant, Ragsdale, Saliman, Scott, Stengel, Takis, Tapia, Tochtrop, Veiga, Vigil, S. Williams, and Zimmerman.

AN ACT

CONCERNING THE DEVELOPMENT OF A STANDARDIZED SCREENING PROCESS FOR MENTALLY ILL PERSONS
IN THE CRIMINAL JUSTICE SYSTEM.

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

SECTION 1. Title 16, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 11.9

Standardized Screening Process for Mentally Ill Offenders

16-11.9-101. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, BASED UPON THE FINDINGS AND RECOMMENDATIONS OF THE 1999 INTERIM COMMITTEE TO STUDY THE TREATMENT OF PERSONS WITH MENTAL ILLNESS IN THE COLORADO CRIMINAL JUSTICE SYSTEM, DETECTING MENTAL ILLNESS IN PERSONS IN THE CRIMINAL JUSTICE SYSTEM IS A DIFFICULT PROCESS WITH NO CURRENT STATEWIDE STANDARDS OR REQUIREMENTS. THE LACK OF A STANDARDIZED SCREENING PROCESS TO DETECT PERSONS WITH MENTAL ILLNESS IN THE CRIMINAL JUSTICE SYSTEM IS A SIGNIFICANT IMPEDIMENT TO CONSISTENT IDENTIFICATION, DIAGNOSIS, TREATMENT, AND REHABILITATION OF ALL MENTALLY ILL OFFENDERS, ULTIMATELY RESULTING IN AN INCREASED RATE OF RECIDIVISM. THEREFORE, THE GENERAL ASSEMBLY HEREBY RESOLVES TO CREATE A STANDARDIZED SCREENING PROCESS TO BE UTILIZED AT EACH STAGE OF THE CRIMINAL JUSTICE SYSTEM TO IDENTIFY PERSONS WITH MENTAL ILLNESS.

16-11.9-102. Mental illness screening - standardized process - development.

(1) THE DIRECTOR OF THE DIVISION OF CRIMINAL JUSTICE WITHIN THE DEPARTMENT OF PUBLIC SAFETY SHALL BE RESPONSIBLE FOR ENSURING THAT THE HEAD OF THE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

DEPARTMENT OF PSYCHIATRY AT THE UNIVERSITY OF COLORADO HEALTH SCIENCES CENTER, THE JUDICIAL DEPARTMENT, THE DEPARTMENT OF CORRECTIONS, THE STATE BOARD OF PAROLE, THE DIVISION OF CRIMINAL JUSTICE WITHIN THE DEPARTMENT OF PUBLIC SAFETY, THE ALCOHOL AND DRUG ABUSE DIVISION WITHIN THE DEPARTMENT OF HUMAN SERVICES, AND THE UNIT RESPONSIBLE FOR MENTAL HEALTH SERVICES WITHIN THE DEPARTMENT OF HUMAN SERVICES MEET AND COOPERATE TO DEVELOP A STANDARDIZED SCREENING PROCEDURE FOR THE ASSESSMENT OF MENTAL ILLNESS IN PERSONS WHO ARE INVOLVED IN THE ADULT CRIMINAL JUSTICE SYSTEM. THE STANDARDIZED SCREENING PROCEDURE SHALL INCLUDE, BUT IS NOT LIMITED TO:

(a) DEVELOPMENT OR IDENTIFICATION OF ONE OR MORE STANDARDIZED INSTRUMENTS FOR SCREENING PERSONS WHO ARE INVOLVED IN THE ADULT CRIMINAL JUSTICE SYSTEM;

(b) DEVELOPMENT OF CRITERIA FOR POTENTIAL USE OF SUCH STANDARDIZED INSTRUMENTS, INCLUDING CONSIDERATION OF METHODS OF ADDRESSING CONFIDENTIAL COMMUNICATIONS BY THOSE PERSONS WHO WILL BE SCREENED FOR MENTAL ILLNESS;

(c) IDENTIFICATION OF THOSE PERSONS WHO WILL BE UTILIZING THE STANDARDIZED SCREENING INSTRUMENTS, AND CONSIDERATION OF TRAINING REQUIREMENTS FOR SUCH PERSONS;

(d) IDENTIFICATION OF THOSE PERSONS WHO WILL BE SCREENED FOR MENTAL ILLNESS;

(e) THE STAGES WITHIN THE ADULT CRIMINAL JUSTICE SYSTEM AT WHICH A PERSON SHALL BE SCREENED FOR MENTAL ILLNESS, INCLUDING CONSIDERATION OF METHODS OF ADDRESSING CONFIDENTIAL COMMUNICATIONS BY A PERSON SCREENED FOR MENTAL ILLNESS; AND

(f) CONSIDERATION OF A STANDARD DEFINITION OF MENTAL ILLNESS, INCLUDING SERIOUS MENTAL ILLNESS.

(2) IN CONJUNCTION WITH THE DEVELOPMENT OF A STANDARDIZED MENTAL ILLNESS SCREENING PROCEDURE FOR THE ADULT CRIMINAL JUSTICE SYSTEM AS SPECIFIED IN SUBSECTION (1) OF THIS SECTION, THE JUDICIAL DEPARTMENT, THE DIVISION OF YOUTH CORRECTIONS WITHIN THE DEPARTMENT OF HUMAN SERVICES, THE UNIT RESPONSIBLE FOR CHILD WELFARE SERVICES WITHIN THE DEPARTMENT OF HUMAN SERVICES, THE UNIT RESPONSIBLE FOR MENTAL HEALTH SERVICES WITHIN THE DEPARTMENT OF HUMAN SERVICES, THE ALCOHOL AND DRUG ABUSE DIVISION WITHIN THE DEPARTMENT OF HUMAN SERVICES, THE DIVISION OF CRIMINAL JUSTICE WITHIN THE DEPARTMENT OF PUBLIC SAFETY, AND THE DEPARTMENT OF CORRECTIONS SHALL COOPERATE TO DEVELOP A STANDARDIZED SCREENING PROCEDURE FOR THE ASSESSMENT OF MENTAL ILLNESS IN JUVENILES WHO ARE INVOLVED IN THE JUVENILE JUSTICE SYSTEM. THE STANDARDIZED SCREENING PROCEDURE SHALL INCLUDE, BUT IS NOT LIMITED TO:

(a) DEVELOPMENT OR IDENTIFICATION OF ONE OR MORE STANDARDIZED INSTRUMENTS FOR SCREENING PERSONS WHO ARE INVOLVED IN THE JUVENILE JUSTICE SYSTEM;

(b) DEVELOPMENT OF CRITERIA FOR POTENTIAL USE OF SUCH STANDARDIZED INSTRUMENTS, INCLUDING CONSIDERATION OF METHODS OF ADDRESSING CONFIDENTIAL COMMUNICATIONS BY THOSE PERSONS WHO WILL BE SCREENED FOR MENTAL ILLNESS;

(c) IDENTIFICATION OF THOSE PERSONS WHO WILL BE UTILIZING THE STANDARDIZED SCREENING INSTRUMENTS, AND CONSIDERATION OF TRAINING REQUIREMENTS FOR SUCH PERSONS;

(d) IDENTIFICATION OF THOSE PERSONS WHO WILL BE SCREENED FOR MENTAL ILLNESS;

(e) THE STAGES WITHIN THE JUVENILE JUSTICE SYSTEM AT WHICH A PERSON SHALL BE SCREENED FOR MENTAL ILLNESS, INCLUDING CONSIDERATION OF METHODS OF ADDRESSING CONFIDENTIAL COMMUNICATIONS BY A PERSON SCREENED FOR MENTAL ILLNESS; AND

(f) CONSIDERATION OF A STANDARD DEFINITION OF MENTAL ILLNESS, INCLUDING SERIOUS MENTAL ILLNESS.

16-11.9-103. Report to the general assembly. ON OR BEFORE MARCH 1, 2002, THE JUDICIAL DEPARTMENT, THE DEPARTMENT OF CORRECTIONS, THE STATE BOARD OF PAROLE, THE DIVISION OF CRIMINAL JUSTICE WITHIN THE DEPARTMENT OF PUBLIC SAFETY, AND THE DEPARTMENT OF HUMAN SERVICES SHALL JOINTLY MAKE A REPORT TO A JOINT MEETING OF THE JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES REGARDING THE STANDARDIZED SCREENING PROCEDURES DEVELOPED PURSUANT TO THIS ARTICLE AND THE NEED FOR AND UTILITY OF FURTHER LEGISLATION TO IMPLEMENT THE STANDARDIZED SCREENING PROCEDURES DEVELOPED PURSUANT TO THIS ARTICLE.

16-11.9-104. Repeal of article. THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2002.

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

Approved: March 29, 2000