

CHAPTER 179

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 02-016

BY SENATOR(S) Takis, Anderson, Windels, Fitz-Gerald, Hanna, Hernandez, Linkhart, Nichol, Tate, and Tupa;
also REPRESENTATIVE(S) Hoppe, Snook, Veiga, Borodkin, Boyd, Chavez, Daniel, Madden, Marshall, Plant, Romanoff,
Saliman, Sanchez, Spradley, Stafford, Tochtrop, and Williams S..

AN ACT

CONCERNING SCREENING OF CERTAIN PERSONS FOR MENTAL ILLNESS.

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

SECTION 1. 16-11-102 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

16-11-102. Presentence or probation investigation. (1) (c) (I) THE STATE COURT ADMINISTRATOR MAY IMPLEMENT A MENTAL ILLNESS SCREENING PROGRAM TO SCREEN DEFENDANTS FOR WHICH THE COURT HAS ORDERED AN INVESTIGATION PURSUANT TO THIS SECTION. IF THE STATE COURT ADMINISTRATOR CHOOSES TO IMPLEMENT A MENTAL ILLNESS SCREENING PROGRAM, THE STATE COURT ADMINISTRATOR SHALL USE THE STANDARDIZED MENTAL ILLNESS SCREENING INSTRUMENT DEVELOPED PURSUANT TO SECTION 16-11.9-102 AND CONDUCT THE SCREENING IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED PURSUANT TO SAID SECTION. THE FINDINGS AND RESULTS OF ANY STANDARDIZED MENTAL ILLNESS SCREENING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) SHALL BE INCLUDED IN THE WRITTEN REPORT TO THE COURT PREPARED AND SUBMITTED PURSUANT TO THIS SUBSECTION (1).

(II) PRIOR TO IMPLEMENTATION OF A MENTAL ILLNESS SCREENING PROGRAM PURSUANT TO THIS PARAGRAPH (c), IF IMPLEMENTATION OF THE PROGRAM WOULD REQUIRE AN INCREASE IN APPROPRIATIONS, THE STATE COURT ADMINISTRATOR SHALL SUBMIT TO THE JOINT BUDGET COMMITTEE A REQUEST FOR FUNDING IN THE AMOUNT NECESSARY TO IMPLEMENT THE MENTAL ILLNESS SCREENING PROGRAM. IF IMPLEMENTATION OF THE PROGRAM WOULD REQUIRE AN INCREASE IN APPROPRIATIONS, IMPLEMENTATION OF THE MENTAL ILLNESS SCREENING PROGRAM SHALL BE CONDITIONAL UPON APPROVAL OF THE FUNDING REQUEST.

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

SECTION 2. 17-27-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

17-27-104. Community corrections programs operated by units of local government, state agencies, or nongovernmental agencies. (12) THE ADMINISTRATORS OF A COMMUNITY CORRECTIONS PROGRAM ESTABLISHED PURSUANT TO THIS SECTION MAY IMPLEMENT A MENTAL ILLNESS SCREENING PROGRAM TO SCREEN THE PERSONS ACCEPTED AND PLACED IN THE COMMUNITY CORRECTIONS PROGRAM. IF THE ADMINISTRATORS CHOOSE TO IMPLEMENT A MENTAL ILLNESS SCREENING PROGRAM, THE ADMINISTRATORS SHALL USE THE STANDARDIZED SCREENING INSTRUMENT DEVELOPED PURSUANT TO SECTION 16-11.9-102, C.R.S., AND CONDUCT THE SCREENING IN ACCORDANCE WITH PROCEDURES ESTABLISHED PURSUANT TO SAID SECTION.

SECTION 3. 17-40-106, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

17-40-106. Responsibilities of the superintendent. (4) (a) THE SUPERINTENDENT MAY IMPLEMENT A MENTAL ILLNESS SCREENING PROGRAM TO SCREEN OFFENDERS ENTERING THE DIAGNOSTIC CENTER. IF THE SUPERINTENDENT CHOOSES TO IMPLEMENT A MENTAL ILLNESS SCREENING PROGRAM, THE SUPERINTENDENT SHALL USE THE STANDARDIZED SCREENING INSTRUMENT DEVELOPED PURSUANT TO SECTION 16-11.9-102, C.R.S., AND CONDUCT THE SCREENING IN ACCORDANCE WITH PROCEDURES ESTABLISHED PURSUANT TO SAID SECTION.

(b) PRIOR TO IMPLEMENTATION OF A MENTAL ILLNESS SCREENING PROGRAM PURSUANT TO THIS SUBSECTION (4), IF IMPLEMENTATION OF THE PROGRAM WOULD REQUIRE AN INCREASE IN APPROPRIATIONS, THE SUPERINTENDENT SHALL SUBMIT TO THE JOINT BUDGET COMMITTEE A REQUEST FOR FUNDING IN THE AMOUNT NECESSARY TO IMPLEMENT THE MENTAL ILLNESS SCREENING PROGRAM. IF IMPLEMENTATION OF THE MENTAL ILLNESS SCREENING PROGRAM WOULD REQUIRE AN INCREASE IN APPROPRIATIONS, IMPLEMENTATION OF THE PROGRAM SHALL BE CONDITIONAL UPON APPROVAL OF THE FUNDING REQUEST.

SECTION 4. 19-1-103 (76) and (77), Colorado Revised Statutes, are amended, and the said 19-1-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

19-1-103. Definitions. As used in this title or in the specified portion of this title, unless the context otherwise requires:

(76) "Mental health HOSPITAL PLACEMENT prescreening" means a face-to-face mental health examination, conducted by a mental health professional, to determine whether a child should be placed in a facility for evaluation pursuant to section 27-10-105 or 27-10-106, C.R.S., and may include consultation with other mental health professionals and review of all available records on the child.

(77) "Mental health professional" means a person licensed to practice medicine or psychology in this state or any person on the staff of a facility designated by the

executive director of the department of human services for seventy-two-hour treatment and evaluation authorized by the facility to do mental health HOSPITAL PLACEMENT prescreenings and under the supervision of a person licensed to practice medicine or psychology in this state.

(101.7) "STANDARDIZED MENTAL ILLNESS SCREENING" MEANS THE MENTAL ILLNESS SCREENING CONDUCTED USING THE JUVENILE STANDARDIZED SCREENING INSTRUMENT AND THE PROCEDURES ADOPTED PURSUANT TO SECTION 16-11.9-102, C.R.S.

SECTION 5. 19-1-303 (2.5), Colorado Revised Statutes, is amended to read:

19-1-303. General provisions - delinquency and dependency and neglect cases - exchange of information - civil penalty. (2.5) (a) Notwithstanding any other provision of law to the contrary and in addition to the provisions of subsections (1) and (2) of this section, assessment centers for children and the agencies, other than schools and school districts, participating in the local assessment centers for children, are authorized to provide and share information, except for mental health or medical records and information, with each other, without the necessity of signed releases, concerning children who have been taken into temporary custody by law enforcement or who have been referred to the assessment center for children for case management purposes. Agencies shall have annually updated signed agreements with assessment centers for children to be considered a participating agency.

(b) FOR PURPOSES OF SHARING INFORMATION PURSUANT TO THIS SUBSECTION (2.5) ONLY, "MENTAL HEALTH OR MEDICAL RECORDS AND INFORMATION" SHALL NOT INCLUDE THE STANDARDIZED MENTAL ILLNESS SCREENING. AN ASSESSMENT CENTER THAT CONDUCTS A STANDARDIZED MENTAL ILLNESS SCREENING ON A CHILD WHO HAS BEEN TAKEN INTO TEMPORARY CUSTODY BY LAW ENFORCEMENT OR HAS BEEN REFERRED TO THE ASSESSMENT CENTER FOR CHILDREN FOR CASE MANAGEMENT PURPOSES MAY SHARE THE RESULTS OF SUCH SCREENING, WITHOUT THE NECESSITY OF A SIGNED RELEASE, WITH THE AGENCIES, OTHER THAN SCHOOLS AND SCHOOL DISTRICTS, PARTICIPATING IN THE ASSESSMENT CENTER FOR CHILDREN. TO RECEIVE THE RESULTS OF THE STANDARDIZED MENTAL ILLNESS SCREENING, A PARTICIPATING AGENCY SHALL HAVE A NEED TO KNOW FOR PURPOSES OF INVESTIGATIONS AND CASE MANAGEMENT IN THE ADMINISTRATION OF ITS RESPECTIVE PROGRAMS. ANY PARTICIPATING AGENCY RECEIVING SUCH INFORMATION SHALL USE IT ONLY FOR THE PERFORMANCE OF ITS LEGAL DUTIES AND RESPONSIBILITIES AND SHALL MAINTAIN THE CONFIDENTIALITY OF THE INFORMATION RECEIVED, EXCEPT AS MAY BE REQUIRED PURSUANT TO RULE 16 OF THE COLORADO RULES OF CRIMINAL PROCEDURE.

SECTION 6. 19-2-303, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

19-2-303. Juvenile diversion program - authorized. (8) (a) THE DIRECTOR MAY IMPLEMENT A MENTAL ILLNESS SCREENING PROGRAM TO SCREEN JUVENILES WHO PARTICIPATE IN THE JUVENILE DIVERSION PROGRAM. IF THE DIRECTOR CHOOSES TO IMPLEMENT A MENTAL ILLNESS SCREENING PROGRAM, THE DIRECTOR SHALL USE THE STANDARDIZED MENTAL ILLNESS SCREENING DEVELOPED PURSUANT TO SECTION 16-11.9-102, C.R.S., AND CONDUCT THE SCREENING IN ACCORDANCE WITH PROCEDURES ESTABLISHED PURSUANT TO SAID SECTION.

(b) PRIOR TO IMPLEMENTATION OF A MENTAL ILLNESS SCREENING PROGRAM PURSUANT TO THIS SUBSECTION (8), IF IMPLEMENTATION OF THE PROGRAM WOULD REQUIRE AN INCREASE IN APPROPRIATIONS, THE DIRECTOR SHALL SUBMIT TO THE JOINT BUDGET COMMITTEE A REQUEST FOR FUNDING IN THE AMOUNT NECESSARY TO IMPLEMENT THE MENTAL ILLNESS SCREENING PROGRAM. IF IMPLEMENTATION OF THE MENTAL ILLNESS SCREENING PROGRAM WOULD REQUIRE AN INCREASE IN APPROPRIATIONS, IMPLEMENTATION OF THE PROGRAM SHALL BE CONDITIONAL UPON APPROVAL OF THE FUNDING REQUEST.

SECTION 7. Part 4 of article 2 of title 19, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

19-2-417. Juvenile detention facilities - mental illness screening. (1) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES MAY IMPLEMENT A MENTAL ILLNESS SCREENING PROGRAM TO SCREEN JUVENILES HELD IN JUVENILE DETENTION FACILITIES FOLLOWING ADJUDICATION. IF THE EXECUTIVE DIRECTOR CHOOSES TO IMPLEMENT A MENTAL ILLNESS SCREENING PROGRAM, THE EXECUTIVE DIRECTOR SHALL USE THE STANDARDIZED MENTAL ILLNESS SCREENING DEVELOPED PURSUANT TO SECTION 16-11.9-102, C.R.S., AND CONDUCT THE SCREENING IN ACCORDANCE WITH PROCEDURES ESTABLISHED PURSUANT TO SAID SECTION.

(2) PRIOR TO IMPLEMENTATION OF A MENTAL ILLNESS SCREENING PROGRAM PURSUANT TO THIS SECTION, IF IMPLEMENTATION OF THE PROGRAM WOULD REQUIRE AN INCREASE IN APPROPRIATIONS, THE EXECUTIVE DIRECTOR SHALL SUBMIT TO THE JOINT BUDGET COMMITTEE A REQUEST FOR FUNDING IN THE AMOUNT NECESSARY TO IMPLEMENT THE MENTAL ILLNESS SCREENING PROGRAM. IF IMPLEMENTATION OF THE MENTAL ILLNESS SCREENING PROGRAM WOULD REQUIRE AN INCREASE IN APPROPRIATIONS, IMPLEMENTATION OF THE PROGRAM SHALL BE CONDITIONAL UPON APPROVAL OF THE FUNDING REQUEST.

SECTION 8. 19-2-508 (3) (b), Colorado Revised Statutes, is amended to read:

19-2-508. Detention and shelter - hearing - time limits - findings - review - confinement with adult offenders - restrictions. (3) (b) (I) If it appears that any juvenile being held in detention or shelter may be developmentally disabled, as provided in article 10.5 of title 27, C.R.S., the court or detention personnel shall refer the juvenile to the nearest community centered board for an eligibility determination. If it appears that any juvenile being held in a detention or shelter facility pursuant to the provisions of this article may be mentally ill, as provided in sections 27-10-105 and 27-10-106, C.R.S., the intake personnel or other appropriate personnel shall contact a mental health professional to do a mental health HOSPITAL PLACEMENT prescreening on the juvenile. The court shall be notified of the contact and may take appropriate action. If a mental health HOSPITAL PLACEMENT prescreening is requested, it shall be conducted in an appropriate place accessible to the juvenile and the mental health professional. A request for a mental health HOSPITAL PLACEMENT prescreening shall not extend the time within which a detention hearing shall be held pursuant to this section. If a detention hearing has been set but has not yet occurred, the mental health HOSPITAL PLACEMENT prescreening shall be conducted prior to the hearing; except that the prescreening shall not extend the time within which a detention hearing shall be held.

(II) If a juvenile has been ordered detained pending an adjudication, disposition, or other court hearing and the juvenile subsequently appears to be mentally ill, as provided in section 27-10-105 or 27-10-106, C.R.S., the intake personnel or other appropriate personnel shall contact the court with a recommendation for a mental health HOSPITAL PLACEMENT prescreening. A mental health HOSPITAL PLACEMENT prescreening shall be conducted at any appropriate place accessible to the juvenile and the mental health professional within twenty-four hours of the request, excluding Saturdays, Sundays, and legal holidays.

(III) When the mental health professional finds, as a result of the prescreening, that the juvenile may be mentally ill, the mental health professional shall recommend to the court that the juvenile be evaluated pursuant to section 27-10-105 or 27-10-106, C.R.S., and the court shall proceed as provided in section 19-2-702.

(IV) Nothing in this paragraph (b) shall be construed to preclude the use of emergency procedures pursuant to section 27-10-105 (1), C.R.S.

SECTION 9. 19-2-702 (1), Colorado Revised Statutes, is amended to read:

19-2-702. Mentally ill juvenile or juvenile with developmental disabilities - procedure. (1) (a) If it appears from the evidence presented at an adjudicatory trial or otherwise that a juvenile may have developmental disabilities, as defined in article 10.5 of title 27, C.R.S., the court shall refer the juvenile to the community centered board in the designated service area where the action is pending for an eligibility determination pursuant to article 10.5 of title 27, C.R.S.

(b) If it appears from the evidence presented at an adjudicatory trial or otherwise that a juvenile may be mentally ill, as defined in sections 27-10-105 and 27-10-106, C.R.S., and the juvenile has not had a mental health HOSPITAL PLACEMENT prescreening, the court shall order a prescreening to determine whether the juvenile requires further evaluation. Such prescreening shall be conducted as expeditiously as possible, and a prescreening report shall be provided to the court within twenty-four hours of the prescreening, excluding Saturdays, Sundays, and legal holidays.

(c) When the mental health professional finds, based upon a MENTAL HEALTH HOSPITAL PLACEMENT prescreening, that the juvenile may be mentally ill, as defined in sections 27-10-105 and 27-10-106, C.R.S., the court shall review the prescreening report within twenty-four hours, excluding Saturdays, Sundays, and legal holidays, and order the juvenile placed for an evaluation at a facility designated by the executive director of the department of human services for a seventy-two-hour treatment and evaluation pursuant to section 27-10-105 or 27-10-106, C.R.S. If the juvenile to be placed is in a detention facility, the designated facility shall admit the juvenile within twenty-four hours after the court orders an evaluation, excluding Saturdays, Sundays, and legal holidays.

(d) Any evaluation conducted pursuant to this subsection (1) shall be completed within seventy-two hours, excluding Saturdays, Sundays, and legal holidays. Neither a county jail nor a detention facility, as described in this article, shall be considered a suitable facility for evaluation, although a mental health HOSPITAL PLACEMENT prescreening may be conducted in any appropriate setting.

(e) If the mental health professional finds, based upon the MENTAL HEALTH HOSPITAL PLACEMENT prescreening, that the juvenile is not mentally ill, the court shall review the prescreening report within twenty-four hours, excluding Saturdays, Sundays, and legal holidays, and copies of the report shall be furnished to all parties and their attorneys. Any interested party may request a hearing on the issue of the juvenile's mental illness, and the court may order additional prescreenings as deemed appropriate. No order for a seventy-two-hour treatment and evaluation shall be entered unless a hearing is held and evidence indicates that the prescreening report is inadequate, incomplete, or incorrect and that competent professional evidence is presented from a mental health professional that indicates that mental illness is present in the juvenile. The court shall make, prior to the hearing, such orders regarding temporary custody of the juvenile as are deemed appropriate.

SECTION 10. 19-2-905, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

19-2-905. Presentence investigation. (3) (a) THE STATE COURT ADMINISTRATOR MAY IMPLEMENT A MENTAL ILLNESS SCREENING PROGRAM TO BE USED BY THE JUVENILE COURT. IF THE STATE COURT ADMINISTRATOR CHOOSES TO IMPLEMENT A MENTAL ILLNESS SCREENING PROGRAM, THE JUVENILE COURT SHALL USE THE STANDARDIZED MENTAL ILLNESS SCREENING DEVELOPED PURSUANT TO SECTION 16-11.9-102, C.R.S., AND CONDUCT THE SCREENING IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED PURSUANT TO SAID SECTION. THE FINDINGS AND RESULTS OF ANY STANDARDIZED MENTAL ILLNESS SCREENING CONDUCTED PURSUANT TO THIS SUBSECTION (3) SHALL BE INCLUDED IN THE WRITTEN REPORT TO THE COURT PREPARED AND SUBMITTED PURSUANT TO THIS SECTION.

(b) PRIOR TO IMPLEMENTATION OF A MENTAL ILLNESS SCREENING PROGRAM PURSUANT TO THIS SUBSECTION (3), IF IMPLEMENTATION OF THE PROGRAM WOULD REQUIRE AN INCREASE IN APPROPRIATIONS, THE STATE COURT ADMINISTRATOR SHALL SUBMIT TO THE JOINT BUDGET COMMITTEE A REQUEST FOR FUNDING IN THE AMOUNT NECESSARY TO IMPLEMENT THE MENTAL ILLNESS SCREENING PROGRAM. IF IMPLEMENTATION OF THE MENTAL ILLNESS SCREENING PROGRAM WOULD REQUIRE AN INCREASE IN APPROPRIATIONS, IMPLEMENTATION OF THE PROGRAM SHALL BE CONDITIONAL UPON APPROVAL OF THE FUNDING REQUEST.

SECTION 11. 19-2-906 (2), Colorado Revised Statutes, is amended to read:

19-2-906. Sentencing hearing. (2) If the court has reason to believe that the juvenile may have developmental disabilities, the court shall refer the juvenile to the community centered board in the designated service area where the action is pending for an eligibility determination pursuant to article 10.5 of title 27, C.R.S. If the court has reason to believe that the juvenile may be mentally ill, the court shall order a mental health HOSPITAL PLACEMENT prescreening to be conducted in any appropriate place.

SECTION 12. 19-2-907, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

19-2-907. Sentencing schedule - options. (7) THE JUVENILE COURT IN EACH JUDICIAL DISTRICT MAY IMPLEMENT A MENTAL ILLNESS SCREENING PROGRAM TO

SCREEN JUVENILES SENTENCED PURSUANT TO THIS PART 9. IF THE JUVENILE COURT CHOOSES TO IMPLEMENT A MENTAL ILLNESS SCREENING PROGRAM, THE JUVENILE COURT SHALL USE THE STANDARDIZED MENTAL ILLNESS SCREENING DEVELOPED PURSUANT TO SECTION 16-11.9-102, C.R.S., AND CONDUCT THE SCREENING IN ACCORDANCE WITH PROCEDURES ESTABLISHED PURSUANT TO SAID SECTION.

SECTION 13. 19-2-916 (1), Colorado Revised Statutes, is amended to read:

19-2-916. Sentencing - placement based on special needs of the juvenile.

(1) Except as otherwise provided in section 19-2-601 for an aggravated juvenile offender, the court may order that the juvenile be examined or treated by a physician, surgeon, psychiatrist, or psychologist or that he or she receive other special care and may place the juvenile in a hospital or other suitable facility for such purposes; except that no juvenile may be placed in a mental health facility operated by the department of human services until the juvenile has received a mental health HOSPITAL PLACEMENT prescreening resulting in a recommendation that the juvenile be placed in a facility for an evaluation pursuant to section 27-10-105 or 27-10-106, C.R.S., or a hearing has been held by the court after notice to all parties, including the department of human services. No order for a seventy-two-hour treatment and evaluation shall be entered unless a hearing is held and evidence indicates that the prescreening report is inadequate, incomplete, or incorrect and that competent professional evidence is presented by a mental health professional that indicates that mental illness is present in the juvenile. The court shall make, prior to the hearing, such orders regarding temporary custody of the juvenile as are deemed appropriate.

SECTION 14. 19-2-922 (3) (b) (I) and (3) (b) (II), Colorado Revised Statutes, are amended to read:

19-2-922. Juveniles committed to the department of human services - evaluation and placement. (3) (b) (I) When the department of human services determines that a juvenile may require treatment for mental illness, it shall conduct or have a mental health professional conduct a MENTAL HEALTH HOSPITAL PLACEMENT prescreening on the juvenile.

(II) If the MENTAL HEALTH HOSPITAL PLACEMENT prescreening report recommends that the juvenile be evaluated, the juvenile may be transferred to a mental health facility operated by the department of human services for such evaluation.

SECTION 15. 19-2-923 (3) (a), Colorado Revised Statutes, is amended to read:

19-2-923. Juveniles committed to the department of human services - transfers. (3) (a) Any juvenile committed to the department of human services may be transferred temporarily to any state treatment facility for the mentally ill or for persons with developmental disabilities for purposes of diagnosis, evaluation, and emergency treatment; except that no juvenile may be transferred to a mental health facility until the juvenile has received a mental health HOSPITAL PLACEMENT prescreening resulting in a recommendation that the juvenile be placed in a facility for evaluation pursuant to section 27-10-105 or 27-10-106, C.R.S. No juvenile committed to the department as an aggravated juvenile offender or violent juvenile offender shall be transferred until the treatment facility has a secure setting in which to house the juvenile. The period of temporary transfer pursuant to this paragraph (a)

shall not exceed sixty days.

SECTION 16. 16-11.9-102 (1) (e) and (1) (f), Colorado Revised Statutes, are amended, and the said 16-11.9-102 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

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 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:

(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; AND

(g) DEVELOPMENT OF PROCEDURES FOR REFERRAL FOR FURTHER ASSESSMENT BASED ON THE RESULTS OF THE SCREENING.

SECTION 17. 16-11.9-102 (2) (e) and (2) (f), Colorado Revised Statutes, are amended, and the said 16-11.9-102 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

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

(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:

(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; AND

(g) DEVELOPMENT OF PROCEDURES FOR REFERRAL FOR FURTHER ASSESSMENT BASED ON THE RESULTS OF THE SCREENING.

SECTION 18. Repeal. 16-11.9-104, Colorado Revised Statutes, is repealed as follows:

16-11.9-104. Repeal of article. ~~This article is repealed, effective July 1, 2002.~~

SECTION 19. Article 11.9 of title 16, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

16-11.9-105. Periodic review. ON OR BEFORE OCTOBER 1, 2004, AND ON OR BEFORE OCTOBER 1 EVERY TWO YEARS THEREAFTER, 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 REVIEW THE IMPLEMENTATION OF THE STANDARDIZED PROCEDURES AND THE USE OF THE STANDARDIZED SCREENING INSTRUMENTS DEVELOPED PURSUANT TO THIS ARTICLE. ON OR BEFORE JANUARY 15, 2005, AND ON OR BEFORE JANUARY 15 EVERY TWO YEARS THEREAFTER, THE DIVISION WITHIN THE DEPARTMENT OF HUMAN SERVICES THAT IS RESPONSIBLE FOR MENTAL HEALTH SERVICES AND THE DIVISION OF CRIMINAL JUSTICE WITHIN THE DEPARTMENT OF PUBLIC SAFETY SHALL JOINTLY REPORT TO A JOINT MEETING OF THE JUDICIARY COMMITTEE OF THE SENATE AND THE CIVIL JUSTICE AND JUDICIARY COMMITTEE AND THE CRIMINAL JUSTICE COMMITTEE OF THE HOUSE OF REPRESENTATIVES REGARDING THE IMPLEMENTATION OF THE STANDARDIZED SCREENING PROCEDURES AND THE USE OF THE STANDARDIZED SCREENING INSTRUMENTS DEVELOPED PURSUANT TO THIS ARTICLE. THE REPORT MAY ALSO ADDRESS THE NEED FOR AND UTILITY OF FURTHER LEGISLATION TO EFFECTIVELY IMPLEMENT SAID PROCEDURES.

SECTION 20. 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: May 24, 2002