

CHAPTER 348

CRIMINAL LAW AND PROCEDURE

SENATE BILL 14-021

BY SENATOR(S) Tochtrop and King, Newell, Aguilar, Guzman, Heath, Jahn, Kefalas, Kerr, Nicholson, Steadman, Todd, Carroll; also REPRESENTATIVE(S) Wright, Rosenthal, Buckner, Court, Fields, Fischer, Gerou, Hullinghorst, Kagan, Kraft-Tharp, Labuda, Lebsock, Lee, McCann, Melton, Pettersen, Primavera, Priola, Ryden, Schafer, Singer, Vigil, Williams, Young.

AN ACT

CONCERNING THE TREATMENT OF PERSONS WITH MENTAL ILLNESS WHO ARE INVOLVED IN THE CRIMINAL JUSTICE SYSTEMS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 18-1.9-102, **amend** (2) as follows:

18-1.9-102. Definitions. As used in this article, unless the context otherwise requires:

(2) "Task force" means the task force ~~for the continuing examination of~~ CONCERNING the treatment of persons with mental illness ~~who are involved~~ in the criminal and juvenile justice systems established pursuant to section 18-1.9-104.

SECTION 2. In Colorado Revised Statutes, 18-1.9-103, **amend** (1) (a), (1) (d), (2) (a), and (2) (c) (I) as follows:

18-1.9-103. Legislative oversight committee concerning the treatment of persons with mental illness in the criminal and juvenile justice systems - creation - duties. (1) **Creation.** (a) There is hereby created a legislative oversight committee ~~for the continuing examination of~~ CONCERNING the treatment of persons with mental illness ~~who are involved~~ in the criminal and juvenile justice systems.

(d) (I) ~~Notwithstanding the provisions of section 2-2-307, C.R.S., MEMBERS OF~~ the committee may receive payment of per diem and reimbursement for actual and necessary expenses authorized pursuant to ~~said section and any other direct or indirect costs associated with the duties of the committee set forth in this article only~~ **from moneys appropriated from the examination of the treatment of persons with**

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

~~mental illness in the criminal justice system cash fund created in section 18-1.9-106~~
SECTION 2-2-307, C.R.S.

(II) The director of research of the legislative council and the director of the office of legislative legal services may supply staff assistance to the committee as they deem appropriate, within existing appropriations. If staff assistance is not available within existing appropriations, then the director of research of the legislative council and the director of the office of legislative legal services may supply staff assistance to the task force only if moneys are credited to the ~~examination of the~~ treatment of persons with mental illness in the criminal AND JUVENILE justice system SYSTEMS cash fund created in section 18-1.9-106 in an amount sufficient to fund staff assistance.

(2) **Duties.** (a) ~~The committee shall meet at least once on or before August 1, 2004. Beginning in 2005 and continuing each year thereafter, through 2014, the committee shall meet at least three times each year and at such other times as it deems necessary. except that the committee shall not meet during the 2010 interim.~~

(c) (I) The committee shall submit a report to the general assembly by January 15, 2005, ~~by each January 15 thereafter through January 15, 2010, and by January 15, 2012; and by each January 15 thereafter. through January 15, 2015.~~ The annual reports ~~shall~~ MUST summarize the issues addressing the treatment of persons with mental illness who are involved in the criminal and juvenile justice systems that have been considered and ~~any~~ recommended legislative proposals, IF ANY.

SECTION 3. In Colorado Revised Statutes, 18-1.9-104, **amend** (1) (a), (1) (c) introductory portion, (1) (c) (IV) introductory portion, (1) (c) (XV), (2) (a) introductory portion, (2) (b) introductory portion, (2) (c) introductory portion, (2) (e) introductory portion, (2) (f) introductory portion, (3), and (5); and **add** (1) (c) (XVII), (1) (c) (XVIII), and (2) (g) as follows:

18-1.9-104. Task force concerning treatment of persons with mental illness in the criminal and juvenile justice systems - creation - membership - duties.

(1) **Creation.** (a) There is hereby created a task force ~~for the continuing examination of the treatment of persons with~~ CONCERNING TREATMENT OF PERSONS WITH mental illness ~~who are involved~~ in the criminal and juvenile justice systems in Colorado. The task force shall consist of ~~thirty~~ THIRTY-TWO members appointed as provided in paragraphs (b) and (c) of this subsection (1).

(c) The chair and vice-chair of the committee shall appoint ~~twenty-six~~ TWENTY-EIGHT members as follows:

(IV) ~~Six~~ FIVE members who represent the department of human services, as follows:

(XV) One member who represents the department of health care policy and financing; **and**

(XVII) ONE MEMBER WHO REPRESENTS THE OFFICE OF THE CHILD'S REPRESENTATIVE; AND

(XVIII) ONE MEMBER WHO REPRESENTS THE OFFICE OF THE ALTERNATE DEFENSE COUNSEL.

(2) **Issues for study.** The task force shall examine the identification, diagnosis, and treatment of persons with mental illness who are involved in the state criminal and juvenile justice systems, including an examination of liability, safety, and cost as they relate to these issues. The task force shall specifically consider, but need not be limited to, the following issues:

(a) On or before July 1, 2005: ~~the following issues:~~

(b) On or before July 1, 2006: ~~the following issues:~~

(c) On or before July 1, 2007: ~~the following issues:~~

(e) On or before July 1, 2009: ~~the following issues:~~

(f) Beginning July 1, 2011, through July 1, 2014: ~~the following issues:~~

(g) ON OR AFTER JULY 1, 2014:

(I) HOUSING FOR A PERSON WITH MENTAL ILLNESS AFTER HIS OR HER RELEASE FROM THE CRIMINAL OR JUVENILE JUSTICE SYSTEM;

(II) MEDICATION CONSISTENCY, DELIVERY, AND AVAILABILITY;

(III) BEST PRACTICES FOR SUICIDE PREVENTION, WITHIN AND OUTSIDE OF CORRECTIONAL FACILITIES;

(IV) TREATMENT OF CO-OCCURRING DISORDERS;

(V) AWARENESS OF AND TRAINING FOR ENHANCED STAFF SAFETY, INCLUDING EXPANDING TRAINING OPPORTUNITIES FOR PROVIDERS; AND

(VI) ENHANCED DATA COLLECTION RELATED TO ISSUES AFFECTING PERSONS WITH MENTAL ILLNESS IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS.

(3) **Additional duties of the task force.** The task force shall provide guidance and make findings and recommendations to the committee for its development of reports and legislative recommendations for modification of the criminal and juvenile justice systems, with respect to persons with mental illness who are involved in these systems. In addition, the task force shall:

(a) On or before August 1, 2004, and by each August 1 thereafter, ~~through August 1, 2013, except during the suspension of the committee during the 2010 interim,~~ select a chair and a vice-chair from among its members;

(b) Meet at least six times each year, ~~from the date of the first meeting until January 1, 2015, or more often as directed by the chair of the committee; except that the committee shall not meet during the 2010 interim;~~

(c) Communicate with and obtain input from groups throughout the state affected by the issues identified in subsection (2) of this section;

(d) Create subcommittees as needed to carry out the duties of the task force. The subcommittees may consist, in part, of persons who are not members of the task force. Such persons may vote on issues before the subcommittee but shall not be entitled to a vote at meetings of the task force.

(e) Submit a report to the committee by October 1, 2004, and by each October 1 thereafter, ~~through October 1, 2009, and by October 1, 2011, and by each October 1 thereafter through October 1, 2014,~~ THAT, at a minimum, ~~specifying the following~~ SPECIFIES:

(I) Issues to be studied in upcoming task force meetings and a prioritization of those issues;

(II) Findings and recommendations regarding issues of prior consideration by the task force;

(III) Legislative proposals of the task force that identify the policy issues involved, the agencies responsible for the implementation of the changes, and the funding sources required for ~~such~~ implementation.

(5) **Compensation.** Members of the task force shall serve without compensation. HOWEVER, MEMBERS OF THE TASK FORCE APPOINTED PURSUANT TO SUBPARAGRAPH (XIV) OF PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION MAY RECEIVE REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES ASSOCIATED WITH THEIR DUTIES ON THE TASK FORCE.

SECTION 4. In Colorado Revised Statutes, 18-1.9-105, **amend** (2) as follows:

18-1.9-105. Task force funding - staff support. (2) The director of research of the legislative council, the director of the office of legislative legal services, the director of the division of criminal justice within the department of public safety, and the executive directors of the departments represented on the task force may supply staff assistance to the task force as they deem appropriate within existing appropriations. If staff assistance is not available from a governmental agency within existing appropriations, then the executive directors of the departments represented on the task force, the director of research of the legislative council, and the director of the office of legislative legal services may supply staff assistance to the task force only if moneys are credited to the ~~examination of the~~ treatment of persons with mental illness in the criminal AND JUVENILE justice system SYSTEMS cash fund created in section 18-1.9-106 in an amount sufficient to fund staff assistance. The task force may also accept staff support from the private sector.

SECTION 5. In Colorado Revised Statutes, 18-1.9-106, **amend** (1); and **add** (1.5) as follows:

18-1.9-106. Treatment of persons with mental illness in the criminal and juvenile justice systems cash fund - repeal. (1) All private and public funds received through grants, contributions, and donations pursuant to this article shall

be transmitted to the state treasurer, who shall credit the same to the ~~examination of the~~ treatment of persons with mental illness in the criminal AND JUVENILE justice system SYSTEMS cash fund, which fund is hereby created and referred to in this section as the "fund". The moneys in the fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs associated with the implementation of this article. All moneys in the fund not expended for the purpose of this article may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of moneys in the fund shall be credited to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year shall remain in the fund and shall not be credited or transferred to the general fund or another fund. All unexpended and unencumbered moneys remaining in the fund as of July 1, ~~2015~~ 2020, shall be transferred to the general fund.

(1.5) (a) ALL UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE EXAMINATION OF THE TREATMENT OF PERSONS WITH MENTAL ILLNESS IN THE CRIMINAL JUSTICE SYSTEM CASH FUND AS OF JULY 1, 2014, SHALL BE TRANSFERRED TO THE TREATMENT OF PERSONS WITH MENTAL ILLNESS IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS CASH FUND.

(b) THIS SUBSECTION (1.5) IS REPEALED, EFFECTIVE JULY 1, 2015.

SECTION 6. In Colorado Revised Statutes, **amend** 18-1.9-107 as follows:

18-1.9-107. Repeal of article. This article is repealed, effective July 1, ~~2015~~ 2020.

SECTION 7. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the legislative department, for the fiscal year beginning July 1, 2014, the sum of \$3,366, or so much thereof as may be necessary, to be allocated for per diem and reimbursement of members of the legislative oversight committee created in section 18-1.9-103, Colorado Revised Statutes.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of human services, for the fiscal year beginning July 1, 2014, the sum of \$3,746, or so much thereof as may be necessary, to be allocated to the executive director's office for reimbursement of members of the task force concerning treatment of persons with mental illness in the criminal and juvenile justice systems created in section 18-1.9-104, Colorado Revised Statutes.

SECTION 8. Effective date. This act takes effect July 1, 2014.

SECTION 9. 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: June 6, 2014