

CHAPTER 349

CORRECTIONS

SENATE BILL 14-064

BY SENATOR(S) Ulibarri, Guzman, Aguilar, Cadman, Grantham, Heath, Herpin, Hodge, Jahn, Jones, Kefalas, Kerr, King, Lundberg, Marble, Newell, Nicholson, Rivera, Roberts, Scheffel, Schwartz, Steadman, Tochtrop, Todd, Zenzinger, Carroll; also REPRESENTATIVE(S) Salazar, Buckner, Court, Fields, Fischer, Hullinghorst, Kagan, Kraft-Tharp, Labuda, Lebsock, Lee, McCann, McLachlan, Melton, Moreno, Pettersen, Primavera, Rosenthal, Ryden, Singer, Vigil, Young.

AN ACT

CONCERNING RESTRICTING THE USE OF LONG-TERM ISOLATED CONFINEMENT FOR INMATES WITH SERIOUS MENTAL ILLNESS, 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, **add** 17-1-113.8 as follows:

17-1-113.8. Persons with serious mental illness - long-term isolated confinement - work group. (1) THE DEPARTMENT SHALL NOT PLACE A PERSON WITH SERIOUS MENTAL ILLNESS IN LONG-TERM ISOLATED CONFINEMENT EXCEPT WHEN EXIGENT CIRCUMSTANCES ARE PRESENT.

(2) (a) THERE IS HEREBY ESTABLISHED WITHIN THE DEPARTMENT A SERIOUS MENTAL ILLNESS IN LONG-TERM ISOLATED CONFINEMENT WORK GROUP, REFERRED TO IN THIS SECTION AS THE "WORK GROUP". THE WORK GROUP CONSISTS OF:

(I) THE DEPUTY EXECUTIVE DIRECTOR OF THE DEPARTMENT, OR HIS OR HER DESIGNEE, WHO SHALL CONVENE AND SERVE AS THE CHAIR OF THE WORK GROUP;

(II) THE DIRECTOR OF CLINICAL AND CORRECTIONAL SERVICES, WITHIN THE DEPARTMENT, OR HIS OR HER DESIGNEE;

(III) THE DIRECTOR OF PRISONS, WITHIN THE DEPARTMENT, OR HIS OR HER DESIGNEE;

(IV) THE CHIEF OF PSYCHIATRY, WITHIN THE DEPARTMENT, OR HIS OR HER DESIGNEE;

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

(V) THE DIRECTOR OF BEHAVIORAL HEALTH, WITHIN THE DEPARTMENT, OR HIS OR HER DESIGNEE;

(VI) TWO REPRESENTATIVES FROM A NONPROFIT PRISONERS' RIGHTS ADVOCACY GROUP, ONE WHO IS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND ONE WHO IS APPOINTED BY THE PRESIDENT OF THE SENATE; AND

(VII) TWO MENTAL HEALTH PROFESSIONALS INDEPENDENT FROM THE DEPARTMENT WITH PARTICULAR KNOWLEDGE OF PRISONS AND CONDITIONS OF CONFINEMENT, ONE WHO IS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND ONE WHO IS APPOINTED BY THE PRESIDENT OF THE SENATE.

(b) (I) THE WORK GROUP SHALL ADVISE THE DEPARTMENT ON POLICIES AND PROCEDURES RELATED TO THE PROPER TREATMENT AND CARE OF OFFENDERS WITH SERIOUS MENTAL ILLNESS IN LONG-TERM ISOLATED CONFINEMENT, WITH A FOCUS ON PERSONS WITH SERIOUS MENTAL ILLNESS IN LONG-TERM ISOLATED CONFINEMENT.

(II) THE WORK GROUP HAS THE POWER TO REQUEST, ON A PERIODIC BASIS, INFORMATION AND DATA FROM THE DEPARTMENT ON THE STATUS OF THE DEPARTMENT'S WORK ON THE SUBJECT MATTER OF THE WORK GROUP.

(c) THE CHAIR OF THE WORK GROUP SHALL CONVENE THE WORK GROUP'S FIRST MEETING NO LATER THAN JULY 1, 2014, AND THE WORK GROUP MUST MEET AT LEAST SEMI-ANNUALLY THEREAFTER. THE CHAIR SHALL SCHEDULE AND CONVENE THE WORK GROUP'S MEETINGS.

(d) THE CHAIR SHALL PROVIDE THE WORK GROUP WITH QUARTERLY UPDATES ON THE DEPARTMENT'S POLICIES RELATED TO THE WORK GROUP'S SUBJECT AREA.

SECTION 2. 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 department of corrections, for the fiscal year beginning July 1, 2014, the sum of \$1,565,025 and 24.0 FTE, or so much thereof as may be necessary, to be allocated for the implementation of this act as follows:

(a) \$144,142 for health, life, and dental to be allocated to the executive director's office subprogram;

(b) \$2,439 for short term disability to be allocated to the executive director's office subprogram;

(c) \$44,343 for amortization equalization disbursement to be allocated to the executive director's office subprogram;

(d) \$41,572 for supplemental amortization equalization disbursement to be allocated to the executive director's office subprogram;

(e) \$600 for operating expenses to be allocated to the inspector general subprogram;

(f) \$763,036 and 17.0 FTE for personal services to be allocated to the housing and security subprogram;

(g) \$38,455 for start-up costs to be allocated to the superintendents subprogram;

(h) \$474,117 and 7.0 FTE for personal services to be allocated to the mental health subprogram;

(i) \$12,000 for operating expenses to be allocated to the mental health subprogram;

(j) \$32,921 for start-up costs to be allocated to the mental health subprogram;

(k) \$10,800 for operating expenses to be allocated to the communications subprogram; and

(l) \$600 for operating expenses to be allocated to the training subprogram.

SECTION 3. 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