

**BHDCJS Task Force**  
**2023 Final Legislative Recommendations Overview**

*24 out of 30 task force members cast their vote. A simple majority of those who voted is 13 members.*

Bill #	Legislative Recommendations	Task Force Support (Yes / No)	Vote Totals		
			Yes	No	Abstain
1	Create a presumption of remote court appearance when an individual is in in-patient, partial hospitalization, and intensive outpatient behavioral healthcare treatment.	Yes	19	2	3
2	Expand withdrawal management services and funding within the behavioral health crisis response system, remove jail as an alternative option for SUD commitments when no crime has been committed, and add affirmative language prohibiting use of jails for SUD commitments when no crime has been committed.	Yes	18	2	4
3	Provide additional funding and technical assistance for judicial districts to create competency dockets. <sup>1</sup>	Yes	17	1	6
4	Provide ongoing funding and accountability structure to support the Colorado 911 Resource Center.	Yes	15	1	8
5	Create a youth mobile crisis program to provide crisis response and stabilization services to kids and their families experiencing a behavioral health crisis.	Yes	15	2	7
6	Prohibit hospitals and urgent care providers from checking a patient's warrant status without their consent.	Yes	15	4	5
7	Conduct a statewide analysis to determine the availability, accessibility, and effectiveness of services addressing behavioral health and ancillary needs of adults and children involved in the justice system.	Yes	14	1	9
8	Require district attorney offices that accept state funding for diversion programs consider whether a child has developmental, mental, and/or behavioral health issues, and/or a lack of mental capacity in their eligibility criteria for juvenile diversion.	No	12	2	10
9	Require a prescription to use FDA-approved THC when in court ordered treatment while on probation.	No	9	6	9

<sup>1</sup> Bill #3 could be combined with Idea #1 (on Page 2) to include all measures related to competency to proceed in one bill.

Idea #	Additional Legislative Ideas Discussed	Policy Stage	Notes
1	<p><b>Reform Adult Competency to Stand Trial Proceedings</b></p> <ul style="list-style-type: none"> <li>Expand the waiver of privilege for the courts and attorneys to know whether a defendant's competency has been raised in another jurisdiction and facilitate access to information and documents related to the defendant's evaluation.</li> <li>Establish a process to identify, assess, and divert individuals with a moderate to severe intellectual or developmental disability, acquired or traumatic brain injury, or dementia from being ordered restored to competency.</li> <li>Create a definition of "foreseeable future" regarding the potential for a defendant to be restored to competency within a period of time that is based on empirical data and takes into account the level of offense and other individual factors.</li> <li>Add a balancing test to competency proceedings requiring the court to find a compelling community interest in resolving the criminal matter, or otherwise the court could dismiss the case or initiate existing civil commitment proceedings.</li> </ul>	<p>Defined</p> <p>*Defined*</p> <p>*Defined*</p> <p>Defined</p>	<p>These concepts were discussed by the Adult Competency Subcommittee, but were <u>not</u> presented to or voted on by the Task Force. The balancing test idea was a recommendation from public comment at the July 20th hearing.</p>
2	<p><b>Develop Structured Community Collaborative Models to Support High-Risk Adults</b></p> <ul style="list-style-type: none"> <li>Create a pilot program to establish local multi-agency collaboratives to support high-risk and high systems-use adults.</li> </ul>	<p>*Defined*</p>	<p>This concept is in response to CBHC's August letter.</p>
3	<p><b>Expansion of Support Team Assisted Response (STAR) Programs</b></p> <ul style="list-style-type: none"> <li>Support the expansion of alternate crisis response programs within community-based organizations.</li> </ul>	<p>Concept</p>	<p>This concept is in response to CBHC's August letter.</p>
4	<p><b>Address Gaps in Care for Justice-Involved Women and Pregnant/Postpartum Individuals</b></p> <ul style="list-style-type: none"> <li>Increase financial support and foster connections to childcare and other supportive services for females regarding housing options who come out of incarceration and have custody of their children.</li> <li>Utilize female specific assessments in order to better individualize transitions from incarceration to community.</li> <li>Facilitate opportunities for county human services staff to work inside female corrections facilities to do pre-screening, enrollment and post release linkage to supportive services based on family needs and eligibility.</li> <li>Build capacity and expand access to sober living homes that allow for children or other housing arrangements that are family friendly, and bolster programs that support family reunification pre-release and parenting resources post-release.</li> </ul>	<p>All Concepts</p>	<p>These concepts were discussed by various Task Force members, but specific policy changes have <u>not</u> been developed.</p>

**Concept:** The policy change and execution requires further research or clarification.

**Defined:** The policy change and execution is clearly identified.

**\*Defined\*:** The policy change is identified, but details around funding or execution require further clarification.