

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 30, 2018
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB18-249 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, strike everything below the enacting clause and
- 2 substitute:
- 3 "SECTION 1. In Colorado Revised Statutes, **add** 18-1.3-101.5
- 4 as follows:
- 5 **18-1.3-101.5. Alternative pilot programs to divert individuals**
- 6 **with mental health conditions - legislative intent - eligibility - process**
- 7 **of diversion - grant program - program management - definitions -**
- 8 **repeal.** (1) THE INTENT OF THIS SECTION IS TO ESTABLISH AND FACILITATE
- 9 FOUR PRE-PLEA LOCAL-LEVEL MENTAL HEALTH PILOT PROGRAMS IN
- 10 SELECTED JUDICIAL DISTRICTS THAT WILL IDENTIFY INDIVIDUALS WITH
- 11 MENTAL HEALTH CONDITIONS WHO HAVE BEEN CHARGED WITH A
- 12 LOW-LEVEL CRIMINAL OFFENSE AND DIVERT SUCH INDIVIDUALS OUT OF
- 13 THE CRIMINAL JUSTICE SYSTEM AND INTO COMMUNITY TREATMENT
- 14 PROGRAMS IN ACCORDANCE WITH THE PRINCIPLES AND PROPOSED MODEL
- 15 RECOMMENDED BY THE COLORADO COMMISSION ON CRIMINAL AND
- 16 JUVENILE JUSTICE, ADOPTED ON JANUARY 12, 2018. IN ADDITION,
- 17 PROCEEDING PURSUANT TO THE MODEL RECOMMENDED BY THE
- 18 COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE
- 19 ENCOURAGES AND FACILITATES FLEXIBLE AND LOCALLY CONTROLLED
- 20 PROGRAMS IN A MANNER THAT CAN ACCOMMODATE AND RESPECT THE
- 21 AVAILABILITY OR LIMITATION OF RESOURCES IN EACH JURISDICTION WHILE
- 22 STILL MAINTAINING THE CORE INTEGRITY AND OBJECTIVES OF THE EFFORT
- 23 TO FOSTER THE USE OF MENTAL HEALTH DIVERSION PROGRAMS
- 24 THROUGHOUT THE STATE.

1 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
2 REQUIRES:

3 (a) "COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE"
4 MEANS THE COMMISSION ESTABLISHED PURSUANT TO SECTION
5 16-11.3-102.

6 (b) "GRANT PROGRAM" MEANS THE MENTAL HEALTH CRIMINAL
7 JUSTICE DIVERSION GRANT PROGRAM ESTABLISHED PURSUANT TO
8 SUBSECTION (6) OF THIS SECTION.

9 (c) "LOW-LEVEL CRIMINAL OFFENSE" MEANS ANY PETTY OFFENSE
10 OR MISDEMEANOR, EXCLUDING THOSE OFFENSES ENUMERATED IN SECTION
11 24-4.1-302 (1). "LOW-LEVEL CRIMINAL OFFENSE" MAY ALSO INCLUDE, IF
12 AGREED TO BY THE DISTRICT ATTORNEY IN A GIVEN PILOT PROGRAM SITE,
13 ANY CLASS 4, CLASS 5, OR CLASS 6 FELONY OR ANY CLASS 3 OR CLASS 4
14 FELONY DRUG OFFENSE, EXCLUDING ANY FELONY OFFENSES ENUMERATED
15 IN SECTION 24-4.1-302 (1).

16 (d) "PILOT PROGRAM" MEANS ANY ALTERNATIVE PROGRAM
17 CREATED PURSUANT TO THIS SECTION THAT DIVERTS INDIVIDUALS WITH
18 MENTAL HEALTH CONDITIONS INTO COMMUNITY TREATMENT PROGRAMS.

19 (e) "STATE COURT ADMINISTRATOR" MEANS THE STATE COURT
20 ADMINISTRATOR ESTABLISHED PURSUANT TO SECTION 13-3-101.

21 (3) THERE ARE CREATED PILOT PROGRAM SITES IN THE SECOND,
22 SIXTH, SIXTEENTH, AND TWENTIETH JUDICIAL DISTRICTS TO IDENTIFY
23 INDIVIDUALS WITH MENTAL HEALTH CONDITIONS WHO HAVE BEEN
24 CHARGED WITH A LOW-LEVEL CRIMINAL OFFENSE AND DIVERT SUCH
25 INDIVIDUALS OUT OF THE CRIMINAL JUSTICE SYSTEM AND INTO
26 COMMUNITY TREATMENT PROGRAMS. THE DISTRICT ATTORNEY FOR EACH
27 OF THE DESIGNATED JUDICIAL DISTRICTS, IN COOPERATION WITH THE CHIEF
28 JUDGE AND THE PUBLIC DEFENDER FOR THE COURTS WITHIN THE JUDICIAL
29 DISTRICT, SHALL DECIDE WHICH COURT OR COURTS WITHIN THE JUDICIAL
30 DISTRICT ARE BEST SUITED TO IMPLEMENT A PILOT PROGRAM. IN THE CASE
31 OF A MULTI-COUNTY JURISDICTION, THE DISTRICT ATTORNEY MAY CHOOSE
32 TO AGREE TO ESTABLISH A PILOT PROGRAM IN A SINGLE COUNTY OR IN
33 MORE THAN ONE COUNTY.

34 (4) THE CHIEF JUDGE OF ANY COUNTY OR DISTRICT COURT WHERE
35 A PILOT PROGRAM IS CREATED PURSUANT TO SUBSECTION (3) OF THIS
36 SECTION IS RESPONSIBLE FOR ESTABLISHING AND FACILITATING THE PILOT
37 PROGRAM IN COMPLIANCE WITH THE PRINCIPLES AND MODEL ADOPTED BY
38 THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE ON
39 JANUARY 12, 2018. THE DUTIES OF THE CHIEF JUDGE WITH RESPECT TO THE
40 PILOT PROGRAM MAY INCLUDE, BUT NEED NOT BE LIMITED TO:

41 (a) INITIATING AND COORDINATING ORGANIZATION MEETINGS

1 AMONG THE VARIOUS LOCAL ENTITIES NECESSARY TO THE
2 IMPLEMENTATION OF THE PILOT PROGRAM;

3 (b) ESTABLISHING POLICIES FOR THE PILOT PROGRAM;

4 (c) FACILITATING ANY FORMAL AGREEMENTS OR MEMORANDA OF
5 UNDERSTANDING REQUIRED TO CREATE THE PILOT PROGRAM;

6 (d) CONTRACTING WITH LOCAL COMMUNITY TREATMENT
7 PROGRAMS THAT ARE ABLE TO PARTICIPATE IN THE PILOT PROGRAM AND
8 PROVIDE A CONTINUUM OF COMMUNITY-BASED MENTAL HEALTH CARE
9 AND TREATMENT TO ACCOMPLISH THE GOALS OF THE PILOT PROGRAM; AND

10 (e) ADMINISTERING THE PILOT PROGRAM ONCE IT IS IMPLEMENTED.

11 (5) THE STATE COURT ADMINISTRATOR IS RESPONSIBLE FOR
12 ADMINISTRATION AND OVERSIGHT OF THE PILOT PROGRAMS, INCLUDING
13 CERTIFYING THAT, ON OR BEFORE JANUARY 1, 2019, EACH PILOT PROGRAM
14 SITE IMPLEMENTS A DESIGN THAT IS CONSISTENT WITH THE PRINCIPLES
15 AND PROPOSED MODEL ADOPTED BY THE COLORADO COMMISSION ON
16 CRIMINAL AND JUVENILE JUSTICE AND THE LEGISLATIVE INTENT OF THIS
17 SECTION. THE DUTIES OF THE STATE COURT ADMINISTRATOR WITH
18 RESPECT TO THE PILOT PROGRAMS INCLUDE, BUT ARE NOT LIMITED TO:

19 (a) ESTABLISHING PILOT PROGRAM PROCEDURES AND TIMELINES;
20 AND

21 (b) ESTABLISHING GRANT FUNDING GUIDELINES AND ACCEPTABLE
22 EXPENSES FOR THE DISTRIBUTION OF GRANT PROGRAM GRANT MONEY TO
23 THE PILOT PROGRAM SITES BASED UPON SPECIFIC ALLOCATIONS REQUIRED
24 BY THE GRANT PROGRAM AND OTHER PILOT PROGRAM NEEDS AND ANY
25 OTHER CRITERIA, SUCH AS CASE VOLUME, GEOGRAPHICAL COMPLEXITY,
26 AND DENSITY OF NEED.

27 (6) THERE IS CREATED IN THE OFFICE OF THE STATE COURT
28 ADMINISTRATOR THE MENTAL HEALTH CRIMINAL JUSTICE DIVERSION
29 GRANT PROGRAM. THE STATE COURT ADMINISTRATOR IS RESPONSIBLE FOR
30 ADMINISTERING AND MONITORING THE GRANT PROGRAM INCLUDING, BUT
31 NOT LIMITED TO:

32 (a) ESTABLISHING GRANT FUNDING GUIDELINES AND ACCEPTABLE
33 EXPENSES FOR THE DISTRIBUTION OF GRANT PROGRAM GRANT MONEY TO
34 THE PILOT PROGRAM SITES BASED UPON SPECIFIC ALLOCATIONS REQUIRED
35 BY THE GRANT PROGRAM, THE SPECIFIC AWARD TO THE DISTRICT
36 ATTORNEY'S OFFICE IN EACH OF THE FOUR DESIGNATED JUDICIAL
37 DISTRICTS, OTHER PILOT PROGRAM NEEDS, AND ANY OTHER CRITERIA,
38 SUCH AS CASE VOLUME, GEOGRAPHICAL COMPLEXITY, AND DENSITY OF
39 NEED. IN ADDITION TO ANY OTHER ALLOWABLE EXPENSES TO BE PAID FOR
40 BY THE GRANT PROGRAM, EACH DISTRICT ATTORNEY'S OFFICE
41 PARTICIPATING IN THE PILOT PROGRAM SHALL RECEIVE FIFTY THOUSAND

1 DOLLARS PER YEAR FROM THE GRANT FUNDING FOR EACH OF THE TWO
2 YEARS OF THE GRANT PROGRAM. SUCH MONEY MUST BE USED TO ASSIST
3 IN COVERING THE COSTS RELATED TO PERSONNEL AND ADMINISTRATIVE
4 REQUIREMENTS TO ESTABLISH AND OPERATE PILOT PROGRAMS IN FOUR
5 DESIGNATED JUDICIAL DISTRICTS.

6 (b) AWARDING ANNUAL GRANTS TO THE PILOT PROGRAMS; EXCEPT
7 THAT THE TOTAL OF ALL GRANTS AWARDED PER YEAR MUST NOT EXCEED
8 SEVEN HUNDRED FIFTY THOUSAND DOLLARS;

9 (c) DISBURSING GRANT MONEY; EXCEPT THAT THE STATE COURT
10 ADMINISTRATOR SHALL DISTRIBUTE THE FIRST ROUND OF GRANT AWARDS
11 ON OR BEFORE JANUARY 1, 2019.

12 (7) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 1, 2021.

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

16 Page 1, line 102, strike "REDIRECT" and substitute "DIVERT".

17 Page 1, line 103, strike "BEHAVIORAL" and substitute "MENTAL
18 HEALTH".

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