

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0150.01 Jerry Barry x4341

SENATE BILL 17-021

SENATE SPONSORSHIP

Martinez Humenik,

HOUSE SPONSORSHIP

Singer,

Senate Committees

Judiciary
Appropriations

House Committees

Health, Insurance, & Environment
Appropriations

A BILL FOR AN ACT

101 **CONCERNING REENTRY SERVICES FOR PERSONS WITH MENTAL ILLNESS**
102 **IN THE CRIMINAL JUSTICE SYSTEM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Legislative Oversight Committee Concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems. The bill directs the division of housing in the department of local affairs to establish a program to provide vouchers and supportive services to persons with a mental illness who are being released from the department of corrections (DOC) or jails. The program is funded by

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
3rd Reading Unamended
May 9, 2017

SENATE
Amended 2nd Reading
May 8, 2017

general fund appropriations and from money unspent by the division of criminal justice (CDPS) for community corrections programs in the previous fiscal year.

The bill directs the behavioral health unit in the department of human services, in conjunction with the DOC, to implement reentry programs to assist persons with a mental illness who are transitioning from incarceration. If necessary, the programs may receive money from the community corrections appropriation to CDPS.

The bill appropriates \$2.7 million to the department of local affairs.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Individuals with serious mental health disorders number fewer
5 than four in every 100 American adults but occupy at least one in five of
6 America's prison and jail beds; whereas, in the community, only 11.7 state
7 hospital beds remain per 100,000 people, leaving the state with fewer
8 hospital beds per capita than at any time since before the nation stopped
9 criminalizing mental health disorders in the 1850s;

10 (b) Inmates with a mental health disorder spend five and a half
11 times longer in custody than the average inmate;

12 (c) In 2010, the department of corrections and county jail systems
13 spent \$93 million of taxpayers' money on mental health services. This
14 amounts to \$2,083 per prisoner for mental health services. In that same
15 year, only 53% of the state's known behavioral health expenditures were
16 spent through the formal public health system, the remainder being spent
17 through the prison and jail system, child welfare system, and hospitals.

18 (d) Correctional facilities and county jails are not designed and do
19 not have the resources to handle or treat inmates with a behavioral or
20 mental health disorder but have become de facto mental health

1 institutions;

2 (e) Inmates with behavioral or mental health disorders are
3 frequently released into the community after incarceration homeless and
4 with no or insufficient supportive services;

5 (f) Housing alone is not sufficient to improve outcomes; however,
6 supportive housing models with specific support services are critical to
7 success in reducing recidivism of persons with behavioral or mental
8 health disorders transitioning between homelessness and incarceration;

9 (g) The state spends \$666 per day for a bed at the Colorado mental
10 health institute at Pueblo, one of Colorado's state-operated inpatient,
11 psychiatric hospitals; and

12 (h) The state has a shortage of crisis beds, which results in
13 individuals in crisis remaining homeless or in less than ideal housing, like
14 jails, while awaiting appropriate placement.

15 **SECTION 2.** In Colorado Revised Statutes, **add** 24-32-721 (4)
16 as follows:

17 **24-32-721. Colorado affordable housing construction grants**
18 **and loans - housing development grant fund - creation - housing**
19 **assistance for a person with a behavioral or mental health disorder**
20 **in the criminal or juvenile justice system - cash fund - definition.**

21 (4)(a) AS USED IN THIS SUBSECTION (4), UNLESS THE CONTEXT OTHERWISE
22 REQUIRES, "PERSON WITH A BEHAVIORAL OR MENTAL HEALTH DISORDER"
23 MEANS AN INDIVIDUAL WHO HAS OR, AT ANY TIME DURING THE PREVIOUS
24 TWELVE MONTHS, HAD A DIAGNOSABLE MENTAL, BEHAVIORAL, OR
25 EMOTIONAL DISORDER OF SUFFICIENT DURATION TO MEET DIAGNOSTIC
26 CRITERIA SPECIFIED WITHIN THE DIAGNOSTIC AND STATISTICAL MANUAL
27 OF MENTAL DISORDERS, RESULTING IN FUNCTIONAL IMPAIRMENT THAT

1 INTERFERES WITH OR LIMITS ONE OR MORE MAJOR LIFE ACTIVITIES.

2 (b) IN CONJUNCTION WITH ITS OTHER PROGRAMS TO PROVIDE
3 ASSISTANCE IN OBTAINING HOUSING AND SUBJECT TO AVAILABLE
4 APPROPRIATIONS, THE DIVISION SHALL ESTABLISH A PROGRAM THAT
5 PROVIDES VOUCHERS AND OTHER SUPPORT SERVICES FOR HOUSING
6 ASSISTANCE FOR A PERSON WITH A MENTAL HEALTH DISORDER OR
7 CO-OCCURRING BEHAVIORAL HEALTH DISORDER WHO IS TRANSITIONING
8 FROM THE DEPARTMENT OF CORRECTIONS, THE DIVISION OF YOUTH
9 CORRECTIONS IN THE DEPARTMENT OF HUMAN SERVICES, OR A COUNTY
10 JAIL INTO THE COMMUNITY.

11 (c) THE DIVISION SHALL ALSO PROVIDE GRANTS OR LOANS FOR
12 THE ACQUISITION, CONSTRUCTION, OR REHABILITATION OF RENTAL
13 HOUSING FOR PERSONS WITH BEHAVIORAL OR MENTAL HEALTH DISORDERS.

14 (d) THERE IS CREATED IN THE STATE TREASURY THE HOUSING
15 ASSISTANCE FOR PERSONS TRANSITIONING FROM THE CRIMINAL OR
16 JUVENILE JUSTICE SYSTEM CASH FUND, REFERRED TO IN THIS SUBSECTION
17 (4) AS THE "CASH FUND". THE CASH FUND CONSISTS OF ALL MONEY
18 TRANSFERRED TO THE FUND PURSUANT TO SECTION 17-27-108 (7) AND ALL
19 MONEY THAT THE GENERAL ASSEMBLY APPROPRIATES TO THE CASH FUND.
20 SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE
21 DIVISION MAY EXPEND MONEY IN THE CASH FUND FOR THE PURPOSES SET
22 FORTH IN THIS SUBSECTION (4). ALL INTEREST EARNED FROM THE
23 INVESTMENT OF MONEY IN THE CASH FUND IS CREDITED TO THE CASH
24 FUND. ALL MONEY NOT EXPENDED AT THE END OF THE FISCAL YEAR
25 REMAINS IN THE CASH FUND AND DOES NOT REVERT TO THE GENERAL FUND
26 OR ANY OTHER FUND.

27 **SECTION 3. In Colorado Revised Statutes, 17-27-108, add (7)**

1 as follows:

2 **17-27-108. Division of criminal justice of the department of**
3 **public safety - duties - community corrections contracts - repeal.**

4 (7) NOTWITHSTANDING ANY LAW TO THE CONTRARY, FOR THE FISCAL
5 YEAR COMMENCING JULY 1, 2016, ANY MONEY APPROPRIATED FROM THE
6 GENERAL FUND TO THE DIVISION OF CRIMINAL JUSTICE FOR THE PURPOSES
7 OF THIS ARTICLE 27 THAT IS UNEXPENDED OR UNENCUMBERED AS OF THE
8 CLOSE OF THAT FISCAL YEAR SHALL NOT REVERT TO THE GENERAL FUND,
9 AND THE STATE TREASURER AND THE CONTROLLER SHALL TRANSFER SUCH
10 MONEY TO THE HOUSING ASSISTANCE FOR PERSONS TRANSITIONING FROM
11 THE CRIMINAL OR JUVENILE JUSTICE SYSTEM CASH FUND CREATED
12 PURSUANT TO SECTION 24-32-721 (4)(d).

13 (b) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2018.

14 **SECTION 4. In Colorado Revised Statutes, 39-28.8-501, amend**
15 **(2)(b)(IV)(K) and (2)(b)(IV)(L); and add (2)(b)(IV)(M) as follows:**

16 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
17 **- legislative declaration. (2) (b) (IV) Subject to the limitation in**
18 **subsection (5) of this section, the general assembly may annually**
19 **appropriate any money in the fund for any fiscal year following the fiscal**
20 **year in which they were received by the state for the following purposes:**

21 (K) Grants to local governments for documented retail marijuana
22 impacts through the local government retail marijuana impact grant
23 program created in section 24-32-117; ~~C.R.S.~~; and

24 (L) For the Colorado veterans' service-to-career pilot program
25 created in part 2 of article 14.3 of title 8; ~~C.R.S.~~ AND

26 (M) FOR HOUSING, RENTAL ASSISTANCE, AND SUPPORTIVE
27 SERVICES, INCLUDING REENTRY SERVICES, PURSUANT TO SECTION

1 24-32-721.

2 **SECTION 5. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.