

CHAPTER 305

HUMAN SERVICES - BEHAVIORAL HEALTH

SENATE BILL 17-021

BY SENATOR(S) Martinez Humenik, Aguilar, Court, Fenberg, Fields, Garcia, Gardner, Kefalas, Kerr, Merrifield, Moreno, Priola, Smallwood, Tate, Todd, Williams A., Grantham;
also REPRESENTATIVE(S) Singer, Benavidez, Coleman, Esgar, Exum, Foote, Ginal, Gray, Hooton, Jackson, Kennedy, Lebsock, Lee, Lontine, Melton, Michaelson Jenet, Pabon, Pettersen, Rosenthal, Valdez, Weissman, Winter, Young, Duran.

AN ACT**CONCERNING REENTRY SERVICES FOR PERSONS WITH MENTAL ILLNESS IN THE CRIMINAL JUSTICE SYSTEM.**

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

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

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

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

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

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

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

have become de facto mental health institutions;

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

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

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

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

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

24-32-721. Colorado affordable housing construction grants and loans - housing development grant fund - creation - housing assistance for a person with a behavioral or mental health disorder in the criminal or juvenile justice system - cash fund - definition. (4) (a) AS USED IN THIS SUBSECTION (4), UNLESS THE CONTEXT OTHERWISE REQUIRES, "PERSON WITH A BEHAVIORAL OR MENTAL HEALTH DISORDER" MEANS AN INDIVIDUAL WHO HAS OR, AT ANY TIME DURING THE PREVIOUS TWELVE MONTHS, HAD A DIAGNOSABLE MENTAL, BEHAVIORAL, OR EMOTIONAL DISORDER OF SUFFICIENT DURATION TO MEET DIAGNOSTIC CRITERIA SPECIFIED WITHIN THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS, RESULTING IN FUNCTIONAL IMPAIRMENT THAT INTERFERES WITH OR LIMITS ONE OR MORE MAJOR LIFE ACTIVITIES.

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

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

(d) THERE IS CREATED IN THE STATE TREASURY THE HOUSING ASSISTANCE FOR PERSONS TRANSITIONING FROM THE CRIMINAL OR JUVENILE JUSTICE SYSTEM CASH FUND, REFERRED TO IN THIS SUBSECTION (4) AS THE "CASH FUND". THE CASH FUND CONSISTS OF ALL MONEY TRANSFERRED TO THE FUND PURSUANT TO SECTION 17-27-108 (7) AND ALL MONEY THAT THE GENERAL ASSEMBLY APPROPRIATES TO

THE CASH FUND. SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE DIVISION MAY EXPEND MONEY IN THE CASH FUND FOR THE PURPOSES SET FORTH IN THIS SUBSECTION (4). ALL INTEREST EARNED FROM THE INVESTMENT OF MONEY IN THE CASH FUND IS CREDITED TO THE CASH FUND. ALL MONEY NOT EXPENDED AT THE END OF THE FISCAL YEAR REMAINS IN THE CASH FUND AND DOES NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND.

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

17-27-108. Division of criminal justice of the department of public safety - duties - community corrections contracts - repeal. (7) (a) NOTWITHSTANDING ANY LAW TO THE CONTRARY, FOR THE FISCAL YEAR COMMENCING JULY 1, 2016, ANY MONEY APPROPRIATED FROM THE GENERAL FUND TO THE DIVISION OF CRIMINAL JUSTICE FOR THE PURPOSES OF THIS ARTICLE 27 THAT IS UNEXPENDED OR UNENCUMBERED AS OF THE CLOSE OF THAT FISCAL YEAR SHALL NOT REVERT TO THE GENERAL FUND, AND THE STATE TREASURER AND THE CONTROLLER SHALL TRANSFER SUCH MONEY TO THE HOUSING ASSISTANCE FOR PERSONS TRANSITIONING FROM THE CRIMINAL OR JUVENILE JUSTICE SYSTEM CASH FUND CREATED PURSUANT TO SECTION 24-32-721 (4)(d).

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

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

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

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

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

(N) FOR HOUSING, RENTAL ASSISTANCE, AND SUPPORTIVE SERVICES, INCLUDING REENTRY SERVICES, PURSUANT TO SECTION 24-32-721.

SECTION 5. 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 2, 2017