

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0139.01 Jane Ritter x4342

SENATE BILL 22-021

SENATE SPONSORSHIP

Rodriguez and Lee, Simpson

HOUSE SPONSORSHIP

Benavidez and Amabile, Pelton

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING THE TREATMENT OF PERSONS WITH BEHAVIORAL
102 HEALTH DISORDERS IN THE 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 Health Disorders in the Criminal and Juvenile Justice Systems. The bill updates provisions of the existing article 1.9 of title 18, Colorado Revised Statutes, concerning the treatment of persons with mental health disorders in the criminal and juvenile justice systems.

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

1 2011 THROUGH 2012 INDICATE THAT HALF OF THE PEOPLE INCARCERATED
2 IN PRISONS, AND TWO-THIRDS OF THOSE IN JAIL, HAVE EITHER A CURRENT
3 SERIOUS PSYCHOLOGICAL DISTRESS OR A HISTORY OF BEHAVIORAL HEALTH
4 CONCERNS.

5 (c) THE DEPARTMENT OF CORRECTIONS' DATA INDICATE THAT ONE
6 OUT OF EVERY THREE MEN AND FOUR OUT OF EVERY FIVE WOMEN
7 IMPRISONED IN COLORADO HAVE A MODERATE TO SEVERE BEHAVIORAL
8 HEALTH DISORDER;

9 (d) THE DIVISION OF YOUTH SERVICES' DATA INDICATE THAT
10 FIFTY-NINE PERCENT OF NEWLY COMMITTED YOUTH REQUIRE BEHAVIORAL
11 HEALTH INTERVENTION OR SERVICES, AND NATIONALLY, JUVENILE
12 INSTITUTIONS ARE ILL-EQUIPPED TO PROVIDE A COMPREHENSIVE ARRAY OF
13 SUCH SERVICES TO MEET THE NEEDS; AND

14 (e) LARGE NUMBERS OF PEOPLE WITH BEHAVIORAL HEALTH
15 DISORDERS ARE BEING SENT TO SECURE JUSTICE SETTINGS INSTEAD OF
16 RECEIVING COMMUNITY TREATMENT. AS A RESULT, THE CRIMINAL JUSTICE
17 SYSTEM HAS BECOME THE STOPGAP PROVIDER TO ADDRESS CHRONIC AND
18 ACUTE BEHAVIORAL HEALTH NEEDS IN OUR STATE.

19 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

20 (a) ACTIONS FOCUSED ON PERSONS WHO ARE AT RISK OF ENTRY
21 INTO THE SYSTEM DUE TO BEHAVIORAL HEALTH DISORDERS, AND ACTIONS
22 TO HELP REDUCE AND PREVENT RECIDIVISM ONCE SUCH INDIVIDUALS ARE
23 IN THE SYSTEM, ARE CRITICAL IN ADDRESSING THE PROBLEM;

24 (b) RESEARCH DEMONSTRATES A NEED TO DIVERT PERSONS WITH
25 BEHAVIORAL HEALTH DISORDERS TO TREATMENT PROGRAMS AND TO
26 PROVIDE WRAPAROUND SERVICES, SUCH AS HOUSING AND CONTINUED
27 MEDICAL AND BEHAVIORAL HEALTH TREATMENT UPON RELEASE; AND

1 (c) PREVENTION AND INTERVENTION NEEDS RANGE FROM, BUT ARE
2 NOT LIMITED TO, SCHOOL-BASED BEHAVIORAL HEALTH SERVICES; LAW
3 ENFORCEMENT DIRECTED DIVERSION; COMMUNITY SCREENING,
4 ASSESSMENT, AND TREATMENT; SECURE SETTINGS WITHIN CORRECTION
5 FACILITIES; AND SUPPORTIVE REENTRY SERVICES THAT ARE CRITICAL
6 COMPONENTS OF DIGNITY, SAFETY, AND RECOVERY.

7 (3) IN ADDITION, THE GENERAL ASSEMBLY FINDS THAT THE
8 RESULTS OF A REPORT REQUESTED BY THE JOINT BUDGET COMMITTEE IN
9 1999 RECOMMENDED CROSS-SYSTEM COLLABORATION AND
10 COMMUNICATION AS A METHOD FOR REDUCING THE NUMBER OF PERSONS
11 WITH MENTAL HEALTH DISORDERS WHO ARE INVOLVED IN THE CRIMINAL
12 AND JUVENILE JUSTICE SYSTEMS. THE COMMITTEE AND TASK FORCE
13 CREATED BY THIS ARTICLE 1.9 SHALL CONSIDER THE BROADER CONTINUUM
14 OF BEHAVIORAL HEALTH DISORDERS TO BETTER ACCOUNT FOR THE NEEDS
15 OF THE AT-RISK POPULATION BEING STUDIED.

16 (4) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT,
17 DESPITE THE IMPACT AND REACH OF THE PREVIOUS WORK OF THE
18 LEGISLATIVE OVERSIGHT COMMITTEE AND TASK FORCE, A SIGNIFICANT
19 NEED REMAINS FOR ONGOING INNOVATION TO ADDRESS THESE AND
20 RELATED ISSUES. THE GENERAL ASSEMBLY THEREFORE DETERMINES THAT
21 IT IS NECESSARY TO CONTINUE THE LEGISLATIVE OVERSIGHT COMMITTEE
22 AND TASK FORCE TO EXAMINE THE IDENTIFICATION, DIAGNOSIS, AND
23 TREATMENT OF PERSONS WITH BEHAVIORAL HEALTH DISORDERS WHO ARE
24 AT RISK OF INVOLVEMENT OR CONTINUED INVOLVEMENT WITH THE
25 CRIMINAL OR JUVENILE JUSTICE SYSTEMS AND TO DEVELOP STRATEGIES TO
26 ADDRESS THE ISSUES SUCH PEOPLE FACE.

27 **18-1.9-102. Definitions.** AS USED IN THIS ARTICLE 1.9, UNLESS

1 THE CONTEXT OTHERWISE REQUIRES:

2 (1) "BEHAVIORAL HEALTH" REFERS TO AN INDIVIDUAL'S MENTAL
3 ANDEMOITIONAL WELL-BEING AND ACTIONS THAT AFFECT AN INDIVIDUAL'S
4 OVERALL WELLNESS. BEHAVIORAL HEALTH PROBLEMS AND DISORDERS
5 INCLUDE SUBSTANCE USE DISORDERS, SERIOUS PSYCHOLOGICAL DISTRESS,
6 SUICIDE, DEPRESSION, AND OTHER MENTAL HEALTH DISORDERS. PROBLEMS
7 RANGING FROM UNHEALTHY STRESS OR SUBCLINICAL CONDITIONS TO
8 DIAGNOSABLE AND TREATABLE DISEASES ARE INCLUDED IN THE TERM
9 "BEHAVIORAL HEALTH". THE TERM "BEHAVIORAL HEALTH" IS ALSO USED
10 TO DESCRIBE SERVICE SYSTEMS THAT ENCOMPASS PREVENTION AND
11 PROMOTION OF EMOTIONAL HEALTH, PREVENTION AND TREATMENT
12 SERVICES FOR MENTAL HEALTH AND SUBSTANCE USE DISORDERS, AND
13 RECOVERY SUPPORT.

14 (2) "CO-OCCURRING DISORDER" MEANS A DISORDER THAT
15 COMMONLY COINCIDES WITH MENTAL HEALTH DISORDERS AND MAY
16 INCLUDE, BUT IS NOT LIMITED TO, SUBSTANCE ABUSE AND SUBSTANCE USE
17 DISORDERS, BEHAVIORAL HEALTH DISORDERS, INTELLECTUAL AND
18 DEVELOPMENTAL DISABILITIES, FETAL ALCOHOL SYNDROME, AND
19 TRAUMATIC BRAIN INJURY.

20 (3) "LEGISLATIVE OVERSIGHT COMMITTEE" OR "COMMITTEE"
21 MEANS THE LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING THE
22 TREATMENT OF PERSONS WITH BEHAVIORAL HEALTH DISORDERS IN THE
23 CRIMINAL AND JUVENILE JUSTICE SYSTEMS ESTABLISHED PURSUANT TO
24 SECTION 18-1.9-103.

25 (4) "PREVIOUS TASK FORCE" MEANS THE TASK FORCE CONCERNING
26 THE TREATMENT OF PERSONS WITH MENTAL HEALTH DISORDERS IN THE
27 CRIMINAL AND JUVENILE JUSTICE SYSTEMS THAT EXISTED PRIOR TO JULY

1 1, 2022.

2 (5) "TASK FORCE" MEANS THE TASK FORCE CONCERNING THE
3 TREATMENT OF PERSONS WITH BEHAVIORAL HEALTH DISORDERS IN THE
4 CRIMINAL AND JUVENILE JUSTICE SYSTEMS ESTABLISHED PURSUANT TO
5 SECTION 18-1.9-104.

6 **18-1.9-103. Legislative oversight committee concerning the**
7 **treatment of persons with behavioral health disorders in the criminal**
8 **and juvenile justice systems - creation - duties. (1) Creation.**

9 (a) THERE IS CREATED A LEGISLATIVE OVERSIGHT COMMITTEE
10 CONCERNING THE TREATMENT OF PERSONS WITH BEHAVIORAL HEALTH
11 DISORDERS IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS.

12 (b) THE COMMITTEE CONSISTS OF SIX MEMBERS AS FOLLOWS:

13 (I) THE PRESIDENT OF THE SENATE SHALL APPOINT TWO SENATORS
14 TO SERVE ON THE COMMITTEE, AND THE MINORITY LEADER OF THE SENATE
15 SHALL APPOINT ONE SENATOR TO SERVE ON THE COMMITTEE; AND

16 (II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
17 APPOINT THREE REPRESENTATIVES TO SERVE ON THE COMMITTEE, NO
18 MORE THAN TWO OF WHOM ARE MEMBERS OF THE SAME POLITICAL PARTY.

19 (c) THE TERMS OF THE MEMBERS WHO ARE SERVING ON THE
20 LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING THE TREATMENT OF
21 PERSONS WITH MENTAL HEALTH DISORDERS IN THE CRIMINAL AND
22 JUVENILE JUSTICE SYSTEMS AS OF THE EFFECTIVE DATE OF THIS SECTION
23 ARE EXTENDED TO THE CONVENING DATE OF THE FIRST REGULAR SESSION
24 OF THE SEVENTY-FOURTH GENERAL ASSEMBLY. AS SOON AS PRACTICABLE
25 AFTER SUCH CONVENING DATE, BUT NO LATER THAN THE END OF THE
26 LEGISLATIVE SESSION, THE SPEAKER, THE PRESIDENT, AND THE MINORITY
27 LEADER OF THE SENATE SHALL EACH APPOINT OR REAPPOINT MEMBERS IN

1 THE SAME MANNER AS PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION.
2 THEREAFTER, THE TERMS OF MEMBERS APPOINTED OR REAPPOINTED BY
3 THE SPEAKER, THE PRESIDENT, AND THE MINORITY LEADER OF THE SENATE
4 EXPIRE ON THE CONVENING DATE OF THE FIRST REGULAR SESSION OF THE
5 NEXT GENERAL ASSEMBLY, AND ALL SUBSEQUENT APPOINTMENTS AND
6 REAPPOINTMENTS BY THE SPEAKER, THE PRESIDENT, AND THE MINORITY
7 LEADER OF THE SENATE MUST BE MADE AS SOON AS PRACTICABLE AFTER
8 THE CONVENING DATE, BUT NO LATER THAN THE END OF THE LEGISLATIVE
9 SESSION.

10 (d) THE PERSON MAKING THE ORIGINAL APPOINTMENT OR
11 REAPPOINTMENT SHALL FILL ANY VACANCY BY APPOINTMENT FOR THE
12 REMAINDER OF AN UNEXPIRED TERM. MEMBERS APPOINTED OR
13 REAPPOINTED SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY
14 AND CONTINUE IN OFFICE UNTIL THE MEMBER'S SUCCESSOR IS APPOINTED.

15 (e) THE PRESIDENT OF THE SENATE SHALL SELECT THE FIRST CHAIR
16 OF THE COMMITTEE, AND THE SPEAKER OF THE HOUSE OF
17 REPRESENTATIVES SHALL SELECT THE FIRST VICE-CHAIR. THE CHAIR AND
18 VICE-CHAIR SHALL ALTERNATE ANNUALLY THEREAFTER BETWEEN THE
19 TWO HOUSES.

20 (f) THE CHAIR AND VICE-CHAIR OF THE COMMITTEE MAY
21 ESTABLISH ORGANIZATIONAL AND PROCEDURAL RULES AS ARE NECESSARY
22 FOR THE OPERATION OF THE COMMITTEE AND, IN COLLABORATION WITH
23 THE TASK FORCE, GUIDELINES AND EXPECTATIONS FOR ONGOING
24 COLLABORATION WITH THE TASK FORCE.

25 (g) (I) MEMBERS OF THE COMMITTEE MAY RECEIVE PAYMENT OF
26 PER DIEM AND REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES
27 AUTHORIZED PURSUANT TO SECTION 2-2-307.

1 (II) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL
2 AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL
3 SUPPLY STAFF ASSISTANCE TO THE COMMITTEE AS THEY DEEM
4 APPROPRIATE, WITHIN EXISTING APPROPRIATIONS.

5 (2) **Duties.** (a) (I) THE COMMITTEE SHALL MEET AT LEAST THREE
6 TIMES EACH YEAR AND AT SUCH OTHER TIMES AS IT DEEMS NECESSARY.

7 (II) EACH COMMITTEE MEMBER SHALL ANNUALLY EITHER ATTEND
8 OR CALL INTO AT LEAST ONE REGULAR TASK FORCE MEETING. COMMITTEE
9 MEMBERS ARE ENCOURAGED TO ATTEND SEPARATE MEETINGS AND INFORM
10 THE REST OF THE COMMITTEE ABOUT THE CURRENT WORK OF THE TASK
11 FORCE.

12 (b) THE COMMITTEE IS RESPONSIBLE FOR THE OVERSIGHT OF THE
13 TASK FORCE AND SHALL SUBMIT ANNUAL REPORTS PURSUANT TO
14 SUBSECTION (2)(c) OF THIS SECTION TO THE GENERAL ASSEMBLY
15 REGARDING THE TASK FORCE'S FINDINGS AND RECOMMENDATIONS. IN
16 ADDITION, THE COMMITTEE MAY RECOMMEND LEGISLATIVE CHANGES
17 THAT ARE TREATED AS BILLS RECOMMENDED BY AN INTERIM LEGISLATIVE
18 COMMITTEE FOR PURPOSES OF ANY INTRODUCTION DEADLINES OR BILL
19 LIMITATIONS IMPOSED BY THE JOINT RULES OF THE GENERAL ASSEMBLY.

20 (c) (I) ON OR BEFORE JANUARY 15 OF EACH YEAR, THE COMMITTEE
21 IS REQUIRED TO SUBMIT A REPORT TO THE GENERAL ASSEMBLY AND MAKE
22 SUCH REPORT PUBLICLY AVAILABLE ON ITS WEBSITE; HOWEVER, DURING
23 ANY INTERIM IN WHICH THE GENERAL ASSEMBLY HAS SUSPENDED INTERIM
24 COMMITTEE ACTIVITIES, THE COMMITTEE IS NOT REQUIRED TO SUBMIT
25 SUCH A REPORT. THE ANNUAL REPORT MUST BRIEFLY SUMMARIZE THE
26 STUDY ISSUES, RECOMMENDATIONS CONSIDERED, AND ANY ACTIONS
27 TAKEN BY THE COMMITTEE AND THE TASK FORCE DURING THE PREVIOUS

1 YEAR.

2 (II) THE REPORT MUST COMPLY WITH THE PROVISIONS OF SECTION
3 24-1-136 (9). NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
4 REQUIREMENT IN THIS SECTION TO REPORT TO THE GENERAL ASSEMBLY
5 CONTINUES INDEFINITELY.

6 **18-1.9-104. Task force concerning the treatment of persons**
7 **with behavioral health disorders in the criminal and juvenile justice**
8 **systems - creation - membership - duties. (1) Creation.** THERE IS
9 CREATED A TASK FORCE CONCERNING THE TREATMENT OF PERSONS WITH
10 BEHAVIORAL HEALTH DISORDERS IN THE CRIMINAL AND JUVENILE JUSTICE
11 SYSTEMS. THE TASK FORCE CONSISTS OF TWENTY-NINE MEMBERS
12 APPOINTED AS PROVIDED IN SUBSECTION (2) OF THIS SECTION AND ANY
13 STAFF SUPPORT AS PROVIDED FOR IN SECTION 18-1.9-105.

14 (2) **Membership - terms. (a)** THE CHIEF JUSTICE OF THE
15 COLORADO SUPREME COURT SHALL APPOINT TWO MEMBERS WHO
16 REPRESENT THE JUDICIAL DEPARTMENT, ONE OF WHOM REPRESENTS THE
17 DIVISION OF PROBATION WITHIN THE DEPARTMENT. BEGINNING JULY 1,
18 2022, MEMBERS APPOINTED PURSUANT TO THIS SUBSECTION (2)(a) MAY
19 SERVE NO MORE THAN TWO CONSECUTIVE TWO-YEAR TERMS. NOTHING IN
20 THIS SECTION PROHIBITS THE CHIEF JUSTICE FROM APPOINTING MEMBERS
21 WHO SERVED ON THE PREVIOUS TASK FORCE.

22 (b) THE FOLLOWING EXECUTIVE BRANCH AGENCIES, DIVISIONS,
23 AND OFFICES SHALL APPOINT OR REAPPOINT FROM THE PREVIOUS TASK
24 FORCE ELEVEN MEMBERS. BEGINNING JULY 1, 2022, MEMBERS APPOINTED
25 PURSUANT TO THIS SUBSECTION (2)(b) MAY SERVE NO MORE THAN TWO
26 CONSECUTIVE TWO-YEAR TERMS. NOTHING IN THIS SECTION PROHIBITS
27 THE EXECUTIVE BRANCH AGENCIES LISTED FROM APPOINTING MEMBERS

1 WHO SERVED ON THE PREVIOUS TASK FORCE. THE FOLLOWING EXECUTIVE
2 BRANCH AGENCIES SHALL APPOINT A REPRESENTATIVE ON OR BEFORE
3 AUGUST 1, 2022:

4 (I) THE DIRECTOR OF THE DIVISION OF CRIMINAL JUSTICE IN THE
5 DEPARTMENT OF PUBLIC SAFETY SHALL APPOINT ONE MEMBER TO
6 REPRESENT THE DIVISION;

7 (II) THE DIRECTOR OF THE DIVISION OF PAROLE IN THE
8 DEPARTMENT OF CORRECTIONS SHALL APPOINT ONE MEMBER TO
9 REPRESENT THE DIVISION;

10 (III) THE DEPARTMENT OF HUMAN SERVICES SHALL APPOINT THREE
11 MEMBERS AS FOLLOWS:

12 (A) THE DIRECTOR OF THE OFFICE OF BEHAVIORAL HEALTH SHALL
13 APPOINT ONE MEMBER TO REPRESENT THE OFFICE;

14 (B) THE DIRECTOR OF THE DIVISION OF YOUTH SERVICES SHALL
15 APPOINT ONE MEMBER TO REPRESENT THE DIVISION; AND

16 (C) THE DIRECTOR OF THE UNIT WITHIN THE DEPARTMENT OF
17 HUMAN SERVICES THAT IS RESPONSIBLE FOR CHILD WELFARE SERVICES
18 SHALL APPOINT ONE MEMBER TO REPRESENT THE UNIT;

19 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
20 EDUCATION SHALL APPOINT ONE MEMBER TO REPRESENT THE
21 DEPARTMENT;

22 (V) THE ATTORNEY GENERAL SHALL APPOINT ONE MEMBER TO
23 REPRESENT THE ATTORNEY GENERAL'S OFFICE;

24 (VI) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH
25 CARE POLICY AND FINANCING SHALL APPOINT ONE MEMBER TO REPRESENT
26 THE DEPARTMENT;

27 (VII) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR

1 AND EMPLOYMENT SHALL APPOINT ONE MEMBER TO REPRESENT THE
2 DEPARTMENT;

3 (VIII) THE DIRECTOR OF THE OFFICE OF THE CHILD'S
4 REPRESENTATIVE SHALL APPOINT ONE MEMBER TO REPRESENT THE OFFICE;
5 AND

6 (IX) THE DIRECTOR OF THE OFFICE OF THE ALTERNATE DEFENSE
7 COUNSEL SHALL APPOINT ONE MEMBER TO REPRESENT THE OFFICE.

8 (c) THE CHAIR AND VICE-CHAIR OF THE LEGISLATIVE OVERSIGHT
9 COMMITTEE SHALL APPOINT OR REAPPOINT FROM THE PREVIOUS TASK
10 FORCE SIXTEEN ADDITIONAL MEMBERS. COMMITTEE STAFF IS RESPONSIBLE
11 FOR PUBLICLY ANNOUNCING VACANCIES FOR THE FOLLOWING POSITIONS,
12 AND REQUESTING CANDIDATES SUBMIT A LETTER OF INTEREST FOR THE
13 SPECIFIC POSITION, SO THAT THE LETTERS OF INTEREST ARE DUE NO LATER
14 THAN ONE WEEK AFTER THE EFFECTIVE DATE OF THIS SECTION. THE
15 LEGISLATIVE OVERSIGHT COMMITTEE, BY MAJORITY VOTE, SHALL APPROVE
16 THE APPOINTMENTS FOR THESE POSITIONS. BEGINNING JULY 1, 2022,
17 MEMBERS APPOINTED PURSUANT TO THIS SUBSECTION (2)(c) MAY SERVE
18 NO MORE THAN TWO TWO-YEAR TERMS. NOTHING IN THIS SECTION
19 PROHIBITS THE LEGISLATIVE OVERSIGHT COMMITTEE FROM APPOINTING
20 MEMBERS WHO SERVED ON THE PREVIOUS TASK FORCE. THE TASK FORCE
21 MEMBERS TO BE APPOINTED PURSUANT TO THIS SUBSECTION (2)(c)
22 INCLUDE:

23 (I) TWO MEMBERS WHO REPRESENT LOCAL LAW ENFORCEMENT
24 AGENCIES, ONE OF WHOM IS IN ACTIVE SERVICE AS A POLICE OFFICER IN
25 THE STATE, AND THE OTHER IS IN ACTIVE SERVICE AS A SHERIFF IN THE
26 STATE;

27 (II) TWO MEMBERS FROM COUNTY DEPARTMENTS OF HUMAN OR

1 SOCIAL SERVICES, ONE OF WHOM REPRESENTS A RURAL COLORADO
2 PERSPECTIVE;

3 (III) ONE MEMBER WHO REPRESENTS DISTRICT ATTORNEYS WITHIN
4 THE STATE;

5 (IV) TWO MEMBERS WHO REPRESENT THE CRIMINAL DEFENSE BAR
6 WITHIN THE STATE, ONE OF WHOM HAS EXPERIENCE REPRESENTING
7 JUVENILES IN THE JUVENILE JUSTICE SYSTEM;

8 (V) TWO MEMBERS WHO ARE LICENSED MENTAL HEALTH
9 PROFESSIONALS PRACTICING WITHIN THE STATE, ONE OF WHOM HAS
10 EXPERIENCE TREATING JUVENILES;

11 (VI) ONE MEMBER WHO IS FROM A COMMUNITY MENTAL HEALTH
12 CENTER WITHIN THE STATE;

13 (VII) ONE MEMBER WHO HAS KNOWLEDGE OF PUBLIC BENEFITS
14 AND PUBLIC HOUSING WITHIN THE STATE;

15 (VIII) ONE MEMBER WHO IS A MENTAL HEALTH PROFESSIONAL
16 PRACTICING IN FORENSIC ENVIRONMENTS;

17 (IX) THREE MEMBERS OF THE PUBLIC AS FOLLOWS:

18 (A) ONE MEMBER WHO IS LIVING WITH A BEHAVIORAL HEALTH
19 DISORDER AND HAS BEEN INVOLVED IN THE CRIMINAL OR JUVENILE
20 JUSTICE SYSTEM IN THE STATE;

21 (B) ONE MEMBER WHO HAS AN ADULT FAMILY MEMBER WHO HAS
22 A BEHAVIORAL HEALTH DISORDER AND WHO IS OR WAS INVOLVED IN THE
23 CRIMINAL JUSTICE SYSTEM IN THE STATE; AND

24 (C) ONE MEMBER WHO IS THE PARENT OF A CHILD WHO HAS A
25 BEHAVIORAL HEALTH DISORDER AND WHO IS OR WAS INVOLVED IN THE
26 JUVENILE JUSTICE SYSTEM IN THE STATE; AND

27 (X) ONE MEMBER WHO REPRESENTS A NONPROFIT ORGANIZATION

1 THAT WORKS ON STATEWIDE LEGISLATION AND ORGANIZING COLORADANS
2 TO PROMOTE BEHAVIORAL, MENTAL, AND PHYSICAL HEALTH NEEDS.

3 (d) (I) A VACANCY OCCURRING IN A POSITION APPOINTED BY THE
4 CHIEF JUSTICE OF THE COLORADO SUPREME COURT PURSUANT TO
5 SUBSECTION (2)(a) OF THIS SECTION MUST BE FILLED AS SOON AS POSSIBLE
6 BY THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT IN
7 ACCORDANCE WITH THE LIMITATIONS SPECIFIED IN SUBSECTION (2)(a) OF
8 THIS SECTION. IN ADDITION, THE CHIEF JUSTICE OF THE COLORADO
9 SUPREME COURT MAY REMOVE AND REPLACE ANY APPOINTMENT TO THE
10 TASK FORCE MADE PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION.

11 (II) A VACANCY OCCURRING IN A POSITION THAT IS APPOINTED BY
12 AN EXECUTIVE BRANCH AGENCY PURSUANT TO SUBSECTION (2)(b) OF THIS
13 SECTION MUST BE FILLED AS SOON AS POSSIBLE BY THE INITIAL APPOINTING
14 EXECUTIVE BRANCH AGENCY. IN ADDITION, THE INITIAL APPOINTING
15 EXECUTIVE BRANCH AGENCY MAY REMOVE AND REPLACE ANY
16 APPOINTMENT IT MADE TO THE TASK FORCE MADE PURSUANT TO
17 SUBSECTION (2)(b) OF THIS SECTION.

18 (III) A VACANCY OCCURRING IN A POSITION FILLED BY THE CHAIR
19 AND VICE-CHAIR OF THE COMMITTEE PURSUANT TO SUBSECTION (2)(c) OF
20 THIS SECTION MUST BE FILLED AS SOON AS POSSIBLE BY THE CHAIR AND
21 VICE-CHAIR OF THE COMMITTEE IN ACCORDANCE WITH THE LIMITATIONS
22 SPECIFIED IN SUBSECTION (2)(c) OF THIS SECTION. IN ADDITION, THE CHAIR
23 AND VICE-CHAIR OF THE COMMITTEE MAY REMOVE AND REPLACE ANY
24 APPOINTMENT TO THE TASK FORCE MADE PURSUANT TO SUBSECTION (2)(c)
25 OF THIS SECTION.

26 (e) IN MAKING APPOINTMENTS TO THE TASK FORCE, THE
27 APPOINTING AUTHORITIES SHALL ENSURE THAT THE MEMBERSHIP OF THE

1 TASK FORCE INCLUDES PERSONS WHO HAVE EXPERIENCE WITH OR
2 INTEREST IN THE STUDY AREAS OF THE TASK FORCE AS SET FORTH IN
3 SUBSECTION (3) OF THIS SECTION; PERSONS WHO REFLECT THE ETHNIC,
4 CULTURAL, AND GENDER DIVERSITY OF THE STATE; REPRESENTATION OF
5 ALL AREAS OF THE STATE; AND, TO THE EXTENT PRACTICABLE, PERSONS
6 WITH DISABILITIES.

7 (f) (I) ALL TASK FORCE MEMBERS ARE EXPECTED TO SEEK INPUT
8 FROM THE VARIOUS NETWORKS OR ORGANIZATIONAL STRUCTURES OF THE
9 BODY THEY REPRESENT, IF ANY. EVERY EXECUTIVE BRANCH AGENCY IS
10 ENCOURAGED TO NOMINATE A REPRESENTATIVE WHO CAN PARTICIPATE IN
11 MAKING TASK FORCE SUBJECT MATTER EXPERT RECOMMENDATIONS, YET
12 STILL APPROPRIATELY REPRESENT THE EXECUTIVE BRANCH AGENCY'S
13 CONSTITUENCY.

14 (II) IN ORDER TO ADVANCE THE WORK OF THE TASK FORCE, TASK
15 FORCE MEMBERS ARE ENCOURAGED TO PARTICIPATE IN DECISION-MAKING,
16 WITH THE UNDERSTANDING THAT INDIVIDUAL VOTES ON TASK FORCE
17 ISSUES ARE BASED ON SUBJECT MATTER EXPERTISE AND DO NOT COMMIT
18 REPRESENTATIVE AGENCIES OR ORGANIZATIONS TO ANY POSITION OR
19 ACTION. TASK FORCE MEMBERS SHALL ADHERE TO ANY AGREED-UPON
20 PROCEDURAL RULES AND GUIDELINES.

21 (g) MEMBERS OF THE TASK FORCE SERVE WITHOUT
22 COMPENSATION. HOWEVER, MEMBERS OF THE TASK FORCE APPOINTED
23 PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION MAY RECEIVE
24 REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES ASSOCIATED
25 WITH THEIR DUTIES ON THE TASK FORCE.

26 (3) **Issues for study.** (a) THE TASK FORCE SHALL STUDY
27 BEHAVIORAL HEALTH ISSUES WITHIN ITS SCOPE FOR PERSONS INVOLVED

1 WITH THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS, AS ANNUALLY
2 DEFINED IN WRITING BY THE COMMITTEE EVERY YEAR ON OR BEFORE
3 JANUARY 30, AND SHALL DEVELOP AND PROPOSE POLICY MODIFICATIONS
4 FOR COMMITTEE CONSIDERATION.

5 (b) THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (3) DO NOT
6 PROHIBIT THE TASK FORCE, AT ANY TIME DURING ITS EXISTENCE, FROM
7 REQUESTING PERMISSION FROM THE COMMITTEE TO STUDY, PRESENT
8 FINDINGS, AND MAKE RECOMMENDATIONS ON ANY ISSUE RELATED TO THE
9 SCOPE OF THE TASK FORCE AND OVERSIGHT COMMITTEE.

10 (c) THE TASK FORCE SHALL STUDY BEST AND PROMISING
11 PRACTICES TO PROMOTE POSITIVE SOCIAL AND EMOTIONAL OUTCOMES FOR
12 INDIVIDUALS WITH BEHAVIORAL HEALTH DISORDERS WHO ARE INVOLVED
13 OR AT RISK OF CONTINUED INVOLVEMENT IN THE CRIMINAL OR JUVENILE
14 JUSTICE SYSTEMS, WITH THE FOCUS ON BETTER UNDERSTANDING AND
15 ADDRESSING NECESSARY RESOURCES AND ACTIONS FOR IMPLEMENTATION
16 TO PREVENT INITIAL OR CONTINUED INVOLVEMENT WITH THE CRIMINAL OR
17 JUVENILE JUSTICE SYSTEMS.

18 (d) IN EVALUATING THE ISSUES SET FORTH IN SUBSECTION (3)(a)
19 OF THIS SECTION, THE TASK FORCE SHALL SPECIFICALLY CONSIDER THE
20 FOLLOWING RELATED ISSUES, INCLUDING:

21 (I) EARLY IDENTIFICATION OF AND INTERVENTION STRATEGIES FOR
22 INDIVIDUALS WHO ARE AT A HIGHER RISK OF CONTINUED INVOLVEMENT
23 WITH THE CRIMINAL OR JUVENILE JUSTICE SYSTEM DUE TO ESTABLISHED
24 OR DEVELOPING BEHAVIORAL HEALTH CONCERNS;

25 (II) THE PROMOTION OF RESILIENCE AND HEALTH FOR PERSONS
26 ALREADY EXPERIENCING INVOLVEMENT OR WHO ARE AT RISK OF
27 CONTINUING INVOLVEMENT WITH THE CRIMINAL OR JUVENILE JUSTICE

1 SYSTEM DUE TO BEHAVIORAL HEALTH CONCERNS;

2 (III) THE INTERSECTION OF BEHAVIORAL HEALTH DISORDERS AND
3 THE INVOLVEMENT OR RISK OF CONTINUED INVOLVEMENT IN THE JUVENILE
4 OR CRIMINAL JUSTICE SYSTEMS, WITH A SPECIFIC FOCUS ON DIVERTING
5 PERSONS WITH MENTAL HEALTH, SUBSTANCE USE, OR CO-OCCURRING
6 DISORDERS AWAY FROM THE RISK OF CONTINUED JUVENILE OR CRIMINAL
7 JUSTICE INVOLVEMENT; AND

8 (IV) ISSUES RELATING TO PERSONS WITH BEHAVIORAL HEALTH
9 DISORDERS WHO ARE ALREADY INVOLVED IN THE CRIMINAL OR JUVENILE
10 JUSTICE SYSTEM, UTILIZING SAFE AND EFFECTIVE INTERVENTIONS WITH A
11 FOCUS ON PREVENTING FURTHER INVOLVEMENT, PROMOTING GOOD
12 HEALTH OUTCOMES UPON RELEASE, AND ENHANCING RECOVERY SUCCESS.

13 (4) **Additional duties of the task force.** THE TASK FORCE SHALL
14 ANNUALLY DELIVER POLICY AND LEGISLATIVE RECOMMENDATIONS TO THE
15 COMMITTEE PURSUANT TO THIS SECTION. IN ADDITION, THE TASK FORCE
16 SHALL:

17 (a) ON OR BEFORE AUGUST 1 OF EACH YEAR, SELECT A CHAIR AND
18 VICE-CHAIR FROM AMONG ITS MEMBERS;

19 (b) MEET AT LEAST SIX TIMES EACH YEAR, OR MORE OFTEN AS
20 DIRECTED BY THE CHAIR OF THE COMMITTEE;

21 (c) ESTABLISH ORGANIZATIONAL AND PROCEDURAL RULES FOR THE
22 OPERATION OF THE TASK FORCE AND FOR COLLABORATION WITH THE
23 COMMITTEE;

24 (d) DESIGNATE SPECIFIC TASK FORCE MEMBERS RESPONSIBLE FOR
25 COLLABORATING WITH AND OBTAINING INPUT FROM OTHER GROUPS, TASK
26 FORCES, OR STATEWIDE INITIATIVES THAT COMPLEMENT OR RELATE TO
27 THE TASK FORCE'S IDENTIFIED AREAS OF STUDY;

1 (e) CREATE SUBCOMMITTEES AS NEEDED TO CARRY OUT THE
2 DUTIES OF THE TASK FORCE. THE SUBCOMMITTEES MAY CONSIST, IN PART,
3 OF PERSONS WHO ARE NOT MEMBERS OF THE TASK FORCE. SUCH PERSONS
4 MAY VOTE ON ISSUES BEFORE THE SUBCOMMITTEE BUT ARE NOT ENTITLED
5 TO A VOTE AT TASK FORCE MEETINGS.

6 (f) STUDY THE IMPLEMENTATION OF COMMITTEE LEGISLATION
7 PASSED BY THE GENERAL ASSEMBLY;

8 (g) UPON REQUEST BY A COMMITTEE MEMBER, PROVIDE
9 EVIDENCE-BASED FEEDBACK ON THE POTENTIAL BENEFITS OR
10 CONSEQUENCES OF A LEGISLATIVE OR OTHER POLICY PROPOSAL NOT
11 DIRECTLY AFFILIATED WITH OR GENERATED BY THE TASK FORCE. THE
12 FEEDBACK MUST BE DELIVERED WITHIN TWO WEEKS TO THE ENTIRE
13 COMMITTEE AND REMAIN AS CONCISE AS POSSIBLE WHILE CAPTURING ANY
14 AVAILABLE EVIDENCE. IF THE TASK FORCE CANNOT IDENTIFY EVIDENCE TO
15 EFFECTIVELY INFORM A RESPONSE, THE FEEDBACK WILL INDICATE A LACK
16 OF EVIDENCE AND REPORT ON ANY ACTIONS TAKEN.

17 (h) (I) ON OR BEFORE AUGUST 1 OF EACH YEAR, PREPARE AND
18 SUBMIT TO THE COMMITTEE, A REPORT THAT, AT A MINIMUM, INCLUDES:

19 (A) ISSUES STUDIED BY THE TASK FORCE, AS WELL AS FINDINGS
20 FOR LEGISLATIVE OR OTHER RECOMMENDATIONS;

21 (B) LEGISLATIVE OR POLICY PROPOSALS OF THE TASK FORCE THAT
22 IDENTIFY THE POLICY ISSUES INVOLVED, THE AGENCIES RESPONSIBLE FOR
23 THE IMPLEMENTATION OF THE CHANGES, AND THE FUNDING SOURCES
24 REQUIRED FOR IMPLEMENTATION;

25 (C) A SUMMARY OF TASK FORCE MEETING ACTIVITIES AND
26 DISCUSSIONS;

27 (D) ANY EVIDENCE-BASED FEEDBACK PROVIDED TO THE

1 COMMITTEE PURSUANT TO SUBSECTION (4)(g) OF THIS SECTION; AND

2 (E) A SUMMARY OF EFFORTS MADE TO COMMUNICATE,
3 COLLABORATE, OR COORDINATE WITH OTHER GROUPS, TASK FORCES, OR
4 STATE INITIATIVES.

5 (II) THE TASK FORCE MAY POST THE REPORT ON THE COMMITTEE'S
6 WEBSITE.

7 (5) **Coordination.** THE TASK FORCE MAY WORK WITH OTHER
8 GROUPS, TASK FORCES, OR STATEWIDE INITIATIVES THAT ARE PURSUING
9 ISSUES AND POLICY INITIATIVES SIMILAR TO THOSE ADDRESSED IN
10 SUBSECTION (3) OF THIS SECTION. THE TASK FORCE MAY DEVELOP
11 RELATIONSHIPS WITH OTHER TASK FORCES, COMMITTEES, AND
12 ORGANIZATIONS TO LEVERAGE EFFICIENT POLICY-MAKING OPPORTUNITIES
13 THROUGH COLLABORATIVE EFFORTS.

14 (6) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, THE
15 TASK FORCE IS NOT REQUIRED TO MEET, SUBMIT ANNUAL POLICY AND
16 LEGISLATIVE RECOMMENDATIONS, OR SUBMIT AN ANNUAL REPORT TO THE
17 COMMITTEE DURING ANY INTERIM IN WHICH THE GENERAL ASSEMBLY HAS
18 SUSPENDED INTERIM COMMITTEE ACTIVITIES.

19 **18-1.9-105. Task force funding - staff support.** (1) THE
20 LEGISLATIVE COUNCIL STAFF SHALL SUPPLY STAFF ASSISTANCE, WITHIN
21 EXISTING APPROPRIATIONS, TO THE TASK FORCE AS THE COMMITTEE
22 DEEMS APPROPRIATE. IF EXISTING APPROPRIATIONS ARE NOT ADEQUATE
23 TO SUPPLY STAFF ASSISTANCE THROUGH THE LEGISLATIVE COUNCIL STAFF,
24 THE DIRECTOR OF LEGISLATIVE COUNCIL STAFF SHALL REQUEST
25 ADDITIONAL NECESSARY FUNDING IN ITS ANNUAL BUDGET REQUEST.

26 (2) THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
27 PUBLIC SAFETY, THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT

1 OF HUMAN SERVICES, AND ANY STATE DEPARTMENT OR AGENCY WITH AN
2 ACTIVE REPRESENTATIVE ON THE TASK FORCE ARE AUTHORIZED TO
3 RECEIVE AND EXPEND GIFTS, GRANTS, AND DONATIONS, INCLUDING
4 DONATIONS OF IN-KIND SERVICES FOR STAFF SUPPORT, FROM ANY PUBLIC
5 OR PRIVATE ENTITY FOR ANY DIRECT OR INDIRECT COSTS ASSOCIATED
6 WITH THE DUTIES OF THE TASK FORCE.

7 **18-1.9-106. Treatment of persons with behavioral health**
8 **disorders in the criminal and juvenile justice systems fund.** (1) THE
9 TREATMENT OF PERSONS WITH BEHAVIORAL HEALTH DISORDERS IN THE
10 CRIMINAL AND JUVENILE JUSTICE SYSTEMS FUND, REFERRED TO IN THIS
11 SECTION AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE FUND
12 CONSISTS OF MONEY APPROPRIATED OR TRANSFERRED TO THE FUND BY
13 THE GENERAL ASSEMBLY AND ANY PRIVATE AND PUBLIC FUNDS RECEIVED
14 THROUGH GIFTS, GRANTS, OR DONATIONS FOR THE PURPOSE OF
15 IMPLEMENTING THE PROVISIONS OF THIS ARTICLE 1.9. MONEY IN THE FUND
16 IS SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR
17 THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION
18 OF THIS ARTICLE 1.9. MONEY IN THE FUND NOT EXPENDED FOR THE
19 PURPOSE OF IMPLEMENTING THIS ARTICLE 1.9 MAY BE INVESTED BY THE
20 STATE TREASURER AS PROVIDED BY LAW. THE STATE TREASURER SHALL
21 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
22 INVESTMENT OF MONEY IN THE FUND TO THE FUND. THE STATE TREASURER
23 SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED MONEY
24 REMAINING IN THE FUND AS OF JULY 1, 2025, TO THE GENERAL FUND.

25 (2) THE CHAIR OF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE
26 COUNCIL SHALL APPROVE ANY COMPENSATION PROVIDED FOR IN SECTIONS
27 18-1.9-103 (1)(g), 18-1.9-104 (2)(g), AND 18-1.9-105 FOR MEMBERS OF

1 THE GENERAL ASSEMBLY, SPECIFIED MEMBERS OF THE TASK FORCE, AND
2 STAFF ASSISTANCE TO THE COMMITTEE AND TASK FORCE, AS PROVIDED BY
3 THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL AND THE
4 DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES.
5 COMPENSATION MUST BE PAID BY VOUCHERS AND WARRANTS DRAWN AS
6 PROVIDED BY LAW FROM MONEY APPROPRIATED FOR SUCH PURPOSE AND
7 ALLOCATED TO THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL
8 FROM THE FUND.

9 **18-1.9-107. Repeal of article.** THIS ARTICLE 1.9 IS REPEALED,
10 EFFECTIVE JULY 1, 2027.

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