

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 22-0139.01 Jane Ritter x4342

SENATE BILL 22-021

SENATE SPONSORSHIP

Rodriguez and Lee, Simpson, Buckner, Gonzales, Kolker, Moreno, Pettersen, Story

HOUSE SPONSORSHIP

Benavidez and Amabile, Pelton

Senate Committees

Judiciary
Appropriations

House Committees

Judiciary
Legislative Council
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE TREATMENT OF PERSONS WITH BEHAVIORAL**
102 **HEALTH DISORDERS IN THE JUSTICE SYSTEM, AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

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.*

HOUSE
Amended 2nd Reading
April 29, 2022

SENATE
3rd Reading Unamended
March 14, 2022

SENATE
Amended 2nd Reading
March 11, 2022

justice systems.

Substantive changes include:

- Broadening the name and scope of the legislative oversight committee (committee) and associated task force (task force) from concerning the treatment of "persons with mental health disorders" to "persons with behavioral health disorders";
- Allowing the task force to research topics for members of the committee upon request;
- Adjusting task force membership;
- Further defining issues for the task force to study; and
- Extending the repeal date to July 1, 2027.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** article 1.9 of title 18 as follows:

4 **ARTICLE 1.9**

5 **Continuing Examination of the Treatment of Persons with**
6 **Behavioral Health Disorders Who are Involved in the**
7 **Criminal and Juvenile Justice Systems**

8 **18-1.9-101. Legislative declaration.** (1) THE GENERAL
9 ASSEMBLY FINDS THAT:

10 (a) THE UNITED STATES IS IN A PUBLIC HEALTH CRISIS IN WHICH
11 PERSONS WITH BEHAVIORAL HEALTH NEEDS ARE NEGLECTED,
12 STIGMATIZED, OR INADEQUATELY SUPPORTED, WHICH GREATLY INCREASES
13 THE RISK OF SUCH PERSONS BECOMING INVOLVED WITH OR CONTINUING TO
14 BE INVOLVED WITH THE CRIMINAL OR JUVENILE JUSTICE SYSTEM;

15 (b) PERSONS WITH BEHAVIORAL HEALTH DISORDERS ARE
16 DISPROPORTIONATELY REPRESENTED IN THE CRIMINAL AND JUVENILE
17 JUSTICE SYSTEMS. THE PREVALENCE RATES NATIONALLY OF SUCH
18 INDIVIDUALS ENTERING JAIL ARE THREE TIMES GREATER THAN THAT OF
19 THE GENERAL POPULATION. BUREAU OF JUSTICE STATISTICS DATA FROM

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 THIRTY-ONE 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. NOTHING IN THIS
18 SECTION PROHIBITS THE CHIEF JUSTICE FROM APPOINTING MEMBERS WHO
19 SERVED ON THE PREVIOUS TASK FORCE.

20 (b) THE FOLLOWING EXECUTIVE BRANCH AGENCIES, DIVISIONS,
21 AND OFFICES SHALL APPOINT OR REAPPOINT FROM THE PREVIOUS TASK
22 FORCE ELEVEN MEMBERS. NOTHING IN THIS SECTION PROHIBITS THE
23 EXECUTIVE BRANCH AGENCIES LISTED FROM APPOINTING MEMBERS WHO
24 SERVED ON THE PREVIOUS TASK FORCE. THE FOLLOWING EXECUTIVE
25 BRANCH AGENCIES SHALL APPOINT A REPRESENTATIVE ON OR BEFORE
26 AUGUST 1, 2022:

27 (I) THE DIRECTOR OF THE DIVISION OF CRIMINAL JUSTICE IN THE

1 DEPARTMENT OF PUBLIC SAFETY SHALL APPOINT ONE MEMBER TO
2 REPRESENT THE DIVISION;

3 (II) THE DIRECTOR OF THE [REDACTED] DEPARTMENT OF CORRECTIONS
4 SHALL APPOINT ONE MEMBER TO REPRESENT THE DEPARTMENT;

5 (III) THE DEPARTMENT OF HUMAN SERVICES SHALL APPOINT FOUR
6 MEMBERS AS FOLLOWS:

7 (A) THE DIRECTOR OF THE COLORADO MENTAL HEALTH INSTITUTE
8 AT PUEBLO, OR THE DIRECTOR'S DESIGNEE;

9 (B) THE COMMISSIONER OF THE BEHAVIORAL HEALTH
10 ADMINISTRATION, OR THE COMMISSIONER'S DESIGNEE;

11 (C) THE DIRECTOR OF THE DIVISION OF YOUTH SERVICES SHALL
12 APPOINT ONE MEMBER TO REPRESENT THE DIVISION; AND

13 (D) THE DIRECTOR OF THE UNIT WITHIN THE DEPARTMENT OF
14 HUMAN SERVICES THAT IS RESPONSIBLE FOR CHILD WELFARE SERVICES
15 SHALL APPOINT ONE MEMBER TO REPRESENT THE UNIT;

16 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
17 EDUCATION SHALL APPOINT ONE MEMBER TO REPRESENT THE
18 DEPARTMENT;

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

21 (VI) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH
22 CARE POLICY AND FINANCING SHALL APPOINT ONE MEMBER TO REPRESENT
23 THE DEPARTMENT;

24 (VII) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR
25 AND EMPLOYMENT SHALL APPOINT ONE MEMBER TO REPRESENT THE
26 DEPARTMENT;

27 (VIII) THE DIRECTOR OF THE OFFICE OF THE CHILD'S

1 REPRESENTATIVE SHALL APPOINT ONE MEMBER TO REPRESENT THE OFFICE;
2 AND

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

5 (c) THE CHAIR AND VICE-CHAIR OF THE LEGISLATIVE OVERSIGHT
6 COMMITTEE SHALL APPOINT OR REAPPOINT FROM THE PREVIOUS TASK
7 FORCE SEVENTEEN ADDITIONAL MEMBERS. COMMITTEE STAFF IS
8 RESPONSIBLE FOR PUBLICLY ANNOUNCING VACANCIES FOR THE
9 FOLLOWING POSITIONS, AND REQUESTING CANDIDATES SUBMIT A LETTER
10 OF INTEREST FOR THE SPECIFIC POSITION, SO THAT THE LETTERS OF
11 INTEREST ARE DUE NO LATER THAN ONE WEEK AFTER THE EFFECTIVE DATE
12 OF THIS SECTION. THE LEGISLATIVE OVERSIGHT COMMITTEE, BY MAJORITY
13 VOTE, SHALL APPROVE THE APPOINTMENTS FOR THESE POSITIONS.

14 NOTHING IN THIS SECTION PROHIBITS THE LEGISLATIVE OVERSIGHT
15 COMMITTEE FROM APPOINTING MEMBERS WHO SERVED ON THE PREVIOUS
16 TASK FORCE. THE TASK FORCE MEMBERS TO BE APPOINTED PURSUANT TO
17 THIS SUBSECTION (2)(c) INCLUDE:

18 (I) TWO MEMBERS WHO REPRESENT LOCAL LAW ENFORCEMENT
19 AGENCIES, ONE OF WHOM IS IN ACTIVE SERVICE AS A POLICE OFFICER IN
20 THE STATE, AND THE OTHER IS IN ACTIVE SERVICE AS A SHERIFF IN THE
21 STATE;

22 (II) TWO MEMBERS FROM COUNTY DEPARTMENTS OF HUMAN OR
23 SOCIAL SERVICES, ONE OF WHOM REPRESENTS A RURAL COLORADO
24 PERSPECTIVE;

25 (III) ONE MEMBER WHO REPRESENTS DISTRICT ATTORNEYS WITHIN
26 THE STATE;

27 (IV) ONE MEMBER WHO REPRESENTS PUBLIC DEFENDERS WITHIN

- 1 THE STATE;
- 2 (V) TWO MEMBERS WHO REPRESENT THE CRIMINAL DEFENSE BAR
3 WITHIN THE STATE, ONE OF WHOM HAS EXPERIENCE REPRESENTING
4 JUVENILES IN THE JUVENILE JUSTICE SYSTEM;
- 5 (VI) TWO MEMBERS WHO ARE LICENSED MENTAL HEALTH
6 PROFESSIONALS PRACTICING WITHIN THE STATE, ONE OF WHOM HAS
7 EXPERIENCE TREATING JUVENILES;
- 8 (VII) ONE MEMBER WHO IS FROM A COMMUNITY MENTAL HEALTH
9 CENTER WITHIN THE STATE;
- 10 (VIII) ONE MEMBER WHO HAS KNOWLEDGE OF PUBLIC BENEFITS
11 AND PUBLIC HOUSING WITHIN THE STATE;
- 12 (IX) ONE MEMBER WHO IS A MENTAL HEALTH PROFESSIONAL
13 PRACTICING IN FORENSIC ENVIRONMENTS;
- 14 (X) THREE MEMBERS OF THE PUBLIC AS FOLLOWS:
- 15 (A) ONE MEMBER WHO IS LIVING WITH A BEHAVIORAL HEALTH
16 DISORDER AND HAS BEEN INVOLVED IN THE CRIMINAL OR JUVENILE
17 JUSTICE SYSTEM IN THE STATE;
- 18 (B) ONE MEMBER WHO HAS AN ADULT FAMILY MEMBER WHO HAS
19 A BEHAVIORAL HEALTH DISORDER AND WHO IS OR WAS INVOLVED IN THE
20 CRIMINAL JUSTICE SYSTEM IN THE STATE; AND
- 21 (C) ONE MEMBER WHO IS THE PARENT OF A CHILD WHO HAS A
22 BEHAVIORAL HEALTH DISORDER AND WHO IS OR WAS INVOLVED IN THE
23 JUVENILE JUSTICE SYSTEM IN THE STATE; AND
- 24 (XI) ONE MEMBER WHO REPRESENTS A NONPROFIT ORGANIZATION
25 THAT WORKS ON STATEWIDE LEGISLATION AND ORGANIZING COLORADANS
26 TO PROMOTE BEHAVIORAL, MENTAL, AND PHYSICAL HEALTH NEEDS.
- 27 (d) BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION,

1 MEMBERS APPOINTED TO THE TASK FORCE PURSUANT TO THIS SUBSECTION
2 (2) SHALL SERVE NO MORE THAN TWO CONSECUTIVE TWO-YEAR TERMS.
3 WITH THE APPOINTING AUTHORITY'S APPROVAL, A MEMBER OF THE TASK
4 FORCE WHO IS SERVING ON THE TASK FORCE AS OF THE EFFECTIVE DATE OF
5 THIS SECTION IS CONSIDERED TO BE BEGINNING THE MEMBER'S FIRST
6 TWO-YEAR TERM.

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

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

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

1 APPOINTMENT TO THE TASK FORCE MADE PURSUANT TO SUBSECTION (2)(c)
2 OF THIS SECTION.

3 (f) IN MAKING APPOINTMENTS TO THE TASK FORCE, THE
4 APPOINTING AUTHORITIES SHALL ENSURE THAT THE MEMBERSHIP OF THE
5 TASK FORCE INCLUDES PERSONS WHO HAVE EXPERIENCE WITH OR
6 INTEREST IN THE STUDY AREAS OF THE TASK FORCE AS SET FORTH IN
7 SUBSECTION (3) OF THIS SECTION; PERSONS WHO REFLECT THE ETHNIC,
8 CULTURAL, AND GENDER DIVERSITY OF THE STATE; REPRESENTATION OF
9 ALL AREAS OF THE STATE; AND, TO THE EXTENT PRACTICABLE, PERSONS
10 WITH DISABILITIES.

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

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

25 (h) MEMBERS OF THE TASK FORCE SERVE WITHOUT
26 COMPENSATION. HOWEVER, MEMBERS OF THE TASK FORCE APPOINTED
27 PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION MAY RECEIVE

1 REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES ASSOCIATED
2 WITH THEIR DUTIES ON THE TASK FORCE.

3 (3) **Issues for study.** (a) THE TASK FORCE SHALL STUDY
4 BEHAVIORAL HEALTH ISSUES WITHIN ITS SCOPE FOR PERSONS INVOLVED
5 WITH THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS, AS ANNUALLY
6 DEFINED IN WRITING BY THE COMMITTEE EVERY YEAR ON OR BEFORE
7 JANUARY 30, AND SHALL DEVELOP AND PROPOSE POLICY MODIFICATIONS
8 FOR COMMITTEE CONSIDERATION.

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

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

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

25 (I) EARLY IDENTIFICATION OF AND INTERVENTION STRATEGIES FOR
26 INDIVIDUALS WHO ARE AT A HIGHER RISK OF CONTINUED INVOLVEMENT
27 WITH THE CRIMINAL OR JUVENILE JUSTICE SYSTEM DUE TO ESTABLISHED

1 OR DEVELOPING BEHAVIORAL HEALTH CONCERNS;

2 (II) THE PROMOTION OF RESILIENCE AND HEALTH FOR PERSONS
3 ALREADY EXPERIENCING INVOLVEMENT OR WHO ARE AT RISK OF
4 CONTINUING INVOLVEMENT WITH THE CRIMINAL OR JUVENILE JUSTICE
5 SYSTEM DUE TO BEHAVIORAL HEALTH CONCERNS;

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

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

17 (4) **Additional duties of the task force.** THE TASK FORCE SHALL
18 ANNUALLY DELIVER POLICY AND LEGISLATIVE RECOMMENDATIONS TO THE
19 COMMITTEE PURSUANT TO THIS SECTION. IN ADDITION, THE TASK FORCE
20 SHALL:

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

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

25 (c) ESTABLISH ORGANIZATIONAL AND PROCEDURAL RULES FOR THE
26 OPERATION OF THE TASK FORCE AND FOR COLLABORATION WITH THE
27 COMMITTEE;

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

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

10 (f) STUDY THE IMPLEMENTATION OF COMMITTEE LEGISLATION
11 PASSED BY THE GENERAL ASSEMBLY;

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

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

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

25 (B) LEGISLATIVE OR POLICY PROPOSALS OF THE TASK FORCE THAT
26 IDENTIFY THE POLICY ISSUES INVOLVED, THE AGENCIES RESPONSIBLE FOR
27 THE IMPLEMENTATION OF THE CHANGES, AND THE FUNDING SOURCES

1 REQUIRED FOR IMPLEMENTATION;

2 (C) A SUMMARY OF TASK FORCE MEETING ACTIVITIES AND
3 DISCUSSIONS;

4 (D) ANY EVIDENCE-BASED FEEDBACK PROVIDED TO THE
5 COMMITTEE PURSUANT TO SUBSECTION (4)(g) OF THIS SECTION; AND

6 (E) A SUMMARY OF EFFORTS MADE TO COMMUNICATE,
7 COLLABORATE, OR COORDINATE WITH OTHER GROUPS, TASK FORCES, OR
8 STATE INITIATIVES.

9 (II) THE TASK FORCE MAY POST THE REPORT ON THE COMMITTEE'S
10 WEBSITE.

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

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

23 **18-1.9-105. Task force funding - staff support.** (1) THE
24 LEGISLATIVE COUNCIL STAFF SHALL SUPPLY STAFF ASSISTANCE, WITHIN
25 EXISTING APPROPRIATIONS, TO THE TASK FORCE AS THE COMMITTEE
26 DEEMS APPROPRIATE. IF EXISTING APPROPRIATIONS ARE NOT ADEQUATE
27 TO SUPPLY STAFF ASSISTANCE THROUGH THE LEGISLATIVE COUNCIL STAFF,

1 THE DIRECTOR OF LEGISLATIVE COUNCIL STAFF SHALL REQUEST
2 ADDITIONAL NECESSARY FUNDING IN ITS ANNUAL BUDGET REQUEST.

3 (2) THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
4 PUBLIC SAFETY, THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT
5 OF HUMAN SERVICES, AND ANY STATE DEPARTMENT OR AGENCY WITH AN
6 ACTIVE REPRESENTATIVE ON THE TASK FORCE ARE AUTHORIZED TO
7 RECEIVE AND EXPEND GIFTS, GRANTS, AND DONATIONS, INCLUDING
8 DONATIONS OF IN-KIND SERVICES FOR STAFF SUPPORT, FROM ANY PUBLIC
9 OR PRIVATE ENTITY FOR ANY DIRECT OR INDIRECT COSTS ASSOCIATED
10 WITH THE DUTIES OF THE TASK FORCE.

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

1 REMAINING IN THE FUND AS OF JULY 1, 2025, TO THE GENERAL FUND.

2 (2) THE CHAIR OF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE
3 COUNCIL SHALL APPROVE ANY COMPENSATION PROVIDED FOR IN SECTIONS
4 18-1.9-103 (1)(g), 18-1.9-104 (2)(h) AND 18-1.9-105 FOR MEMBERS OF
5 THE GENERAL ASSEMBLY, SPECIFIED MEMBERS OF THE TASK FORCE, AND
6 STAFF ASSISTANCE TO THE COMMITTEE AND TASK FORCE, AS PROVIDED BY
7 THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL AND THE
8 DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES.
9 COMPENSATION MUST BE PAID BY VOUCHERS AND WARRANTS DRAWN AS
10 PROVIDED BY LAW FROM MONEY APPROPRIATED FOR SUCH PURPOSE AND
11 ALLOCATED TO THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL
12 FROM THE FUND.

13 **18-1.9-107. Repeal of article.** THIS ARTICLE 1.9 IS REPEALED,
14 EFFECTIVE JULY 1, 2027.

15 **SECTION 2. Appropriation.** (1) For the 2022-23 state fiscal
16 year, \$108,131 is appropriated to the legislative department. This
17 appropriation is from the general fund. To implement this act, the
18 department may use this appropriation as follows:

19 (a) \$29,541 for use by the general assembly;

20 (b) \$60,255 for use by the legislative council, which amount is
21 based on an assumption that the legislative council will require an
22 additional 0.8 FTE; and

23 (b) \$18,335 for use by the office of legislative legal services,
24 which amount is based on an assumption that the office will require an
25 additional 0.2 FTE.

26 **SECTION 3. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.