

**Legislative Oversight Committee Concerning the  
Treatment of Persons with Mental Health Disorders in the  
Criminal and Juvenile Justice Systems**

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# **Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems**

## **Committee Charge**

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Senate Bill 14-021 reauthorized the establishment of a legislative oversight committee and an advisory task force concerning the treatment of persons with mental illness in the criminal and juvenile justice systems.

The oversight committee must meet at least three times per year and is responsible for the oversight of the advisory task force and recommending legislative changes. The 32-member advisory task force is directed to examine the identification, diagnosis, and treatment of persons with mental illness who are involved in the criminal and juvenile justice systems, including the examination of liability, safety, and cost as they relate to these issues.

The authorizing legislation directs the advisory task force to consider, at a minimum, the following issues:

- housing for a person with mental illness after his or her release from the criminal or juvenile justice system;
- medication consistency, delivery, and availability;
- best practices for suicide prevention, within and outside of correctional facilities;
- treatment of co-occurring disorders;
- awareness of and training for enhanced staff safety, including expanding training opportunities for providers; and
- enhanced data collection related to issues affecting persons with mental illness in the criminal and juvenile justice systems.

The legislation authorizes the advisory task force to work with other task forces, committees, or organizations that are pursuing policy initiatives similar to those listed above. The advisory task force is required to consider developing relationships with other groups to facilitate policy-making opportunities through collaborative efforts.

The advisory task force is required to submit a report of its findings and recommendations to the legislative oversight committee annually by October 1. The oversight committee is required to submit an annual report to the General Assembly by January 15 of each year regarding the recommended legislation resulting from the work of the task force.

## Committee Activities

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In 2019, the legislative oversight committee met three times to monitor and examine the work, findings, and recommendations of the advisory task force. Specifically, the committee:

- received updates on the activities of the advisory task force and its subcommittees;
- discussed re-authorization of the oversight committee and task force; and,
- considered legislation recommended by the task force.

**Advisory task force activities.** The oversight committee received updates on recent activities of the task force, which met monthly throughout 2019. The task force and its subcommittees focused on housing, data and information sharing, and diversion, as those topics relate to persons with mental health disorders who are involved in the criminal and juvenile justice systems. The task force also continued to study changes to the juvenile sex offender registry. Further, the task force reviewed and drafted re-authorization legislation for the task force and oversight committee, set to expire July 2020, unless reauthorized.

The task force received outside presentations about a data analysis project from the Colorado Department of Corrections and the Department of Health Care Policy and Financing. The task force also participated in a webinar presented by the Equitas Project, an organization centered on disentangling the mental health and criminal justice systems. Additionally, the task force prioritized legislative outreach efforts, and clarified task force membership expectations. Further, the task force elected leadership positions and updated its membership as necessary. The work of the task force and its subcommittees is discussed in more detail below.

**Diversion.** The task force substantiated that people with behavioral health conditions are significantly more likely than the general population to be represented in the criminal justice system. They further found that most diversionary tactics occur following an arrest, but other points along the criminal justice continuum have the potential to divert people away from the system as well. The task force and subcommittee examined the benefits of providing education to peace officers and 911 dispatchers to better identify and de-escalate a mental health crisis. They also examined the stress and trauma these professionals experience on the job. Bill A recommends including audible exposure to death or serious bodily injury to the definition of a “psychologically traumatic event” for determining workers’ compensation benefit eligibility.

**Juvenile sex offender registry.** The task force continued discussion on the juvenile sex offender registry, and researched the effects of prohibiting public access to the juvenile sex offender registry, mechanisms for removing juveniles from the registry, and judicial discretion in requiring registration. The task force discussed the negative impacts of inclusion on the registry, including social and familial isolation and increased likelihood of victimization. Bill B recommends multiple changes to the juvenile sex offender registry.

**Housing.** The task force acknowledged that a criminal record often makes it hard for individuals with a mental health disorder to find housing. The task force researched the extent of housing problems with this population and discussed housing infrastructure, information systems, data coordination, and supportive services. Bill C recommends increased state-wide access to supportive housing in underserved communities, short-term gap funding, data sharing, and outcome tracking.

**Data sharing.** The criminal justice and behavioral health care systems are complex and made up of many independent agencies. The task force recognized that sharing information between agencies assists in effectively coordinating services, but due to the diversity and decentralization of the involved organizations, there is no common framework for sharing data. The task force examined ways to better connect state agencies, jails, and state health information exchanges. Bill D creates a Trusted Interoperability Platform Advisory Committee charged with developing a strategic plan to implement a trusted platform capable of securely exchanging information between criminal and juvenile justice systems and community health agencies.

**Re-authorization.** The task force and oversight committee is set to repeal on July 1, 2020, unless legislation reauthorizes it. The task force discussed enacting legislation, task force membership, expectations, and the relationship between the oversight committee and task force. Bill E recommends re-authorization of the oversight committee and the task force for three more years.

**Task force annual retreat.** At their annual retreat in May, the task force heard a presentation from the Colorado Health Foundation and participated in a guided policy discussion led by the Equitas Project. The task force also discussed subcommittee activity and re-authorization legislation. Further, they talked about duplication of efforts and the other agencies, committees, or organizations that are studying behavioral and mental health in relation to the criminal and juvenile justice system.

## **Committee Recommendations**

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As a result of committee discussion and deliberation, the Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems recommends the following five bills for consideration in the 2020 legislative session.

**Bill A — Workers' Compensation for Audible Psychological Trauma.** Current law defines a “psychologically traumatic event” for determining workers’ compensation benefit eligibility to include visual exposure to death or serious bodily injury within a worker’s usual experience. The bill adds audible exposure to death or serious bodily injury within a worker’s usual experience to the definition of “psychologically traumatic event”.

**Bill B — Juveniles on Colorado Sex Offender Registry.** An adult or juvenile convicted of certain sex offenses must be placed on the Colorado sex offender registry under current law. The bill places fewer convicted juveniles on the registry. More specifically, the bill removes the requirement of registration for juveniles who relocate to Colorado if the juvenile’s duty to register in another state has been terminated by court order. The bill also eliminates the requirements of lifetime registration for an adult who has more than one adjudication as a juvenile. Further, it expands the discretion of judges not to require juveniles to register as sex offenders if an evaluator recommends exemption and the juvenile is otherwise statutorily eligible. Additionally, the bill allows for juveniles adjudicated for multiple sex offenses to petition to deregister, as well as for “lookbacks” by courts to remove someone from the registry, or add someone, depending on new information. Lastly, the measure partially seals the juvenile list from the public and limits access to law enforcement, probation, and parole personnel, the Division of Child Welfare in DHS, and victims of an offense.

**Bill C – Programs to Develop Housing Support Services.** The bill establishes new grant programs within the Division of Housing in DOLA. Specifically, the bill designates grant programs for supportive housing services to individuals in underserved communities with behavioral, mental health or substance abuse disorders who have been involved in the criminal justice system. The grant programs include funding for: pre-development for creating supportive housing interventions; supportive housing and homelessness prevention; training and technical assistance for supportive housing; and, homelessness data integration and resource collection.

**Bill D – Data Sharing Subcommittee Recommendations.** The bill creates the Trusted Interoperability Platform Advisory Committee in the Department of Public Safety. The advisory committee is charged with developing a strategic plan to implement a trusted interoperability platform that is capable of securely exchanging information between criminal and juvenile justice systems and community health agencies. The bill outlines that the advisory committee is to consist of 11 members from various agencies, and the plan must be submitted to the General Assembly by September 1, 2021.

**Bill E – Extend Committee on Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems.** This bill extends the repeal date for the Legislative Oversight Committee and the associated task from July 1, 2020, to July 1, 2023. The bill decreases the membership on the task force by four members and clarifies the roles and additional duties of both oversight and task force committee members. The bill includes funding for task force support, to be provided by Legislative Council Staff.