

SB249\_L.003

## SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.SB18-249 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, add 18-1.3-101.5  
4 as follows:

5 **18-1.3-101.5. Alternative pilot programs to divert individuals**  
6 **with mental health conditions - legislative intent - eligibility - process**  
7 **of diversion - grant program - program management - definitions -**  
8 **repeal.** (1) THE INTENT OF THIS SECTION IS TO ESTABLISH AND FACILITATE  
9 FOUR PRE-PLEA LOCAL-LEVEL MENTAL HEALTH PILOT PROGRAMS IN  
10 SELECTED JUDICIAL DISTRICTS THAT WILL IDENTIFY INDIVIDUALS WITH  
11 MENTAL HEALTH CONDITIONS WHO HAVE BEEN CHARGED WITH A  
12 LOW-LEVEL CRIMINAL OFFENSE AND DIVERT SUCH INDIVIDUALS OUT OF  
13 THE CRIMINAL JUSTICE SYSTEM AND INTO COMMUNITY TREATMENT  
14 PROGRAMS IN ACCORDANCE WITH THE PRINCIPLES AND PROPOSED MODEL  
15 RECOMMENDED BY THE COLORADO COMMISSION ON CRIMINAL AND  
16 JUVENILE JUSTICE, ADOPTED ON JANUARY 12, 2018. IN ADDITION,  
17 PROCEEDING PURSUANT TO THE MODEL RECOMMENDED BY THE  
18 COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE  
19 ENCOURAGES AND FACILITATES FLEXIBLE AND LOCALLY CONTROLLED  
20 PROGRAMS IN A MANNER THAT CAN ACCOMMODATE AND RESPECT THE  
21 AVAILABILITY OR LIMITATION OF RESOURCES IN EACH JURISDICTION WHILE  
22 STILL MAINTAINING THE CORE INTEGRITY AND OBJECTIVES OF THE EFFORT  
23 TO FOSTER THE USE OF MENTAL HEALTH DIVERSION PROGRAMS  
24 THROUGHOUT THE STATE.

25 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
26 REQUIRES:

27 (a) "COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE"  
28 MEANS THE COMMISSION ESTABLISHED PURSUANT TO SECTION  
29 16-11.3-102.

30 (b) "GRANT PROGRAM" MEANS THE MENTAL HEALTH CRIMINAL  
31 JUSTICE DIVERSION GRANT PROGRAM ESTABLISHED PURSUANT TO  
32 SUBSECTION (6) OF THIS SECTION.

33 (c) "LOW-LEVEL CRIMINAL OFFENSE" MEANS ANY PETTY OFFENSE  
34 OR MISDEMEANOR, EXCLUDING THOSE OFFENSES ENUMERATED IN SECTION  
35 24-4.1-302 (1). "LOW-LEVEL CRIMINAL OFFENSE" MAY ALSO INCLUDE, IF  
36 AGREED TO BY THE DISTRICT ATTORNEY IN A GIVEN PILOT PROGRAM SITE,  
37 ANY CLASS 4, CLASS 5, OR CLASS 6 FELONY OR ANY CLASS 3 OR CLASS 4  
38 FELONY DRUG OFFENSE, EXCLUDING ANY FELONY OFFENSES ENUMERATED  
39 IN SECTION 24-4.1-302 (1).

40 (d) "PILOT PROGRAM" MEANS ANY ALTERNATIVE PROGRAM  
41 CREATED PURSUANT TO THIS SECTION THAT DIVERTS INDIVIDUALS WITH

1 MENTAL HEALTH CONDITIONS INTO COMMUNITY TREATMENT PROGRAMS.  
2 (e) "STATE COURT ADMINISTRATOR" MEANS THE STATE COURT  
3 ADMINISTRATOR ESTABLISHED PURSUANT TO SECTION 13-3-101.

4 (3) THERE ARE CREATED PILOT PROGRAM SITES IN THE SECOND,  
5 SIXTH, SIXTEENTH, AND TWENTIETH JUDICIAL DISTRICTS TO IDENTIFY  
6 INDIVIDUALS WITH MENTAL HEALTH CONDITIONS WHO HAVE BEEN  
7 CHARGED WITH A LOW-LEVEL CRIMINAL OFFENSE AND DIVERT SUCH  
8 INDIVIDUALS OUT OF THE CRIMINAL JUSTICE SYSTEM AND INTO  
9 COMMUNITY TREATMENT PROGRAMS. THE DISTRICT ATTORNEY FOR EACH  
10 OF THE DESIGNATED JUDICIAL DISTRICTS, IN COOPERATION WITH THE CHIEF  
11 JUDGE AND THE PUBLIC DEFENDER FOR THE COURTS WITHIN THE JUDICIAL  
12 DISTRICT, SHALL DECIDE WHICH COURT OR COURTS WITHIN THE JUDICIAL  
13 DISTRICT ARE BEST SUITED TO IMPLEMENT A PILOT PROGRAM. IN THE CASE  
14 OF A MULTI-COUNTY JURISDICTION, THE DISTRICT ATTORNEY MAY CHOOSE  
15 TO AGREE TO ESTABLISH A PILOT PROGRAM IN A SINGLE COUNTY OR IN  
16 MORE THAN ONE COUNTY.

17 (4) THE CHIEF JUDGE OF ANY COUNTY OR DISTRICT COURT WHERE  
18 A PILOT PROGRAM IS CREATED PURSUANT TO SUBSECTION (3) OF THIS  
19 SECTION IS RESPONSIBLE FOR ESTABLISHING AND FACILITATING THE PILOT  
20 PROGRAM IN COMPLIANCE WITH THE PRINCIPLES AND MODEL ADOPTED BY  
21 THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE ON  
22 JANUARY 12, 2018. THE DUTIES OF THE CHIEF JUDGE WITH RESPECT TO THE  
23 PILOT PROGRAM MAY INCLUDE, BUT NEED NOT BE LIMITED TO:

24 (a) INITIATING AND COORDINATING ORGANIZATION MEETINGS  
25 AMONG THE VARIOUS LOCAL ENTITIES NECESSARY TO THE  
26 IMPLEMENTATION OF THE PILOT PROGRAM;

27 (b) ESTABLISHING POLICIES FOR THE PILOT PROGRAM;

28 (c) FACILITATING ANY FORMAL AGREEMENTS OR MEMORANDA OF  
29 UNDERSTANDING REQUIRED TO CREATE THE PILOT PROGRAM;

30 (d) CONTRACTING WITH LOCAL COMMUNITY TREATMENT  
31 PROGRAMS THAT ARE ABLE TO PARTICIPATE IN THE PILOT PROGRAM AND  
32 PROVIDE A CONTINUUM OF COMMUNITY-BASED MENTAL HEALTH CARE  
33 AND TREATMENT TO ACCOMPLISH THE GOALS OF THE PILOT PROGRAM; AND

34 (e) ADMINISTERING THE PILOT PROGRAM ONCE IT IS IMPLEMENTED.

35 (5) THE STATE COURT ADMINISTRATOR IS RESPONSIBLE FOR  
36 ADMINISTRATION AND OVERSIGHT OF THE PILOT PROGRAMS, INCLUDING  
37 CERTIFYING THAT, ON OR BEFORE JANUARY 1, 2019, EACH PILOT PROGRAM  
38 SITE IMPLEMENTS A DESIGN THAT IS CONSISTENT WITH THE PRINCIPLES  
39 AND PROPOSED MODEL ADOPTED BY THE COLORADO COMMISSION ON  
40 CRIMINAL AND JUVENILE JUSTICE AND THE LEGISLATIVE INTENT OF THIS  
41 SECTION. THE DUTIES OF THE STATE COURT ADMINISTRATOR WITH  
42 RESPECT TO THE PILOT PROGRAMS INCLUDE, BUT ARE NOT LIMITED TO:

43 (a) ESTABLISHING PILOT PROGRAM PROCEDURES AND TIMELINES;

1 AND

2 (b) ESTABLISHING GRANT FUNDING GUIDELINES AND ACCEPTABLE  
3 EXPENSES FOR THE DISTRIBUTION OF GRANT PROGRAM GRANT MONEY TO  
4 THE PILOT PROGRAM SITES BASED UPON SPECIFIC ALLOCATIONS REQUIRED  
5 BY THE GRANT PROGRAM AND OTHER PILOT PROGRAM NEEDS AND ANY  
6 OTHER CRITERIA, SUCH AS CASE VOLUME, GEOGRAPHICAL COMPLEXITY,  
7 AND DENSITY OF NEED.

8 (6) THERE IS CREATED IN THE OFFICE OF THE STATE COURT  
9 ADMINISTRATOR THE MENTAL HEALTH CRIMINAL JUSTICE DIVERSION  
10 GRANT PROGRAM. THE STATE COURT ADMINISTRATOR IS RESPONSIBLE FOR  
11 ADMINISTERING AND MONITORING THE GRANT PROGRAM INCLUDING, BUT  
12 NOT LIMITED TO:

13 (a) ESTABLISHING GRANT FUNDING GUIDELINES AND ACCEPTABLE  
14 EXPENSES FOR THE DISTRIBUTION OF GRANT PROGRAM GRANT MONEY TO  
15 THE PILOT PROGRAM SITES BASED UPON SPECIFIC ALLOCATIONS REQUIRED  
16 BY THE GRANT PROGRAM, THE SPECIFIC AWARD TO THE DISTRICT  
17 ATTORNEY'S OFFICE IN EACH OF THE FOUR DESIGNATED JUDICIAL  
18 DISTRICTS, OTHER PILOT PROGRAM NEEDS, AND ANY OTHER CRITERIA,  
19 SUCH AS CASE VOLUME, GEOGRAPHICAL COMPLEXITY, AND DENSITY OF  
20 NEED. IN ADDITION TO ANY OTHER ALLOWABLE EXPENSES TO BE PAID FOR  
21 BY THE GRANT PROGRAM, EACH DISTRICT ATTORNEY'S OFFICE  
22 PARTICIPATING IN THE PILOT PROGRAM SHALL RECEIVE FIFTY THOUSAND  
23 DOLLARS PER YEAR FROM THE GRANT FUNDING FOR EACH OF THE TWO  
24 YEARS OF THE GRANT PROGRAM. SUCH MONEY MUST BE USED TO ASSIST  
25 IN COVERING THE COSTS RELATED TO PERSONNEL AND ADMINISTRATIVE  
26 REQUIREMENTS TO ESTABLISH AND OPERATE PILOT PROGRAMS IN FOUR  
27 DESIGNATED JUDICIAL DISTRICTS.

28 (b) AWARDING ANNUAL GRANTS TO THE PILOT PROGRAMS; EXCEPT  
29 THAT THE TOTAL OF ALL GRANTS AWARDED PER YEAR MUST NOT EXCEED  
30 SEVEN HUNDRED FIFTY THOUSAND DOLLARS;

31 (c) DISBURSING GRANT MONEY; EXCEPT THAT THE STATE COURT  
32 ADMINISTRATOR SHALL DISTRIBUTE THE FIRST ROUND OF GRANT AWARDS  
33 ON OR BEFORE JANUARY 1, 2019.

34 (7) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 1, 2021.

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

38 Page 1, line 102, strike "REDIRECT" and substitute "DIVERT".

39 Page 1, line 103, strike "BEHAVIORAL" and substitute "MENTAL  
40 HEALTH".

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