

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 17-0621.01 Richard Sweetman x4333

HOUSE BILL 17-1215

HOUSE SPONSORSHIP

Coleman, Benavidez, Carver, Herod, Lawrence, Salazar, Weissman, Foote, Melton, Thurlow, Willett

SENATE SPONSORSHIP

Gardner and Kagan, Aguilar, Coram

House Committees
Judiciary

Senate Committees
Local Government

A BILL FOR AN ACT

101 **CONCERNING MENTAL HEALTH SUPPORT FOR PEACE OFFICERS.**

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>.)

The bill encourages each sheriff's office and each municipal police department to adopt a policy whereby mental health professionals, to the extent practicable, provide:

- ! On-scene response services to support officers' handling of persons with mental health disorders; and
- ! Counseling services to officers.

The bill creates the peace officers mental health support grant program (grant program) in the department of local affairs (department)

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

SENATE
3rd Reading Unamended
April 10, 2017

SENATE
Amended 2nd Reading
April 7, 2017

HOUSE
3rd Reading Unamended
March 21, 2017

HOUSE
Amended 2nd Reading
March 20, 2017

to provide grants of money to county sheriffs' offices and municipal police departments to help them engage mental health professionals. Each sheriff's office and each municipal police department is encouraged to apply annually for a grant from the grant program.

The bill creates the peace officers mental health support fund (fund), which consists of gifts, grants, and donations and any other money that the general assembly may appropriate or transfer to the fund. The executive director of the department, or his or her designee, may expend money from the fund for the purposes of the grant program.

The grant program repeals September 1, 2027.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 30-10-527 as
3 follows:

4 **30-10-527. Mental health professionals - grant applications**
5 **encouraged - definition - repeal.** (1) EACH SHERIFF IS ENCOURAGED TO
6 ADOPT A POLICY WHEREBY MENTAL HEALTH PROFESSIONALS, TO THE
7 EXTENT PRACTICABLE, PROVIDE:

8 (a) ON-SCENE RESPONSE SERVICES TO SUPPORT DEPUTY SHERIFFS'
9 HANDLING OF PERSONS WITH MENTAL HEALTH DISORDERS; AND

10 (b) COUNSELING SERVICES TO DEPUTY SHERIFFS.

11 (2) IN IMPLEMENTING A POLICY AS DESCRIBED IN SUBSECTION (1)
12 OF THIS SECTION, A SHERIFF SHALL NOT REQUIRE A MENTAL HEALTH
13 PROFESSIONAL TO COUNSEL BOTH A PERSON WITH A MENTAL HEALTH
14 DISORDER AND A DEPUTY SHERIFF IF, IN THE JUDGMENT OF THE MENTAL
15 HEALTH PROFESSIONAL, DOING SO WOULD CONSTITUTE A CONFLICT OF
16 INTEREST OR A BREACH OF A PROFESSIONAL CODE OF ETHICS.

17 (3) FOR THE PURPOSES OF THIS SECTION, EACH SHERIFF'S OFFICE IS
18 ENCOURAGED TO APPLY ANNUALLY FOR A GRANT FROM THE PEACE
19 OFFICERS MENTAL HEALTH SUPPORT GRANT PROGRAM CREATED IN
20 SECTION 24-32-3501.

1 (4) AS USED IN THIS SECTION, "MENTAL HEALTH PROFESSIONAL"
2 MEANS A MENTAL HEALTH PROFESSIONAL LICENSED TO PRACTICE
3 MEDICINE PURSUANT TO PART 1 OF ARTICLE 36 OF TITLE 12 OR A PERSON
4 LICENSED AS A MENTAL HEALTH PROFESSIONAL PURSUANT TO ARTICLE 43
5 OF TITLE 12.

6 (5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2027.

7 **SECTION 2.** In Colorado Revised Statutes, **add** 31-30-109 as
8 follows:

9 **31-30-109. Mental health professionals - grant applications**
10 **encouraged - definition - repeal.** (1) EACH MUNICIPAL POLICE
11 DEPARTMENT IS ENCOURAGED TO ADOPT A POLICY WHEREBY MENTAL
12 HEALTH PROFESSIONALS, TO THE EXTENT PRACTICABLE, PROVIDE:

13 (a) ON-SCENE RESPONSE SERVICES TO SUPPORT OFFICERS'
14 HANDLING OF PERSONS WITH MENTAL HEALTH DISORDERS; AND

15 (b) COUNSELING SERVICES TO OFFICERS OF THE POLICE
16 DEPARTMENT.

17 (2) IN IMPLEMENTING A POLICY AS DESCRIBED IN SUBSECTION (1)
18 OF THIS SECTION, A MUNICIPAL POLICE DEPARTMENT SHALL NOT REQUIRE
19 A MENTAL HEALTH PROFESSIONAL TO COUNSEL BOTH A PERSON WITH A
20 MENTAL HEALTH DISORDER AND AN OFFICER IF, IN THE JUDGMENT OF THE
21 MENTAL HEALTH PROFESSIONAL, DOING SO WOULD CONSTITUTE A
22 CONFLICT OF INTEREST OR A BREACH OF A PROFESSIONAL CODE OF ETHICS.

23 (3) FOR THE PURPOSES OF THIS SECTION, EACH MUNICIPAL POLICE
24 DEPARTMENT IS ENCOURAGED TO APPLY ANNUALLY FOR A GRANT FROM
25 THE PEACE OFFICERS MENTAL HEALTH SUPPORT GRANT PROGRAM
26 CREATED IN SECTION 24-32-3501.

27 (4) AS USED IN THIS SECTION, "MENTAL HEALTH PROFESSIONAL"

1 MEANS A MENTAL HEALTH PROFESSIONAL LICENSED TO PRACTICE
2 MEDICINE PURSUANT TO PART 1 OF ARTICLE 36 OF TITLE 12 OR A PERSON
3 LICENSED AS A MENTAL HEALTH PROFESSIONAL PURSUANT TO ARTICLE 43
4 OF TITLE 12.

5 (5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2027.

6 **SECTION 3.** In Colorado Revised Statutes, **add** part 35 to article
7 32 of title 24 as follows:

8 PART 35

9 PEACE OFFICERS MENTAL HEALTH SUPPORT

10 GRANT PROGRAM

11 **24-32-3501. Peace officers mental health support grant**
12 **program - created - rules - policies and procedures - fund - repeal.**

13 (1) THERE IS CREATED IN THE DEPARTMENT OF LOCAL AFFAIRS, REFERRED
14 TO IN THIS SECTION AS THE "DEPARTMENT", THE PEACE OFFICERS MENTAL
15 HEALTH SUPPORT GRANT PROGRAM TO PROVIDE GRANTS OF MONEY TO
16 COUNTY SHERIFFS' OFFICES AND MUNICIPAL POLICE DEPARTMENTS FOR THE
17 PURPOSE OF HELPING THESE AGENCIES ENGAGE MENTAL HEALTH
18 PROFESSIONALS WHO CAN PROVIDE:

19 (a) ON-SCENE RESPONSE SERVICES TO SUPPORT PEACE OFFICERS'
20 HANDLING OF PERSONS WITH MENTAL HEALTH DISORDERS; AND

21 (b) COUNSELING SERVICES TO PEACE OFFICERS.

22 (2) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH
23 THE GRANT PROGRAM TO HIRE MENTAL HEALTH PROFESSIONALS AND
24 PROVIDE:

25 (a) ON-SCENE RESPONSE SERVICES TO SUPPORT PEACE OFFICERS'
26 HANDLING OF PERSONS WITH MENTAL HEALTH DISORDERS; AND

27 (b) COUNSELING SERVICES TO PEACE OFFICERS.

1 (3) COUNTY SHERIFFS' OFFICES AND MUNICIPAL POLICE
2 DEPARTMENTS THAT APPLY FOR GRANTS FROM THE GRANT PROGRAM ARE
3 ENCOURAGED TO DO SO, TO THE EXTENT POSSIBLE, IN COLLABORATION
4 WITH THE COMMUNITY MENTAL HEALTH CENTERS IN THEIR REGIONS.

5 (4) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM
6 AND, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS
7 PROVIDED IN THIS SECTION. SUBJECT TO AVAILABLE APPROPRIATIONS,
8 GRANTS SHALL BE PAID OUT OF THE FUND CREATED IN SUBSECTION (10) OF
9 THIS SECTION.

10 (5) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, OR HIS OR HER
11 DESIGNEE, SHALL DEVELOP SUCH POLICIES AND PROCEDURES AS ARE
12 REQUIRED IN THIS SECTION AND SUCH ADDITIONAL POLICIES AND
13 PROCEDURES AS MAY BE NECESSARY TO IMPLEMENT THE GRANT PROGRAM.
14 AT A MINIMUM, THE POLICIES AND PROCEDURES MUST SPECIFY THE TIME
15 FRAMES FOR APPLYING FOR GRANTS, THE FORM OF THE GRANT PROGRAM
16 APPLICATION, THE TIME FRAMES FOR DISTRIBUTING GRANT MONEY, AND
17 CRITERIA FOR THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE, TO USE
18 IN AWARDING AND DENYING GRANTS.

19 (6) TO RECEIVE A GRANT, A SHERIFF'S OFFICE OR MUNICIPAL
20 POLICE DEPARTMENT MUST SUBMIT AN APPLICATION TO THE DEPARTMENT
21 IN ACCORDANCE WITH POLICIES AND PROCEDURES DEVELOPED BY THE
22 EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE.

23 (7) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE
24 DEPARTMENT SHALL INCLUDE A SUMMARIZED REPORT OF THE ACTIVITIES
25 OF THE GRANT PROGRAM IN THE DEPARTMENT'S ANNUAL PRESENTATION
26 TO THE COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203.
27 NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORTING

1 REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE UNTIL THE GRANT
2 PROGRAM IS REPEALED PURSUANT TO SUBSECTION (11) OF THIS SECTION.

3 (8) THE DEPARTMENT MAY USE UP TO FIVE PERCENT OF THE
4 MONEY ANNUALLY APPROPRIATED FOR THE PROGRAM TO PAY THE DIRECT
5 AND INDIRECT COSTS THAT THE DEPARTMENT INCURS IN ADMINISTERING
6 THE GRANT PROGRAM.

7 (9) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
8 THE DEPARTMENT IS NOT REQUIRED TO IMPLEMENT THE GRANT PROGRAM
9 UNTIL SUFFICIENT FUNDS ARE RECEIVED IN THE FUND CREATED IN
10 SUBSECTION (10) OF THIS SECTION.

11 (10) (a) THE PEACE OFFICERS MENTAL HEALTH SUPPORT FUND,
12 REFERRED TO IN THIS SECTION AS THE "FUND", IS CREATED IN THE STATE
13 TREASURY. THE FUND CONSISTS OF GIFTS, GRANTS, AND DONATIONS
14 CREDITED TO THE FUND PURSUANT TO SUBSECTION (10)(b) OF THIS
15 SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
16 APPROPRIATE OR TRANSFER TO THE FUND. THE EXECUTIVE DIRECTOR, OR
17 HIS OR HER DESIGNEE, MAY EXPEND MONEY FROM THE FUND FOR THE
18 PURPOSES OF THIS SECTION.

19 (b) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,
20 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
21 PURPOSES OF THIS SECTION. THE DEPARTMENT SHALL TRANSMIT ALL
22 MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE
23 TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

24 (c) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
25 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
26 FUND TO THE FUND. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED
27 AND UNENCUMBERED MONEY IN THE FUND REMAINS THEREIN AND SHALL

1 NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER
2 FUND.

3 (d) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED
4 AND UNENCUMBERED MONEY IN THE FUND ON AUGUST 31, 2027, TO THE
5 GENERAL FUND.

6 (11) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2027.

7 **SECTION 4. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly (August
10 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2018 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.