

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 18-0282.01 Jerry Barry x4341

HOUSE BILL 18-1040

HOUSE SPONSORSHIP

Benavidez, Singer

SENATE SPONSORSHIP

Fields,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INCENTIVES FOR PROVISION OF SEX OFFENDER SERVICES**
102 **IN THE DEPARTMENT OF CORRECTIONS.**

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 requires the department of corrections to institute an incentive plan to contract for more mental health professionals in difficult-to-serve geographic areas if the number of inmates who need a treatment or service in the area exceeds the number

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
March 20, 2018

of available spaces by 20%.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 17-1-115.9** as
3 follows:

4 **17-1-115.9. Incentives for mental health professionals - report**
5 **- legislative declaration.** (1) THE GENERAL ASSEMBLY FINDS THAT:

6 (a) THE FAILURE TO PROVIDE TIMELY NEEDED SEX OFFENDER
7 TREATMENT OR SERVICES CREATES A RISK WHEN AN INMATE IS RELEASED
8 INTO THE COMMUNITY AND INCREASES EXPENSES WHEN AN INMATE
9 REMAINS IN PRISON DUE TO HIS OR HER FAILURE TO RECEIVE TREATMENT
10 OR SERVICES; AND

11 (b) IN ORDER TO PROVIDE THE NECESSARY SEX OFFENDER
12 TREATMENT AND SERVICES IN DIFFICULT-TO-SERVE AREAS IN A TIMELY
13 MANNER, THE DEPARTMENT MUST HAVE THE FLEXIBILITY TO OFFER
14 INCENTIVES TO CONTRACTED MENTAL HEALTH PROFESSIONALS TO
15 PROVIDE SUCH TREATMENT AND SERVICES IN SUCH AREAS.

16 (2) THE DEPARTMENT SHALL MONITOR THE NUMBER OF INMATES
17 WHO HAVE A SPECIFIED SEX OFFENDER TREATMENT OR SERVICE IDENTIFIED
18 IN THE INMATE'S RECOMMENDED REHABILITATION REPORT AND WHO ARE
19 NOT RECEIVING THE TREATMENT OR SERVICE DUE TO A LACK OF
20 TREATMENT OR SERVICE PROVIDERS. THE DEPARTMENT SHALL DEVELOP
21 AND MAY IMPLEMENT AN INCENTIVE PLAN FOR EACH SEX OFFENDER
22 TREATMENT OR SERVICE AND EACH GEOGRAPHIC AREA IN WHICH THERE IS
23 A NEED FOR ADDITIONAL CONTRACTED MENTAL HEALTH PROFESSIONALS
24 TO PROVIDE THE IDENTIFIED SEX OFFENDER TREATMENT OR SERVICE. THE
25 INCENTIVE PLAN MUST INCLUDE SPECIFIC INCENTIVES TO CONTRACT WITH

1 THE NECESSARY MENTAL HEALTH PROFESSIONALS AND MAY INCLUDE
2 INCREASES IN FEES AND TRAVEL REIMBURSEMENTS PAID, BONUSES, AND
3 OTHER FINANCIAL INCENTIVES.

4 (3) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136
5 (11), ON OR BEFORE DECEMBER 1, 2018, AND EACH DECEMBER 1
6 THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE JOINT
7 BUDGET COMMITTEE THAT MUST INCLUDE:

8 (a) THE STATEWIDE NUMBER OF INMATES REQUIRING EACH SEX
9 OFFENDER TREATMENT OR SERVICE PROVIDED BY A MENTAL HEALTH
10 PROFESSIONAL AND THE NUMBER OF INMATES UNABLE TO RECEIVE SUCH
11 TREATMENT OR SERVICE; AND

12 (b) FOR EACH INCENTIVE PLAN DEVELOPED PURSUANT TO THIS
13 SECTION, THE NUMBER OF INMATES REQUIRING THE TREATMENT OR
14 SERVICE, THE NUMBER OF INMATES STILL UNABLE TO RECEIVE THE
15 TREATMENT OR SERVICE, A DESCRIPTION OF THE INCENTIVE PLAN
16 DEVELOPED, AND A REPORT ON THE EFFECTIVENESS OF ANY INCENTIVE
17 OFFERED BY THE DEPARTMENT UNDER THE PLAN.

18 **SECTION 2. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2018 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.