

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 18-1251.01 Jane Ritter x4342

SENATE BILL 18-251

SENATE SPONSORSHIP

Gardner and Lambert, Jahn, Lundberg, Moreno

HOUSE SPONSORSHIP

Lee and Young, Hamner, Rankin, Singer

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING ESTABLISHING A STATEWIDE BEHAVIORAL HEALTH**
102 **COURT LIAISON PROGRAM, AND, IN CONNECTION THEREWITH,**
103 **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>.)

The bill establishes in the office of the state court administrator (office) a statewide behavioral health court liaison program (program). The purpose of the program is to identify and dedicate local behavioral health professionals as court liaisons (court liaisons) in each state judicial district to facilitate communication and collaboration among judicial,

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.*

SENATE
3rd Reading Unamended
May 3, 2018

SENATE
Amended 2nd Reading
May 2, 2018

1 OF LIVING A HEALTHY AND PRODUCTIVE LIFE.

2 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

3 (a) COLORADO HAS AN OBLIGATION TO ENSURE THAT ENTITIES
4 WITHIN THE CRIMINAL JUSTICE SYSTEM ARE EQUIPPED WITH A GREATER
5 UNDERSTANDING OF BEHAVIORAL HEALTH TREATMENT OPTIONS IN THE
6 COMMUNITY; AND

7 (b) COMMUNITY MENTAL HEALTH PROVIDERS, INCLUDING
8 COMMUNITY MENTAL HEALTH CENTERS, ARE A CRITICAL COMPONENT OF
9 ACHIEVING POSITIVE OUTCOMES FOR INDIVIDUALS LIVING WITH MENTAL
10 HEALTH, BEHAVIORAL HEALTH, AND SUBSTANCE USE DISORDERS AND
11 HAVE LONG HELD AN ESSENTIAL ROLE IN ENGAGING CRIMINAL JUSTICE
12 ENTITIES.

13 (3) THE GENERAL ASSEMBLY THEREFORE FINDS THAT IT IS
14 CRITICAL TO CREATE A NETWORK OF PROFESSIONALS WHO CAN
15 COMPREHENSIVELY BRIDGE THE CRIMINAL JUSTICE SYSTEM AND THE
16 COMMUNITY BEHAVIORAL HEALTH SYSTEMS ACROSS THE STATE IN ORDER
17 TO:

18 (a) PROMOTE POSITIVE OUTCOMES FOR INDIVIDUALS LIVING WITH
19 MENTAL HEALTH OR CO-OCCURRING BEHAVIORAL HEALTH CONDITIONS;

20 (b) INFORM CRIMINAL JUSTICE ENTITIES ABOUT COMMUNITY
21 TREATMENT OPTIONS; AND

22 (c) CONNECT INDIVIDUALS TO BEHAVIORAL HEALTH SERVICES.

23 ==

24 (4) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT A
25 STATEWIDE BEHAVIORAL HEALTH COURT LIAISON PROGRAM MUST
26 PROVIDE A METHOD FOR COLLABORATION AND CONSULTATION AMONG
27 BEHAVIORAL HEALTH PROVIDERS, DISTRICT ATTORNEYS, AND DEFENSE

1 ATTORNEYS ABOUT COMPETENCY EVALUATIONS, RESTORATION TO
2 COMPETENCY SERVICES, AND OTHER RELEVANT DECISIONS AND ISSUES
3 FACING INDIVIDUALS WITH MENTAL HEALTH OR CO-OCCURRING
4 BEHAVIORAL HEALTH CONDITIONS WHO ARE INVOLVED WITH THE
5 CRIMINAL JUSTICE SYSTEM, INCLUDING APPROPRIATENESS FOR
6 COMMUNITY TREATMENT AND RESOURCE AVAILABILITY.

7 **16-11.9-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

9 (1) "BEHAVIORAL HEALTH CONDITION" REFERS TO MENTAL
10 HEALTH AND CO-OCCURRING SUBSTANCE USE CONDITIONS THAT ARE
11 INDICATIVE OF A POSSIBLE BEHAVIORAL HEALTH PROBLEM, CONCERN, OR
12 DISORDER.

13 (2) "BEHAVIORAL HEALTH SERVICES" OR "BEHAVIORAL HEALTH
14 SYSTEMS" MEANS SERVICE SYSTEMS THAT ENCOMPASS PREVENTION AND
15 PROMOTION OF EMOTIONAL HEALTH, PREVENTION AND TREATMENT
16 SERVICES FOR MENTAL HEALTH AND SUBSTANCE USE CONDITIONS, AND
17 RECOVERY SUPPORT.

18 (3) "COURT LIAISON" MEANS A PERSON WHO IS HIRED AS A
19 DEDICATED BEHAVIORAL HEALTH COURT LIAISON FOR THE PROGRAM
20 PURSUANT TO SECTION 16-11.9-203.

21 (4) "PROGRAM" MEANS THE STATEWIDE BEHAVIORAL HEALTH
22 COURT LIAISON PROGRAM ESTABLISHED IN SECTION 16-11.9-203.

23
24 (5) "STATE COURT ADMINISTRATOR" MEANS THE STATE COURT
25 ADMINISTRATOR ESTABLISHED PURSUANT TO SECTION 13-3-101.

26 **16-11.9-203. Statewide behavioral health court liaison**
27 **program - established - purpose - administration.** (1) (a) THE

1 STATEWIDE BEHAVIORAL HEALTH COURT LIAISON PROGRAM IS
2 ESTABLISHED IN THE OFFICE OF THE STATE COURT ADMINISTRATOR. THE
3 STATE COURT ADMINISTRATOR IS RESPONSIBLE FOR PROGRAM
4 ADMINISTRATION, INCLUDING ENSURING THAT EACH JUDICIAL DISTRICT
5 IMPLEMENTS A LOCAL PROGRAM DESIGN THAT IS ALIGNED WITH
6 STATEWIDE GOALS AND LEGISLATIVE INTENT.

7 (b) THE PURPOSE OF THE PROGRAM IS TO IDENTIFY AND DEDICATE
8 LOCAL BEHAVIORAL HEALTH PROFESSIONALS AS COURT LIAISONS IN EACH
9 STATE JUDICIAL DISTRICT. THE COURT LIAISONS SHALL FACILITATE
10 COMMUNICATION AND COLLABORATION BETWEEN JUDICIAL AND
11 BEHAVIORAL HEALTH SYSTEMS.

12 (2) THE PROGRAM IS DESIGNED TO KEEP JUDGES, DISTRICT
13 ATTORNEYS, AND DEFENSE ATTORNEYS INFORMED ABOUT AVAILABLE
14 COMMUNITY-BASED BEHAVIORAL HEALTH SERVICES, INCLUDING SERVICES
15 FOR DEFENDANTS WHO HAVE BEEN ORDERED TO UNDERGO A COMPETENCY
16 EVALUATION OR RECEIVE COMPETENCY RESTORATION SERVICES
17 PURSUANT TO ARTICLE 8.5 OF THIS TITLE 16.

18 (3) ON OR BEFORE OCTOBER 1, 2018, AND AS NECESSARY
19 THEREAFTER, THE STATE COURT ADMINISTRATOR SHALL ESTABLISH
20 PROGRAM PROCEDURES, TIMELINES, FUNDING GUIDELINES, AND
21 ACCEPTABLE EXPENSES FOR THE DISTRIBUTION OF PROGRAM FUNDS TO
22 JUDICIAL DISTRICTS. THE STATE COURT ADMINISTRATOR SHALL ALLOCATE
23 PROGRAM FUNDING TO JUDICIAL DISTRICTS BASED ON CASE VOLUME,
24 GEOGRAPHICAL COMPLEXITY, AND DENSITY OF NEED.

25 (4) THE STATE COURT ADMINISTRATOR SHALL IMPLEMENT
26 CAPABILITIES WITHIN THE EXISTING STATEWIDE COURT DATA SYSTEM TO
27 INDICATE BEHAVIORAL HEALTH CONDITIONS IN CASES BROUGHT TO THE

1 COURTS.

2 (5) EACH JUDICIAL DISTRICT SHALL USE ALLOCATED PROGRAM
3 MONEY TO PARTNER WITH COMMUNITY MENTAL HEALTH PROVIDERS,
4 SUCH AS A COMMUNITY MENTAL HEALTH CENTER, THAT ARE ABLE TO
5 PROVIDE A CONTINUUM OF COMMUNITY-BASED BEHAVIORAL HEALTH
6 SERVICES IN THEIR REGION TO ACCOMPLISH THE PROGRAM GOALS SET
7 FORTH IN SUBSECTIONS (1) AND (2) OF THIS SECTION. PROGRAM MONEY
8 MAY BE USED FOR THE PURPOSES ESTABLISHED BY THE STATE COURT
9 ADMINISTRATOR PURSUANT TO SUBSECTION (3) OF THIS SECTION,
10 INCLUDING BUT NOT LIMITED TO:

11 (a) PROGRAM IMPLEMENTATION AND START-UP COSTS
12 DETERMINED NECESSARY AND APPROPRIATE BY THE STATE COURT
13 ADMINISTRATOR;

14 (b) CONTRACTING FOR AN ADEQUATE NUMBER OF DEDICATED
15 COURT LIAISONS RESPONSIBLE FOR THE DUTIES SET FORTH IN SECTION
16 16-11.9-204;

17 (c) PRIORITIZING, THROUGH THE COURT LIAISONS, CASES WHERE
18 COMPETENCY TO PROCEED AND RESTORATION TO COMPETENCY ARE
19 RAISED, AND PROVIDING NECESSARY SERVICES FOR SUCH CASES; AND

20 (d) OPERATIONAL FUNDING FOR COURT LIAISON ACTIVITIES AS
21 DETERMINED NECESSARY AND APPROPRIATE BY THE STATE COURT
22 ADMINISTRATOR.

23 **16-11.9-204. Behavioral health court liaisons - duties and**
24 **responsibilities - consultation and collaboration.** (1) A COURT LIAISON
25 HIRED PURSUANT TO THIS PART 2 HAS THE FOLLOWING DUTIES AND
26 RESPONSIBILITIES:

27 (a) ACCESSING LOCAL COMMUNITY MENTAL HEALTH CENTER

1 RECORDS AND APPOINTMENT SYSTEMS, AS ALLOWED BY STATE AND
2 FEDERAL LAW, TO ASSESS TREATMENT HISTORY AND MAKE DIRECT
3 CONNECTIONS TO SERVICES FOR A DEFENDANT WITH A BEHAVIORAL
4 HEALTH CONDITION;

5 (b) SCREENING FOR BEHAVIORAL HEALTH CONDITIONS AND
6 DETERMINING APPROPRIATE REFERRAL AND TREATMENT OPTIONS WHEN
7 NECESSARY;

8 (c) USING THE BEHAVIORAL HEALTH INFORMATION FROM THE
9 STATEWIDE COURT DATA SYSTEM, AS UPDATED PURSUANT TO SECTION
10 16-11.9-203 (4), TO MAKE A DETERMINATION REGARDING WHETHER A
11 BEHAVIORAL HEALTH CONSULTATION WOULD BE BENEFICIAL IN ACHIEVING
12 PROGRAM GOALS AND OBJECTIVES. IF THE COURT LIAISON OPERATING IN
13 THE JUDICIAL DISTRICT DETERMINES THAT A CONSULTATION WOULD BE
14 BENEFICIAL, THE COURT LIAISON SHALL CONSULT WITH EACH JUDICIAL
15 OFFICER, DEFENSE ATTORNEY, AND DISTRICT ATTORNEY WORKING ON THE
16 CASE, AND THE LIAISON MUST IDENTIFY, AT A MINIMUM, THE FOLLOWING
17 INFORMATION:

18 (I) THE NATURE OF THE INDIVIDUAL'S BEHAVIORAL HEALTH
19 CONDITION;

20 (II) WHETHER THE INDIVIDUAL HAS A READILY AVAILABLE
21 HISTORY OF BEHAVIORAL HEALTH TREATMENT;

22 (III) WHETHER THE INDIVIDUAL IS A CURRENT OR PAST CLIENT OF
23 A COMMUNITY MENTAL HEALTH CENTER IN THE JUDICIAL DISTRICT; AND

24
25 (IV) THE LOCAL, REGIONAL, OR STATE AVAILABILITY OF
26 RESOURCES THAT THE INDIVIDUAL MAY NEED, INCLUDING BUT NOT
27 LIMITED TO:

1 (A) OUTPATIENT AND OUT-OF-CUSTODY COMPETENCY
2 EVALUATIONS OR COMPETENCY RESTORATION SERVICES;

3 (B) BEHAVIORAL HEALTH SERVICES OR PSYCHIATRIC SERVICES OR
4 SUPPORTS; OR

5 (C) EMPLOYMENT, HOUSING, OR OTHER SOCIAL SUPPORTS.

6 (d) FACILITATING COMMUNICATION BETWEEN BEHAVIORAL
7 HEALTH SYSTEMS AND CRIMINAL JUSTICE ENTITIES AND PROVIDING
8 CONSULTATION TO CRIMINAL JUSTICE PERSONNEL REGARDING
9 BEHAVIORAL HEALTH AND COMMUNITY TREATMENT OPTIONS;

10 (e) COORDINATING WITH JAIL-BASED BEHAVIORAL HEALTH
11 PROVIDERS TO ENSURE CONTINUITY OF CARE AND SERVICE DELIVERY; AND

12 (f) IDENTIFYING EXISTING PROGRAMS AND RESOURCES THAT ARE
13 ALREADY AVAILABLE IN THE COMMUNITY, INCLUDING BUT NOT LIMITED
14 TO:

15 (I) CO-RESPONDER PROGRAMS THAT PAIR LOCAL COMMUNITY
16 BEHAVIORAL HEALTH SPECIALISTS AND PROVIDERS WITH LAW
17 ENFORCEMENT PERSONNEL;

18 (II) OTHER CRIMINAL JUSTICE DIVERSION PROGRAMS FOR
19 INDIVIDUALS WITH BEHAVIORAL HEALTH CONDITIONS;

20 (III) COMMUNITY MENTAL HEALTH CENTERS AND OTHER LOCAL
21 COMMUNITY BEHAVIORAL HEALTH PROVIDERS THAT RECEIVE STATE
22 FUNDING THROUGH THE OFFICE OF BEHAVIORAL HEALTH FOR SERVICES
23 SUCH AS:

24 (A) MENTAL HEALTH SERVICES FOR JUVENILE AND ADULT
25 OFFENDERS;

26 (B) SUBSTANCE USE TREATMENT SERVICES FOR OFFENDERS AND
27 INDIVIDUALS DIVERTED FROM THE CRIMINAL JUSTICE SYSTEM;

1 (C) TRANSITION SERVICES AND WRAPAROUND SERVICES FOR
2 INDIVIDUALS WITH SERIOUS MENTAL HEALTH DISORDERS WHO ARE
3 TRANSITIONING FROM A PSYCHIATRIC HOSPITAL OR WHO REQUIRE MORE
4 INTENSIVE SERVICES IN THE COMMUNITY TO AVOID INSTITUTIONAL
5 PLACEMENT; AND

6 (D) BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM SERVICES OR
7 THE ASSOCIATED TELEPHONE HOTLINE; AND

8 (IV) BEHAVIORAL HEALTH SERVICES PROVIDED FOR MEDICAID
9 CLIENTS THROUGH THE REGIONAL ACCOUNTABLE ENTITY THAT THE
10 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING CONTRACTS WITH
11 FOR THE PROVISION OF SUCH SERVICES.

12 (2) IF A CONSULTATION OCCURS PURSUANT TO SUBSECTION (1)(c)
13 OF THIS SECTION, THE STATEWIDE COURT DATA SYSTEM MUST INCLUDE A
14 RECORD OF SUCH CONSULTATION ON THE INDIVIDUAL'S CASE RECORDS.

15 **16-11.9-205. Reporting requirements.** (1) THE STATE COURT
16 ADMINISTRATOR SHALL COLLABORATE WITH EACH JUDICIAL JURISDICTION
17 IN THE STATE AND EACH COURT LIAISON TO COLLECT AND ANALYZE DATA
18 REGARDING THE WORK OF THE PROGRAM, INCLUDING DATA THAT
19 DEMONSTRATES THE IMPACT OF CONSULTATION, UTILIZATION OF THE
20 COURT LIAISONS BY JUDICIAL DISTRICTS, AND THE EFFICIENCY OF THE
21 PROGRAM IN PROMOTING THE LEGISLATIVE INTENT AND STATEWIDE GOALS
22 AS SET FORTH IN THIS PART 2.

23 (2) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136, ON
24 OR BEFORE OCTOBER 1, 2019, AND EACH OCTOBER 1 THEREAFTER, THE
25 STATE COURT ADMINISTRATOR SHALL REPORT TO THE JOINT BUDGET
26 COMMITTEE, OR ANY SUCCESSOR COMMITTEE, THE NUMBER OF CASES IN
27 THE PAST YEAR FOR WHICH A BEHAVIORAL HEALTH CONDITION WAS

1 IDENTIFIED AND RESULTED IN A CONSULTATION PURSUANT TO SECTION
2 16-11.9-204, AND OUTCOMES RELATED TO THE LEGISLATIVE INTENT AND
3 STATEWIDE GOALS OF THE PROGRAM, AS SET FORTH IN THIS PART 2.

4 **SECTION 2. Appropriation.** For the 2018-19 state fiscal year,
5 \$1,997,112 is appropriated to the judicial department. This appropriation
6 is from the general fund and is based on an assumption that the
7 department will require an additional 0.9 FTE. To implement this act, the
8 department may use this appropriation for the statewide behavioral health
9 court liaison program.

10 **SECTION 3. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.