

CHAPTER 212

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 20-1393

BY REPRESENTATIVE(S) Esgar and McCluskie, Ransom, Buentello, Jaquez Lewis, Kennedy, Kipp, Valdez A., Valdez D., Weissman, Michaelson Jenet;
also SENATOR(S) Zenzinger and Rankin, Moreno, Crowder, Foote, Gardner, Lee, Todd, Winter.

AN ACT**CONCERNING EXPANDING THE MENTAL HEALTH DIVERSION PILOT PROGRAMS TO INCLUDE MORE JUDICIAL DISTRICTS.**

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

SECTION 1. In Colorado Revised Statutes, 18-1.3-101.5, **amend** (1), (3), (5) introductory portion, and (6)(a) as follows:

18-1.3-101.5. Alternative pilot programs to divert individuals with mental health conditions - legislative intent - eligibility - process of diversion - grant program - program management - definitions - repeal. (1) The intent of this section is to establish and facilitate ~~four~~ **FIVE OR MORE** pre-plea local-level mental health pilot programs in selected judicial districts that will identify individuals with mental health conditions who have been charged with a low-level criminal offense and divert such individuals out of the criminal justice system and into community treatment programs in accordance with the principles and proposed model recommended by the Colorado commission on criminal and juvenile justice, adopted on January 12, 2018. In addition, proceeding pursuant to the model recommended by the Colorado commission on criminal and juvenile justice encourages and facilitates flexible and locally controlled programs in a manner that can accommodate and respect the availability or limitation of resources in each jurisdiction while still maintaining the core integrity and objectives of the effort to foster the use of mental health diversion programs throughout the state.

(3) There are created ~~up to four~~ **FIVE OR MORE** pilot programs in judicial districts in the state. The state court administrator and the Colorado district attorneys' council shall collaborate to identify potential pilot program sites with the agreement of the elected district attorneys and chief judges in a judicial district. The state court

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

administrator and the Colorado district attorneys' council shall consider geographic diversity in identifying pilot program sites. The purpose of the pilot programs is to identify individuals with mental health conditions who have been charged with a low-level criminal offense and divert such individuals out of the criminal justice system and into community treatment programs. The district attorney and the chief judge for a judicial district selected as a pilot program site pursuant to this subsection (3) shall work collaboratively and through consensus with interested and necessary participants within the judicial district, including but not limited to law enforcement, jail officials, public defenders, judges, pretrial service providers, and local community mental and behavioral health service providers, to decide which courts and counties within the judicial district are best suited to implement the pilot program.

(5) The state court administrator is responsible for administration and oversight of the pilot programs, including certifying that, on or before January 1, ~~2019~~ 2021, each pilot program site implements a design that is consistent with the principles and proposed model adopted by the Colorado commission on criminal and juvenile justice and the legislative intent of this section. The duties of the state court administrator with respect to the pilot programs include, but are not limited to:

(6) There is created in the office of the state court administrator the mental health criminal justice diversion grant program. The state court administrator is responsible for administering and monitoring the grant program including, but not limited to:

(a) Establishing grant funding guidelines and acceptable expenses for the distribution of grant program grant money to the pilot program sites based upon specific allocations required by the grant program, the specific award to the district attorney's office in each of the ~~four~~ designated judicial districts, other pilot program needs, and any other criteria, such as case volume, geographical complexity, and density of need. In addition to any other allowable expenses to be paid for by the grant program, each district attorney's office participating in the pilot program ~~shall~~ MUST receive fifty thousand dollars per year from the grant funding for each year of the grant program. Such money must be used to assist in covering the costs related to personnel and administrative requirements to establish and operate pilot programs in ~~four~~ THE designated judicial districts.

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

Approved: June 30, 2020