

CHAPTER 471

CRIMINAL LAW AND PROCEDURE

SENATE BILL 22-021

BY SENATOR(S) Rodriguez and Lee, Simpson, Buckner, Gonzales, Kolker, Moreno, Pettersen, Story;
also REPRESENTATIVE(S) Benavidez and Amabile, Pelton, Bacon, Bernett, Bird, Boesenecker, Cutter, Duran, Esgar, Exum,
Froelich, Gonzales-Gutierrez, Herod, Hooton, Jodeh, Kipp, Lindsay, Lontine, McCluskie, McCormick, Michaelson Jenet, Mullica,
Sirota, Sullivan, Titone, Valdez D., Weissman, Garnett, Daugherty.

AN ACT

CONCERNING THE TREATMENT OF PERSONS WITH BEHAVIORAL HEALTH DISORDERS IN THE JUSTICE SYSTEM, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **repeal and reenact, with amendments**, article 1.9 of title 18 as follows:

ARTICLE 1.9

**Continuing Examination of the Treatment of Persons with
Behavioral Health Disorders Who are Involved in the
Criminal and Juvenile Justice Systems**

18-1.9-101. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS THAT:

(a) THE UNITED STATES IS IN A PUBLIC HEALTH CRISIS IN WHICH PERSONS WITH BEHAVIORAL HEALTH NEEDS ARE NEGLECTED, STIGMATIZED, OR INADEQUATELY SUPPORTED, WHICH GREATLY INCREASES THE RISK OF SUCH PERSONS BECOMING INVOLVED WITH OR CONTINUING TO BE INVOLVED WITH THE CRIMINAL OR JUVENILE JUSTICE SYSTEM;

(b) PERSONS WITH BEHAVIORAL HEALTH DISORDERS ARE DISPROPORTIONATELY REPRESENTED IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS. THE PREVALENCE RATES NATIONALLY OF SUCH INDIVIDUALS ENTERING JAIL ARE THREE TIMES GREATER THAN THAT OF THE GENERAL POPULATION. BUREAU OF JUSTICE STATISTICS DATA FROM 2011 THROUGH 2012 INDICATE THAT HALF OF THE PEOPLE INCARCERATED IN PRISONS, AND TWO-THIRDS OF THOSE IN JAIL, HAVE EITHER A

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.

CURRENT SERIOUS PSYCHOLOGICAL DISTRESS OR A HISTORY OF BEHAVIORAL HEALTH CONCERNS.

(c) THE DEPARTMENT OF CORRECTIONS' DATA INDICATE THAT ONE OUT OF EVERY THREE MEN AND FOUR OUT OF EVERY FIVE WOMEN IMPRISONED IN COLORADO HAVE A MODERATE TO SEVERE BEHAVIORAL HEALTH DISORDER;

(d) THE DIVISION OF YOUTH SERVICES' DATA INDICATE THAT FIFTY-NINE PERCENT OF NEWLY COMMITTED YOUTH REQUIRE BEHAVIORAL HEALTH INTERVENTION OR SERVICES, AND NATIONALLY, JUVENILE INSTITUTIONS ARE ILL-EQUIPPED TO PROVIDE A COMPREHENSIVE ARRAY OF SUCH SERVICES TO MEET THE NEEDS; AND

(e) LARGE NUMBERS OF PEOPLE WITH BEHAVIORAL HEALTH DISORDERS ARE BEING SENT TO SECURE JUSTICE SETTINGS INSTEAD OF RECEIVING COMMUNITY TREATMENT. AS A RESULT, THE CRIMINAL JUSTICE SYSTEM HAS BECOME THE STOPGAP PROVIDER TO ADDRESS CHRONIC AND ACUTE BEHAVIORAL HEALTH NEEDS IN OUR STATE.

(2) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

(a) ACTIONS FOCUSED ON PERSONS WHO ARE AT RISK OF ENTRY INTO THE SYSTEM DUE TO BEHAVIORAL HEALTH DISORDERS, AND ACTIONS TO HELP REDUCE AND PREVENT RECIDIVISM ONCE SUCH INDIVIDUALS ARE IN THE SYSTEM, ARE CRITICAL IN ADDRESSING THE PROBLEM;

(b) RESEARCH DEMONSTRATES A NEED TO DIVERT PERSONS WITH BEHAVIORAL HEALTH DISORDERS TO TREATMENT PROGRAMS AND TO PROVIDE WRAPAROUND SERVICES, SUCH AS HOUSING AND CONTINUED MEDICAL AND BEHAVIORAL HEALTH TREATMENT UPON RELEASE; AND

(c) PREVENTION AND INTERVENTION NEEDS RANGE FROM, BUT ARE NOT LIMITED TO, SCHOOL-BASED BEHAVIORAL HEALTH SERVICES; LAW ENFORCEMENT DIRECTED DIVERSION; COMMUNITY SCREENING, ASSESSMENT, AND TREATMENT; SECURE SETTINGS WITHIN CORRECTION FACILITIES; AND SUPPORTIVE REENTRY SERVICES THAT ARE CRITICAL COMPONENTS OF DIGNITY, SAFETY, AND RECOVERY.

(3) IN ADDITION, THE GENERAL ASSEMBLY FINDS THAT THE RESULTS OF A REPORT REQUESTED BY THE JOINT BUDGET COMMITTEE IN 1999 RECOMMENDED CROSS-SYSTEM COLLABORATION AND COMMUNICATION AS A METHOD FOR REDUCING THE NUMBER OF PERSONS WITH MENTAL HEALTH DISORDERS WHO ARE INVOLVED IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS. THE COMMITTEE AND TASK FORCE CREATED BY THIS ARTICLE 1.9 SHALL CONSIDER THE BROADER CONTINUUM OF BEHAVIORAL HEALTH DISORDERS TO BETTER ACCOUNT FOR THE NEEDS OF THE AT-RISK POPULATION BEING STUDIED.

(4) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT, DESPITE THE IMPACT AND REACH OF THE PREVIOUS WORK OF THE LEGISLATIVE OVERSIGHT COMMITTEE AND TASK FORCE, A SIGNIFICANT NEED REMAINS FOR ONGOING INNOVATION TO ADDRESS THESE AND RELATED ISSUES. THE GENERAL ASSEMBLY THEREFORE DETERMINES THAT IT IS NECESSARY TO CONTINUE THE LEGISLATIVE OVERSIGHT COMMITTEE AND TASK FORCE TO EXAMINE THE IDENTIFICATION, DIAGNOSIS, AND TREATMENT OF PERSONS WITH BEHAVIORAL HEALTH DISORDERS WHO ARE AT RISK

OF INVOLVEMENT OR CONTINUED INVOLVEMENT WITH THE CRIMINAL OR JUVENILE JUSTICE SYSTEMS AND TO DEVELOP STRATEGIES TO ADDRESS THE ISSUES SUCH PEOPLE FACE.

18-1.9-102. Definitions. AS USED IN THIS ARTICLE 1.9, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BEHAVIORAL HEALTH" REFERS TO AN INDIVIDUAL'S MENTAL AND EMOTIONAL WELL-BEING AND ACTIONS THAT AFFECT AN INDIVIDUAL'S OVERALL WELLNESS. BEHAVIORAL HEALTH PROBLEMS AND DISORDERS INCLUDE SUBSTANCE USE DISORDERS, SERIOUS PSYCHOLOGICAL DISTRESS, SUICIDE, DEPRESSION, AND OTHER MENTAL HEALTH DISORDERS. PROBLEMS RANGING FROM UNHEALTHY STRESS OR SUBCLINICAL CONDITIONS TO DIAGNOSABLE AND TREATABLE DISEASES ARE INCLUDED IN THE TERM "BEHAVIORAL HEALTH". THE TERM "BEHAVIORAL HEALTH" IS ALSO USED TO DESCRIBE SERVICE SYSTEMS THAT ENCOMPASS PREVENTION AND PROMOTION OF EMOTIONAL HEALTH, PREVENTION AND TREATMENT SERVICES FOR MENTAL HEALTH AND SUBSTANCE USE DISORDERS, AND RECOVERY SUPPORT.

(2) "CO-OCCURRING DISORDER" MEANS A DISORDER THAT COMMONLY COINCIDES WITH MENTAL HEALTH DISORDERS AND MAY INCLUDE, BUT IS NOT LIMITED TO, SUBSTANCE ABUSE AND SUBSTANCE USE DISORDERS, BEHAVIORAL HEALTH DISORDERS, INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, FETAL ALCOHOL SYNDROME, AND TRAUMATIC BRAIN INJURY.

(3) "LEGISLATIVE OVERSIGHT COMMITTEE" OR "COMMITTEE" MEANS THE LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING THE TREATMENT OF PERSONS WITH BEHAVIORAL HEALTH DISORDERS IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS ESTABLISHED PURSUANT TO SECTION 18-1.9-103.

(4) "PREVIOUS TASK FORCE" MEANS THE TASK FORCE CONCERNING THE TREATMENT OF PERSONS WITH MENTAL HEALTH DISORDERS IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS THAT EXISTED PRIOR TO JULY 1, 2022.

(5) "TASK FORCE" MEANS THE TASK FORCE CONCERNING THE TREATMENT OF PERSONS WITH BEHAVIORAL HEALTH DISORDERS IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS ESTABLISHED PURSUANT TO SECTION 18-1.9-104.

18-1.9-103. Legislative oversight committee concerning the treatment of persons with behavioral health disorders in the criminal and juvenile justice systems - creation - duties. (1) **Creation.** (a) THERE IS CREATED A LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING THE TREATMENT OF PERSONS WITH BEHAVIORAL HEALTH DISORDERS IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS.

(b) THE COMMITTEE CONSISTS OF SIX MEMBERS AS FOLLOWS:

(I) THE PRESIDENT OF THE SENATE SHALL APPOINT TWO SENATORS TO SERVE ON THE COMMITTEE, AND THE MINORITY LEADER OF THE SENATE SHALL APPOINT ONE SENATOR TO SERVE ON THE COMMITTEE; AND

(II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT THREE REPRESENTATIVES TO SERVE ON THE COMMITTEE, NO MORE THAN TWO OF WHOM ARE

MEMBERS OF THE SAME POLITICAL PARTY.

(c) THE TERMS OF THE MEMBERS WHO ARE SERVING ON THE LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING THE TREATMENT OF PERSONS WITH MENTAL HEALTH DISORDERS IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS AS OF THE EFFECTIVE DATE OF THIS SECTION ARE EXTENDED TO THE CONVENING DATE OF THE FIRST REGULAR SESSION OF THE SEVENTY-FOURTH GENERAL ASSEMBLY. AS SOON AS PRACTICABLE AFTER SUCH CONVENING DATE, BUT NO LATER THAN THE END OF THE LEGISLATIVE SESSION, THE SPEAKER, THE PRESIDENT, AND THE MINORITY LEADER OF THE SENATE SHALL EACH APPOINT OR REAPPOINT MEMBERS IN THE SAME MANNER AS PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION. THEREAFTER, THE TERMS OF MEMBERS APPOINTED OR REAPPOINTED BY THE SPEAKER, THE PRESIDENT, AND THE MINORITY LEADER OF THE SENATE EXPIRE ON THE CONVENING DATE OF THE FIRST REGULAR SESSION OF THE NEXT GENERAL ASSEMBLY, AND ALL SUBSEQUENT APPOINTMENTS AND REAPPOINTMENTS BY THE SPEAKER, THE PRESIDENT, AND THE MINORITY LEADER OF THE SENATE MUST BE MADE AS SOON AS PRACTICABLE AFTER THE CONVENING DATE, BUT NO LATER THAN THE END OF THE LEGISLATIVE SESSION.

(d) THE PERSON MAKING THE ORIGINAL APPOINTMENT OR REAPPOINTMENT SHALL FILL ANY VACANCY BY APPOINTMENT FOR THE REMAINDER OF AN UNEXPIRED TERM. MEMBERS APPOINTED OR REAPPOINTED SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY AND CONTINUE IN OFFICE UNTIL THE MEMBER'S SUCCESSOR IS APPOINTED.

(e) THE PRESIDENT OF THE SENATE SHALL SELECT THE FIRST CHAIR OF THE COMMITTEE, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL SELECT THE FIRST VICE-CHAIR. THE CHAIR AND VICE-CHAIR SHALL ALTERNATE ANNUALLY THEREAFTER BETWEEN THE TWO HOUSES.

(f) THE CHAIR AND VICE-CHAIR OF THE COMMITTEE MAY ESTABLISH ORGANIZATIONAL AND PROCEDURAL RULES AS ARE NECESSARY FOR THE OPERATION OF THE COMMITTEE AND, IN COLLABORATION WITH THE TASK FORCE, GUIDELINES AND EXPECTATIONS FOR ONGOING COLLABORATION WITH THE TASK FORCE.

(g) (I) MEMBERS OF THE COMMITTEE MAY RECEIVE PAYMENT OF PER DIEM AND REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES AUTHORIZED PURSUANT TO SECTION 2-2-307.

(II) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL SUPPLY STAFF ASSISTANCE TO THE COMMITTEE AS THEY DEEM APPROPRIATE, WITHIN EXISTING APPROPRIATIONS.

(2) **Duties.** (a) (I) THE COMMITTEE SHALL MEET AT LEAST THREE TIMES EACH YEAR AND AT SUCH OTHER TIMES AS IT DEEMS NECESSARY.

(II) EACH COMMITTEE MEMBER SHALL ANNUALLY EITHER ATTEND OR CALL INTO AT LEAST ONE REGULAR TASK FORCE MEETING. COMMITTEE MEMBERS ARE ENCOURAGED TO ATTEND SEPARATE MEETINGS AND INFORM THE REST OF THE COMMITTEE ABOUT THE CURRENT WORK OF THE TASK FORCE.

(b) THE COMMITTEE IS RESPONSIBLE FOR THE OVERSIGHT OF THE TASK FORCE AND SHALL SUBMIT ANNUAL REPORTS PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION TO THE GENERAL ASSEMBLY REGARDING THE TASK FORCE'S FINDINGS AND RECOMMENDATIONS. IN ADDITION, THE COMMITTEE MAY RECOMMEND LEGISLATIVE CHANGES THAT ARE TREATED AS BILLS RECOMMENDED BY AN INTERIM LEGISLATIVE COMMITTEE FOR PURPOSES OF ANY INTRODUCTION DEADLINES OR BILL LIMITATIONS IMPOSED BY THE JOINT RULES OF THE GENERAL ASSEMBLY.

(c) (I) ON OR BEFORE JANUARY 15 OF EACH YEAR, THE COMMITTEE IS REQUIRED TO SUBMIT A REPORT TO THE GENERAL ASSEMBLY AND MAKE SUCH REPORT PUBLICLY AVAILABLE ON ITS WEBSITE; HOWEVER, DURING ANY INTERIM IN WHICH THE GENERAL ASSEMBLY HAS SUSPENDED INTERIM COMMITTEE ACTIVITIES, THE COMMITTEE IS NOT REQUIRED TO SUBMIT SUCH A REPORT. THE ANNUAL REPORT MUST BRIEFLY SUMMARIZE THE STUDY ISSUES, RECOMMENDATIONS CONSIDERED, AND ANY ACTIONS TAKEN BY THE COMMITTEE AND THE TASK FORCE DURING THE PREVIOUS YEAR.

(II) THE REPORT MUST COMPLY WITH THE PROVISIONS OF SECTION 24-1-136 (9). NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT IN THIS SECTION TO REPORT TO THE GENERAL ASSEMBLY CONTINUES INDEFINITELY.

18-1.9-104. Task force concerning the treatment of persons with behavioral health disorders in the criminal and juvenile justice systems - creation - membership - duties. (1) **Creation.** THERE IS CREATED A TASK FORCE CONCERNING THE TREATMENT OF PERSONS WITH BEHAVIORAL HEALTH DISORDERS IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS. THE TASK FORCE CONSISTS OF THIRTY-ONE MEMBERS APPOINTED AS PROVIDED IN SUBSECTION (2) OF THIS SECTION AND ANY STAFF SUPPORT AS PROVIDED FOR IN SECTION 18-1.9-105.

(2) **Membership - terms.** (a) THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL APPOINT TWO MEMBERS WHO REPRESENT THE JUDICIAL DEPARTMENT, ONE OF WHOM REPRESENTS THE DIVISION OF PROBATION WITHIN THE DEPARTMENT. NOTHING IN THIS SECTION PROHIBITS THE CHIEF JUSTICE FROM APPOINTING MEMBERS WHO SERVED ON THE PREVIOUS TASK FORCE.

(b) THE FOLLOWING EXECUTIVE BRANCH AGENCIES, DIVISIONS, AND OFFICES SHALL APPOINT OR REAPPOINT FROM THE PREVIOUS TASK FORCE ELEVEN MEMBERS. NOTHING IN THIS SECTION PROHIBITS THE EXECUTIVE BRANCH AGENCIES LISTED FROM APPOINTING MEMBERS WHO SERVED ON THE PREVIOUS TASK FORCE. THE FOLLOWING EXECUTIVE BRANCH AGENCIES SHALL APPOINT A REPRESENTATIVE ON OR BEFORE AUGUST 1, 2022:

(I) THE DIRECTOR OF THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY SHALL APPOINT ONE MEMBER TO REPRESENT THE DIVISION;

(II) THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS SHALL APPOINT ONE MEMBER TO REPRESENT THE DEPARTMENT;

(III) THE DEPARTMENT OF HUMAN SERVICES SHALL APPOINT FOUR MEMBERS AS FOLLOWS:

(A) THE DIRECTOR OF THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO, OR THE DIRECTOR'S DESIGNEE;

(B) THE COMMISSIONER OF THE BEHAVIORAL HEALTH ADMINISTRATION, OR THE COMMISSIONER'S DESIGNEE;

(C) THE DIRECTOR OF THE DIVISION OF YOUTH SERVICES SHALL APPOINT ONE MEMBER TO REPRESENT THE DIVISION; AND

(D) THE DIRECTOR OF THE UNIT WITHIN THE DEPARTMENT OF HUMAN SERVICES THAT IS RESPONSIBLE FOR CHILD WELFARE SERVICES SHALL APPOINT ONE MEMBER TO REPRESENT THE UNIT;

(IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EDUCATION SHALL APPOINT ONE MEMBER TO REPRESENT THE DEPARTMENT;

(V) THE ATTORNEY GENERAL SHALL APPOINT ONE MEMBER TO REPRESENT THE ATTORNEY GENERAL'S OFFICE;

(VI) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL APPOINT ONE MEMBER TO REPRESENT THE DEPARTMENT;

(VII) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT SHALL APPOINT ONE MEMBER TO REPRESENT THE DEPARTMENT;

(VIII) THE DIRECTOR OF THE OFFICE OF THE CHILD'S REPRESENTATIVE SHALL APPOINT ONE MEMBER TO REPRESENT THE OFFICE; AND

(IX) THE DIRECTOR OF THE OFFICE OF THE ALTERNATE DEFENSE COUNSEL SHALL APPOINT ONE MEMBER TO REPRESENT THE OFFICE.

(c) THE CHAIR AND VICE-CHAIR OF THE LEGISLATIVE OVERSIGHT COMMITTEE SHALL APPOINT OR REAPPOINT FROM THE PREVIOUS TASK FORCE SEVENTEEN ADDITIONAL MEMBERS. COMMITTEE STAFF IS RESPONSIBLE FOR PUBLICLY ANNOUNCING VACANCIES FOR THE FOLLOWING POSITIONS, AND REQUESTING CANDIDATES SUBMIT A LETTER OF INTEREST FOR THE SPECIFIC POSITION, SO THAT THE LETTERS OF INTEREST ARE DUE NO LATER THAN ONE WEEK AFTER THE EFFECTIVE DATE OF THIS SECTION. THE LEGISLATIVE OVERSIGHT COMMITTEE, BY MAJORITY VOTE, SHALL APPROVE THE APPOINTMENTS FOR THESE POSITIONS. NOTHING IN THIS SECTION PROHIBITS THE LEGISLATIVE OVERSIGHT COMMITTEE FROM APPOINTING MEMBERS WHO SERVED ON THE PREVIOUS TASK FORCE. THE TASK FORCE MEMBERS TO BE APPOINTED PURSUANT TO THIS SUBSECTION (2)(c) INCLUDE:

(I) TWO MEMBERS WHO REPRESENT LOCAL LAW ENFORCEMENT AGENCIES, ONE OF WHOM IS IN ACTIVE SERVICE AS A POLICE OFFICER IN THE STATE, AND THE OTHER IS IN ACTIVE SERVICE AS A SHERIFF IN THE STATE;

(II) TWO MEMBERS FROM COUNTY DEPARTMENTS OF HUMAN OR SOCIAL SERVICES, ONE OF WHOM REPRESENTS A RURAL COLORADO PERSPECTIVE;

(III) ONE MEMBER WHO REPRESENTS DISTRICT ATTORNEYS WITHIN THE STATE;

(IV) ONE MEMBER WHO REPRESENTS PUBLIC DEFENDERS WITHIN THE STATE;

(V) TWO MEMBERS WHO REPRESENT THE CRIMINAL DEFENSE BAR WITHIN THE STATE, ONE OF WHOM HAS EXPERIENCE REPRESENTING JUVENILES IN THE JUVENILE JUSTICE SYSTEM;

(VI) TWO MEMBERS WHO ARE LICENSED MENTAL HEALTH PROFESSIONALS PRACTICING WITHIN THE STATE, ONE OF WHOM HAS EXPERIENCE TREATING JUVENILES;

(VII) ONE MEMBER WHO IS FROM A COMMUNITY MENTAL HEALTH CENTER WITHIN THE STATE;

(VIII) ONE MEMBER WHO HAS KNOWLEDGE OF PUBLIC BENEFITS AND PUBLIC HOUSING WITHIN THE STATE;

(IX) ONE MEMBER WHO IS A MENTAL HEALTH PROFESSIONAL PRACTICING IN FORENSIC ENVIRONMENTS;

(X) THREE MEMBERS OF THE PUBLIC AS FOLLOWS:

(A) ONE MEMBER WHO IS LIVING WITH A BEHAVIORAL HEALTH DISORDER AND HAS BEEN INVOLVED IN THE CRIMINAL OR JUVENILE JUSTICE SYSTEM IN THE STATE;

(B) ONE MEMBER WHO HAS AN ADULT FAMILY MEMBER WHO HAS A BEHAVIORAL HEALTH DISORDER AND WHO IS OR WAS INVOLVED IN THE CRIMINAL JUSTICE SYSTEM IN THE STATE; AND

(C) ONE MEMBER WHO IS THE PARENT OF A CHILD WHO HAS A BEHAVIORAL HEALTH DISORDER AND WHO IS OR WAS INVOLVED IN THE JUVENILE JUSTICE SYSTEM IN THE STATE; AND

(XI) ONE MEMBER WHO REPRESENTS A NONPROFIT ORGANIZATION THAT WORKS ON STATEWIDE LEGISLATION AND ORGANIZING COLORADANS TO PROMOTE BEHAVIORAL, MENTAL, AND PHYSICAL HEALTH NEEDS.

(d) BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION, MEMBERS APPOINTED TO THE TASK FORCE PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION SHALL SERVE NO MORE THAN THREE CONSECUTIVE TWO-YEAR TERMS, WITH THE APPOINTING AUTHORITY'S APPROVAL FOR EACH SPECIFIC TERM. WITH THE APPOINTING AUTHORITY'S APPROVAL, A MEMBER OF THE TASK FORCE WHO IS SERVING ON THE TASK FORCE AS OF THE EFFECTIVE DATE OF THIS SECTION IS CONSIDERED TO BE BEGINNING THE MEMBER'S FIRST TWO-YEAR TERM.

(e) (I) A VACANCY OCCURRING IN A POSITION APPOINTED BY THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION MUST BE FILLED AS SOON AS POSSIBLE BY THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT IN ACCORDANCE WITH THE LIMITATIONS SPECIFIED IN SUBSECTION (2)(a) OF THIS SECTION. IN ADDITION, THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT MAY REMOVE AND REPLACE ANY APPOINTMENT TO THE TASK FORCE MADE PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION.

(II) A VACANCY OCCURRING IN A POSITION THAT IS APPOINTED BY AN EXECUTIVE BRANCH AGENCY PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION MUST BE FILLED AS SOON AS POSSIBLE BY THE INITIAL APPOINTING EXECUTIVE BRANCH AGENCY. IN ADDITION, THE INITIAL APPOINTING EXECUTIVE BRANCH AGENCY MAY REMOVE AND REPLACE ANY APPOINTMENT IT MADE TO THE TASK FORCE MADE PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION.

(III) A VACANCY OCCURRING IN A POSITION FILLED BY THE CHAIR AND VICE-CHAIR OF THE COMMITTEE PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION MUST BE FILLED AS SOON AS POSSIBLE BY THE CHAIR AND VICE-CHAIR OF THE COMMITTEE IN ACCORDANCE WITH THE LIMITATIONS SPECIFIED IN SUBSECTION (2)(c) OF THIS SECTION. IN ADDITION, THE CHAIR AND VICE-CHAIR OF THE COMMITTEE MAY REMOVE AND REPLACE ANY APPOINTMENT TO THE TASK FORCE MADE PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION.

(f) IN MAKING APPOINTMENTS TO THE TASK FORCE, THE APPOINTING AUTHORITIES SHALL ENSURE THAT THE MEMBERSHIP OF THE TASK FORCE INCLUDES PERSONS WHO HAVE EXPERIENCE WITH OR INTEREST IN THE STUDY AREAS OF THE TASK FORCE AS SET FORTH IN SUBSECTION (3) OF THIS SECTION; PERSONS WHO REFLECT THE ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE STATE; REPRESENTATION OF ALL AREAS OF THE STATE; AND, TO THE EXTENT PRACTICABLE, PERSONS WITH DISABILITIES.

(g) (I) ALL TASK FORCE MEMBERS ARE EXPECTED TO SEEK INPUT FROM THE VARIOUS NETWORKS OR ORGANIZATIONAL STRUCTURES OF THE BODY THEY REPRESENT, IF ANY. EVERY EXECUTIVE BRANCH AGENCY IS ENCOURAGED TO NOMINATE A REPRESENTATIVE WHO CAN PARTICIPATE IN MAKING TASK FORCE SUBJECT MATTER EXPERT RECOMMENDATIONS, YET STILL APPROPRIATELY REPRESENT THE EXECUTIVE BRANCH AGENCY'S CONSTITUENCY.

(II) IN ORDER TO ADVANCE THE WORK OF THE TASK FORCE, TASK FORCE MEMBERS ARE ENCOURAGED TO PARTICIPATE IN DECISION-MAKING, WITH THE UNDERSTANDING THAT INDIVIDUAL VOTES ON TASK FORCE ISSUES ARE BASED ON SUBJECT MATTER EXPERTISE AND DO NOT COMMIT REPRESENTATIVE AGENCIES OR ORGANIZATIONS TO ANY POSITION OR ACTION. TASK FORCE MEMBERS SHALL ADHERE TO ANY AGREED-UPON PROCEDURAL RULES AND GUIDELINES.

(h) MEMBERS OF THE TASK FORCE SERVE WITHOUT COMPENSATION. HOWEVER, MEMBERS OF THE TASK FORCE APPOINTED PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION MAY RECEIVE REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES ASSOCIATED WITH THEIR DUTIES ON THE TASK FORCE.

(3) **Issues for study.** (a) THE TASK FORCE SHALL STUDY BEHAVIORAL HEALTH ISSUES WITHIN ITS SCOPE FOR PERSONS INVOLVED WITH THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS, AS ANNUALLY DEFINED IN WRITING BY THE COMMITTEE EVERY YEAR ON OR BEFORE JANUARY 30, AND SHALL DEVELOP AND PROPOSE POLICY MODIFICATIONS FOR COMMITTEE CONSIDERATION.

(b) THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (3) DO NOT PROHIBIT THE TASK FORCE, AT ANY TIME DURING ITS EXISTENCE, FROM REQUESTING PERMISSION FROM THE COMMITTEE TO STUDY, PRESENT FINDINGS, AND MAKE RECOMMENDATIONS ON ANY ISSUE RELATED TO THE SCOPE OF THE TASK FORCE AND

OVERSIGHT COMMITTEE.

(c) THE TASK FORCE SHALL STUDY BEST AND PROMISING PRACTICES TO PROMOTE POSITIVE SOCIAL AND EMOTIONAL OUTCOMES FOR INDIVIDUALS WITH BEHAVIORAL HEALTH DISORDERS WHO ARE INVOLVED OR AT RISK OF INVOLVEMENT OR CONTINUED INVOLVEMENT IN THE CRIMINAL OR JUVENILE JUSTICE SYSTEMS, WITH THE FOCUS ON BETTER UNDERSTANDING AND ADDRESSING NECESSARY RESOURCES AND ACTIONS FOR IMPLEMENTATION TO PREVENT INITIAL OR CONTINUED INVOLVEMENT WITH THE CRIMINAL OR JUVENILE JUSTICE SYSTEMS.

(d) IN EVALUATING THE ISSUES SET FORTH IN SUBSECTION (3)(a) OF THIS SECTION, THE TASK FORCE SHALL SPECIFICALLY CONSIDER THE FOLLOWING RELATED ISSUES, INCLUDING:

(I) EARLY IDENTIFICATION OF AND INTERVENTION STRATEGIES FOR INDIVIDUALS WHO ARE AT A HIGHER RISK OF CONTINUED INVOLVEMENT WITH THE CRIMINAL OR JUVENILE JUSTICE SYSTEM DUE TO ESTABLISHED OR DEVELOPING BEHAVIORAL HEALTH CONCERNS;

(II) THE PROMOTION OF RESILIENCE AND HEALTH FOR PERSONS ALREADY EXPERIENCING INVOLVEMENT OR WHO ARE AT RISK OF CONTINUING INVOLVEMENT WITH THE CRIMINAL OR JUVENILE JUSTICE SYSTEM DUE TO BEHAVIORAL HEALTH CONCERNS;

(III) THE INTERSECTION OF BEHAVIORAL HEALTH DISORDERS AND THE INVOLVEMENT OR RISK OF CONTINUED INVOLVEMENT IN THE JUVENILE OR CRIMINAL JUSTICE SYSTEMS, WITH A SPECIFIC FOCUS ON DIVERTING PERSONS WITH MENTAL HEALTH, SUBSTANCE USE, OR CO-OCCURRING DISORDERS AWAY FROM THE RISK OF CONTINUED JUVENILE OR CRIMINAL JUSTICE INVOLVEMENT; AND

(IV) ISSUES RELATING TO PERSONS WITH BEHAVIORAL HEALTH DISORDERS WHO ARE ALREADY INVOLVED IN THE CRIMINAL OR JUVENILE JUSTICE SYSTEM, UTILIZING SAFE AND EFFECTIVE INTERVENTIONS WITH A FOCUS ON PREVENTING FURTHER INVOLVEMENT, PROMOTING GOOD HEALTH OUTCOMES UPON RELEASE, AND ENHANCING RECOVERY SUCCESS.

(4) **Additional duties of the task force.** THE TASK FORCE SHALL ANNUALLY DELIVER POLICY AND LEGISLATIVE RECOMMENDATIONS TO THE COMMITTEE PURSUANT TO THIS SECTION. IN ADDITION, THE TASK FORCE SHALL:

(a) ON OR BEFORE AUGUST 1 OF EACH YEAR, SELECT A CHAIR AND VICE-CHAIR FROM AMONG ITS MEMBERS;

(b) MEET AT LEAST SIX TIMES EACH YEAR, OR MORE OFTEN AS DIRECTED BY THE CHAIR OF THE COMMITTEE;

(c) ESTABLISH ORGANIZATIONAL AND PROCEDURAL RULES FOR THE OPERATION OF THE TASK FORCE AND FOR COLLABORATION WITH THE COMMITTEE;

(d) DESIGNATE SPECIFIC TASK FORCE MEMBERS RESPONSIBLE FOR COLLABORATING WITH AND OBTAINING INPUT FROM OTHER GROUPS, TASK FORCES,

OR STATEWIDE INITIATIVES THAT COMPLEMENT OR RELATE TO THE TASK FORCE'S IDENTIFIED AREAS OF STUDY;

(e) CREATE SUBCOMMITTEES AS NEEDED TO CARRY OUT THE DUTIES OF THE TASK FORCE. THE SUBCOMMITTEES MAY CONSIST, IN PART, OF PERSONS WHO ARE NOT MEMBERS OF THE TASK FORCE. SUCH PERSONS MAY VOTE ON ISSUES BEFORE THE SUBCOMMITTEE BUT ARE NOT ENTITLED TO A VOTE AT TASK FORCE MEETINGS.

(f) STUDY THE IMPLEMENTATION OF COMMITTEE LEGISLATION PASSED BY THE GENERAL ASSEMBLY;

(g) UPON REQUEST BY A COMMITTEE MEMBER, PROVIDE EVIDENCE-BASED FEEDBACK ON THE POTENTIAL BENEFITS OR CONSEQUENCES OF A LEGISLATIVE OR OTHER POLICY PROPOSAL NOT DIRECTLY AFFILIATED WITH OR GENERATED BY THE TASK FORCE. THE FEEDBACK MUST BE DELIVERED WITHIN TWO WEEKS TO THE ENTIRE COMMITTEE AND REMAIN AS CONCISE AS POSSIBLE WHILE CAPTURING ANY AVAILABLE EVIDENCE. IF THE TASK FORCE CANNOT IDENTIFY EVIDENCE TO EFFECTIVELY INFORM A RESPONSE, THE FEEDBACK WILL INDICATE A LACK OF EVIDENCE AND REPORT ON ANY ACTIONS TAKEN.

(h) (I) ON OR BEFORE AUGUST 1 OF EACH YEAR, PREPARE AND SUBMIT TO THE COMMITTEE, A REPORT THAT, AT A MINIMUM, INCLUDES:

(A) ISSUES STUDIED BY THE TASK FORCE, AS WELL AS FINDINGS FOR LEGISLATIVE OR OTHER RECOMMENDATIONS;

(B) LEGISLATIVE OR POLICY PROPOSALS OF THE TASK FORCE THAT IDENTIFY THE POLICY ISSUES INVOLVED, THE AGENCIES RESPONSIBLE FOR THE IMPLEMENTATION OF THE CHANGES, AND THE FUNDING SOURCES REQUIRED FOR IMPLEMENTATION;

(C) A SUMMARY OF TASK FORCE MEETING ACTIVITIES AND DISCUSSIONS;

(D) ANY EVIDENCE-BASED FEEDBACK PROVIDED TO THE COMMITTEE PURSUANT TO SUBSECTION (4)(g) OF THIS SECTION; AND

(E) A SUMMARY OF EFFORTS MADE TO COMMUNICATE, COLLABORATE, OR COORDINATE WITH OTHER GROUPS, TASK FORCES, OR STATE INITIATIVES.

(II) THE TASK FORCE MAY POST THE REPORT ON THE COMMITTEE'S WEBSITE.

(5) **Coordination.** THE TASK FORCE MAY WORK WITH OTHER GROUPS, TASK FORCES, OR STATEWIDE INITIATIVES THAT ARE PURSUING ISSUES AND POLICY INITIATIVES SIMILAR TO THOSE ADDRESSED IN SUBSECTION (3) OF THIS SECTION. THE TASK FORCE MAY DEVELOP RELATIONSHIPS WITH OTHER TASK FORCES, COMMITTEES, AND ORGANIZATIONS TO LEVERAGE EFFICIENT POLICY-MAKING OPPORTUNITIES THROUGH COLLABORATIVE EFFORTS.

(6) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, THE TASK FORCE IS NOT REQUIRED TO MEET, SUBMIT ANNUAL POLICY AND LEGISLATIVE RECOMMENDATIONS, OR SUBMIT AN ANNUAL REPORT TO THE COMMITTEE DURING ANY INTERIM IN WHICH THE GENERAL ASSEMBLY HAS SUSPENDED INTERIM COMMITTEE ACTIVITIES.

18-1.9-105. Task force funding - staff support. (1) THE LEGISLATIVE COUNCIL STAFF SHALL SUPPLY STAFF ASSISTANCE, WITHIN EXISTING APPROPRIATIONS, TO THE TASK FORCE AS THE COMMITTEE DEEMS APPROPRIATE. IF EXISTING APPROPRIATIONS ARE NOT ADEQUATE TO SUPPLY STAFF ASSISTANCE THROUGH THE LEGISLATIVE COUNCIL STAFF, THE DIRECTOR OF LEGISLATIVE COUNCIL STAFF SHALL REQUEST ADDITIONAL NECESSARY FUNDING IN ITS ANNUAL BUDGET REQUEST.

(2) THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY, THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES, AND ANY STATE DEPARTMENT OR AGENCY WITH AN ACTIVE REPRESENTATIVE ON THE TASK FORCE ARE AUTHORIZED TO RECEIVE AND EXPEND GIFTS, GRANTS, AND DONATIONS, INCLUDING DONATIONS OF IN-KIND SERVICES FOR STAFF SUPPORT, FROM ANY PUBLIC OR PRIVATE ENTITY FOR ANY DIRECT OR INDIRECT COSTS ASSOCIATED WITH THE DUTIES OF THE TASK FORCE.

18-1.9-106. Treatment of persons with behavioral health disorders in the criminal and juvenile justice systems fund. (1) THE TREATMENT OF PERSONS WITH BEHAVIORAL HEALTH DISORDERS IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY APPROPRIATED OR TRANSFERRED TO THE FUND BY THE GENERAL ASSEMBLY AND ANY PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS FOR THE PURPOSE OF IMPLEMENTING THE PROVISIONS OF THIS ARTICLE 1.9. MONEY IN THE FUND IS SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS ARTICLE 1.9. MONEY IN THE FUND NOT EXPENDED FOR THE PURPOSE OF IMPLEMENTING THIS ARTICLE 1.9 MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE FUND AS OF JULY 1, 2025, TO THE GENERAL FUND.

(2) THE CHAIR OF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL SHALL APPROVE ANY COMPENSATION PROVIDED FOR IN SECTIONS 18-1.9-103 (1)(g), 18-1.9-104 (2)(h), AND 18-1.9-105 FOR MEMBERS OF THE GENERAL ASSEMBLY, SPECIFIED MEMBERS OF THE TASK FORCE, AND STAFF ASSISTANCE TO THE COMMITTEE AND TASK FORCE, AS PROVIDED BY THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES. COMPENSATION MUST BE PAID BY VOUCHERS AND WARRANTS DRAWN AS PROVIDED BY LAW FROM MONEY APPROPRIATED FOR SUCH PURPOSE AND ALLOCATED TO THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL FROM THE FUND.

18-1.9-107. Repeal of article. THIS ARTICLE 1.9 IS REPEALED, EFFECTIVE JULY 1, 2027.

SECTION 2. Appropriation. (1) For the 2022-23 state fiscal year, \$108,131 is appropriated to the legislative department. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

- (a) \$29,541 for use by the general assembly;

(b) \$60,255 for use by the legislative council, which amount is based on an assumption that the legislative council will require an additional 0.8 FTE; and

(c) \$18,335 for use by the office of legislative legal services, which amount is based on an assumption that the office will require an additional 0.2 FTE.

SECTION 3. 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 8, 2022