

University of Denver

**Digital Commons @ DU**

---

All Publications (Colorado Legislative Council)

Colorado Legislative Council Research  
Publications

---

12-2008

## **0585 Continuing Examination of the Treatment of Persons with Mental Illness Who Are Involved in the Justice System**

Colorado Legislative Council

Follow this and additional works at: [https://digitalcommons.du.edu/colc\\_all](https://digitalcommons.du.edu/colc_all)

---

### **Recommended Citation**

Colorado Legislative Council, "0585 Continuing Examination of the Treatment of Persons with Mental Illness Who Are Involved in the Justice System" (2008). *All Publications (Colorado Legislative Council)*. 617.

[https://digitalcommons.du.edu/colc\\_all/617](https://digitalcommons.du.edu/colc_all/617)

This Article is brought to you for free and open access by the Colorado Legislative Council Research Publications at Digital Commons @ DU. It has been accepted for inclusion in All Publications (Colorado Legislative Council) by an authorized administrator of Digital Commons @ DU. For more information, please contact [jennifer.cox@du.edu](mailto:jennifer.cox@du.edu), [dig-commons@du.edu](mailto:dig-commons@du.edu).

---

**0585 Continuing Examination of the Treatment of Persons with Mental Illness  
Who Are Involved in the Justice System**



**Report to the  
Colorado General Assembly**

**The Continuing Examination  
of the Treatment of  
Persons with Mental Illness  
Who Are Involved in  
the Justice System**

*Prepared by*

*The Colorado Legislative Council  
Research Publication No. 585  
December 2008*

**The Continuing Examination of the Treatment of Persons  
with Mental Illness Who Are Involved in the  
Justice System**

**Members of the Committee**

Senator Betty Boyd, Chair  
Representative Debbie Stafford, Vice-Chair

Senator Moe Keller            Representative Judy Solano  
Senator Scott Renfro       Representative Jim Kerr

**Legislative Council Staff**

Jessika Shipley, Research Associate  
Sara McPhee, Research Associate

**Office of Legislative Legal Services**

Michael Dohr, Senior Staff Attorney  
Bob Lackner, Senior Staff Attorney

# COLORADO GENERAL ASSEMBLY

EXECUTIVE COMMITTEE  
Rep. Andrew Romanoff, Chairman  
Sen. Peter Groff, Vice Chairman  
Sen. Ken Gordon  
Sen. Andy McElhany  
Rep. Alice Madden  
Rep. Mike May



COMMITTEE  
Sen. Greg Brophy  
Sen. Mike Kopp  
Sen. Brandon Shaffer  
Sen. Nancy Spence  
Sen. Lois Tochtrop  
Sen. Sue Windels  
Rep. David Balmer  
Rep. Morgan Carroll  
Rep. Terrance Carroll  
Rep. Cory Gardner  
Rep. Andy Kerr  
Rep. Amy Stephens

STAFF  
Mike Mauer, Director  
Daniel Chapman, Assistant Director,  
Administration  
Deborah Godshall, Assistant Director,  
Research

## LEGISLATIVE COUNCIL

ROOM 029 STATE CAPITOL  
DENVER, COLORADO 80203-1784  
E-mail: [lcs.ga@state.co.us](mailto:lcs.ga@state.co.us)

303-866-3521      FAX: 303-866-3855      TDD: 303-866-3472

December 2008

To Members of the Sixty-sixth General Assembly:

Submitted herewith is the final report of the Legislative Oversight Committee for the Continuing Examination of the Treatment of Persons with Mental Illness Who Are Involved in the Justice System. This committee was created pursuant to Senate Bill 04-037 and is authorized through June 30, 2010. The purpose of the committee is to oversee an advisory task force that is studying and making recommendations on the treatment of persons with mental illness who are involved in the criminal and juvenile justice systems in Colorado.

At its meeting on October 15, 2008, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2009 session was approved.

Respectfully Submitted,

/s/ Representative Andrew Romanoff  
Chairman

## Table of Contents

	Page
<b>Executive Summary</b> .....	1
<b>Committee Charge</b> .....	5
<b>Committee Activities</b> .....	9
Co-occurring Disorders .....	9
Housing of Mentally Ill Offenders .....	10
Coordination of Efforts with Other Groups .....	10
<b>Summary of Recommendations</b> .....	13
Bill A — Creation of an Identification Processing Unit for Detention Facilities .....	13
Text of Bill A .....	19
Bill B — Establishment of a Pilot Program to Fund Grants to Local Governments to Facilitate Changes in Land Development Regulations to Accommodate the Housing Needs of Persons With Mental Illness who are Involved in the Criminal Justice System .....	13
Text of Bill B .....	25
Bill C — Assistance to Counties to Implement Recidivism Reduction Programs for the Mentally Ill .....	13
Text of Bill C .....	37
Bill D — Extension of the Study of the Treatment of Persons with Mental Illness who are Involved in the Criminal and Juvenile Justice Systems .....	14
Text of Bill D .....	43
<b>Resource Materials</b> .....	15

*This report is also available on line at:*

[http://www.state.co.us/gov\\_dir/leg\\_dir/lcsstaff/2008/08interim.htm](http://www.state.co.us/gov_dir/leg_dir/lcsstaff/2008/08interim.htm)

---

## Executive Summary

### Committee Charge

---

Senate Bill 04-037 reauthorized the establishment of a legislative oversight committee and an advisory task force to continue the examination of persons with mental illness in the justice system.

The committee was responsible for appointing a task force that represents all areas of the state and is diverse in ethnicity, culture, and gender. The task force was directed to continue examining the identification, diagnosis, and treatment of persons with mental illness who are involved in the state criminal and juvenile justice systems for the next five years.

The authorizing legislation directs the task force, on or before July 1, 2008, to address the identification, diagnosis, and treatment of minority persons with mental illness, women with mental illness, and persons with co-occurring disorders, in the criminal and juvenile justice systems.

Additionally, the task force is directed, on or before July 1, 2009, to study the following issues:

- the early identification, diagnosis, and treatment of adults and juveniles with mental illness who are involved in the criminal and juvenile justice systems;
- the modification of the criminal and juvenile justice systems to most effectively serve adults and juveniles with mental illness who are involved in these systems;
- the implementation of appropriate diagnostic tools to identify persons in the criminal and juvenile justice systems with mental illness; and
- any other issues concerning persons with mental illness who are involved in the state criminal and juvenile justice systems that arise during the course of the task force study.

The task force is required to submit a written report of its findings and recommendations to the legislative oversight committee annually by October 1. The committee is required to submit an annual report to the General Assembly by January 15 of each year regarding recommended legislation resulting from the work of the task force.

### Committee Activities

---

#### History

The advisory task force and legislative oversight committee first met in the summer of 1999. In 2000, the task force and oversight committee were reauthorized, and the reestablished task force met on a monthly basis through June 2003. The General Assembly considered legislation to continue the study of the mentally ill in the justice system beyond the 2003 repeal date, but the bill failed. In FY 2003-04, the task force continued its meetings and discussions at the request of the oversight committee. The task force and oversight committee were reauthorized and reestablished in 2004 through the passage of Senate Bill 04-037. The committee is set to repeal on July 1, 2010.



## Advisory Task Force

The task force met nine times in 2008 and addressed a number of issues including:

- co-occurring disorders;
- lack of housing options for mentally ill offenders in the community; and
- coordination of efforts with other groups addressing the issues of mentally ill offenders.

***Co-occurring disorders.*** A "co-occurring disorder" is one that commonly coincides with mental illness. It may include, but is not limited to, substance abuse, developmental disability, fetal alcohol syndrome, and traumatic brain injury. Traditional treatment methods for mental illness do not tend to be effective for those with one or more co-occurring disorders. The task force heard several presentations in 2008 that addressed methods of dealing with co-occurring disorders within the criminal and juvenile justice population. As a result of the presentations and subsequent discussions by the task force, co-occurring disorders are defined in Bill D, which also reauthorizes the task force and the oversight committee. Bill B, which creates a pilot program to facilitate changes to land development regulations to accommodate individuals with mental illness who are involved in the justice system, also includes individuals with co-occurring disorders.

***Housing of mentally ill offenders.*** A subcommittee of the task force was created in 2007 to address medication, health care, and public benefits. In its first year, the subcommittee focused on the issue of suspending, rather than terminating, public benefits for individuals who are incarcerated in a county jail or mental health facility. In 2008, the subcommittee turned its attention to the lack of adequate housing for mentally ill offenders, which is a significant barrier to re-entry for such individuals. Historically, communities have been reluctant to allow zoning for transitional facilities that serve mentally ill offenders. The subcommittee looked at several approaches to solving the problem and recommends Bill B, which provides a financial incentive for those local entities that are willing to permit the construction of transitional facilities.

***Coordination of efforts with other groups.*** The work of the task force overlaps with the efforts of several other groups, including, among others, the House Bill 07-1050 Behavioral Health Task Force, the Colorado Commission on Criminal and Juvenile Justice, the Metro Area County Commissioners (MACC) Mentally Ill Inmates Task Force, and the Colorado Criminal Justice Reform Coalition. The task force faces the challenge of coordinating its work with that of other groups that focus on the same types of issues.

In 2008, the task force and the MACC Mentally Ill Inmates Task Force cooperated to address the problem of jail inmates who need state-issued identification cards in order to access services after leaving jail. Lack of access to services and supports for mental illness has been shown to increase recidivism among offenders. The Colorado Commission on Criminal and Juvenile Justice is also tasked with finding ways to reduce recidivism. Several members of the task force who also serve on the commission are ensuring that work is not being duplicated by the two groups. The cooperative efforts led to the recommendation of Bill A, which creates a mobile unit to process identification cards for inmates in county jails. Additionally, Bill C awards grants to programs seeking to reduce recidivism for mentally ill individuals who are involved in the justice system. Finally, Bill D, the reauthorization bill, directs the task force to cooperate and coordinate work with other groups, when appropriate.





## Legislative Oversight Committee

The legislative oversight committee met in 2008 to monitor and examine the work, findings, and recommendations of the task force. Specifically, the committee:

- made appointments to fill vacancies on the task force; and
- considered legislation recommended by the task force.

## Committee Recommendations

---

As a result of the discussion and deliberation of the task force, the oversight committee recommends four bills for consideration in the 2009 legislative session.

**Bill A — County Jail Identification Unit.** This bill creates a new County Jail Mobile Identification Unit within the Division of Motor Vehicles (DMV), Department of Revenue. This mobile unit will consist of a vehicle staffed by personnel from the DMV. It will travel to jails in Adams, Arapahoe, Boulder, Douglas, and Jefferson counties on a regular basis to issue new identification cards to each prisoner who does not already have an identification card, but *does* have all of the proper documentation. All prisoners receiving identification cards must be residents of the state and must bear the cost. The Department of Revenue is required to submit a report to the House and Senate Judiciary committees by July 1 of each year regarding the number of identification cards processed or denied, the costs of issuing cards, the level of in-kind contributions made by participating counties, and the successes and challenges of the unit.

**Bill B — Grants Zoning Changes Mentally Ill.** This bill establishes a pilot program that encourages local governments to change their zoning regulations to allow housing facilities for individuals who are mentally ill or who have a co-occurring disorder, and who are involved with the criminal justice system. The program will provide three one-time grants of \$500,000 each to a local government as an incentive for that government to modify or waive their zoning laws to accommodate a residential housing facility for 20 to 40 adults with mental illness who are or have been involved in the criminal justice system. Consideration for receiving a grant will be based on several factors including:

- the ability to collaborate with other government agencies to accomplish the objective of the grant request;
- locating the facility close to mass transit; and
- locating the facility to improve an economically depressed area.

Within two years after receiving the grant money, the local government must have changed or waived their zoning requirements to allow for the construction of the residential facility. The program will be administered by the Interagency Advisory Committee on Adult and Juvenile Correction Treatment.

**Bill C — Recidivism Reduction Grant Program.** This bill creates the Recidivism Reduction Grant Program within the Division of Criminal Justice, Department of Public Safety, to provide three-year implementation grants for programs to reduce recidivism for individuals with mental illness who have been involved in the criminal justice system. A county government or a group of counties is eligible to apply. Funding for the program may not exceed \$600,000 over three years and individual grants cannot exceed \$100,000 per applicant in a year or \$200,000 per



applicant over three years. To apply for the grants, county governments must fill out an application with information on the strategies, goals, and outcomes of the program as well as information on costs and how the grant moneys will be used. Specifically, the grant moneys may be used to fund:

- mental health courts;
- transitional housing or employment programs;
- re-entry services;
- alternatives to incarceration;
- transition services; and
- community corrections programs.

**Bill D — Reauthorize Mentally Ill Offenders Study.** This bill reauthorizes, until July 1, 2015, the Legislative Oversight Committee and the Task Force for the Continuing Examination of the Treatment of Persons with Mental Illness who are Involved in the Criminal and Juvenile Justice System. The bill directs the task force to coordinate its work with other groups studying similar issues and it adds an additional member to the task force from the Department of Labor and Employment, expanding the task force to 31 members.



## Committee Charge

Senate Bill 04-037 reauthorized the establishment of a six-member Legislative Oversight Committee to continue the examination of persons with mental illness in the criminal and juvenile justice systems.

The bill created a 29-member Advisory Task Force to assist the committee in its study. The authorizing legislation directed the committee to appoint to the task force individuals who represent various state and private agencies. The task force was expanded in 2008 to 30 members. The members and the agencies they represent are listed below in Table 1.

**Table 1  
Advisory Task Force Appointees**

State or Private Agency	Representative(s)
Department of Public Safety (1)	Jeanne Smith Division of Criminal Justice
Department of Corrections (2)	Joan Shoemaker Clinical Services                      Jeaneene Miller Division of Parole
Local law enforcement (2)	Vacant                                      Paul Siska County Sheriffs of Colorado
Department of Human Services (6)	Charles Smith Division of Mental Health Debra Cady Division of Youth Corrections Janet Wood Division of Alcohol & Drug Abuse Michele Manchester Colorado Mental Health Institute at Pueblo Jeanne Rohner Colorado Mental Health Advisory Council Vacant
County departments of social services (1)	Susan Walton Elbert County
Department of Education (1)	Michael Ramirez
State Attorney General's Office (1)	Thomas Raynes Deputy Attorney General
District Attorneys (1)	Bruce Langer Boulder District Attorney's Office
Criminal Defense Bar (2)	Kathleen McGuire Colorado Public Defender                      Gina Shimeall Arapahoe-Douglas Mental Health Network
Practicing mental health professionals (2)	Julie Krow Treatment Services                      Diane Reichmuth Private Practice
Community mental health centers in Colorado (1)	Harriet Hall Jefferson Center for Mental Health



**Table 1  
Advisory Task Force Appointees (continued)**

<b>State or Private Agency</b>	<b>Representative(s)</b>	
Person with knowledge of public benefits and public housing in Colorado (1)	Vacant	
Colorado Department of Health Care Policy & Financing (1)	Sandeep Wadhwa, M.D., MBA Medical & CHP+ Program Administration Office	
Practicing forensic professional (1)	Gregory Kellermeyer, M.D. Denver Health Medical Center	
Members of the public (3)	Vacant Vacant	Deirdre Parker
Judicial Department (4)	Eric Philp Probation Services Susan Colling Probation Services	Magistrate Rebecca Koppes-Conway 19th Judicial District Judge Martin Gonzales Alamosa Combined Courts

**The Advisory Task Force**

The Advisory Task Force is statutorily charged with examining the identification, diagnosis, and treatment of persons with mental illness who are involved in the state criminal and juvenile justice systems. Table 2 outlines the specific issues to be studied by the task force between 2005 and 2009.

**Table 2  
The Advisory Task Force's Five-year Study Plan**

<b>Deadline</b>	<b>Issues to be Studied</b>
July 1, 2005	<ul style="list-style-type: none"> <li>• Diagnosis, treatment, and housing of juveniles with mental illness who are involved in the criminal justice system or the juvenile justice system</li> <li>• Adoption of a common framework for effectively addressing the mental health issues of these juveniles, including competency and disorders that co-occur with substance abuse</li> </ul>
July 1, 2006	<ul style="list-style-type: none"> <li>• Prosecution of and sentencing alternatives for persons with mental illness that may involve treatment and ongoing supervision</li> <li>• Commitment of persons with mental illness who have been convicted of a criminal offense, found not guilty by reason of insanity, or found incompetent to stand trial</li> <li>• Development of a plan to effectively and collaboratively service the population of juveniles involved in the criminal justice system or the juvenile justice system</li> </ul>



**Table 2**  
**The Advisory Task Force's Five-year Study Plan (continued)**

Deadline	Issues to be Studied
July 1, 2007	<ul style="list-style-type: none"> <li>• Diagnosis, treatment, and housing of adults with mental illness who are involved in the criminal justice system</li> <li>• Ongoing treatment, housing, and supervision (especially regarding medication) of adults and juveniles who are involved in the criminal and juvenile justice systems and who are incarcerated or housed within the community, and the availability of public benefits for such persons</li> <li>• Ongoing assistance and supervision (especially regarding medication) of persons with mental illness after discharge from sentence</li> <li>• Identification of alternative entities to exercise jurisdiction regarding release for persons found not guilty by reason of insanity (e.g., development and use of a psychiatric security review board), including recommendations related to the indeterminate nature of the commitment imposed</li> </ul>
July 1, 2008	<ul style="list-style-type: none"> <li>• Identification, diagnosis, and treatment of minority persons with mental illness, women with mental illness, and persons with co-occurring disorders in the criminal and juvenile justice systems</li> </ul>
July 1, 2009	<ul style="list-style-type: none"> <li>• Early identification, diagnosis, and treatment of adults and juveniles with mental illness who are involved in the criminal and juvenile justice systems</li> <li>• Modification of the criminal and juvenile justice systems to most effectively serve adults and juveniles with mental illness who are involved in these systems</li> <li>• Implementation of appropriate diagnostic tools to identify persons in the criminal and juvenile justice systems with mental illness</li> <li>• Any other issues concerning persons with mental illness who are involved in the state criminal and juvenile justice systems that arise during the course of the task force study</li> </ul>

Senate Bill 04-037 requires the task force to meet at least six times per year. To fulfill its charge, the task force is required to communicate with and obtain input from groups throughout the state affected by issues under consideration. The task force is not precluded from considering additional issues, or from considering or making recommendations on any of the issues in Table 2 at any time during the existence of the task force.

The task force must communicate its findings on the issues in Table 2 and make recommendations to the Legislative Oversight Committee on or before August 1 of each year. In addition, the task force must submit a written report to the committee by October 1 of each year. The report must identify the following:

- issues to be studied in upcoming task force meetings and their respective prioritization;
- findings and recommendations about issues previously considered by the task force; and
- legislative proposals.



All legislative proposals of the task force must note the policy issues involved, the agencies responsible for implementing the changes, and the funding sources required for such implementation.

### **The Legislative Oversight Committee**

The Legislative Oversight Committee was created to oversee the work of the Advisory Task Force. The six-member committee reviews the task force's findings and may recommend legislative proposals. In calendar years 2005 through 2009, the committee is required to meet at least three times annually.



## Committee Activities

The Advisory Task Force and Legislative Oversight Committee first met in the summer of 1999. A summary of the work accomplished by these groups from 1999 through 2006 is provided in Legislative Council Staff Research publication No. 569.

**2007 interim.** The Advisory Task Force looked at several issues in 2007, but focused mainly on three areas: offenders and public benefits; psychiatric security review boards; and juvenile justice. A subcommittee of the task force spent a great deal of time in 2007 investigating how eligibility for public benefits is determined for individuals in the justice system. As a result of the subcommittee's findings, the task force recommended legislation that addressed the provision of public benefit application assistance for confined individuals. Another bill allowed the temporary suspension rather than termination of benefits for anyone subject to court-ordered confinement.

The task force continued advocating for juveniles in the justice system through the recommendation of a bill that requires the identification and assessment of juveniles in the justice system who might benefit from mental health services. All bills recommended by the task force in 2007 were adopted by the General Assembly.

**2008 interim.** A number of issues were studied and discussed by the Advisory Task Force over the course of the year. The greatest focus was on treatment and services for co-occurring disorders and housing for mentally ill offenders in the community. The committee also devoted time to coordinating efforts with other state-level groups engaged in the study of mentally ill individuals who are involved with the justice system.

A discussion of these issues, as well as the proposed legislation recommended by the committee, follow.

### **Co-occurring Disorders**

---

The task force is charged with studying issues concerning the treatment of persons with mental illness who are involved with the justice system. A number of disorders commonly coincide with mental illness, for instance, traumatic brain injury, substance abuse, and developmental disabilities. The combination of mental illness and these co-occurring disorders presents a unique problem with regard to treatment. Mental health professionals are increasingly interested in finding the best ways to deal with such problems in a holistic manner. The task force heard a presentation by a representative of the Boulder Integrated Treatment Court (ITC), which attempts to integrate substance abuse treatment, mental health treatment, intensive supervision, and judicial oversight in order to promote public safety, foster individual responsibility, reduce crime, and improve the quality of life for participants and their families. Participants of the ITC had significantly lower recidivism rates than the average in the first two years of the program.

Another program directed by the National Development and Research Institutes and the Center for Integration of Research and Practice has been working with the Colorado Department of Corrections for the past ten years, studying inmates with co-occurring mental illness and substance abuse disorders. The group conducted a study of men at the San Carlos and Arrowhead prison facilities, both of which offer a therapeutic community within the prison that offers



integrated mental health and substance abuse treatment services in a 24-hour residential program. Both facilities also offer an alternative program that provides services, but not in an integrated residential setting. The study showed that the reincarceration rate at 12 months post prison for the non-integrated program was 33 percent, while the rate for the therapeutic community was 16 percent. The rate for individuals in the therapeutic community who also maintained a connection to case managers and counselors after release was 5 percent. A similar study was carried out at the Denver Women's Correctional Facility, although the data in that study focused on outcomes related to mental health, criminal activity and behavior, and HIV risk, rather than just looking at recidivism rates. The women in the therapeutic community program had significantly better outcomes than those in the alternative program.

**Committee recommendations.** Through various presentations, the task force learned that approximately 80 percent of offenders with severe mental disorders have co-occurring substance abuse disorders. As such, the task force and the legislative oversight committee determined that a definition of co-occurring disorders should be included in the authorizing legislation. Bill D, which reauthorizes the oversight committee and the task force, includes such a definition. Additionally, Bill B and Bill C specifically include individuals with co-occurring disorders in programs that award grants to local governments.

### **Housing for Mentally Ill Offenders**

Finding adequate housing for offenders who are released from incarceration is a major challenge. For those offenders who also have mental health issues, housing is a significant barrier to a successful re-entry to their communities. Without an address, it is difficult to apply for and receive public benefits like mental health treatment services. Also, numerous studies show that a safe environment and a consistent routine provide the best chance for a mentally ill individual to benefit from treatment. The task force looked at some reasons that acquiring adequate housing can be so difficult post release.

Offenders report that living in a residential setting with other individuals in a similar situation provides an important support system and helps them avoid the behaviors that lead to re-offending. Residential treatment programs for offenders with mental health issues report highly successful outcomes in terms of staying on medication, continuity of treatment, peer support, and lower recidivism rates. However, local zoning boards are typically nervous about allowing such residential facilities to locate in their communities. Other programs overcome the barrier of zoning, but planning and implementation funding may not be available.

**Committee recommendations.** The oversight committee and the task force recommended Bill B, which awards grants to local governments to facilitate changes in zoning regulations to accommodate the housing needs of mentally ill individuals who are involved in the criminal justice system. Bill C, which awards grants for local recidivism reduction programs, allows grant funding for transitional and residential housing services, as well as various re-entry programs that create or expand mental health services and supports.

### **Coordination of Efforts with Other Groups**

The work of the legislative oversight committee and the task force often overlaps with the efforts of several other state-level groups, including, among others, the House Bill 07-1050





Behavioral Health Task Force, the Colorado Commission on Criminal and Juvenile Justice, the Metro Area County Commissioners (MACC) Mentally Ill Inmates Task Force, and the Colorado Criminal Justice Reform Coalition. Because the task force does a majority of the work relating to the continuing examination of the treatment of persons with mental illness who are involved in the justice system, the task force faces the challenge of coordinating its work with that of other groups that focus on the same types of issues. It would be a waste of time and resources to duplicate such efforts. Additionally, sharing information and resources among these groups makes fiscal and logical sense and assists in the work of all groups.

The task force heard three presentations from the MACC Mentally Ill Inmates Task Force, which is concerned with lowering costs within county jails and preventing unfunded state mandates that could severely burden county governments. The seven metro area counties (Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, and Jefferson) agreed to collect and track the same data about jail inmates. The information includes, but is not limited to:

- average length of stay;
- any mental health diagnoses;
- cost to house inmates; and
- cost to provide treatment services.

The collection of this data led to cooperation between the task force and the MACC Mentally Ill Inmates Task Force to address the problem of jail inmates who need state-issued identification cards in order to access services after leaving jail.

Lack of access to services and supports for mental illness has been shown to increase recidivism among offenders. Governor Ritter has made it a priority of his administration to find effective and efficient ways to reduce recidivism among the offender population in Colorado. The Colorado Commission on Criminal and Juvenile Justice is also tasked with finding ways to reduce recidivism. Several members of the task force who also serve on the commission are ensuring that work is not being duplicated by the two groups.

**Committee recommendations.** The cooperative efforts between the task force and other groups led directly to the recommendation of Bill A, which creates a mobile unit to process identification cards for inmates in county jails. Additionally, Bill C awards grants to programs seeking to reduce recidivism for mentally ill individuals who are involved in the justice system. Finally, Bill D, the reauthorization bill, directs the task force to cooperate and coordinate work with other groups, when appropriate.



## Summary of Recommendations

As a result of the committee's activities, the following four bills are recommended to the Colorado General Assembly.

### **Bill A — Creation of an Identification Processing Unit for Detention Facilities**

The bill creates a new County Jail Mobile Identification Unit within the Division of Motor Vehicles (DMV), Department of Revenue. This mobile unit will consist of a vehicle staffed by personnel from the DMV. It will travel to jails in Adams, Arapahoe, Boulder, Douglas, and Jefferson counties on a regular basis to issue new identification cards to each prisoner who does not already have an identification card, but *does* have all of the proper documentation. All prisoners receiving identification cards must be residents of the state and must bear the cost. The Department of Revenue is required to submit a report to the House and Senate Judiciary committees by July 1 of each year regarding the number of identification cards processed or denied, the costs of issuing cards, the level of in-kind contributions made by participating counties, and the successes and challenges of the unit.

### **Bill B — Establishment of a Pilot Program to Fund Grants to Local Governments to Facilitate Changes in Land Development Regulations to Accommodate the Housing Needs of Persons With Mental Illness who are Involved in the Criminal Justice System**

The bill establishes a pilot program that encourages local governments to change their zoning regulations to allow housing facilities for individuals who are mentally ill or who have a co-occurring disorder, and who are involved with the criminal justice system. The program will provide three one-time grants of \$500,000 each to a local government as an incentive for that government to modify or waive their zoning laws to accommodate a residential housing facility for 20 to 40 adults with mental illness who are or have been involved in the criminal justice system. Consideration for receiving a grant will be based on several factors including:

- the ability to collaborate with other government agencies to accomplish the objective of the grant request;
- locating the facility close to mass transit; and
- locating the facility to improve an economically depressed area.

Within two years after receiving the grant money, the local government must have changed or waived their zoning requirements to allow for the construction of the residential facility. The program will be administered by the Interagency Advisory Committee on Adult and Juvenile Correction Treatment.

### **Bill C — Assistance to Counties to Implement Recidivism Reduction Programs for the Mentally Ill**

This bill creates the Recidivism Reduction Grant Program within the Division of Criminal Justice, Department of Public Safety, to provide three-year implementation grants for programs to



reduce recidivism for individuals with mental illness who have been involved in the criminal justice system. A county government or a group of counties is eligible to apply. Funding for the program may not exceed \$600,000 over three years and individual grants cannot exceed \$100,000 per applicant in a year or \$200,000 per applicant over three years. To apply for the grants, county governments must fill out an application with information on the strategies, goals, and outcomes of the program as well as information on costs and how the grant moneys will be used. Specifically, the grant moneys may be used to fund:

- mental health courts;
- transitional housing or employment programs;
- re-entry services;
- alternatives to incarceration;
- transition services; and
- community corrections programs.

#### **Bill D — Extension of the Study of the Treatment of Persons with Mental Illness who are Involved in the Criminal and Juvenile Justice Systems**

---

This bill reauthorizes, until July 1, 2015, the Legislative Oversight Committee and the Task Force for the Continuing Examination of the Treatment of Persons with Mental Illness who are Involved in the Criminal and Juvenile Justice System. The bill directs the task force to coordinate its work with other groups studying similar issues and it adds an additional member to the task force from the Department of Labor and Employment, expanding the task force to 31 members.



## Resource Materials

Meeting summaries are prepared for each meeting of the committee and contain all handouts provided to the committee. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver (303-866-4900). The listing below contains the dates of committee meetings and the topics discussed at those meetings. Meeting summaries are also available on our website at:

[http://www.state.co.us/gov\\_dir/leg\\_dir/lcsstaff/2008/08interim.htm](http://www.state.co.us/gov_dir/leg_dir/lcsstaff/2008/08interim.htm)

### **Meeting Date and Topics Discussed**

---

#### ***Legislative Oversight Committee***

September 12, 2008

- ◆ Approval of candidates to fill five task force vacancies
- ◆ Discussion of legislative proposals brought forth by the task force
- ◆ Recommendation to send all four proposals to the Legislative Council for consideration

#### ***Task Force***

January 17, 2008

- ◆ Update on legislative proposals recommended by the task force during the 2007 interim
- ◆ Presentation by the Colorado Community Corrections Coalition
- ◆ Update on the work of the HJR 07-1050 Behavioral Health Task Force
- ◆ Update on the work of the Metro Area County Commissioners Mentally Ill Inmates Task Force
- ◆ Presentation of subcommittee reports

February 21, 2008

- ◆ Review of legislative progress
- ◆ Discussion of task force charge for the upcoming year
- ◆ Subcommittee updates

March 20, 2008

- ◆ Update on pending legislation
- ◆ Presentation from the Boulder Integrated Treatment Court



- ◆ Discussion of possible grant funding targeted towards helping mentally ill offenders
- ◆ Subcommittee updates

May 15, 2008

- ◆ Presentation regarding the National Development and Research Institute studies at Arrowhead Correctional Center at San Carlos and the Denver Women's Correctional Facility
- ◆ Update on the work of the Metro Area County Commissioners Mentally Ill Inmates Task Force
- ◆ Subcommittee updates
- ◆ Review of task force charge for the coming year
- ◆ Progress reports from various task force members on state resources and upcoming projects

June 19, 2008

- ◆ Discussion of approaches to treatment for co-occurring disorders for the criminal justice population
- ◆ Discussion of disproportionate minority confinement, especially in the juvenile justice system
- ◆ Subcommittee updates
- ◆ Review of task force charge for the coming year
- ◆ Discussion of possible legislation for the 2009 session

July 17, 2008

- ◆ Presentation on family advocacy programs for mental health juvenile justice populations
- ◆ Subcommittee updates
- ◆ Discussion of legislative issues to address for 2009

August 21, 2008

- ◆ Discussion of legislative proposals for the 2009 session
- ◆ Subcommittee updates
- ◆ Progress reports from various task force members on state resources and upcoming projects

September 18, 2008

- ◆ Presentation of John Eachon Re-entry Program evaluation report
- ◆ Subcommittee updates
- ◆ Further discussion of legislative proposals for the 2009 session
- ◆ Update on the September 12, 2008, legislative oversight committee meeting



October 16, 2008

- ◆ Presentation on the Colorado LINKS for Mental Health Initiative
- ◆ Discussion of task force subcommittee membership
- ◆ Discussion of a task force workplan for the upcoming year
- ◆ Subcommittee updates



First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

**BILL A**

LLS NO. 09-0060.01 Michael Dohr

**SENATE BILL**

---

**SENATE SPONSORSHIP**

**Boyd, Keller**

**HOUSE SPONSORSHIP**

**Solano,**

---

**Senate Committees**

**House Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING CREATION OF AN IDENTIFICATION PROCESSING UNIT FOR**  
102 **DETENTION FACILITIES.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

**Legislative Oversight Committee for the Continuing Examination of the Treatment of Persons with Mental Illness who are Involved in the Criminal and Juvenile Justice Systems.** Creates the county jail identification processing unit ("unit") in the division that issues drivers' licences within the department of revenue. Directs the unit to process identification cards at metropolitan-area county jails for prisoners without identification cards. Requires the unit to give priority

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*

DRAFT

*Dashes through the words indicate deletions from existing statute.*

19

to prisoners with medically documented mental illness. Directs the department to submit an annual report to the general assembly.

Makes legislative findings and declarations.

---

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) Successful offender reentry into society is critical to the  
5 criminal justice system;

6 (b) One of the barriers to successful reentry into society for a  
7 person convicted of a crime is the lack of an acceptable form of  
8 identification;

9 (c) Identification cards are necessary for most aspects of everyday  
10 life, including receiving health care and mental health services, securing  
11 employment, and finding housing;

12 (d) Many prisoners in county jails lack acceptable identification  
13 cards, and obtaining identification cards may be difficult, particularly for  
14 prisoners who have mental illness;

15 (e) The need to access available mental health services is  
16 particularly important for successful reentry by a prisoner with a mental  
17 illness; and

18 (f) Ensuring that every prisoner in a county jail leaves with a  
19 proper identification card can be the first step to the prisoner's successful  
20 reentry into society.

21 (2) Therefore, the general assembly finds and declares that a  
22 mobile identification processing unit that can travel to metropolitan-area  
23 county jails to process identification cards for prisoners is an appropriate  
24 first phase in providing identification cards to prisoners in the state.



1           **SECTION 2.** Part 3 of article 2 of title 42, Colorado Revised  
2 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
3 read:

4           **42-2-311. County jail identification processing unit - report.**

5           (1) (a) THERE IS HEREBY CREATED THE COUNTY JAIL IDENTIFICATION  
6 PROCESSING UNIT, REFERRED TO IN THIS SECTION AS THE "UNIT", IN THE  
7 DIVISION THAT ISSUES DRIVERS' LICENCES WITHIN THE DEPARTMENT.

8           (b) THE UNIT SHALL CONSIST OF A MOBILE IDENTIFICATION  
9 PROCESSING VEHICLE STAFFED BY THE DEPARTMENT. THE UNIT SHALL  
10 TRAVEL TO THE COUNTY JAILS IN ADAMS, ARAPAHOE, BOULDER,  
11 DOUGLAS, AND JEFFERSON COUNTIES AND THE CITY AND COUNTY OF  
12 BROOMFIELD ON A REGULAR BASIS TO PROCESS IDENTIFICATION CARDS  
13 FOR EACH PRISONER WHO IS A LEGAL RESIDENT OF THIS STATE AND WHO  
14 DOES NOT POSSESS AN IDENTIFICATION CARD ISSUED PURSUANT TO THIS  
15 PART 3 OR A DRIVER'S LICENSE ISSUED PURSUANT TO PART 1 OF THIS  
16 ARTICLE. EACH PRISONER SHALL BEAR THE COST OF THE IDENTIFICATION  
17 CARD; EXCEPT THAT A COUNTY OR JAIL MAY CHOOSE TO BEAR THE COST  
18 OF THE IDENTIFICATION CARD. THE UNIT SHALL PROCESS AN  
19 IDENTIFICATION CARD FOR EACH PRISONER WHO IS SCHEDULED TO BE  
20 RELEASED PRIOR TO THE UNIT'S SCHEDULED RETURN DATE TO THAT  
21 COUNTY JAIL; EXCEPT THAT THE UNIT SHALL GIVE PRIORITY TO A PRISONER  
22 WHO HAS A MEDICALLY DOCUMENTED MENTAL ILLNESS.

23           (c) THE DEPARTMENT PERSONNEL ARE AUTHORIZED TO WORK WITH  
24 COUNTY JAIL PERSONNEL AND VOLUNTEERS TO ASSIST PRISONERS IN THE  
25 PROCESS OF OBTAINING THE IDENTIFICATION CARDS. COUNTY JAIL  
26 PERSONNEL MAY ASSIST A PRISONER WITH OBTAINING THE NECESSARY

1 DOCUMENTATION FOR THE IDENTIFICATION CARD.

2 (d) THE DEPARTMENT SHALL DEVELOP A SCHEDULE WITH THE  
3 SHERIFF OF EACH OF THE COUNTIES PURSUANT TO WHICH THE UNIT WILL  
4 VISIT EACH OF THE PARTICIPATING COUNTY JAILS. AT A MINIMUM, THE  
5 UNIT SHALL VISIT THE PARTICIPATING COUNTY JAILS SPECIFIED IN  
6 PARAGRAPH (b) OF THIS SUBSECTION (1) AT LEAST THREE TIMES PER WEEK.  
7 AFTER ESTABLISHING THE SCHEDULE FOR VISITING THE COUNTIES  
8 SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (1), THE DEPARTMENT  
9 SHALL DETERMINE WHETHER IT HAS THE RESOURCES TO EXPAND THE  
10 NUMBER OF COUNTY JAILS OR OTHER FACILITIES THAT THE UNIT MAY  
11 SERVE, WHICH FACILITIES MAY INCLUDE, BUT NEED NOT BE LIMITED TO,  
12 CORRECTIONAL FACILITIES, YOUTH DETENTION FACILITIES, AND MENTAL  
13 HEALTH INSTITUTIONS.

14 (2) BEGINNING JULY 1, 2010, AND BY JULY 1 EACH YEAR  
15 THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT REGARDING THE  
16 UNIT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES  
17 AND THE SENATE, OR ANY SUCCESSOR COMMITTEES. THE REPORT SHALL  
18 INCLUDE, BUT NEED NOT BE LIMITED TO:

19 (a) THE NUMBER OF IDENTIFICATION CARDS ISSUED BY THE UNIT;

20 (b) THE NUMBER OF IDENTIFICATION CARD REQUESTS DENIED BY  
21 THE UNIT AND THE REASONS FOR THE DENIALS;

22 (c) THE LEVEL OF IN-KIND CONTRIBUTIONS MADE BY THE  
23 PARTICIPATING COUNTIES;

24 (d) THE SUCCESSES THE UNIT ACHIEVED AND THE CHALLENGES  
25 FACED BY THE UNIT; AND

26 (e) AN ACCOUNT OF THE COSTS AND EMPLOYEE TIME ASSOCIATED  
27 WITH THE OPERATION OF THE UNIT FOR:

28 (I) THE UNIT;

1 (II) THE PARTICIPATING COUNTIES SPECIFIED IN PARAGRAPH (b) OF  
2 SUBSECTION (1) OF THIS SECTION; AND

3 (III) THE RESPECTIVE SHERIFF'S DEPARTMENTS.

4 **SECTION 3.** Part 1 of article 26 of title 17, Colorado Revised  
5 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
6 read:

7 **17-26-139. County jail identification processing unit -**  
8 **personnel authority.** COUNTY JAIL PERSONNEL AND VOLUNTEERS ARE  
9 AUTHORIZED TO WORK WITH THE COUNTY JAIL IDENTIFICATION  
10 PROCESSING UNIT CREATED IN SECTION 42-2-311, C.R.S.

11 **SECTION 4. Safety clause.** The general assembly hereby finds,  
12 determines, and declares that this act is necessary for the immediate  
13 preservation of the public peace, health, and safety.

First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

**BILL B**

LLS NO. 09-0100.01 Bob Lackner

**SENATE BILL**

---

**SENATE SPONSORSHIP**

**Boyd,**

**HOUSE SPONSORSHIP**

**Solano,**

---

**Senate Committees**

**House Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING THE ESTABLISHMENT OF A PILOT PROGRAM TO FUND**  
102 **GRANTS TO LOCAL GOVERNMENTS TO FACILITATE CHANGES IN**  
103 **LAND DEVELOPMENT REGULATIONS TO ACCOMMODATE THE**  
104 **HOUSING NEEDS OF PERSONS WITH MENTAL ILLNESS WHO ARE**  
105 **INVOLVED IN THE CRIMINAL JUSTICE SYSTEM.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

**Legislative Oversight Committee for the Continuing Examination of the Treatment of Persons with Mental Illness who are Involved in the Criminal and Juvenile Justice Systems. Creates**

**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.*

DRAFT

25

a pilot program to award a specified number of one-time grant payments in a specified amount to local governments as an incentive for a local government to modify or waive the zoning laws or other land development regulations of the local government for the purpose of authorizing the construction or use of one or more structures or facilities that will provide residential or transitional housing for adults with mental illness or co-occurring disorders who are either currently involved in the criminal justice system or who have been involved in the system in the past. Assigns responsibility for administering the pilot program to the interagency advisory committee on adult and juvenile correctional treatment (committee).

Specifies procedures governing the process by which local governments may apply for grant awards, the permissible uses of grant moneys, and criteria for the committee to use in evaluating grant applications. Specifies the powers and duties of the committee with respect to the pilot program. Requires grant recipients to report on the status of a grant award by a specified date.

Creates a fund in the state treasury for the receipt of moneys either appropriated to or collected for the grants program.

Repeals the act on a specified date.

Makes legislative findings and declarations. Defines terms.

---

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

2 **SECTION 1.** Article 20 of title 29, Colorado Revised Statutes, is  
3 amended BY THE ADDITION OF A NEW PART to read:

4 **PART 4**

5 **PILOT PROGRAM TO FACILITATE CHANGES TO**  
6 **LAND DEVELOPMENT REGULATIONS TO ACCOMMODATE**  
7 **PERSONS WITH MENTAL ILLNESS WHO ARE INVOLVED**  
8 **IN THE CRIMINAL JUSTICE SYSTEM**

9 **29-20-401. Legislative declaration.** (1) THE GENERAL  
10 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

11 (a) PERSONS WITH MENTAL ILLNESS OR WITH CO-OCCURRING  
12 DISORDERS ARE NOT ADEQUATELY SERVED BY THE STATE'S SOCIAL SAFETY  
13 NET AND FIND THEMSELVES IN THE STATE'S CRIMINAL JUSTICE SYSTEM AT

1 AN ALARMING RATE. MANY OF THESE PERSONS WOULD NOT BE  
2 INCARCERATED IF THEY RECEIVED APPROPRIATE MENTAL HEALTH  
3 TREATMENT THAT INCLUDES RESIDENTIAL OR TRANSITIONAL HOUSING.

4 (b) PERSONS WITH MENTAL ILLNESS OR CO-OCCURRING DISORDERS  
5 HAVE A HIGHER PROBABILITY OF BEING ARRESTED, CHARGED, AND  
6 SENTENCED FOR CRIMES THAN PERSONS WITHOUT SUCH ILLNESS OR  
7 DISORDERS ACCUSED OF SIMILAR CRIMES. BECAUSE OF UNDERFUNDED  
8 MENTAL HEALTH ORGANIZATIONS AND INSUFFICIENT COMMUNITY  
9 RESOURCES, PERSONS WITH MENTAL ILLNESS OR CO-OCCURRING  
10 DISORDERS SPEND CONSIDERABLY MORE TIME THAN OTHER DEFENDANTS  
11 IN CORRECTIONAL FACILITIES OR COUNTY JAILS ATTEMPTING TO RESOLVE  
12 THEIR CASES. AS A RESULT OF THESE INSUFFICIENT RESOURCES, A  
13 SUBSTANTIAL NUMBER OF THESE INDIVIDUALS WHO FIND THEMSELVES IN  
14 THE CRIMINAL JUSTICE SYSTEM EVENTUALLY FACE INCARCERATION IN  
15 CORRECTIONAL FACILITIES. ADDITIONALLY, AS A RESULT OF THIS LACK OF  
16 RESOURCES AND THE BELIEF THAT THE LONGER THE TIME A PERSON IS  
17 INCARCERATED THE GREATER THE LEVEL OF SAFETY TO THE COMMUNITY,  
18 PERSONS WITH MENTAL ILLNESS OR CO-OCCURRING DISORDERS ALSO  
19 SERVE LONGER SENTENCES THAN PERSONS WITHOUT SUCH ILLNESS OR  
20 DISORDERS. AS A RESULT OF THESE LONGER STAYS IN CORRECTIONAL  
21 FACILITIES OR COUNTY JAILS, PERSONS WITH MENTAL ILLNESS OR  
22 CO-OCCURRING DISORDERS HAVE MORE DIFFICULTY TRANSITIONING BACK  
23 TO THE COMMUNITIES FROM WHICH THEY CAME.

24 (c) PERSONS WITH MENTAL ILLNESS OR CO-OCCURRING DISORDERS  
25 LEAVE CORRECTIONAL FACILITIES OR COUNTY JAILS AFTER BEING DENIED  
26 RESIDENTIAL OR TRANSITIONAL COMMUNITY PLACEMENT AND TREATMENT  
27 BECAUSE OF RELUCTANCE ON THE PART OF COMMUNITY CORRECTIONAL

1 FACILITIES TO RECEIVE THEM, LIMITATIONS ON THE ABILITY OF LOCAL  
2 GOVERNMENTS TO FUND THESE SERVICES, AND ZONING RESTRICTIONS.  
3 THESE ZONING RESTRICTIONS ARE TYPICALLY ADOPTED AND ENFORCED AS  
4 THE RESULT OF THE PUBLIC'S LACK OF EDUCATION, MISPLACED FEARS, OR  
5 MISUNDERSTANDING OF PERSONS WITH MENTAL ILLNESS OR  
6 CO-OCCURRING DISORDERS WHO HAVE EMERGED FROM THE CRIMINAL  
7 JUSTICE SYSTEM. OFFENDERS OFTEN RELAPSE TO PRIOR BEHAVIOR WHEN  
8 THEY ARE RELEASED FROM CORRECTIONAL FACILITIES OR COUNTY JAILS  
9 WITHOUT THE AVAILABILITY OF RESIDENTIAL OR TRANSITIONAL HOUSING  
10 AND SUPPORT SERVICES. IN THE ABSENCE OF RESIDENTIAL OR  
11 TRANSITIONAL HOUSING PROGRAMS, PERSONS WITH MENTAL ILLNESS OR  
12 CO-OCCURRING DISORDERS ARE RELEASED FROM CORRECTIONAL  
13 FACILITIES, COUNTY JAILS, AND STATE HOSPITALS, OFTEN INTO HIGH CRIME  
14 AREAS. ACCORDINGLY, THIS REVOLVING DOOR CONTINUES, WITH  
15 DIMINISHED COMMUNITY SAFETY AND ADVERSE IMPACTS TO THE  
16 COMMUNITY RESULTING FROM INCREASED RECIDIVISM AND THE GREATER  
17 FINANCIAL COSTS OF INCREASED INCARCERATION AND HOSPITALIZATION.

18 (d) COMMUNITY-BASED PROGRAMS THAT PROVIDE RESIDENTIAL  
19 OR TRANSITIONAL HOUSING WITH SUPPORT SERVICES TO PERSONS WITH  
20 MENTAL ILLNESS OR CO-OCCURRING DISORDERS HAVE BEEN  
21 DEMONSTRATED TO BE EFFECTIVE AND REDUCE RECIDIVISM.  
22 ESTABLISHING RESIDENTIAL OR TRANSITIONAL HOUSING PROGRAMS FOR  
23 PERSONS WITH MENTAL ILLNESS OR CO-OCCURRING DISORDERS WILL  
24 FOSTER LESS RECIDIVISM AND WILL PROMOTE COMMUNITY SAFETY AND  
25 THE REVITALIZATION OF BLIGHTED AREAS.

26 (2) BY THE ENACTMENT OF THIS PART 4, IT IS THE INTENT OF THE  
27 GENERAL ASSEMBLY TO:

1 (a) ENCOURAGE THE ESTABLISHMENT AND MAINTENANCE OF  
2 COMMUNITY-BASED PROGRAMS THAT PROVIDE RESIDENTIAL OR  
3 TRANSITIONAL HOUSING WITH SUPPORT SERVICES TO PERSONS WITH  
4 MENTAL ILLNESS OR CO-OCCURRING DISORDERS WHO ARE INVOLVED IN  
5 THE CRIMINAL JUSTICE SYSTEM;

6 (b) PROVIDE FINANCIAL ASSISTANCE THROUGH THE AWARDING OF  
7 GRANTS IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PART 4 TO  
8 ENCOURAGE LOCAL GOVERNMENTS TO AMEND OR WAIVE ZONING OR  
9 OTHER LAND DEVELOPMENT REGULATIONS TO FACILITATE THE CREATION  
10 AND MAINTENANCE OF TRANSITIONAL OR RESIDENTIAL HOUSING TO SERVE  
11 PERSONS WITH MENTAL ILLNESS OR CO-OCCURRING DISORDERS WHO ARE  
12 INVOLVED IN THE CRIMINAL JUSTICE SYSTEM.

13 **29-20-402. Definitions.** AS USED IN THIS PART 4, UNLESS THE  
14 CONTEXT OTHERWISE REQUIRES:

15 (1) "COMMITTEE" MEANS THE INTERAGENCY ADVISORY  
16 COMMITTEE ON ADULT AND JUVENILE CORRECTIONAL TREATMENT THAT  
17 ADDRESSES ISSUES CONCERNING APPROPRIATE TREATMENT FOR PERSONS  
18 WITH MENTAL ILLNESS AND CO-OCCURRING DISORDERS IN THE CRIMINAL  
19 JUSTICE POPULATION AND THAT IS COMPRISED OF REPRESENTATIVES OF  
20 THE DEPARTMENT OF HUMAN SERVICES, THE DEPARTMENT OF  
21 CORRECTIONS, THE DEPARTMENT OF PUBLIC SAFETY, THE DEPARTMENT OF  
22 LOCAL AFFAIRS, THE STATE BOARD OF PAROLE, AND THE STATE COURT  
23 ADMINISTRATOR'S OFFICE.

24 (2) "FUND" MEANS THE STATE GRANTS TO FACILITATE ZONING  
25 CHANGES BY LOCAL GOVERNMENTS FUND CREATED IN SECTION 29-20-406  
26 (1).

27 (3) "PILOT PROGRAM" MEANS THE PILOT PROGRAM TO ESTABLISH



1 ONE-TIME GRANTS TO THREE LOCAL GOVERNMENTS IN THE STATE TO  
2 FACILITATE CHANGES IN ZONING OR OTHER LAND DEVELOPMENT  
3 REGULATIONS CREATED IN SECTION 29-20-403 (1) IN ACCORDANCE WITH  
4 THE REQUIREMENTS OF THIS PART 4.

5 **29-20-403. Pilot program - creation - grant applications - use**  
6 **of grant moneys - funding criteria.** (1) THERE IS HEREBY CREATED THE  
7 PILOT PROGRAM. IN CONNECTION WITH THE PILOT PROGRAM, THE  
8 INTERAGENCY ADVISORY COMMITTEE ON ADULT AND JUVENILE  
9 CORRECTIONAL TREATMENT SHALL ACCEPT PROPOSALS FROM LOCAL  
10 GOVERNMENTS REQUESTING AN AWARD OF A GRANT FROM MONEYS MADE  
11 AVAILABLE FROM THE FUND. FROM ALL GRANT APPLICATIONS SUBMITTED  
12 BY LOCAL GOVERNMENTS, THE COMMITTEE SHALL SELECT NOT MORE THAN  
13 THREE LOCAL GOVERNMENTS THAT MAY BE AWARDED GRANT MONEYS.  
14 EACH LOCAL GOVERNMENT SELECTED BY THE COMMITTEE TO RECEIVE A  
15 GRANT SHALL BE AWARDED A ONE-TIME GRANT IN THE AMOUNT OF FIVE  
16 HUNDRED THOUSAND DOLLARS FOR SATISFACTION OF THE CONDITIONS  
17 SPECIFIED IN SUBSECTION (3) OF THIS SECTION. NOTWITHSTANDING ANY  
18 OTHER PROVISION OF THIS PART 4, GRANTS MAY ONLY BE AWARDED BY  
19 THE COMMITTEE UNDER THIS PART 4 TO LOCAL GOVERNMENTS.

20 (2) SUBJECT TO THE REQUIREMENTS OF THIS SECTION, THE  
21 GOVERNING BODY OF ANY LOCAL GOVERNMENT MAY SUBMIT AN  
22 APPLICATION TO THE COMMITTEE REQUESTING A GRANT PURSUANT TO  
23 THIS PART 4. ANY GRANT APPROVED BY THE COMMITTEE PURSUANT TO  
24 THE REQUIREMENTS OF THIS PART 4 SHALL BE AWARDED TO THE  
25 GOVERNING BODY THAT SUBMITTED THE APPLICATION.

26 (3) (a) IN ORDER TO OBTAIN GRANT MONEYS UNDER THIS PART 4,  
27 AND AS A CONDITION OF THE RECEIPT OF MONEYS UNDER THIS PART 4,

1 EACH LOCAL GOVERNMENT SHALL AGREE TO USE ANY GRANT MONEYS AS  
2 AN INCENTIVE FOR THE LOCAL GOVERNMENT TO MODIFY OR WAIVE THE  
3 ZONING LAWS OR OTHER LAND DEVELOPMENT REGULATIONS OF THE LOCAL  
4 GOVERNMENT FOR THE PURPOSE OF AUTHORIZING THE CONSTRUCTION OR  
5 USE OF ONE OR MORE STRUCTURES OR FACILITIES THAT WILL PROVIDE  
6 RESIDENTIAL OR TRANSITIONAL HOUSING FOR NOT FEWER THAN TWENTY  
7 AND NOT MORE THAN FORTY ADULTS WITH MENTAL ILLNESS OR  
8 CO-OCCURRING DISORDERS WHO ARE EITHER CURRENTLY INVOLVED IN THE  
9 CRIMINAL JUSTICE SYSTEM OR WHO HAVE BEEN INVOLVED IN THE SYSTEM  
10 IN THE PAST.

11 (b) GRANT MONEYS AWARDED UNDER THIS SECTION MAY ALSO BE  
12 USED BY A LOCAL GOVERNMENT TO:

13 (I) EDUCATE THE RESIDENTS OF THE LOCAL GOVERNMENT ON  
14 ISSUES INVOLVING THE PLACEMENT AND HOUSING OF PERSONS WITH  
15 MENTAL ILLNESS OR CO-OCCURRING DISORDERS WHO ARE EITHER  
16 CURRENTLY INVOLVED IN THE CRIMINAL JUSTICE SYSTEM OR HAVE BEEN  
17 INVOLVED IN THE SYSTEM IN THE PAST; AND

18 (II) PERFORM OTHER REQUIREMENTS THAT THE COMMITTEE DEEMS  
19 APPROPRIATE IN THE EXERCISE OF ITS DISCRETION TO FURTHER THE  
20 PURPOSES OF THIS PART 4.

21 (4) (a) THE COMMITTEE SHALL DEVELOP CRITERIA TO GUIDE IT IN  
22 MAKING DETERMINATIONS REGARDING THE AWARDING OF GRANTS TO  
23 SATISFY THE REQUIREMENTS OF THIS SECTION.

24 (b) IN ADDITION TO ANY OTHER REQUIREMENTS UNDER THIS PART  
25 4, IN ORDER TO OBTAIN A GRANT UNDER THIS SECTION, A LOCAL  
26 GOVERNMENT SHALL DEMONSTRATE TO THE SATISFACTION OF THE  
27 COMMITTEE THAT IT WILL BE ABLE TO COLLABORATE WITH FEDERAL,

1 STATE, OR LOCAL AGENCIES OR AUTHORITIES WORKING IN THE AREAS OF  
2 MENTAL HEALTH, CRIMINAL JUSTICE, COMMUNITY CORRECTIONS,  
3 HOUSING, AND RELATED FIELDS TO ACCOMPLISH THE OBJECTIVE OF THE  
4 GRANT REQUEST. THIS COLLABORATION MAY BE DEMONSTRATED  
5 THROUGH MEMORANDA OF UNDERSTANDING BY AND BETWEEN OR AMONG  
6 THE LOCAL GOVERNMENT AND SUCH OTHER ENTITIES.

7 (c) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (b) OF THIS  
8 SUBSECTION (4), IN CONSIDERING WHETHER TO APPROVE A PARTICULAR  
9 GRANT APPLICATION, THE COMMITTEE SHALL CONSIDER FAVORABLY ONE  
10 OR MORE OF THE FOLLOWING FACTORS SUBMITTED IN SUPPORT OF A  
11 PARTICULAR APPLICATION:

12 (I) THE LOCAL GOVERNMENT PLANS TO LOCATE THE RESIDENTIAL  
13 OR TRANSITIONAL HOUSING PROJECT THAT IS THE SUBJECT OF THE GRANT  
14 APPLICATION IN AN AREA WITH CLOSE ACCESS TO MASS TRANSIT STATIONS  
15 OR OTHER FACILITIES OR THAT IS OTHERWISE ACCESSIBLE TO OTHER  
16 MODES OF TRANSPORTATION.

17 (II) THE RESIDENTIAL OR TRANSITIONAL HOUSING PROJECT THAT  
18 IS THE SUBJECT OF A GRANT APPLICATION WILL IMPROVE AN  
19 ECONOMICALLY DEPRESSED AREA.

20 (III) THE COMMUNITY HAS A SHORTAGE OF HOUSING SHELTERS FOR  
21 MENTALLY ILL INDIVIDUALS WHO ARE HOMELESS.

22 (5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 4,  
23 WITHIN TWO YEARS OF THE DATE ON WHICH GRANT MONEYS ARE MADE  
24 AVAILABLE TO A LOCAL GOVERNMENT UNDER THIS SECTION, THE LOCAL  
25 GOVERNMENT SHALL HAVE MADE SUCH AMENDMENTS TO, OR GRANTED  
26 WAIVERS FROM, ITS ZONING OR OTHER LAND USE REGULATIONS  
27 NECESSARY TO PERMIT THE CONSTRUCTION OR USE OF RESIDENTIAL OR

1 TRANSITIONAL HOUSING SATISFYING THE REQUIREMENTS OF PARAGRAPH  
2 (a) OF SUBSECTION (3) OF THIS SECTION AND, IN THE CASE OF  
3 CONSTRUCTION OR MODIFICATION OF A NEW STRUCTURE, THE LOCAL  
4 GOVERNMENT SHALL HAVE GRANTED ALL NECESSARY DEVELOPMENT  
5 APPROVALS GOVERNING THE DEVELOPMENT OF THE FACILITY.

6 (6) LOCAL GOVERNMENTS SHALL APPLY FOR GRANTS MADE  
7 AVAILABLE PURSUANT TO THIS PART 4 ON OFFICIAL APPLICATION FORMS  
8 PROVIDED BY THE COMMITTEE. LOCAL GOVERNMENTS SHALL PROVIDE  
9 SUCH INFORMATION ON THE FORMS AS THE COMMITTEE MAY REQUIRE IN  
10 FURTHERANCE OF THE PURPOSES OF THIS PART 4. IN ADDITION TO ANY  
11 OTHER INFORMATION THE COMMITTEE REQUIRES A LOCAL GOVERNMENT  
12 TO PROVIDE, EACH GRANT APPLICATION SHALL IDENTIFY THE TARGET  
13 POPULATION THE GRANT IS INTENDED TO SERVE, THE PARTICULAR  
14 LOCATION OF THE RESIDENTIAL OR TRANSITIONAL HOUSING PROJECT THAT  
15 IS THE SUBJECT OF THE GRANT APPLICATION, AND ACCESS TO  
16 TRANSPORTATION MADE AVAILABLE AT THE PARTICULAR LOCATION  
17 IDENTIFIED.

18 **29-20-404. Administration of the grant program - powers and**  
19 **duties of the committee.** (1) THE COMMITTEE SHALL HAVE THE  
20 FOLLOWING POWERS AND DUTIES IN ADMINISTERING THIS PART 4:

21 (a) TO ADOPT AND PUBLICIZE CRITERIA REGARDING GRANTS MADE  
22 AVAILABLE PURSUANT TO THIS PART 4;

23 (b) TO REVIEW AND MONITOR THE EXPENDITURE OF GRANT  
24 MONEYS BY GRANT RECIPIENTS;

25 (c) IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION  
26 29-20-403, TO APPROVE APPLICATIONS FOR GRANTS UNDER THIS PART 4.  
27 GRANTS MAY BE AWARDED SUBJECT TO THE REQUIREMENTS OF THIS PART

1 4 AND IN THE AMOUNT SPECIFIED IN SECTION 29-20-403 (1).

2 (d) TO EXERCISE ANY OTHER POWERS OR PERFORM ANY OTHER  
3 DUTIES THAT ARE CONSISTENT WITH THE PURPOSES OF THIS PART 4 AND  
4 THAT ARE REASONABLY NECESSARY FOR THE FULFILLMENT OF THE  
5 COMMITTEE'S RESPONSIBILITIES UNDER THIS PART 4.

6 **29-20-405. Reporting.** ANY LOCAL GOVERNMENT RECEIVING  
7 GRANT MONEYS UNDER THIS PART 4 SHALL SUBMIT TO THE COMMITTEE  
8 NOT LATER THAN TWO YEARS AFTER THE DATE ON WHICH THE LOCAL  
9 GOVERNMENT RECEIVED GRANT MONEYS UNDER THIS PART 4, A REPORT  
10 CONTAINING A STATEMENT OF ALL MONEYS RECEIVED UNDER THIS PART  
11 4, THE PURPOSES FOR WHICH THE MONEYS WERE USED, THE LOCAL  
12 GOVERNMENT'S COMPLIANCE WITH THIS PART 4, AND ANY OTHER  
13 INFORMATION THAT THE COMMITTEE MAY REQUIRE TO FURTHER THE  
14 PURPOSES OF THIS PART 4.

15 **29-20-406. State grants to facilitate zoning changes by local**  
16 **governments fund - creation - source of funds - administrative costs.**

17 (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE STATE  
18 GRANTS TO FACILITATE ZONING CHANGES BY LOCAL GOVERNMENTS FUND,  
19 WHICH FUND SHALL BE ADMINISTERED BY THE STATE TREASURER. THE  
20 FUND SHALL CONSIST OF ALL MONEYS APPROPRIATED TO THE FUND BY THE  
21 GENERAL ASSEMBLY AND ALL OTHER MONEYS THAT MAY BE AVAILABLE  
22 TO THE FUND, INCLUDING MONEYS COLLECTED BY THE COMMITTEE FOR  
23 THE FUND FROM FEDERAL GRANTS AND OTHER CONTRIBUTIONS, GRANTS,  
24 GIFTS, BEQUESTS, AND DONATIONS RECEIVED FROM INDIVIDUALS, PRIVATE  
25 ORGANIZATIONS, OR FOUNDATIONS. SUCH MONEYS SHALL BE  
26 TRANSMITTED TO THE STATE TREASURER TO BE CREDITED TO THE FUND.  
27 ALL INTEREST DERIVED FROM THE DEPOSIT OF MONEYS IN THE FUND SHALL

1 BE CREDITED TO THE FUND. AT THE END OF ANY FISCAL YEAR, ALL  
2 UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND SHALL REMAIN  
3 THEREIN AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL  
4 FUND OR ANY OTHER FUND.

5 (2) ALL MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL  
6 APPROPRIATION BY THE GENERAL ASSEMBLY. IN ANY FISCAL YEAR, NO  
7 MORE THAN TWO AND ONE-HALF PERCENT OF THE MONEYS APPROPRIATED  
8 FROM THE FUND FOR THE PURPOSES OF THIS PART 4 SHALL BE EXPENDED  
9 FOR THE ADMINISTRATIVE COSTS OF THE COMMITTEE IN ADMINISTERING  
10 THIS PART 4.

11 **29-20-407. Repeal of part.** THIS PART 4 IS REPEALED, EFFECTIVE  
12 JULY 1, 2019.

13 **SECTION 2. Effective date.** This act shall take effect at 12:01  
14 a.m. on the day following the expiration of the ninety-day period after  
15 final adjournment of the general assembly that is allowed for submitting  
16 a referendum petition pursuant to article V, section 1 (3) of the state  
17 constitution, (August 4, 2009, if adjournment sine die is on May 6, 2009);  
18 except that, if a referendum petition is filed against this act or an item,  
19 section, or part of this act within such period, then the act, item, section,  
20 or part, if approved by the people, shall take effect on the date of the  
21 official declaration of the vote thereon by proclamation of the governor.

First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

**BILL C**

LLS NO. 09-0101.01 Michael Dohr

**HOUSE BILL**

---

**HOUSE SPONSORSHIP**

**Solano,**

**SENATE SPONSORSHIP**

**Boyd,**

---

**House Committees**

**Senate Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING ASSISTANCE TO COUNTIES TO IMPLEMENT RECIDIVISM**  
102 **REDUCTION PROGRAMS FOR THE MENTALLY ILL.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

**Legislative Oversight Committee for the Continuing Examination of the Treatment of Persons with Mental Illness who are Involved in the Criminal and Juvenile Justice Systems.** Creates the recidivism reduction grant program ("program") in the division of criminal justice ("division") in the department of public safety. Requires the division to establish the application form and criteria for the program. Specifies the amount of the grants allowed by the program. Directs the

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.*

DRAFT

37

division to submit a report to committees of the general assembly at the end of the program.

Makes legislative finding and declarations.

---

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

2           **SECTION 1.** Part 5 of article 33.5 of title 24, Colorado Revised  
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
4 read:

5           **24-33.5-512. Recidivism reduction grant program - creation**  
6 **- definitions - repeal. (1) Legislative declaration.** THE GENERAL  
7 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

8           (a) WITHIN THREE YEARS OF BEING RELEASED FROM PRISON,  
9 NEARLY TWO-THIRDS OF FORMER PRISONERS ARE REARRESTED FOR  
10 SERIOUS OR VIOLENT CRIMES;

11           (b) RESEARCH HAS SHOWN THAT RECIDIVISM RATES CAN BE  
12 REDUCED THROUGH A VARIETY OF PROGRAMS, INCLUDING EDUCATION AND  
13 VOCATIONAL PROGRAMS, SUBSTANCE ABUSE TREATMENT PROGRAMS,  
14 DRUG OR MENTAL HEALTH COURTS, SEX OFFENDER TREATMENT  
15 PROGRAMS, AND MENTAL HEALTH TREATMENT PROGRAMS; AND

16           (c) BY PROVIDING GRANTS TO COUNTIES THROUGHOUT COLORADO  
17 TO IMPLEMENT PLANS FOR RECIDIVISM REDUCTION PROGRAMS, THE  
18 STATE'S RECIDIVISM RATE COULD BE SIGNIFICANTLY REDUCED, CREATING  
19 SAFER COMMUNITIES AND REDUCING COSTS FOR THE CRIMINAL JUSTICE  
20 SYSTEM.

21           (2) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT  
22 OTHERWISE REQUIRES:

23           (a) "GRANT PROGRAM" MEANS THE RECIDIVISM REDUCTION GRANT  
24 PROGRAM CREATED IN SUBSECTION (3) OF THIS SECTION.



1 (b) "TARGET POPULATION" MEANS PERSONS WITH MENTAL  
2 ILLNESSES OR CO-OCCURRING DISORDERS, AS DEFINED IN SECTION  
3 26-22-102, C.R.S., WHO HAVE BEEN INVOLVED IN THE CRIMINAL JUSTICE  
4 SYSTEM.

5 (3) THERE IS HEREBY CREATED A RECIDIVISM REDUCTION GRANT  
6 PROGRAM IN THE DIVISION TO PROVIDE THREE-YEAR IMPLEMENTATION  
7 GRANTS TO A COUNTY OR GROUP OF COUNTIES THAT HAS A PLAN TO  
8 INITIATE SYSTEMATIC CHANGE TO REDUCE RECIDIVISM BY THE TARGET  
9 POPULATION THROUGH A COUNTY RECIDIVISM REDUCTION PROGRAM  
10 COMMENCING ON OR AFTER JANUARY 1, 2010.

11 (4) ON OR BEFORE AUGUST 15, 2009, THE DIVISION SHALL  
12 ESTABLISH AN APPLICATION FORM FOR THE GRANT PROGRAM. AN  
13 APPLICATION SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING:

14 (a) A DESCRIPTION OF THE STRATEGIES THE COUNTY RECIDIVISM  
15 REDUCTION PROGRAM INTENDS TO USE TO SERVE THE TARGET  
16 POPULATION;

17 (b) A DESCRIPTION OF THE SUPERVISION FOR THE TARGET  
18 POPULATION THE COUNTY RECIDIVISM REDUCTION PROGRAM INTENDS TO  
19 USE;

20 (c) A DESCRIPTION OF THE GOALS AND MEASURABLE OBJECTIVES  
21 AND THE METHOD THAT THE COUNTY OR GROUP OF COUNTIES INTENDS TO  
22 USE TO MEASURE THE GOALS AND OBJECTIVES OF THE COUNTY RECIDIVISM  
23 REDUCTION PROGRAM;

24 (d) A DESCRIPTION OF THE PROJECTED RESULT THE COUNTY  
25 RECIDIVISM REDUCTION PROGRAM WILL HAVE ON THE TARGET  
26 POPULATION;

27 (e) AN ESTIMATE OF THE CHANGE THE COUNTY RECIDIVISM

1 REDUCTION PROGRAM WILL HAVE ON THE BUDGET OF THE COUNTY JAIL;

2 (f) A DESCRIPTION OF HOW THE COUNTY OR GROUP OF COUNTIES  
3 INTENDS TO MEASURE THE SAVINGS OR AVERTED COSTS ACHIEVED BY THE  
4 COUNTY RECIDIVISM REDUCTION PROGRAM AND A DESCRIPTION OF HOW  
5 SUCH COST SAVINGS OR AVERTED COSTS WILL SUSTAIN OR EXPAND THE  
6 MENTAL HEALTH TREATMENT SERVICES AND SUPPORTS NEEDED IN THE  
7 COUNTY OR GROUP OF COUNTIES;

8 (g) A DESCRIPTION OF THE PUBLIC AND PRIVATE STAKEHOLDERS  
9 WILLING TO COLLABORATE ON THE COUNTY RECIDIVISM REDUCTION  
10 PROGRAM;

11 (h) A DESCRIPTION OF HOW THE GRANT MONEYS RECEIVED FROM  
12 THE GRANT PROGRAM WILL BE USED AND ADDITIONAL SOURCES AND USES  
13 OF MONEY PROPOSED TO BE USED ON THE COUNTY RECIDIVISM REDUCTION  
14 PROGRAM;

15 (i) A DESCRIPTION OF THE METHOD TO BE USED TO EVALUATE THE  
16 COUNTY RECIDIVISM REDUCTION PROGRAM; AND

17 (j) A DESCRIPTION OF ANY PUBLIC AND PRIVATE PARTNERSHIP  
18 MODELS AND EVIDENCE-BASED PRACTICES THE COUNTY RECIDIVISM  
19 REDUCTION PROGRAM MAY USE.

20 (5) THE GRANT PROGRAM MAY PROVIDE GRANT MONEYS TO  
21 COUNTY RECIDIVISM REDUCTION PROGRAMS THAT INCLUDE, BUT NEED  
22 NOT BE LIMITED TO:

23 (a) MENTAL HEALTH COURTS, WHICH EMPLOY ALTERNATIVE  
24 SENTENCING PROGRAMS AND DIVERSION PROGRAMS;

25 (b) SERVICE DELIVERY OF COLLATERAL SERVICES SUCH AS  
26 TRANSITIONAL AND RESIDENTIAL HOUSING AND SUPPORTED EMPLOYMENT;

27 (c) REENTRY SERVICES THAT CREATE OR EXPAND MENTAL HEALTH  
28 SERVICES AND SUPPORTS FOR AFFECTED INDIVIDUALS, INCLUDING BUT NOT

1 LIMITED TO WRAP-AROUND SERVICES, RESIDENTIAL AND TRANSITIONAL  
2 HOUSING, AND CASE MANAGEMENT SERVICES;

3 (d) POST-BOOKING ALTERNATIVES TO INCARCERATION;

4 (e) NEW COURT PROGRAMS, INCLUDING PRETRIAL SERVICES AND  
5 SPECIALIZED DOCKETS;

6 (f) INTENSIFIED TRANSITION SERVICES THAT ARE DIRECTED TO THE  
7 TARGET POPULATION WHILE THEY ARE IN JAIL OR PRISON TO FACILITATE  
8 TRANSITION TO THE COMMUNITY INCLUDING RESIDENTIAL AND  
9 TRANSITIONAL HOUSING PROGRAMS; AND

10 (g) DAY-REPORTING CENTERS AND COMMUNITY CORRECTIONS  
11 PROGRAMS.

12 (6) ON OR BEFORE OCTOBER 1, 2009, AND EACH OCTOBER 1  
13 THEREAFTER, A COUNTY OR GROUP OF COUNTIES MAY SUBMIT AN  
14 APPLICATION TO THE DIVISION FOR A GRANT FROM THE GRANT PROGRAM  
15 FOR A COUNTY RECIDIVISM REDUCTION PROGRAM.

16 (7) ON OR BEFORE NOVEMBER 15, 2009, AND EACH NOVEMBER 15  
17 THEREAFTER, THE DIVISION SHALL AWARD GRANTS TO COUNTIES OR  
18 GROUPS OF COUNTIES. THE FUNDING FOR THE GRANT PROGRAM SHALL  
19 NOT EXCEED SIX HUNDRED THOUSAND DOLLARS OVER THREE YEARS.  
20 EACH GRANT ISSUED FOR A COUNTY RECIDIVISM REDUCTION PROGRAM  
21 SHALL NOT EXCEED ONE HUNDRED THOUSAND DOLLARS IN ANY ONE YEAR  
22 OR TWO HUNDRED THOUSAND DOLLARS OVER THREE YEARS.

23 (8) ON OR BEFORE MARCH 1, 2013, THE DIVISION SHALL SUBMIT  
24 A REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE  
25 OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, DESCRIBING THE  
26 GRANT PROGRAM AND EVALUATING THE SUCCESS OF EACH COUNTY  
27 RECIDIVISM REDUCTION PROGRAM.

1           (9) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2013.

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

First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

**BILL D**

LLS NO. 09-0059.01 Michael Dohr

**HOUSE BILL**

---

**HOUSE SPONSORSHIP**

**Solano,**

**SENATE SPONSORSHIP**

**Boyd,**

---

**House Committees**

**Senate Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING THE EXTENSION OF THE STUDY OF THE TREATMENT OF**  
102 **PERSONS WITH MENTAL ILLNESS WHO ARE INVOLVED IN THE**  
103 **CRIMINAL AND JUVENILE JUSTICE SYSTEMS.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

**Legislative Oversight Committee for the Continuing Examination of the Treatment of Persons With Mental Illness who are Involved in the Criminal and Juvenile Justice Systems.** Extends to 2015 the legislative oversight committee and task force for the continuing examination of the treatment of persons with mental illness who are involved in the criminal and juvenile justice systems. Adds a

**Shading denotes HOUSE amendment.** Double underlining denotes SENATE amendment.

*Capital letters indicate new material to be added to existing statute.*

DRAFT

*Dashes through the words indicate deletions from existing statute.*

43

representative from the department of labor and employment to the task force. Directs the areas of study for the task force. Directs the task force to collaborate with other task forces, committees, or organizations that are considering the same or similar issues.

---

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

2 **SECTION 1.** 18-1.9-102, Colorado Revised Statutes, is amended  
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **18-1.9-102. Definitions.** As used in this article, unless the context  
5 otherwise requires:

6 (1.5) "CO-OCCURRING DISORDER" MEANS A DISORDER THAT  
7 COMMONLY COINCIDES WITH MENTAL ILLNESS AND MAY INCLUDE, BUT IS  
8 NOT LIMITED TO, SUBSTANCE ABUSE, DEVELOPMENTAL DISABILITY, FETAL  
9 ALCOHOL SYNDROME, AND TRAUMATIC BRAIN INJURY.

10 **SECTION 2.** 18-1.9-103 (2) (a) and (2) (c) (I), Colorado Revised  
11 Statutes, are amended to read:

12 **18-1.9-103. Legislative oversight committee for the continuing**  
13 **examination of the treatment of persons with mental illness who are**  
14 **involved in the criminal and juvenile justice systems - creation -**  
15 **duties.** (2) **Duties.** (a) The committee shall meet at least once on or  
16 before August 1, 2004. Beginning in 2005 and continuing each year  
17 thereafter through ~~2009~~ 2014, the committee shall meet at least three  
18 times each year and at such other times as it deems necessary.

19 (c) (I) The committee shall submit a report to the general assembly  
20 by January 15, 2005, and by each January 15 thereafter through January  
21 15, ~~2010~~ 2015. The annual reports shall summarize the issues addressing  
22 the treatment of persons with mental illness who are involved in the  
23 criminal and juvenile justice systems that have been considered and any  
24 recommended legislative proposals.

1           **SECTION 3.** 18-1.9-104 (1) (a), the introductory portion to  
2 18-1.9-104 (1) (c), and 18-1.9-104 (1) (c) (XV), (3), and (4), Colorado  
3 Revised Statutes, are amended, and the said 18-1.9-104 (1) (c) is further  
4 amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

5           **18-1.9-104. Mentally ill offender task force - creation -**  
6 **membership - duties.** (1) **Creation.** (a) There is hereby created a task  
7 force for the continuing examination of the treatment of persons with  
8 mental illness who are involved in the criminal and juvenile justice  
9 systems in Colorado. The task force shall consist of ~~thirty~~ THIRTY-ONE  
10 members appointed as provided in paragraphs (b) and (c) of this  
11 subsection (1).

12           (c) The chair and vice-chair of the committee shall appoint  
13 ~~twenty-six~~ TWENTY-SEVEN members as follows:

14           (XV) One member who represents the department of health care  
15 policy and financing; AND

16           (XVI) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF  
17 LABOR AND EMPLOYMENT.

18           (3) **Additional duties of the task force.** ~~On or before August 1,~~  
19 ~~2005, and on or before each August 1 thereafter through August 1, 2009,~~  
20 The task force shall ~~orally~~ provide guidance and make findings and  
21 recommendations to the committee for its development of reports and  
22 legislative recommendations for modification of the criminal and juvenile  
23 justice systems, with respect to persons with mental illness who are  
24 involved in these systems. In addition, the task force shall:

25           (a) On or before August 1, 2004, and by each August 1 thereafter  
26 through August 1, ~~2008~~ 2013, select a chair and a vice-chair from among  
27 its members;

28           (b) Meet at least six times each year from the date of the first

1 meeting until January 1, ~~2010~~ 2015, or more often as directed by the chair  
2 of the committee;

3 (c) Communicate with and obtain input from groups throughout  
4 the state affected by the issues identified in subsection (2) of this section;

5 (d) Create subcommittees as needed to carry out the duties of the  
6 task force. The subcommittees may consist, in part, of persons who are  
7 not members of the task force. Such persons may vote on issues before  
8 the subcommittee but shall not be entitled to a vote at meetings of the task  
9 force.

10 (e) Submit a ~~written~~ report to the committee by October 1, 2004,  
11 and by each October 1 thereafter through October 1, ~~2009~~ 2014, at a  
12 minimum specifying the following:

13 (I) Issues to be studied in upcoming task force meetings and a  
14 prioritization of those issues;

15 (II) Findings and recommendations regarding issues of prior  
16 consideration by the task force;

17 (III) Legislative proposals of the task force that identify the policy  
18 issues involved, the agencies responsible for the implementation of the  
19 changes, and the funding sources required for such implementation.

20 (4) **Flexibility.** No requirement set forth in ~~paragraphs (a) to (e)~~  
21 ~~of~~ subsection (2) of this section shall prohibit the task force from  
22 studying, presenting findings and recommendations on, or requesting  
23 permission to draft legislative proposals concerning any issue described  
24 in subsection (2) of this section at any time during the existence of the  
25 task force.

26 **SECTION 4.** 18-1.9-104 (2), Colorado Revised Statutes, is  
27 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

28 **18-1.9-104. Mentally ill offender task force - creation -**



1 **membership - duties. (2) Issues for study.** The task force shall  
2 examine the identification, diagnosis, and treatment of persons with  
3 mental illness who are involved in the state criminal and juvenile justice  
4 systems, including an examination of liability, safety, and cost as they  
5 relate to these issues. The task force shall specifically consider, but need  
6 not be limited to, the following issues:

7 (f) BEGINNING JULY 1, 2009, THROUGH JULY 1, 2014, THE  
8 FOLLOWING ISSUES:

9 (I) THE DIAGNOSIS, TREATMENT, AND HOUSING OF PERSONS WITH  
10 MENTAL ILLNESS OR CO-OCCURRING DISORDERS WHO ARE CONVICTED OF  
11 CRIMES, OR INCARCERATED OR WHO PLEAD GUILTY, NOLO CONTENDERE,  
12 OR NOT GUILTY BY REASON OF INSANITY OR WHO ARE FOUND TO BE  
13 INCOMPETENT TO STAND TRIAL;

14 (II) THE DIAGNOSIS, TREATMENT, AND HOUSING OF JUVENILES  
15 WITH MENTAL ILLNESS OR CO-OCCURRING DISORDERS WHO ARE  
16 ADJUDICATED, DETAINED, OR COMMITTED FOR OFFENSES THAT WOULD  
17 CONSTITUTE CRIMES IF COMMITTED BY ADULTS OR WHO PLEAD GUILTY,  
18 NOLO CONTENDERE, OR NOT GUILTY BY REASON OF INSANITY OR WHO ARE  
19 FOUND TO BE INCOMPETENT TO STAND TRIAL;

20 (III) THE ONGOING TREATMENT, HOUSING, AND SUPERVISION,  
21 ESPECIALLY WITH REGARD TO MEDICATION, OF ADULTS AND JUVENILES  
22 WHO ARE INVOLVED IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS  
23 AND WHO ARE INCARCERATED OR HOUSED WITHIN THE COMMUNITY AND  
24 THE AVAILABILITY OF PUBLIC BENEFITS FOR THESE PERSONS; AND

25 (IV) THE SAFETY OF THE STAFF WHO TREAT OR SUPERVISE  
26 PERSONS WITH MENTAL ILLNESS AND THE USE OF FORCE AGAINST PERSONS  
27 WITH MENTAL ILLNESS.

28 **SECTION 5.** 18-1.9-104, Colorado Revised Statutes, is amended

1 BY THE ADDITION OF A NEW SUBSECTION to read:

2 **18-1.9-104. Mentally ill offender task force - creation -**  
3 **membership - duties. (6) Coordination.** THE TASK FORCE MAY WORK  
4 WITH OTHER TASK FORCES, COMMITTEES, OR ORGANIZATIONS THAT ARE  
5 PURSUING POLICY INITIATIVES SIMILAR TO THOSE ADDRESSED IN  
6 SUBSECTION (2) OF THIS SECTION. THE TASK FORCE SHALL CONSIDER  
7 DEVELOPING RELATIONSHIPS WITH OTHER TASK FORCES, COMMITTEES,  
8 AND ORGANIZATIONS TO LEVERAGE EFFICIENT POLICY MAKING  
9 OPPORTUNITIES THROUGH COLLABORATIVE EFFORTS.

10 **SECTION 6.** 18-1.9-106 (1), Colorado Revised Statutes, is  
11 amended to read:

12 **18-1.9-106. Cash fund.** (1) All private and public funds received  
13 through grants, contributions, and donations pursuant to this article shall  
14 be transmitted to the state treasurer, who shall credit the same to the  
15 examination of the treatment of persons with mental illness in the  
16 criminal justice system cash fund, which fund is hereby created and  
17 referred to in this section as the "fund". The moneys in the fund shall be  
18 subject to annual appropriation by the general assembly for the direct and  
19 indirect costs associated with the implementation of this article. All  
20 moneys in the fund not expended for the purpose of this article may be  
21 invested by the state treasurer as provided by law. All interest and  
22 income derived from the investment and deposit of moneys in the fund  
23 shall be credited to the fund. Any unexpended and unencumbered  
24 moneys remaining in the fund at the end of a fiscal year shall remain in  
25 the fund and shall not be credited or transferred to the general fund or  
26 another fund. All unexpended and unencumbered moneys remaining in  
27 the fund as of July 1, ~~2010~~ 2015, shall be transferred to the general fund.

28 **SECTION 7.** 18-1.9-107, Colorado Revised Statutes, is amended

1 to read:

2 **18-1.9-107. Repeal of article.** This article is repealed, effective  
3 July 1, ~~2010~~ 2015.

4 **SECTION 8. Effective date.** This act shall take effect at 12:01  
5 a.m. on the day following the expiration of the ninety-day period after  
6 final adjournment of the general assembly that is allowed for submitting  
7 a referendum petition pursuant to article V, section 1 (3) of the state  
8 constitution, (August 4, 2009, if adjournment sine die is on May 6, 2009);  
9 except that, if a referendum petition is filed against this act or an item,  
10 section, or part of this act within such period, then the act, item, section,  
11 or part, if approved by the people, shall take effect on the date of the  
12 official declaration of the vote thereon by proclamation of the governor.