

**Final**  
STAFF SUMMARY OF MEETING

TREATMENT OF PERSONS WITH MENTAL ILLNESS IN THE CRIMINAL JUSTICE  
SYSTEM

Date: 08/18/2015

ATTENDANCE

Time: **01:03 PM to 03:34 PM**

Guzman E  
Humphrey \*

Place: SCR 356

Lee \*

This Meeting was called to order by  
Senator Martinez Humenik

Woods X  
Singer X  
Martinez Humenik X

This Report was prepared by  
Amanda King

X = Present, E = Excused, A = Absent, \* = Present after roll call

Bills Addressed:	Action Taken:
Review of Oversight Committee & Advisory Task Force Charges	Witness Testimony and/or Committee Discussion Only
Review of the History of Advisory Task Force	Witness Testimony and/or Committee Discussion Only
Update on Recent Advisory Task Force Activities & Goals	Witness Testimony and/or Committee Discussion Only
Discussion of Recent & Future Legislative Proposals	Witness Testimony and/or Committee Discussion Only
Discussion of Advisory Task Force Vacancies & Task Force Resources	Witness Testimony and/or Committee Discussion Only
Review of Interim Committee Bill Drafting Guidelines	Witness Testimony and/or Committee Discussion Only
Public Comment & Adjourn	Witness Testimony and/or Committee Discussion Only
Discussion of Future 2015 Committee Meeting Dates	Witness Testimony and/or Committee Discussion Only

**01:04 PM -- Review of Legislative Oversight Committee and Advisory Task Force Charges**

Senator Martinez Humenik called the meeting to order. The committee members were provided a meeting agenda (Attachment A).

**01:06 PM**

Amanda King, Legislative Council Staff, presented a memorandum (Attachment B) that provides an overview of the Legislative Oversight Committee and Task Force Concerning the Treatment of Persons with Mental Illness in Criminal and Juvenile Justice Systems (MICJS). Ms. King reviewed the MICJS Legislative Oversight Committee statutory charges, which include, overseeing the work of the MICJS Task Force, making appointments to the MICJS Task Force, proposing legislation, and submitting an annual report to the General Assembly. Ms. King referenced the MICJS Task Force membership list that was provided to the committee (Attachment C). She outlined the areas of study listed in state law for the MICJS Task Force to address. Ms. King stated that the MICJS Legislative Oversight Committee and Task Force were initially established in 1999 and were reauthorized in 2000, 2004, 2009, and 2014. A copy of Senate Bill 14-021, which reauthorized the MICJS Legislative Oversight Committee and Task Force, was distributed to the committee members (Attachment D).

**01:14 PM**

Ms. King responded to a question from the committee about House Bill 15-1025, concerning competency to proceed for juvenile involved in the juvenile justice system (Attachment E). In response to a question, she stated that the committee can approve up to five bills for introduction.

**01:16 PM -- Review of the History of Advisory Task Force**

Susan Walton, MICJS Task Force Chair and representing Park County Department of Human Services, introduced herself. Camille Harding, MICJS Task Force Co-chair and representing Department of Health Care Policy and Financing (HCPF), introduce herself. Ms. Walton discussed the previous work the task force has done regarding housing issues. She referenced Senate Bill 09-019, which concerned the 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. Senate Bill 09-019 was postponed indefinitely during the 2009 legislative session. Ms. Walton discussed the efforts of HCPF and the City of Aurora that the MICJS Task Force is supporting related to housing.

**01:19 PM**

Adam Tucker, HCPF, discussed the housing task force created in HCPF and the ability of the state to provide wrap-around services when someone exits the criminal justice system. He discussed the Housing First model. Mr. Tucker responded to questions about the involvement of parole officers and entities such as COMCOR, Inc., which is a private, not-for-profit community corrections programs, in the work that HCPF is doing related to housing. Representative Singer asked for data about the number of people who are released from the criminal justice system with mental illness who qualify for disability benefits, and how many are veterans. Mr. Tucker said he did not have that information, but could provide it after the meeting. Representative Singer discussed the Department of Local Affairs' Supportive Housing Program and the Fort Lyon Supportive Residential Community. Representative Humphrey asked for information about recidivism rates. Ms. Harding discussed some of the difficulties with compiling data related to recidivism rates. Senator Martinez Humenik referenced the work that the Early Childhood and School Readiness Legislative Commission is doing to address recidivism.

**01:26 PM**

Ms. Walton discussed a potential tour of the Fort Lyon Supportive Residential Community for the MICJS task force. She referenced prior presentations made by Pat Coyle, Department of Local Affairs, and Frank Alexander, Boulder County Housing and Human Services, to the task force on innovative housing programs. Ms. Walton asked for additional direction from the oversight committee on how the task force can address housing issues.

**01:29 PM**

Ms. Walton discussed enhanced data collection related to persons who have a mental illness who are involved in the criminal and juvenile justice systems. She referenced the Colorado Children and Youth Information Sharing Initiative, which was a collaboration between the Department of Education, HCPF, Department of Human Services, Department of Public Health and Environment, Department of Public Safety (DPS), and Judicial Branch. The initiative developed an on-line tool to share information across systems with parental permission. She stated that the tool is not being used as widely as was hoped, and said legislation maybe needed to help support or fund the use of the on-line tool.

**01:31 PM**

Ms. Harding discussed the task force's subcommittee on data collection and data sharing. She provided a handout diagramming the isolation of information that occurs in various state agencies (Attachment F). She stated that a graduate student from the University of Colorado will be conducting focus groups to identify the challenges in defining recidivism and severe mental illness. Ms. Harding referenced federal rules regarding the confidentiality of alcohol and drug abuse patient records.

**01:35 PM**

Peggy Heil, MICJS Task Force member and representing DPS, discussed the grant application the DPS submitted to the U.S. Department of Justice's Bureau of Justice Assistance for recidivism reduction. She said the DPS will not find out the results of the grant application until September. She discussed the involvement of the IJIS Institute, which is a nonprofit corporation that collaborates with local, state, tribal, and federal agencies to provide technical assistance, training, and support services for information exchange and technology initiatives, in the program proposed in the grant application. Ms. Heil stated that the standards for sharing information in the criminal justice system are different than the standards for sharing information between health systems. She discussed how the grant could improve continuity of care through information sharing, thus reducing recidivism rates. Ms. Heil discussed the funding that would be available if the grant is awarded to Colorado. She outlined some of the preliminary work that is already happening in anticipation of receiving the grant. She commented on the lack of consistent definitions for serious mental illness and recidivism among various entities.

**01:39 PM**

Representative Singer referenced the Joint Technology Committee and asked about the IJIS Institute's experience with Colorado's database systems. Ms. Heil and Ms. Harding discussed the role of the IJIS Institute in developing a comprehensive statewide plan to address information sharing between various state and local information technology systems.

**01:43 PM**

Ms. Walton discussed the lack of data concerning juvenile competency evaluations. Senator Martinez Humenik expressed the importance of relevant data and providing information about where the needs and gaps in services are occurring. Ms. Harding referenced the *Measuring Behavioral Health: Fulfilling Colorado's Commitment to Become the Healthiest State* report that can be found at: <https://www.colorado.gov/pacific/sites/default/files/Measuring%20Behavioral%20Health%20in%20Colorado.pdf>. Senator Martinez Humenik discussed substance addiction and suicide rates, especially in the juvenile population. Representative Lee discussed the definitions for serious mental illness and recidivism that are used by the Department of Corrections. Ms. Harding discussed how different state and local agencies define recidivism. She discussed the need for a statewide standard definition for recidivism. Discussion about recidivism ensued.

**01:54 PM**

Ms. Walton further discussed accessing data concerning juvenile competency evaluations.

**01:55 PM -- Update on Recent Advisory Task Force Activities and Short-term & Long-term Goals**

Ms. Heil discussed the collaboration between the MICJS Task Force and the Behavioral Health Transformation Council to address medication consistency issues. She outlined the issues that can occur when a person's medications are changed. She discussed the statewide formulary for psychotropic medications that is being developed for criminal justice and public health facilities. She discussed possible cost-effective purchasing options that may be availed by creating a statewide formulary for psychotropic medications. Senator Martinez Humenik asked for a draft of the statewide formulary. Ms. Heil and Ms. Harding responded to a question about the statewide formulary and possible purchasing collectives. Ms. Walton outlined how the MICJS Task Force has collaborated with the Behavioral Health Transformation Council on medication consistency issues. Ms. Heil answered questions about the medication consistency workgroup that was formed between the two entities. Senator Martinez Humenik asked for an update on the purchasing recommendations for a statewide formulary for psychotropic medications.

**02:06 PM**

Ms. Walton discussed the need for a strategic planning retreat for the task force. She stated that Dr. Patrick Fox, Department of Human Services, will be presenting the *Behavioral Health Needs Analysis* report at the August 20, 2015, MICJS Task Force meeting. The full report can be viewed at: <http://www.colorado.gov/cs/Satellite?c=Page&childpagename=CDHS-BehavioralHealth%2FCBONLayout&cid=1251662741340&pagename=CBONWrapper>. She stated that she anticipates that his presentation will provide information about possible key legislative priorities the task force can focus on in the coming year. Ms. Walton further discussed the importance of data sharing between agencies.

**02:10 PM**

Representative Singer suggested holding the strategic planning retreat at Fort Lyon.

**02:12 PM -- Discussion of Recent & Future Legislative Proposals**

Karen Knickerbocker, MICJS Task Force member and representing the Office of Colorado State Public Defender, provided information about House Bill 15-1025, which concerns competency to proceed for juveniles involved in the juvenile justice system. Ms. Walton provided additional historical background about House Bill 15-1025. Ms. Knickerbocker continued the discussion of House Bill 15-1025 and the efforts made to get the Colorado District Attorney's Council (CDAC) to a neutral position on the bill. She listed the stakeholders who were involved in the drafting of the legislation. She discussed the attempts at compromises that occurred and the continued opposition from the CDAC on the bill. Ms. Knickerbocker outlined how the legislation could be readdressed in the future. She explained the lack of restoration services for both adults and juveniles. Senator Martinez Humenik commented on the legislative process.

**02:27 PM**

Ms. Knickerbocker answered questions about the ability of juveniles to access various mental health and social services. She shared her personal experience defending juveniles before the court. Representative Singer discussed the Differential Response Program in the Department of Human Services and the additional state funding for mental health services. Ms. Walton discussed the Department of Human Services' Collaborative Management Program and House Bill 11-1196, which allowed increased flexibility in funding for services for families. Ms. Walton discussed the willingness of the task force to continue working on a juvenile competency bill if that is the will of the committee. Senator Martinez Humenik commented on juvenile behaviors.

**02:36 PM**

Ms. Walton discussed the lack of staffing for the MICJS Task Force. Senator Martinez Humenik proposed various options to explore to address the lack of staffing, including university internship programs. Representative Singer discussed the possibility of merging the task force and the committee into one entity or possibly having joint meetings. There was discussion about the lack of funding in recent years for the task force.

**02:43 PM -- Discussion of Advisory Task Force Vacancies and Task Force Resources**

Ms. King reviewed the current MICJS Task Force vacancies, which include a representative from the Division of Parole in the Department of Correction and two representatives of local law enforcement. She discussed the appointment process. Ms. Walton further discussed the process for making appointments to the task force. Committee discussion about making appointments ensued, and it was suggested that the task force suggest possible appointees to the committee. Senator Martinez Humenik agreed that the appointments could be made by a letter signed by the chair and vice-chair of the committee, rather than waiting for a committee meeting.

**02:48 PM -- Review of Interim Committee Bill Drafting Guidelines**

Michael Dohr, Office of Legislative Legal Services, discussed prior bill drafting practice for legislation brought forth by the MICJS Task Force. He outlined the 2015 schedule for bill drafting as stated in the memorandum on recommended timelines and guidelines for 2015 interim committees (Attachment G). Senator Martinez Humenik commented on the bill drafting timeline. Ms. Walton asked the committee to provide additional direction about moving forward with the legislation related to juvenile competency or legislation on other topics.

**2:59 PM -- Discussion of Future 2015 Legislative Oversight Committee Meeting Dates**

Ms. King listed some potential future committee meeting dates. Senator Martinez Humenik revisited the idea of the MICJS Task Force holding a strategic planning retreat. Committee discussion about potential meeting dates ensued. Mr. Dohr commented on the need for the task force members to attend the committee meetings where legislation would be discussed. Additional discussion about holding a retreat on September 25, 2015, occurred. It was determined that the committee would meet on September 21, 2015, and October 29, 2015. In response to a question, Ms. King stated that task force regularly meets on the third Thursday of every month at 10 a.m.

**03:10 PM**

Senator Martinez Humenik suggested that the task force focus on addressing the need for restoration services for juveniles and adults. Representative Singer discussed Project EDGE, which is a coordinated effort by police officers and Mental Health Partners staff that offers diversion into behavioral health treatment rather than an arrest in certain circumstance. He suggested having a presentation on Project EDGE at a future committee meeting. Representative Singer discussed having a presentation on the issue of post-traumatic stress disorder in law enforcement and the barriers to workers' compensation. Senator Martinez Humenik suggested that the task force explore pilot programs and review other states' models when looking at possible legislation. Representative Singer further discussed Project EDGE.

**03:22 PM**

Ms. Walton provided a MICJS Data Sharing Initiative Briefing Sheet (Attachment H) to the committee. Representative Lee asked about the availability of data on the number of inmates with mental illness who die in correctional facilities to which Ms. Heil responded. Discussion about accessing statistics related to and providing services to persons with mental illness who are in the criminal justice system continued. Ms. Walton suggested inviting Kerry Pruett, Mental Health Programs Administrator in the Department of Corrections, to present at a future committee meeting.

**03:30 PM -- Public Comment**

Melanie Jordan, Colorado Bar Association, discussed the lack of restoration services for juveniles and the need for funding for those services.

**03:33 PM -- Adjourn**

Senator Martinez Humenik made closing remarks and adjourned the meeting.

## AGENDA

**Legislative Oversight Committee Concerning the  
Treatment of Persons With Mental Illness in the  
Criminal and Juvenile Justice Systems**

Tuesday, August 18, 2015  
1:00 p.m.  
Senate Committee Room 356  
State Capitol Building

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- 1 p.m. Call to Order**
- *Senator Beth Martinez Humenik, Legislative Oversight Committee Chair*
- 1:05 p.m. Review of Legislative Oversight Committee and Advisory Task Force Charges**
- *Amanda King, Legislative Council Staff*
- 1:15 p.m. Review of the History of Advisory Task Force**
- *Susan Walton, Advisory Task Force Chair and Director of Park County Department of Human Services*
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- 1:30 p.m. Update on Recent Advisory Task Force Activities and Short-term and Long-term Goals**
- *Susan Walton, Advisory Task Force Chair and Director of Park County Department of Human Services*
- 2:15 p.m. Discussion of Advisory Task Force Vacancies and Task Force Resources**
- *Susan Walton, Advisory Task Force Chair and Director of Park County Department of Human Services*
- 2:30 p.m. Review of Interim Committee Bill Drafting Guidelines**
- *Jane Ritter, Office of Legislative Legal Services*
- 2:45 p.m. Discussion of Recent Legislative Proposals and Possible 2016 Legislation**
- *Susan Walton, Advisory Task Force Chair and Director of Park County Department of Human Services*
- 3:20 p.m. Discussion of Future 2015 Legislative Oversight Committee Meeting Dates**
- 3:30 p.m. Public Comment**
- 4 p.m. Adjourn**



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Council  
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**MEMORANDUM**

August 4, 2015

**TO:** Members of the Legislative Oversight Committee and Task Force Concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems

**FROM:** Amanda King, Senior Research Analyst, (303) 866-4332

**SUBJECT:** Overview of the Legislative Oversight Committee and Task Force Concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems

**Summary**

This memorandum provides an overview of the 2015 membership of the Legislative Oversight Committee Concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems (MICJS), the charge of the MICJS committee, the charge of the MICJS task force, the bill limits, the request deadlines applicable to the legislative oversight committee, and information regarding legislative oversight committee staff and the legislative oversight committee website.

**2015 Committee Membership**

The six members of the Legislative Oversight Committee Concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems (MICJS) are appointed by legislative leadership as outlined in state law. The chair and vice-chair are designated by either the President of the Senate or the Speaker of the House of Representatives, alternating on an annual basis. The following is the list of 2015 MICJS legislative oversight committee members:

Senator Beth Martinez Humenik, Chair	Representative Jonathan Singer, Vice-Chair
Senator Lucia Guzman	Representative Stephen Humphrey
Senator Laura Woods	Representative Pete Lee

## Meeting Dates

The MICJS legislative oversight committee last met on September 12, 2014. The first meeting of the 2015 committee is scheduled for Tuesday, August 18. Additional meeting dates for the committee for 2015 have yet to be determined. The MICJS legislative oversight committee is statutorily required to meet at least three times annually, but can meet more often as it deems necessary. However, the MICJS legislative oversight committee has not met more than twice a year since 2007.

The MICJS legislative oversight committee members may receive per diem and reimbursement for attending meetings held outside of the legislative session.

## Committee Details and Charge

The six-member MICJS legislative oversight committee was created to oversee the work of the 32-member advisory task force. Senate Bill 14-021 reauthorized both the MICJS legislative oversight committee and the task force until July 1, 2020. Article 1.9 of Title 18, C.R.S., establishes and outlines the duties of both the MICJS legislative oversight committee and task force.

**Task force appointments.** According to Colorado law, four members of the MICJS task force are appointed by the Chief Justice of the Supreme Court, and the remaining 28 members are appointed by the chair and vice-chair of the MICJS legislative oversight committee. Oftentimes, the chair of the MICJS task force or the departments who are represented on the task force identify people who are willing to serve as task force members and suggests them for appointment by the chair and vice-chair of the MICJS legislative oversight committee. In making the appointments to the task force, the appointing authorities are to ensure the task force membership reflects the ethnic, cultural, and gender diversity of the state, and includes representation of all areas of the state.

**Legislative recommendations.** The MICJS legislative oversight committee reviews the MICJS task force's findings and may recommend legislative proposals. The MICJS legislative oversight committee brought forth one bill during the 2014 interim. House Bill 15-1025, which was postponed indefinitely, would have established a juvenile-specific definition of "incompetent to proceed" for juveniles involved in the juvenile justice system, as well as special definitions for "developmental disability," "intellectual disability," "mental capacity," and "mental disability" when used in this context. The bill would have clarified the procedures for establishing incompetency and restoration of competency.

**Annual report.** The MICJS legislative oversight 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 MICJS task force. The annual report is prepared by Legislative Council Staff.

## Task Force Detail and Charge

**Charge.** The MICJS task force is directed to examine the identification, diagnosis, and treatment of persons with mental illness who are involved in the state criminal and juvenile

justice systems, including an examination of liability, safety, and cost as they relate to these issues. On and after July 1, 2014, the task force is required to study the following issues:

- housing for a person with mental illness after his or her release from the criminal or juvenile justice system;
- medication consistency, delivery, and availability;
- best practices for suicide prevention, within and outside of correctional facilities;
- treatment of co-occurring disorders;
- awareness of and training for enhanced staff safety, including expanding training opportunities for providers; and
- enhanced data collection related to issues affecting persons with mental illness in the criminal and juvenile justice systems.

**Meeting requirements.** The authorizing legislation requires the MICJS task force to meet at least six times per year, or more often as directed by the chair of the MICJS legislative oversight committee. The current practice of the task force is to hold meetings on the third Thursday of each month. To fulfill its charge, the MICJS task force is required to communicate with and obtain input from groups throughout the state affected by the issues under consideration. The MICJS task force is not precluded from considering additional issues, or from considering or making recommendations on any of the issues listed above at any time.

**Reporting and legislation requirements.** The MICJS task force must submit a report to the MICJS legislative oversight committee by October 1 of each year. The report must identify:

- issues to be studied in upcoming MICJS task force meetings and their respective prioritization;
- findings and recommendations about issues previously considered by the MICJS task force; and
- legislative proposals that identify the policy issues involved, the agencies responsible for implementing the changes, and the funding sources required for implementation.

Typically, this is given as an oral report at one of the MICJS legislative oversight committee meetings.

### **Committee Recommendations to Legislative Council**

**Bill limits.** The MICJS legislative oversight committee may report up to five bills or other measures to the Legislative Council, unless the Executive Committee of the Legislative Council approves a greater number. Bills approved by the Legislative Council do not count against a member's five-bill limit for the regular legislative session.

**Requirements for bill drafts.** Bills should be requested and must be approved at a public meeting of the MICJS legislative oversight committee. Requests for bills to be drafted must be completed by October 2, 2015, and the committee must vote by November 2, 2015, to determine which bill drafts will be forwarded to the Legislative Council for approval. Please note these are the last dates by which action on bills can be taken, but committees recommending legislation are encouraged to meet to make bill requests prior to October 2, 2015, if at all

possible. There must be a minimum of 31 days between when bill requests are made and when the committee meets to take final action on the bill drafts.

House Bill 15-1335 requires the Legislative Council Staff to prepare and provide interim committees with fiscal notes on the proposed bills before the final vote on the proposed interim committee bills.

**Legislative Council review.** The Legislative Council must meet by November 15, 2015, to approve draft legislation. Bills not approved by Legislative Council may be introduced into the regular session, but such bills will count against a member's five-bill limit. Interim committee bills must have prime sponsors prior to consideration by the Legislative Council. Legislative Council Staff will apprise the committee of the date of the Legislative Council meeting once it is confirmed.

### ***Committee Staff and Website***

The Legislative Council Staff and Office of Legislative Legal Services are charged with assisting the MICJS legislative oversight committee in its activities. Additionally, the Legislative Council Staff acts as a liaison between the MICJS legislative oversight committee and the MICJS task force. If you have any questions or would like any additional information about the MICJS legislative oversight committee or issues concerning the committee, please contact:

- Amanda King, Senior Research Analyst, [amanda.king@state.co.us](mailto:amanda.king@state.co.us), 303-866-4332;  
or
- Jane Ritter, Senior Attorney, [jane.ritter@state.co.us](mailto:jane.ritter@state.co.us), 303-866-4342.

The MICJS task force provides its own support staff to prepare any minutes, reports, or other documents.

Additional information about the MICJS legislative oversight committee and the task force can be found on the committee's website at: <http://www.colorado.gov/lcs/MICJS>.

## MICJS Advisory Task Force Members

State or Private Agency	Representative(s) and Affiliation(s)	
Department of Public Safety (1)	Peggy Hell	Division of Criminal Justice
Department of Corrections (2)	Kerry Pruett	Mental Health Programs Administrator
	vacant	Division of Parole
Local Law Enforcement (2) - one of whom will be in active service and one of whom shall have experience dealing with juveniles in the juvenile justice system	vacant	
	vacant	
Department of Human Services (5)	Marc Condojani	Division of Behavioral Health
	Ashley Tunstall	Division of Youth Corrections
	Melinda Cox	Division of Child Welfare
	Michele Manchester	Colorado Mental Health Institute at Pueblo
	Moe Keller	Mental Health Planning and Advisory Council
County Department of Social Services (1)	Susan Walton, chair	Park County Department of Human Services
Department of Education (1)	Michael Ramirez	Teaching and Learning Unit
State Attorney General's Office (1)	Janet Drake	Senior Assistant Attorney General
District Attorneys (1)	Dave Young	17th Judicial District Attorney's Office
Criminal Defense Bar (2)	Karen Knickerbocker	Office of the Colorado State Public Defender
	Gina Shimeall	Criminal Defense Bar
Practicing Mental Health Professionals (2)	Fernando Martinez	San Luis Valley Mental Health Center
	Lisa Thompson	Colorado Coalition for the Homeless
Community Mental Health Centers in Colorado (1)	Harriet Hall	Jefferson Center for Mental Health
Person with Knowledge of Public Benefits and Public Housing in Colorado (1)	Pat Coyle	Colorado Department of Local Affairs, Division of Housing
Colorado Department of Health Care Policy & Financing (1)	Camille Harding, co-chair	Clinical Services Office
Practicing Forensic Professional (1)	Richard Martinez, M.D.	Colorado Office of Behavioral Health/UCDSOM
Members of the Public (3)	Beth Feltman	Member with a mental illness who has been involved in the Colorado criminal justice system
	Deirdre Parker	Parent of a child who has a mental illness and who has been involved in the Colorado criminal justice system
	Barbara Stephenson	Member with an adult family member who has a mental illness and who has been involved in the Colorado criminal justice system
Office of the Child's Representative (1)	Sheri Danz	Deputy Director
Office of the Alternate Defense Counsel (1)	Kathy McGuire	Private attorney
Colorado Department of Labor and Employment (1)	Patrick Teegarden	Director of Policy and Legislation
Judicial Branch (4)	Brendy Rice	Division of Planning and Analysis
	Judge K.J. Moore	1st Judicial District
	Susan Colling	Juvenile Programs Coordinator, Probation Services
	Tobin Wright	Chief Probation Officer in the 16th Judicial District

Updated: May 21, 2015

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# An Act

SENATE BILL 14-021

BY SENATOR(S) Tochtrop and King, Newell, Aguilar, Guzman, Heath, Jahn, Kefalas, Kerr, Nicholson, Steadman, Todd, Carroll;  
also REPRESENTATIVE(S) Wright, Rosenthal, Buckner, Court, Fields, Fischer, Gerou, Hulinghorst, Kagan, Kraft-Tharp, Labuda, Lebsock, Lee, McCann, Melton, Pettersen, Primavera, Priola, Ryden, Schafer, Singer, Vigil, Williams, Young.

CONCERNING THE TREATMENT OF PERSONS WITH MENTAL ILLNESS WHO ARE INVOLVED IN THE CRIMINAL JUSTICE SYSTEMS, 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, 18-1.9-102, **amend** (2) as follows:

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

(2) "Task force" means the task force ~~for the continuing examination of~~ CONCERNING the treatment of persons with mental illness ~~who are involved~~ in the criminal and juvenile justice systems established pursuant to section 18-1.9-104.

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**SECTION 2.** In Colorado Revised Statutes, 18-1.9-103, **amend** (1) (a), (1) (d), (2) (a), and (2) (c) (I) as follows:

**18-1.9-103. Legislative oversight committee concerning the treatment of persons with mental illness in the criminal and juvenile justice systems - creation - duties.** (1) **Creation.** (a) There is hereby created a legislative oversight committee ~~for the continuing examination of~~ CONCERNING the treatment of persons with mental illness ~~who are involved~~ in the criminal and juvenile justice systems.

(d) (I) ~~Notwithstanding the provisions of section 2-2-307, C.R.S., MEMBERS OF the committee may receive payment of per diem and reimbursement for actual and necessary expenses authorized pursuant to said section and any other direct or indirect costs associated with the duties of the committee set forth in this article only from moneys appropriated from the examination of the treatment of persons with mental illness in the criminal justice system cash fund created in section 18-1.9-106 SECTION 2-2-307, C.R.S.~~

(II) The director of research of the legislative council and the director of the office of legislative legal services may supply staff assistance to the committee as they deem appropriate, within existing appropriations. If staff assistance is not available within existing appropriations, then the director of research of the legislative council and the director of the office of legislative legal services may supply staff assistance to the task force only if moneys are credited to the ~~examination of the~~ treatment of persons with mental illness in the criminal AND JUVENILE justice system SYSTEMS cash fund created in section 18-1.9-106 in an amount sufficient to fund staff assistance.

(2) **Duties.** (a) ~~The committee shall meet at least once on or before August 1, 2004. Beginning in 2005 and continuing each year thereafter, through 2014, the committee shall meet at least three times each year and at such other times as it deems necessary. except that the committee shall not meet during the 2010 interim.~~

(c) (I) The committee shall submit a report to the general assembly by January 15, 2005, ~~by each January 15 thereafter through January 15, 2010, and by January 15, 2012; and by each January 15 thereafter. through~~

~~January 15, 2015~~. The annual reports ~~shall~~ MUST summarize the issues addressing the treatment of persons with mental illness who are involved in the criminal and juvenile justice systems that have been considered and ~~any~~ recommended legislative proposals, IF ANY.

**SECTION 3.** In Colorado Revised Statutes, 18-1.9-104, **amend** (1) (a), (1) (c) introductory portion, (1) (c) (IV) introductory portion, (1) (c) (XV), (2) (a) introductory portion, (2) (b) introductory portion, (2) (c) introductory portion, (2) (e) introductory portion, (2) (f) introductory portion, (3), and (5); and **add** (1) (c) (XVII), (1) (c) (XVIII), and (2) (g) as follows:

**18-1.9-104. Task force concerning treatment of persons with mental illness in the criminal and juvenile justice systems - creation - membership - duties.** (1) **Creation.** (a) There is hereby created a task force ~~for the continuing examination of the treatment of persons with~~ CONCERNING TREATMENT OF PERSONS WITH mental illness ~~who are involved~~ in the criminal and juvenile justice systems in Colorado. The task force shall consist of ~~thirty~~ THIRTY-TWO members appointed as provided in paragraphs (b) and (c) of this subsection (1).

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

(IV) ~~Six~~ FIVE members who represent the department of human services, as follows:

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

(XVII) ONE MEMBER WHO REPRESENTS THE OFFICE OF THE CHILD'S REPRESENTATIVE; AND

(XVIII) ONE MEMBER WHO REPRESENTS THE OFFICE OF THE ALTERNATE DEFENSE COUNSEL.

(2) **Issues for study.** The task force shall examine the identification, diagnosis, and treatment of persons with mental illness who are involved in the state criminal and juvenile justice systems, including an examination of liability, safety, and cost as they relate to these issues. The task force

shall specifically consider, but need not be limited to, the following issues:

(a) On or before July 1, 2005: ~~the following issues:~~

(b) On or before July 1, 2006: ~~the following issues:~~

(c) On or before July 1, 2007: ~~the following issues:~~

(e) On or before July 1, 2009: ~~the following issues:~~

(f) Beginning July 1, 2011, through July 1, 2014: ~~the following issues:~~

(g) ON OR AFTER JULY 1, 2014:

(I) HOUSING FOR A PERSON WITH MENTAL ILLNESS AFTER HIS OR HER RELEASE FROM THE CRIMINAL OR JUVENILE JUSTICE SYSTEM;

(II) MEDICATION CONSISTENCY, DELIVERY, AND AVAILABILITY;

(III) BEST PRACTICES FOR SUICIDE PREVENTION, WITHIN AND OUTSIDE OF CORRECTIONAL FACILITIES;

(IV) TREATMENT OF CO-OCCURRING DISORDERS;

(V) AWARENESS OF AND TRAINING FOR ENHANCED STAFF SAFETY, INCLUDING EXPANDING TRAINING OPPORTUNITIES FOR PROVIDERS; AND

(VI) ENHANCED DATA COLLECTION RELATED TO ISSUES AFFECTING PERSONS WITH MENTAL ILLNESS IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS.

(3) **Additional duties of the task force.** The task force shall provide guidance and make findings and recommendations to the committee for its development of reports and legislative recommendations for modification of the criminal and juvenile justice systems, with respect to persons with mental illness who are involved in these systems. In addition, the task force shall:

(a) On or before August 1, 2004, and by each August 1 thereafter,

~~through August 1, 2013, except during the suspension of the committee during the 2010 interim; select a chair and a vice-chair from among its members;~~

(b) Meet at least six times each year, ~~from the date of the first meeting until January 1, 2015,~~ or more often as directed by the chair of the committee; ~~except that the committee shall not meet during the 2010 interim;~~

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

(d) 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 shall not be entitled to a vote at meetings of the task force.

(e) Submit a report to the committee by October 1, 2004, and by each October 1 thereafter, ~~through October 1, 2009, and by October 1, 2011, and by each October 1 thereafter through October 1, 2014,~~ THAT, at a minimum, ~~specifying the following~~ SPECIFIES:

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

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

(III) Legislative 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 ~~such~~ implementation.

(5) **Compensation.** Members of the task force shall serve without compensation. HOWEVER, MEMBERS OF THE TASK FORCE APPOINTED PURSUANT TO SUBPARAGRAPH (XIV) OF PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION MAY RECEIVE REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES ASSOCIATED WITH THEIR DUTIES ON THE TASK FORCE.

**SECTION 4.** In Colorado Revised Statutes, 18-1.9-105, **amend** (2)

as follows:

**18-1.9-105. Task force funding - staff support.** (2) The director of research of the legislative council, the director of the office of legislative legal services, the director of the division of criminal justice within the department of public safety, and the executive directors of the departments represented on the task force may supply staff assistance to the task force as they deem appropriate within existing appropriations. If staff assistance is not available from a governmental agency within existing appropriations, then the executive directors of the departments represented on the task force, the director of research of the legislative council, and the director of the office of legislative legal services may supply staff assistance to the task force only if moneys are credited to the ~~examination of the~~ treatment of persons with mental illness in the criminal AND JUVENILE justice ~~system~~ SYSTEMS cash fund created in section 18-1.9-106 in an amount sufficient to fund staff assistance. The task force may also accept staff support from the private sector.

**SECTION 5.** In Colorado Revised Statutes, 18-1.9-106, **amend** (1); and **add** (1.5) as follows:

**18-1.9-106. Treatment of persons with mental illness in the criminal and juvenile justice systems cash fund - repeal.** (1) All private and public funds received through grants, contributions, and donations pursuant to this article shall be transmitted to the state treasurer, who shall credit the same to the ~~examination of the~~ treatment of persons with mental illness in the criminal AND JUVENILE justice ~~system~~ SYSTEMS cash fund, which fund is hereby created and referred to in this section as the "fund". The moneys in the fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs associated with the implementation of this article. All moneys in the fund not expended for the purpose of this article may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of moneys in the fund shall be credited to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year shall remain in the fund and shall not be credited or transferred to the general fund or another fund. All unexpended and unencumbered moneys remaining in the fund as of July 1, 2015 2020, shall be transferred to the general fund.

(1.5) (a) ALL UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE EXAMINATION OF THE TREATMENT OF PERSONS WITH MENTAL ILLNESS IN THE CRIMINAL JUSTICE SYSTEM CASH FUND AS OF JULY 1, 2014, SHALL BE TRANSFERRED TO THE TREATMENT OF PERSONS WITH MENTAL ILLNESS IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS CASH FUND.

(b) THIS SUBSECTION (1.5) IS REPEALED, EFFECTIVE JULY 1, 2015.

**SECTION 6.** In Colorado Revised Statutes, **amend** 18-1.9-107 as follows:

**18-1.9-107. Repeal of article.** This article is repealed, effective July 1, ~~2015~~ 2020.

**SECTION 7. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the legislative department, for the fiscal year beginning July 1, 2014, the sum of \$3,366, or so much thereof as may be necessary, to be allocated for per diem and reimbursement of members of the legislative oversight committee created in section 18-1.9-103, Colorado Revised Statutes.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of human services, for the fiscal year beginning July 1, 2014, the sum of \$3,746, or so much thereof as may be necessary, to be allocated to the executive director's office for reimbursement of members of the task force concerning treatment of persons with mental illness in the criminal and juvenile justice systems created in section 18-1.9-104, Colorado Revised Statutes.

**SECTION 8. Effective date.** This act takes effect July 1, 2014.

**SECTION 9. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

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Morgan Carroll  
PRESIDENT OF  
THE SENATE

---

Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

---

Cindi L. Markwell  
SECRETARY OF  
THE SENATE

---

Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

---

John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

**First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 15-0058.01 Jane Ritter

**HOUSE BILL 15-1025**

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**HOUSE SPONSORSHIP**

**Rosenthal,**

**SENATE SPONSORSHIP**

**Newell,**

---

**House Committees**  
Judiciary

**Senate Committees**

---

**A BILL FOR AN ACT**

101     **CONCERNING COMPETENCY TO PROCEED FOR JUVENILES INVOLVED IN**  
102     **THE JUVENILE JUSTICE SYSTEM.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Legislative Oversight Committee Concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems.** The bill establishes a juvenile-specific definition of "incompetent to proceed" for juveniles involved in the juvenile justice system, as well as specific definitions for "developmental disability", "intellectual disability", "mental capacity", and "mental disability" when

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.*

used in this context. The bill clarifies the procedures for establishing incompetency, as well as for establishing the restoration of competency.

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

2           **SECTION 1.** In Colorado Revised Statutes, 19-2-103, **add** (5.5),  
3 (9.5), (9.6), (12.3), (12.4), and (14.3) as follows:

4           **19-2-103. Definitions.** For purposes of this article:

5           (5.5) "DEVELOPMENTAL DISABILITY" MEANS A DISABILITY THAT  
6 IS MANIFESTED BEFORE THE PERSON REACHES HIS OR HER TWENTY-FIRST  
7 BIRTHDAY, THAT CONSTITUTES A SUBSTANTIAL DISABILITY TO THE  
8 AFFECTED INDIVIDUAL, AND THAT IS ATTRIBUTABLE TO AN INTELLECTUAL  
9 DISABILITY OR OTHER NEUROLOGICAL CONDITIONS WHEN THOSE  
10 CONDITIONS RESULT IN IMPAIRMENT OF GENERAL INTELLECTUAL  
11 FUNCTIONING OR ADAPTIVE BEHAVIOR SIMILAR TO THAT OF A PERSON  
12 WITH AN INTELLECTUAL DISABILITY. UNLESS OTHERWISE SPECIFICALLY  
13 STATED, THE FEDERAL DEFINITION OF "DEVELOPMENTAL DISABILITY", 42  
14 U.S.C. SEC. 15001 ET SEQ., SHALL NOT APPLY.

15           (9.5) "INCOMPETENT TO PROCEED" MEANS THAT A JUVENILE DOES  
16 NOT HAVE SUFFICIENT PRESENT ABILITY TO CONSULT WITH HIS OR HER  
17 ATTORNEY WITH A REASONABLE DEGREE OF RATIONAL UNDERSTANDING  
18 IN ORDER TO ASSIST IN THE DEFENSE OR THAT HE OR SHE DOES NOT HAVE  
19 A RATIONAL AS WELL AS A FACTUAL UNDERSTANDING OF THE  
20 PROCEEDINGS AGAINST HIM OR HER.

21           (9.6) "INTELLECTUAL DISABILITY" MEANS A DISORDER WITH ONSET  
22 DURING THE DEVELOPMENTAL PERIOD THAT INCLUDES BOTH  
23 INTELLECTUAL AND ADAPTIVE FUNCTIONING DEFICITS IN CONCEPTUAL,  
24 SOCIAL, AND PRACTICAL DOMAINS AND INCLUDES THE FOLLOWING  
25 CRITERIA:

1 (a) DEFICITS IN INTELLECTUAL FUNCTIONS, SUCH AS REASONING,  
2 PROBLEM SOLVING, PLANNING, ABSTRACT THINKING JUDGMENT,  
3 ACADEMIC LEARNING, AND LEARNING FROM EXPERIENCE, CONFIRMED BY  
4 BOTH CLINICAL ASSESSMENT AND INDIVIDUALIZED, STANDARDIZED  
5 INTELLIGENCE TESTING;

6 (b) DEFICITS IN ADAPTIVE FUNCTIONING THAT RESULT IN A  
7 FAILURE TO MEET DEVELOPMENTAL AND SOCIO-CULTURAL STANDARDS  
8 FOR PERSONAL INDEPENDENCE AND SOCIAL RESPONSIBILITY. WITHOUT  
9 ONGOING SUPPORT, THE ADAPTIVE DEFICITS LIMIT FUNCTIONING IN ONE OR  
10 MORE ACTIVITIES OF DAILY LIFE, SUCH AS COMMUNICATION, SOCIAL  
11 PARTICIPATION, AND INDEPENDENT LIVING, ACROSS MULTIPLE  
12 ENVIRONMENTS, SUCH AS HOME, SCHOOL, WORK, AND COMMUNITY; AND

13 (c) THE ONSET OF INTELLECTUAL AND ADAPTIVE DEFICITS DURING  
14 THE DEVELOPMENTAL PERIOD.

15 (12.3) "MENTAL CAPACITY" MEANS A JUVENILE'S CAPACITY TO  
16 MEET ALL OF THE FOLLOWING CRITERIA:

17 (a) COMPREHEND AND APPRECIATE THE CHARGES OR ALLEGATIONS  
18 AGAINST HIM OR HER;

19 (b) UNDERSTAND THE ADVERSARIAL NATURE OF THE  
20 PROCEEDINGS, INCLUDING THE ROLE OF THE JUDGE, THE DEFENDANT'S  
21 ATTORNEY, THE PROSECUTING ATTORNEY, THE DEFENDANT'S GUARDIAN  
22 AD LITEM, IF APPLICABLE, OR WITNESSES, AND BE ABLE TO ASSIST IN HIS OR  
23 HER DEFENSE;

24 (c) COMPREHEND AND APPRECIATE THE CONSEQUENCES THAT MAY  
25 BE IMPOSED BY THE COURT OR RESULT FROM THE PROCEEDINGS;

26 (d) DISCLOSE TO COUNSEL FACTS PERTINENT TO THE PROCEEDINGS  
27 AT ISSUE;

1 (e) DISPLAY APPROPRIATE COURTROOM BEHAVIOR; AND

2 (f) TESTIFY RELEVANTLY.

3 (12.4) "MENTAL DISABILITY" MEANS A SUBSTANTIAL DISORDER OF  
4 THOUGHT, MOOD, PERCEPTION, OR COGNITIVE ABILITY THAT RESULTS IN  
5 MARKED FUNCTIONAL DISABILITY AND SIGNIFICANTLY INTERFERES WITH  
6 ADAPTIVE BEHAVIOR. "MENTAL DISABILITY" DOES NOT INCLUDE ACUTE  
7 INTOXICATION FROM ALCOHOL OR OTHER SUBSTANCES, ANY CONDITION  
8 MANIFESTED ONLY BY ANTISOCIAL BEHAVIOR, OR ANY SUBSTANCE ABUSE  
9 IMPAIRMENT RESULTING FROM RECENT USE OR WITHDRAWAL. HOWEVER,  
10 SUBSTANCE ABUSE THAT RESULTS IN A LONG-TERM, SUBSTANTIAL  
11 DISORDER OF THOUGHT, MOOD, OR COGNITIVE ABILITY MAY CONSTITUTE  
12 A MENTAL DISABILITY.

13 (14.3) "RESTORATION TO COMPETENCY HEARING" MEANS A  
14 HEARING TO DETERMINE WHETHER A DEFENDANT WHO HAS PREVIOUSLY  
15 BEEN DETERMINED TO BE INCOMPETENT TO PROCEED HAS ACHIEVED OR IS  
16 RESTORED TO COMPETENCY.

17 **SECTION 2.** In Colorado Revised Statutes, **add** 19-2-1300.2 as  
18 follows:

19 **19-2-1300.2. Legislative declaration.** (1) THE GENERAL  
20 ASSEMBLY FINDS AND DECLARES THAT:

21 (a) THE JUVENILE JUSTICE SYSTEM IS CIVIL IN NATURE AND  
22 FOCUSED ON TREATMENT RATHER THAN PUNISHMENT;

23 (b) IT IS CRUCIAL TO AVOID THE NEGATIVE CONSEQUENCES OF  
24 PROSECUTION WHENEVER NECESSARY AND POSSIBLE, AND TO PROMOTE  
25 MENTAL HEALTH TREATMENT PATHWAYS FOR JUVENILES IN THE JUVENILE  
26 JUSTICE SYSTEM;

27 (c) JUVENILES DIFFER IN SIGNIFICANT AND SUBSTANTIVE WAYS

1 FROM ADULTS; THEREFORE, DIFFERENT STANDARDS FOR COMPETENCY ARE  
2 NECESSARY FOR JUVENILES AND ADULTS;

3 (d) JUVENILES, LIKE ADULTS, ARE PRESUMED COMPETENT TO  
4 PROCEED UNTIL SUCH TIME AS THEY ARE FOUND INCOMPETENT TO  
5 PROCEED THROUGH A FORMAL COMPETENCY EVALUATION; AND

6 (e) AGE ALONE IS NOT DETERMINATIVE OF INCOMPETENCE  
7 WITHOUT A FINDING THAT THE YOUTH ACTUALLY LACKS THE RELEVANT  
8 CAPACITIES FOR COMPETENCE.

9 **SECTION 3.** In Colorado Revised Statutes, 19-2-1301, **amend**  
10 (2) as follows:

11 **19-2-1301. Incompetency to proceed - effect - how and when**  
12 **raised.** (2) A juvenile shall not be tried or sentenced if the juvenile is  
13 incompetent to proceed, as defined in section ~~16-8.5-101(11)~~, C.R.S.  
14 19-2-103 (9.5), at that stage of the proceedings against him or her. A  
15 DETERMINATION OF COMPETENCY MUST INCLUDE AN EVALUATION OF  
16 DEVELOPMENTAL DISABILITIES, MENTAL DISABILITIES, AND MENTAL  
17 CAPACITY.

18 **SECTION 4.** In Colorado Revised Statutes, 19-2-1302, **amend**  
19 (3), (4) (a), and (4) (c) as follows:

20 **19-2-1302. Determination of incompetency to proceed.** (3) If  
21 the question of a juvenile's incompetency to proceed is raised after a jury  
22 is impaneled to try the issues raised by a plea of not guilty or after the  
23 court as the finder of fact begins to hear evidence and the court  
24 determines that the juvenile is incompetent to proceed or orders the  
25 juvenile referred for a competency examination, the court may declare a  
26 mistrial. If the court declares a mistrial under these circumstances, the  
27 juvenile shall MUST not be deemed to have been placed in jeopardy with

1 regard to the charges at issue. The juvenile may be tried on, and sentenced  
2 if adjudicated for, the same charges after he or she has ACHIEVED OR been  
3 ~~found to be~~ restored to competency.

4 (4) (a) If the court orders a competency evaluation, the court shall  
5 order that the competency evaluation be conducted in the least-restrictive  
6 environment, INCLUDING HOME OR COMMUNITY PLACEMENT IF  
7 APPROPRIATE, taking into account the public safety and the best interests  
8 of the juvenile.

9 (c) The competency evaluation ~~shall~~ MUST, at a minimum, include  
10 an opinion regarding whether the juvenile is ~~competent~~ INCOMPETENT to  
11 proceed as defined in section ~~16-8.5-101 (4)~~, C.R.S. 19-2-103 (9.5). If the  
12 evaluation concludes the juvenile is incompetent to proceed, the  
13 evaluation ~~shall~~ MUST include a recommendation as to whether THERE IS  
14 A LIKELIHOOD THAT the juvenile may ACHIEVE OR be restored to  
15 competency and identify appropriate services to restore the juvenile to  
16 competency.

17 **SECTION 5.** In Colorado Revised Statutes, 19-2-1304, **amend**  
18 (1) and (3) as follows:

19 **19-2-1304. Restoration to competency hearing.** (1) The court  
20 may order a restoration TO COMPETENCY hearing, as defined in section  
21 ~~16-8.5-101 (13)~~, C.R.S. 19-2-103 (14.3), at any time on its own motion,  
22 on motion of the prosecuting attorney, or on motion of the juvenile. The  
23 court shall order a RESTORATION OF COMPETENCY hearing if a mental  
24 health professional who has been treating the juvenile files a report  
25 certifying that the juvenile is ~~mentally~~ competent to proceed.

26 (3) At the RESTORATION TO COMPETENCY hearing, the court shall  
27 determine whether the juvenile HAS ACHIEVED OR is restored to

1 competency.

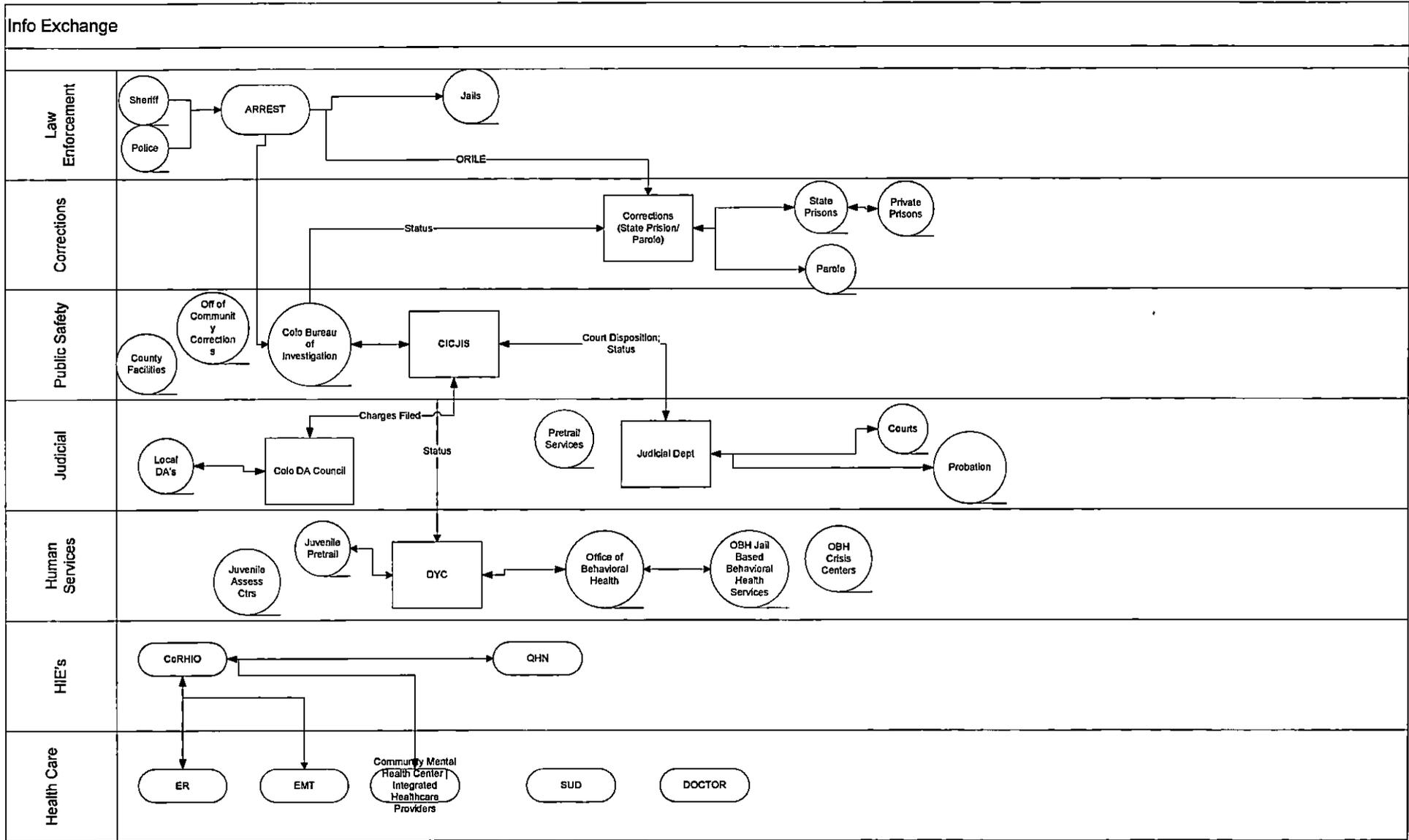
2           **SECTION 6.** In Colorado Revised Statutes, 19-2-1305, **amend**  
3 (1) and (2) as follows:

4           **19-2-1305. Procedure after restoration to competency hearing.**

5 (1) If a juvenile is found to ~~be~~ HAVE ACHIEVED OR BEEN restored to  
6 competency after a RESTORATION TO COMPETENCY hearing, as provided  
7 in section 19-2-1304, or by the court during a review, as provided in  
8 section 19-2-1303 (2), the court shall resume or recommence the trial or  
9 sentencing proceeding or order the sentence carried out. The court may  
10 credit any time the juvenile spent in confinement or detention while  
11 incompetent TO PROCEED against any term of commitment imposed after  
12 ACHIEVEMENT OF OR restoration to competency.

13 (2) If the court determines that the juvenile remains ~~mentally~~  
14 incompetent to proceed and the delinquency petition is not dismissed, the  
15 court may continue or modify any orders entered at the time of the  
16 original determination of incompetency or enter any new order necessary  
17 to facilitate the juvenile's ACHIEVEMENT OF OR restoration to ~~mental~~  
18 competency.

19           **SECTION 7. Safety clause.** The general assembly hereby finds,  
20 determines, and declares that this act is necessary for the immediate  
21 preservation of the public peace, health, and safety.



Department of Human Services/Office of Behavioral Health	Community Mental Health Centers/ Integrated Healthcare Partners	Emergency Rooms	CoRHIO		<Process Name>

## OFFICE OF LEGISLATIVE LEGAL SERVICES

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Jennifer A. Berman Yelana Love

## MEMORANDUM

**TO:** Members of the Executive Committee of Legislative Council  
**FROM:** Dan Cartin, Director, Office of Legislative Legal Services  
**DATE:** May 6, 2015  
**SUBJECT:** Recommended Timeline and Guidelines for 2015 Interim Committees

For the 2015 interim, the Office of Legislative Legal Services (OLLS) requests that the Executive Committee adopt the below recommended guidelines and deadlines for the operation of interim committees, task forces, and statutory committees that are authorized to propose legislation.<sup>1</sup> The guidelines and deadlines are intended to allow adequate time for OLLS attorneys to draft bills requested by the committees and task forces, for the committees and task forces to thoroughly consider any proposed bill drafts, for Legislative Council Staff (LCS) to prepare fiscal notes for consideration by the committees and task forces before taking a final vote on proposed bills<sup>2</sup>, and for Legislative Council to review proposed interim committee and task force bills before its annual fall meeting at which it considers whether to approve the proposed bills for introduction in the next legislative session. **Please let me know by Wednesday, May 6, 2015, if you approve these proposed deadlines and guidelines.**

**D) Deadlines for Interim Committee Bills**

A) *By July 31, 2015, or the first meeting* of the committee or task force, whichever is later, the committee/task force chair shall:

<sup>1</sup> The recommended deadlines are based on the assumptions that the Legislative Council will meet on or around November 12, 2015, to consider whether to approve interim committee bills in accordance with Joint Rule 24 (b)(1)(D).

<sup>2</sup> Pursuant to HB15-1335, Legislative Council Staff is required to prepare and provide to interim committees, before a final vote on proposed interim committee bills, fiscal notes on the proposed bills being considered by the committees.

- i) Set a date for a single meeting at which the committee may request bills for drafting by OLLS, which date must be *at least 31 days before* the committee will consider the proposed bills, or *no later than October 2, 2015*.<sup>3</sup>
  - ii) Set a date by which committee members must finalize bill drafts for distribution to the committee and release to LCS for purposes of preparing fiscal notes on proposed bill drafts, which date must be *at least 11 days before* the committee's subsequent meeting to consider and take final action on proposed bill drafts, or *no later than October 22, 2015*.
  - iii) Set a date for at least one subsequent meeting at which the committee will consider and take final action on bill drafts, which meeting must be set *at least 31 days after* the meeting at which bills were requested and *at least 10 days before* the Legislative Council meeting;
- B) Committee members should have drafting information available at the meeting at which the members request bills. If drafting information is not available at the meeting, the requesting member shall submit drafting information to the OLLS drafter *within 3 days after the meeting*. Failure to timely submit drafting information may result in the inability of OLLS to draft the requested bill for consideration by the committee.

## **II) Procedures & Guidelines for Requesting Bills and Amendments and for Fiscal Note Preparation**

- A) The committee/task force chair shall establish specific procedures and guidelines for members to follow in making bill requests, including:
- i) A guideline specifying that OLLS will only draft bills that are:
    - (a) Requested *during the single committee meeting set for requesting legislation; and*
    - (b) *Approved by a majority* of the legislative committee members; and
  - ii) A guideline specifying that bills and amendments may be *requested and approved only by legislative members* of the committee/task force.
- B) With regard to the preparation of fiscal notes on proposed bill drafts:
- i) A guideline specifying that when a bill sponsor finalizes a bill draft, the sponsor is thereby authorizing LCS to share the bill draft with affected state agencies for fiscal note preparation purposes; and
  - ii) A guideline specifying that once a sponsor finalizes a bill draft for distribution to the interim committee and release for fiscal analysis, the *sponsor may not modify the bill draft* and must present any proposed changes to the bill draft as an amendment to the proposed bill draft at the committee meeting at which the proposed bill draft is considered.

The suggested timeline, procedures, and guidelines are designed to ensure that interim committees and task forces have sufficient time to fully debate proposed legislation, review the actual wording of bill drafts, review and consider the fiscal impact of proposed bills, and satisfy themselves that the interim committee bills that are approved accurately reflect the conclusions and recommendations adopted by the committees. These recommended timelines and guidelines will also assist the OLLS in providing the highest degree of professional drafting and advice and allow time for Legislative Council staff to prepare fiscal notes and distribute the bill drafts and fiscal notes to the interim

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<sup>3</sup> See table below, which sets forth key dates for requesting and finalizing bills based on when the committee meetings are scheduled.

committee members and the final approved bills to the Legislative Council in advance of their meetings.

With your approval, and with the assistance of Legislative Council staff, we will prepare and deliver a memorandum from the Executive Committee to the chairpersons of the 2015 interim committees, task forces, and statutory committees that are authorized to propose legislation, directing those chairpersons to implement the above timeline and guidelines for the 2015 interim.

Please contact Dan Cartin or Christy Chase at (303) 866-2045 if you have any questions about the recommended deadlines and guidelines.

**Key Dates For Interim Committees & Task Forces**

	<b>Applicable Deadlines</b>
Last date for meeting to request bills	<i>Friday, October 2</i>
Deadline for submitting drafting information to OLLS	<i>Monday, October 5</i> (if meeting to request bills is held on October 2), <i>Or by 3 days after</i> meeting when bills are requested for drafting
Deadline to finalize bill drafts for distribution to interim committee and release for fiscal analysis	<i>Thursday, October 22</i>
Deadline for distributing bill drafts and fiscal notes to interim committee	<i>Friday, October 30</i> (if final meeting is held November 2), <i>Or 3 days before</i> final meeting at which committee will take final action on bills
Last date for meeting to approve final bill drafts	<i>Monday, November 2</i>

S:\LLS\Interim committee info\2015\2015 EC memo\_timeline&guidelines\_HB1335 version.docx

## MICJS Data Sharing Initiative Briefing Sheet

**Problem:** Colorado is grappling with increasing numbers of individuals with mental illness in the criminal justice system. Deinstitutionalization reforms, the war on drugs, and fragmented care have contributed to this increase,<sup>1</sup> which some have termed “the criminalization of mental illness.” A 2003 National Alliance on Mental Illness member survey found 44% of individuals with a serious mental illness have been arrested or detained at some point in their life.<sup>2</sup> Nationally, there are more than three times as many individuals with seriously mentally illness in jails and prisons than in hospitals.<sup>3</sup> Similarly, one group determined that there is a 4.1 to 1 likelihood that individuals with serious mental illness will be incarcerated versus hospitalized in Colorado.<sup>3</sup>

Currently there are several Colorado efforts to address the growing number of individuals with mental illness in the criminal justice system. Despite these efforts, there are significant gaps in information as offenders move between the criminal justice system and community treatment providers.

**Goal:** Improve behavioral health information sharing between criminal justice agencies and community mental health centers to improve outcomes of justice involved individuals with mental illness while maintaining public safety and standardizing data to plan and evaluate policy initiatives.

### Planned Efforts:

- A BJA grant proposal was submitted on March 10, 2015. We anticipate hearing the results of the application in September 2015. The proposal seeks funds to develop a statewide interagency strategic plan for a justice and health information exchange infrastructure. The structure will facilitate community and criminal justice health provider access to prior assessment and treatment data for continuity of care when offenders transition to different systems. This infrastructure can reduce gaps in service, facilitate evidenced-based treatment, and ultimately reduce recidivism of offenders with serious mental illness. Agencies that receive grant awards may be eligible for implementation funds of up to one million dollars per year for three years after successfully completing the strategic planning phase.
- If the grant proposal is not funded, MICJS will submit a BJA technical assistance request to seek funds for the strategic planning phase.
- MICJS has collaborated with IJIS Institute to submit the BJA grant proposal. IJIS institute is a nonprofit corporation that provides government agencies technical assistance, training, and support services for information exchange and technology initiatives. They are currently developing a framework for criminal justice and health practitioner technology system exchanges. Once the project is complete, IJIS Institute will provide technical assistance to two pilot sites. This might provide another possibility for strategic planning resources.
- MICJS will continue to seek additional funding opportunities for this initiative.

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<sup>1</sup> Lurigio, A.j., & Harris, A. (n.d.). The mentally ill in the criminal justice system: An overview of historical causes and suggested remedies.

<sup>2</sup> Hall, L.L., Graf, A.C., Fitzpatrick, M.J., Lane, T., & Birkel, R.C. (2003, July). Shattered Lives: Results of a National Survey of NAMI Members Living with Mental Illnesses and Their Families. Arlington, VA: NAMI TRIAD

<sup>3</sup> Torrey, E. F., Kennard, A.D., Eslinger, D., Lamb, R., & Pavle, J. (2010, May). More mentally ill persons are in jails and prisons than hospitals: A survey of the States. Arlington, VA: Advocacy Treatment Center and National Sheriffs' Association.