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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:

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| 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, 303-866-4332;
or
- Jane Ritter, Senior Attorney, 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>.