

**First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 09-0059.01 Michael Dohr

**HOUSE BILL 09-1021**

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**HOUSE SPONSORSHIP**

**Solano,**

**SENATE SPONSORSHIP**

**Boyd,**

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**House Committees**  
Judiciary

**Senate Committees**  
Judiciary

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**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.**

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

HOUSE  
3rd Reading Unamended  
January 22, 2009

HOUSE  
2nd Reading Unamended  
January 21, 2009

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.

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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

1 recommended legislative proposals.

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

7 **18-1.9-104. Mentally ill offender task force - creation -**  
8 **membership - duties. (1) Creation. == ==**

9 (c) The chair and vice-chair of the committee shall appoint  
10 twenty-six members as follows:

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

13 (A) One member who represents the unit within the department  
14 of human services that is responsible for mental health AND DRUG AND  
15 ALCOHOL ABUSE services;

16 (D) One member who represents the alcohol and drug abuse  
17 division;

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

20 (XVI) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF  
21 LABOR AND EMPLOYMENT.

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

1 involved in these systems. In addition, the task force shall:

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

5 (b) Meet at least six times each year from the date of the first  
6 meeting until January 1, ~~2010~~ 2015, or more often as directed by the chair  
7 of the committee;

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

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

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

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

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

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

25 (4) **Flexibility.** No requirement set forth in ~~paragraphs (a) to (e)~~  
26 ~~of~~ subsection (2) of this section shall prohibit the task force from  
27 studying, presenting findings and recommendations on, or requesting

1 permission to draft legislative proposals concerning any issue described  
2 in subsection (2) of this section at any time during the existence of the  
3 task force.

4 **SECTION 3.** 18-1.9-104 (2), Colorado Revised Statutes, is  
5 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

6 **18-1.9-104. Mentally ill offender task force - creation -**  
7 **membership - duties.** (2) **Issues for study.** The task force shall  
8 examine the identification, diagnosis, and treatment of persons with  
9 mental illness who are involved in the state criminal and juvenile justice  
10 systems, including an examination of liability, safety, and cost as they  
11 relate to these issues. The task force shall specifically consider, but need  
12 not be limited to, the following issues:

13 (f) BEGINNING JULY 1, 2009, THROUGH JULY 1, 2014, THE  
14 FOLLOWING ISSUES:

15 (I) THE DIAGNOSIS, TREATMENT, AND HOUSING OF PERSONS WITH  
16 MENTAL ILLNESS OR CO-OCCURRING DISORDERS WHO ARE CONVICTED OF  
17 CRIMES, OR INCARCERATED OR WHO PLEAD GUILTY, NOLO CONTENDERE,  
18 OR NOT GUILTY BY REASON OF INSANITY OR WHO ARE FOUND TO BE  
19 INCOMPETENT TO STAND TRIAL;

20 (II) THE DIAGNOSIS, TREATMENT, AND HOUSING OF JUVENILES  
21 WITH MENTAL ILLNESS OR CO-OCCURRING DISORDERS WHO ARE  
22 ADJUDICATED, DETAINED, OR COMMITTED FOR OFFENSES THAT WOULD  
23 CONSTITUTE CRIMES IF COMMITTED BY ADULTS OR WHO PLEAD GUILTY,  
24 NOLO CONTENDERE, OR NOT GUILTY BY REASON OF INSANITY OR WHO ARE  
25 FOUND TO BE INCOMPETENT TO STAND TRIAL;

26 (III) THE ONGOING TREATMENT, HOUSING, AND SUPERVISION,  
27 ESPECIALLY WITH REGARD TO MEDICATION, OF ADULTS AND JUVENILES

1 WHO ARE INVOLVED IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS  
2 AND WHO ARE INCARCERATED OR HOUSED WITHIN THE COMMUNITY AND  
3 THE AVAILABILITY OF PUBLIC BENEFITS FOR THESE PERSONS; AND

4 (IV) THE SAFETY OF THE STAFF WHO TREAT OR SUPERVISE  
5 PERSONS WITH MENTAL ILLNESS AND THE USE OF FORCE AGAINST PERSONS  
6 WITH MENTAL ILLNESS.

7 **SECTION 4.** 18-1.9-104, Colorado Revised Statutes, is amended  
8 BY THE ADDITION OF A NEW SUBSECTION to read:

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

17 **SECTION 5.** 18-1.9-106 (1), Colorado Revised Statutes, is  
18 amended to read:

19 **18-1.9-106. Cash fund.** (1) All private and public funds received  
20 through grants, contributions, and donations pursuant to this article shall  
21 be transmitted to the state treasurer, who shall credit the same to the  
22 examination of the treatment of persons with mental illness in the  
23 criminal justice system cash fund, which fund is hereby created and  
24 referred to in this section as the "fund". The moneys in the fund shall be  
25 subject to annual appropriation by the general assembly for the direct and  
26 indirect costs associated with the implementation of this article. All  
27 moneys in the fund not expended for the purpose of this article may be

1 invested by the state treasurer as provided by law. All interest and  
2 income derived from the investment and deposit of moneys in the fund  
3 shall be credited to the fund. Any unexpended and unencumbered  
4 moneys remaining in the fund at the end of a fiscal year shall remain in  
5 the fund and shall not be credited or transferred to the general fund or  
6 another fund. All unexpended and unencumbered moneys remaining in  
7 the fund as of July 1, ~~2010~~ 2015, shall be transferred to the general fund.

8 **SECTION 6.** 18-1.9-107, Colorado Revised Statutes, is amended  
9 to read:

10 **18-1.9-107. Repeal of article.** This article is repealed, effective  
11 July 1, ~~2010~~ 2015.

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