

**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. 09-0101.01 Michael Dohr

HOUSE BILL 09-1022

HOUSE SPONSORSHIP

Solano,

SENATE SPONSORSHIP

Boyd,

House Committees

Judiciary
Appropriations

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.*

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) THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE
9 JUSTICE, IN ITS 2008 REPORT, CHOSE TO FOCUS ON RECIDIVISM DURING THE
10 PAST YEAR, STATING:

11 THE COMMISSION'S DECISION TO FOCUS ON REDUCING
12 RECIDIVISM AND VICTIMIZATION WAS BASED ON THE FACT
13 THAT RECIDIVISM RATES IN COLORADO AND THROUGHOUT
14 THE COUNTRY ARE VERY HIGH, RAISING QUESTIONS ABOUT
15 THE EFFECTIVENESS OF A WIDE RANGE OF TRADITIONAL
16 CRIMINAL JUSTICE PRACTICES. IN COLORADO, OVER HALF
17 (53 PERCENT) OF THOSE RELEASED FROM PRISON RETURN
18 WITHIN THREE YEARS. THIS IS A SIZABLE NUMBER: IN FISCAL
19 YEAR 2007, OVER 4,000 INDIVIDUALS WERE REVOKED FROM
20 PAROLE AND RETURNED TO PRISON. ANOTHER 2,000
21 OFFENDERS WERE REVOKED FROM PROBATION SUPERVISION
22 AND SENT TO PRISON. NOTE THAT THIS RECIDIVISM RATE
23 DOES NOT ALWAYS REFLECT NEW CRIMINAL ACTIVITY.
24 ONE-QUARTER OF THE PAROLEES AND ABOUT ONE-THIRD OF

1 THE PROBATIONERS COMMITTED A NEW CRIMINAL
2 OFFENSE—THE REMAINDER VIOLATED THE CONDITIONS OF
3 CORRECTIONAL SUPERVISION.

4 (b) RESEARCH HAS SHOWN THAT RECIDIVISM RATES CAN BE
5 REDUCED THROUGH A VARIETY OF PROGRAMS, INCLUDING EDUCATION AND
6 VOCATIONAL PROGRAMS, SUBSTANCE ABUSE TREATMENT PROGRAMS,
7 DRUG OR MENTAL HEALTH COURTS, SEX OFFENDER TREATMENT
8 PROGRAMS, AND MENTAL HEALTH TREATMENT PROGRAMS; AND

9 (c) BY PROVIDING GRANTS TO COUNTIES THROUGHOUT COLORADO
10 TO IMPLEMENT PLANS FOR RECIDIVISM REDUCTION PROGRAMS, THE
11 STATE'S RECIDIVISM RATE COULD BE SIGNIFICANTLY REDUCED, CREATING
12 SAFER COMMUNITIES AND REDUCING COSTS FOR THE CRIMINAL JUSTICE
13 SYSTEM.

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

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

18 (b) "TARGET POPULATION" MEANS PERSONS WITH MENTAL
19 ILLNESSES OR CO-OCCURRING DISORDERS, AS DEFINED IN SECTION
20 26-22-102, C.R.S., WHO HAVE BEEN INVOLVED IN THE CRIMINAL JUSTICE
21 SYSTEM.

22 (3) THERE IS HEREBY CREATED A RECIDIVISM REDUCTION GRANT
23 PROGRAM IN THE DIVISION TO PROVIDE THREE-YEAR IMPLEMENTATION
24 GRANTS TO A COUNTY OR GROUP OF COUNTIES THAT HAS A PLAN TO
25 INITIATE SYSTEMATIC CHANGE TO REDUCE RECIDIVISM BY THE TARGET
26 POPULATION THROUGH A COUNTY RECIDIVISM REDUCTION PROGRAM
27 COMMENCING ON OR AFTER JANUARY 1, 2010.

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

4 (a) A DESCRIPTION OF THE STRATEGIES THE COUNTY RECIDIVISM
5 REDUCTION PROGRAM INTENDS TO USE TO SERVE THE TARGET
6 POPULATION;

7 (b) A DESCRIPTION OF THE SUPERVISION FOR THE TARGET
8 POPULATION THE COUNTY RECIDIVISM REDUCTION PROGRAM INTENDS TO
9 USE;

10 (c) A DESCRIPTION OF THE GOALS AND MEASURABLE OBJECTIVES
11 AND THE METHOD THAT THE COUNTY OR GROUP OF COUNTIES INTENDS TO
12 USE TO MEASURE THE GOALS AND OBJECTIVES OF THE COUNTY RECIDIVISM
13 REDUCTION PROGRAM;

14 (d) A DESCRIPTION OF THE PROJECTED RESULT THE COUNTY
15 RECIDIVISM REDUCTION PROGRAM WILL HAVE ON THE TARGET
16 POPULATION;

17 (e) AN ESTIMATE OF THE CHANGE THE COUNTY RECIDIVISM
18 REDUCTION PROGRAM WILL HAVE ON THE BUDGET OF THE COUNTY JAIL;

19 (f) A DESCRIPTION OF HOW THE COUNTY OR GROUP OF COUNTIES
20 INTENDS TO MEASURE THE SAVINGS OR AVERTED COSTS ACHIEVED BY THE
21 COUNTY RECIDIVISM REDUCTION PROGRAM AND A DESCRIPTION OF HOW
22 SUCH COST SAVINGS OR AVERTED COSTS WILL SUSTAIN OR EXPAND THE
23 MENTAL HEALTH TREATMENT SERVICES AND SUPPORTS NEEDED IN THE
24 COUNTY OR GROUP OF COUNTIES;

25 (g) A DESCRIPTION OF THE PUBLIC AND PRIVATE STAKEHOLDERS
26 WILLING TO COLLABORATE ON THE COUNTY RECIDIVISM REDUCTION
27 PROGRAM;

1 (h) A DESCRIPTION OF HOW THE GRANT MONEYS RECEIVED FROM
2 THE GRANT PROGRAM WILL BE USED AND ADDITIONAL SOURCES AND USES
3 OF MONEY PROPOSED TO BE USED ON THE COUNTY RECIDIVISM REDUCTION
4 PROGRAM;

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

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

10 (5) THE GRANT PROGRAM MAY PROVIDE GRANT MONEYS TO
11 COUNTY RECIDIVISM REDUCTION PROGRAMS THAT INCLUDE, BUT NEED
12 NOT BE LIMITED TO:

13 (a) MENTAL HEALTH COURTS, WHICH EMPLOY ALTERNATIVE
14 SENTENCING PROGRAMS AND DIVERSION PROGRAMS;

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

17 (c) REENTRY SERVICES THAT CREATE OR EXPAND MENTAL HEALTH
18 SERVICES AND SUPPORTS FOR AFFECTED INDIVIDUALS, INCLUDING BUT NOT
19 LIMITED TO WRAP-AROUND SERVICES, RESIDENTIAL AND TRANSITIONAL
20 HOUSING, AND CASE MANAGEMENT SERVICES;

21 (d) POST-BOOKING ALTERNATIVES TO INCARCERATION;

22 (e) NEW COURT PROGRAMS, INCLUDING PRETRIAL SERVICES AND
23 SPECIALIZED DOCKETS;

24 (f) INTENSIFIED TRANSITION SERVICES THAT ARE DIRECTED TO THE
25 TARGET POPULATION WHILE THEY ARE IN JAIL OR PRISON TO FACILITATE
26 TRANSITION TO THE COMMUNITY INCLUDING RESIDENTIAL AND
27 TRANSITIONAL HOUSING PROGRAMS; AND

1 (g) DAY-REPORTING CENTERS AND COMMUNITY CORRECTIONS
2 PROGRAMS.

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

7 (7) ON OR BEFORE NOVEMBER 15, 2009, AND EACH NOVEMBER 15
8 THEREAFTER, THE DIVISION SHALL AWARD GRANTS TO COUNTIES OR
9 GROUPS OF COUNTIES. THE FUNDING FOR THE GRANT PROGRAM SHALL
10 NOT EXCEED SIX HUNDRED THOUSAND DOLLARS OVER THREE YEARS.
11 EACH GRANT ISSUED FOR A COUNTY RECIDIVISM REDUCTION PROGRAM
12 SHALL NOT EXCEED ONE HUNDRED THOUSAND DOLLARS IN ANY ONE YEAR
13 OR TWO HUNDRED THOUSAND DOLLARS OVER THREE YEARS.

14 (8) ON OR BEFORE MARCH 1, 2013, THE DIVISION SHALL SUBMIT
15 A REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE
16 OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, DESCRIBING THE
17 GRANT PROGRAM AND EVALUATING THE SUCCESS OF EACH COUNTY
18 RECIDIVISM REDUCTION PROGRAM.

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

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