

SENATE COMMITTEE OF REFERENCE REPORT

April 14, 2022

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Chair of Committee

Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB22-196 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 6, after line 7 insert:
  - 2 "(7) "REVIEW COMMITTEE" MEANS THE EARLY INTERVENTION, DEFLECTION, AND REDIRECTION FROM THE CRIMINAL JUSTICE SYSTEM
  - 3 GRANT REVIEW COMMITTEE CREATED IN SECTION 27-60-403.".
- 5 Page 6, lines 23 and 24, strike "UNDERGOING COMPETENCY RESTORATION IN OUTPATIENT SETTINGS," and substitute "ENGAGED IN COMPETENCY
- 6 EVALUATION OR RESTORATION IN ANY SETTING,".
- 8 Page 7, strike lines 8 through 11 and substitute:
  - 9 "(c) TO FUND ENHANCED STAFFING, FACILITY IMPROVEMENTS, OR
  - 10 SECURITY MEASURES FOR EXISTING CRISIS WALK-IN CENTERS, CRISIS
  - 11 STABILIZATION UNITS, MOBILE CRISIS SERVICES, OR CRISIS RESPITE
  - 12 SERVICES, AS DESCRIBED IN SECTION 27-60-103 (1)(b), AND WITHDRAWAL
  - 13 MANAGEMENT PROGRAMS AT FACILITIES APPROVED PURSUANT TO ARTICLE
  - 14 81 OF THIS TITLE 27. A CRISIS WALK-IN CENTER MUST USE A GRANT AWARD
  - 15 TO ENABLE THE CRISIS WALK-IN CENTER TO ACCEPT ALL BEHAVIORAL
  - 16 HEALTH RELATED FIRST RESPONDER DROP-OFFS AND PROVIDE CRISIS
  - 17 RECEIVING AND STABILIZATION SERVICES. GRANTS AWARDED FOR CRISIS
  - 18 STABILIZATION UNITS, MOBILE CRISIS SERVICES, CRISIS RESPITE SERVICES,
  - 19 AND WITHDRAWAL MANAGEMENT PROGRAMS MUST BE USED TO".
- 20 Page 8, after line 5 insert:
  - 21 "(g) TO SUPPORT, CREATE, OR EXPAND PROGRAMS TO HELP PEOPLE
  - 22 WHO HAVE A PENDING MUNICIPAL CRIMINAL CASE ATTEND THEIR COURT
  - 23 DATES AND AVOID JAIL FOR NON-APPEARANCE, SUCH AS THROUGH COURT
  - 24 REMINDERS, RIDE ASSISTANCE, OR OTHER SUPPORTIVE INTERVENTIONS. A
  - 25 PROGRAM THAT OPERATES WITH GRANT MONEY MUST SERVE A

1 SUBSTANTIAL NUMBER OF PEOPLE WITH BEHAVIORAL HEALTH NEEDS.".

2 Reletter succeeding paragraphs accordingly.

3 Page 9, line 25, strike "MATCHING RESOURCES" and substitute  
4 "CONTRIBUTING FUNDS OR IN-KIND CONTRIBUTING RESOURCES".

5 Page 9, line 26, strike "(3)" and substitute "(4)".

6 Page 11, line 5, strike "(2)" and substitute "(3)".

7 Page 11, strike lines 8 through 10 and substitute:

8 (2) (a) THERE IS CREATED IN THE BHA AN EARLY INTERVENTION,  
9 DEFLECTION, AND REDIRECTION FROM THE CRIMINAL JUSTICE SYSTEM  
10 GRANT REVIEW COMMITTEE TO REVIEW GRANT APPLICATIONS AND MAKE  
11 RECOMMENDATIONS TO THE BHA AND DEPARTMENT OF PUBLIC SAFETY.  
12 THE COMMISSIONER OF THE BHA SHALL ENSURE THAT THE COMPOSITION  
13 OF THE COMMITTEE IS RACIALLY, ETHNICALLY, AND GEOGRAPHICALLY  
14 DIVERSE AND REPRESENTATIVE OF COMMUNITIES MOST IMPACTED BY THE  
15 CRIMINAL JUSTICE SYSTEM. THE COMMITTEE CONSISTS OF THE FOLLOWING  
16 MEMBERS:

17 (I) THE COMMISSIONER OF THE BHA OR THE COMMISSIONER'S  
18 DESIGNEE;

19 (II) THE DIRECTOR OF THE DIVISION OF CRIMINAL JUSTICE OR THE  
20 DIRECTOR'S DESIGNEE;

21 (III) THE FOLLOWING INDIVIDUALS APPOINTED BY THE  
22 COMMISSIONER OF THE BHA, IN CONSULTATION WITH THE DIRECTOR OF  
23 THE DIVISION OF CRIMINAL JUSTICE WITHIN THE DEPARTMENT OF PUBLIC  
24 SAFETY:

25 (A) TWO CLINICIANS WITH EXPERIENCE PROVIDING BEHAVIORAL  
26 HEALTH TREATMENT SERVICES TO INDIVIDUALS WHO HAVE BEEN  
27 INVOLVED IN THE CRIMINAL JUSTICE SYSTEM, ONE OF WHOM MUST  
28 SPECIALIZE IN SUBSTANCE ABUSE DISORDER TREATMENT, WHO ALSO HAVE  
29 EXPERIENCE PROVIDING CULTURALLY RESPONSIVE TREATMENT IN  
30 COMMUNITIES OF COLOR AND OTHER UNDERSERVED POPULATIONS;

31 (B) A RESEARCHER FROM AN INSTITUTION OF HIGHER EDUCATION  
32 WITH A BACKGROUND IN EFFECTIVE INTERVENTIONS THAT PREVENT OR  
33 REDIRECT PEOPLE WITH A BEHAVIORAL HEALTH DISORDER FROM BEING  
34 INVOLVED WITH THE CRIMINAL JUSTICE SYSTEM;

35 (C) A PERSON WHO WAS IMPACTED BY THE CRIMINAL JUSTICE  
36 SYSTEM, EITHER PERSONALLY OR THROUGH A FAMILY MEMBER, AND THE  
37 PERSON OR THE FAMILY MEMBER HAD BEHAVIORAL HEALTH NEEDS WHILE  
38 INVOLVED IN THE CRIMINAL JUSTICE SYSTEM;

5 (E) A REPRESENTATIVE OF A FEDERALLY RECOGNIZED INDIAN  
6 TRIBE WITH JURISDICTION IN COLORADO;

(F) A MEMBER OF LAW ENFORCEMENT THAT HAS PARTICIPATED IN CO-RESPONDER COMMUNITY RESPONSE, AS DEFINED IN SECTION 24-32-3501 (8);

10 (G) A PUBLIC DEFENDER OR PRIVATE CRIMINAL DEFENSE  
11 ATTORNEY WITH EXPERIENCE REPRESENTING PEOPLE WITH A BEHAVIORAL  
12 HEALTH DISORDER; AND

13 (H) A PROSECUTOR WITH EXPERIENCE OPERATING A DIVERSION  
14 PROGRAM SPECIFICALLY FOR INDIVIDUALS WITH A BEHAVIORAL HEALTH  
15 DISORDER.

16 (b) MEMBERS OF THE COMMITTEE SERVE WITHOUT COMPENSATION  
17 AND WITHOUT REIMBURSEMENT FOR EXPENSES.

18 (c) THE COMMITTEE SHALL REVIEW APPLICATIONS FOR GRANTS  
19 SUBMITTED PURSUANT TO THIS SECTION AND MAKE RECOMMENDATIONS  
20 TO THE BHA AND DEPARTMENT OF PUBLIC SAFETY ABOUT WHICH  
21 APPLICANTS SHOULD RECEIVE GRANTS AND THE AMOUNT OF EACH GRANT.

22 (3) AFTER RECEIVING AND REVIEWING RECOMMENDATIONS FROM  
23 THE REVIEW COMMITTEE AND AFTER CONSULTATION WITH DEPARTMENT  
24 OF PUBLIC SAFETY, THE BHA SHALL AWARD GRANTS. IN ADDITION TO  
25 CONSIDERING THE RECOMMENDATIONS OF THE REVIEW COMMITTEE AND  
26 AFTER".

27 Renumber succeeding subsections accordingly.

28 Page 11, strike lines 20 through 22 and substitute:

38 Page 15, line 5, strike "FOR ALLOCATION TO DISTRICT ATTORNEYS".

39 Page 15, line 11 strike "EXPENSES RELATED TO" and substitute "EXPENSES.

1 THE GENERAL ASSEMBLY INTENDS THAT A PROGRAM THAT RECEIVES  
2 MONEY APPROPRIATED PURSUANT TO THIS SUBSECTION (11) CONSIDERS  
3 DIVERSION FOR INDIVIDUALS WITH BEHAVIORAL HEALTH DISORDERS.".

4 Page 15 strike lines 12 and 13.

5 Page 15, after line 14 insert:

6 "SECTION 5. In Colorado Revised Statutes, 13-3-115, **amend**  
7 (5)(d); and **add** (5)(f) and (5)(g) as follows:

8 **13-3-115. Diversion funding committee.** (5) A district attorney  
9 who receives funding pursuant to this section shall collect data and  
10 provide a status report to the judicial department by a date prescribed by  
11 the committee that includes but is not limited to:

12 (d) Participant status, including the number of people **that WHO**  
13 have successfully completed the diversion program, the number of people  
14 still under active supervision in the diversion program, the number of  
15 people terminated from the diversion program, and the reason for their  
16 termination; **and**

17 (f) THE NUMBER OF PEOPLE SCREENED FOR BEHAVIORAL HEALTH  
18 TREATMENT; AND

19 (g) THE NUMBER OF PEOPLE REFERRED TO BEHAVIORAL HEALTH  
20 TREATMENT.".

21 Rerumber succeeding sections accordingly.

22 Page 18, line 3, strike "MAY" and substitute "SHALL, SUBJECT TO  
23 AVAILABLE RESOURCES,".

24 Page 18, line 10, after the period insert "IF THE STATE DEPARTMENT  
25 RECEIVES FEDERAL APPROVAL, THE STATE DEPARTMENT, SUBJECT TO  
26 AVAILABLE RESOURCES, SHALL PROVIDE THE BENEFITS DESCRIBED IN THIS  
27 SUBSECTION (1).".

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