

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0282.01 Jerry Barry x4341

HOUSE BILL 18-1040

HOUSE SPONSORSHIP

Benavidez, Singer

SENATE SPONSORSHIP

Fields,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT
101 **CONCERNING INCENTIVES TO PROVIDE INMATES WITH NEEDED**
102 **SERVICES.**

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://leg.colorado.gov/>.)

Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems. The bill requires the department of corrections to institute an incentive plan to contract for more mental health professionals in difficult-to-serve geographic areas if the number of inmates who need a treatment or service in the area exceeds the number

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

of available spaces by 20%.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 17-1-115.9 as
3 follows:

4 **17-1-115.9. Hiring and retention incentives for mental health**
5 **professionals - report - legislative declaration.** (1) THE GENERAL
6 ASSEMBLY FINDS THAT:

7 (a) A LARGE NUMBER OF INMATES ARE NOT RECEIVING THE
8 TREATMENT OR SERVICES THAT WERE IDENTIFIED IN THEIR RECOMMENDED
9 REHABILITATION REPORTS PREPARED PURSUANT TO THE COLORADO
10 DIAGNOSTIC PROGRAM ESTABLISHED IN SECTION 17-40-102;

11 (b) ACCORDING TO THE DEPARTMENT, THE LACK OF TREATMENT
12 OR SERVICES IS DUE IN PART BECAUSE THE DEPARTMENT HAS BEEN
13 UNABLE TO CONTRACT FOR A SUFFICIENT NUMBER OF MENTAL HEALTH
14 PROFESSIONALS WHO ARE INTERESTED IN PROVIDING THE TREATMENT OR
15 SERVICES IN DIFFICULT-TO-SERVE GEOGRAPHIC AREAS;

16 (c) AS A RESULT OF THE LACK OF TREATMENT OR SERVICES, SOME
17 INMATES ARE BEING RELEASED INTO THE COMMUNITY WITHOUT RECEIVING
18 THEIR IDENTIFIED TREATMENT OR SERVICES, AND OTHER INMATES ARE
19 BEING DENIED PAROLE AND FORCED TO REMAIN IN PRISON DUE TO THE
20 LACK OF TREATMENT OR SERVICES;

21 (d) THE FAILURE TO PROVIDE NEEDED TREATMENT OR SERVICES
22 CREATES A RISK WHEN AN INMATE IS RELEASED INTO THE COMMUNITY AND
23 INCREASES EXPENSES WHEN AN INMATE REMAINS IN PRISON DUE TO HIS OR
24 HER FAILURE TO RECEIVE TREATMENT OR SERVICES; AND

25 (e) IN ORDER TO PROVIDE THE NECESSARY TREATMENT AND

1 SERVICES IN DIFFICULT-TO-SERVE AREAS IN A TIMELY MANNER, THE
2 DEPARTMENT MUST HAVE THE FLEXIBILITY TO OFFER INCENTIVES TO
3 MENTAL HEALTH PROFESSIONALS TO PROVIDE SUCH TREATMENT AND
4 SERVICES IN SUCH AREAS.

5 (2) THE DEPARTMENT SHALL MONITOR THE NUMBER OF INMATES
6 WHO HAVE A SPECIFIED TREATMENT OR SERVICE IDENTIFIED IN THE
7 INMATE'S RECOMMENDED REHABILITATION REPORT AND WHO ARE NOT
8 RECEIVING THE TREATMENT OR SERVICE DUE TO A LACK OF TREATMENT OR
9 SERVICE PROVIDERS. IN EACH GEOGRAPHIC AREA, IF, FOR ANY TREATMENT
10 OR SERVICE, THE NUMBER OF INMATES IDENTIFIED AS NEEDING THE
11 TREATMENT OR SERVICE EXCEEDS THE NUMBER OF SPACES AVAILABLE FOR
12 SUCH TREATMENT OR SERVICE IN THE AREA BY TWENTY PERCENT OR
13 MORE, THE DEPARTMENT SHALL INSTITUTE AN INCENTIVE PLAN TO
14 CONTRACT FOR MORE MENTAL HEALTH PROFESSIONALS TO PROVIDE THE
15 NEEDED TREATMENT OR SERVICES IN THE GEOGRAPHIC AREA PURSUANT TO
16 THIS SECTION.

17 (3) THE DEPARTMENT SHALL DEVELOP AN INCENTIVE PLAN FOR
18 EACH TREATMENT OR SERVICE AND EACH GEOGRAPHIC AREA REQUIRING
19 SUCH AN INCENTIVE PLAN. THE INCENTIVE PLAN MUST INCLUDE SPECIFIC
20 INCENTIVES TO CONTRACT WITH THE NECESSARY MENTAL HEALTH
21 PROFESSIONALS AND MAY INCLUDE INCREASES IN FEES AND TRAVEL
22 REIMBURSEMENTS PAID, BONUSES, AND OTHER FINANCIAL INCENTIVES.

23 (4) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136
24 (11), ON OR BEFORE DECEMBER 1, 2019, AND EACH DECEMBER 1
25 THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE JOINT
26 BUDGET COMMITTEE THAT MUST INCLUDE:

27 (a) THE STATEWIDE NUMBER OF INMATES REQUIRING EACH

1 TREATMENT AND SERVICE PROVIDED BY A MENTAL HEALTH PROFESSIONAL
2 AND THE NUMBER OF INMATES UNABLE TO RECEIVE SUCH TREATMENT OR
3 SERVICE; AND

4 (b) FOR EACH INCENTIVE PLAN DEVELOPED PURSUANT TO THIS
5 SECTION, THE NUMBER OF INMATES REQUIRING THE TREATMENT OR
6 SERVICE, THE NUMBER OF INMATES STILL UNABLE TO RECEIVE THE
7 TREATMENT OR SERVICE, A DESCRIPTION OF THE INCENTIVE PLAN
8 DEVELOPED, AND A REPORT ON THE EFFECTIVENESS OF ANY INCENTIVE
9 OFFERED BY THE DEPARTMENT UNDER THE PLAN.

10 **SECTION 2. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take effect
17 unless approved by the people at the general election to be held in
18 November 2018 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.