



Justice & Public Safety Steering Committee

Thursday, April 7, 2022 | 9:15 AM – 10:15 AM (approx.)

Agenda as of 4/4/2022

Welcome/Introductions

Chair: Commissioner Tamara Pogue, Summit County
 Vice Chair: Commissioner Longinos Gonzalez, El Paso County
 CCI Staff: Kyley Burress (kburress@ccionline.org | M: 303-638-9243)

New Legislation for Discussion (1 Bill)

<u>HB22-1272, Repeal Of Attorney Fees On Motions To Dismiss</u>			
H-Spon	A. Benavidez & S. Gonzales-Gutierrez	S-Spon	R. Rodriguez & J. Gonzales
Summary	Under current law, a defendant may be awarded reasonable attorney fees in tort actions if the case is dismissed on motion of the defendant prior to trial. The bill eliminates this provision.		
Status	House Third Reading Passed - No Amendments		
Position	Pending		

Legislation to Revisit (1 Bill)

<u>HB22-1256, Modifications to Civil Involuntary Commitment</u>			
H-Spon	J. McCluskie & J. Amabile	S-Spon	D. Moreno & R. Gardner
Summary	<p>Current law sets forth emergency procedures to transport a person for a screening and to detain a person for a 72-hour treatment and evaluation if the person appears to have a mental health disorder, and as a result of the mental health disorder, appears to be an imminent danger to the person's self or others, or appears to be gravely disabled. Current law also sets forth procedures to certify a person for short-term or long-term care and treatment if the person has a mental health disorder, and as a result of the mental health disorder, is a danger to the person's self or others, or is gravely disabled. The bill modifies these procedures by:</p> <ul style="list-style-type: none"> • Transferring duties of the executive director of the department of human services to the commissioner (commissioner) of the behavioral health administration (BHA); • Limiting who can take a person into protective custody and transport the person to an outpatient mental health facility, a facility designated by the commissioner of the BHA (designated facility), or an emergency medical services facility (EMS facility) if the person has probable cause to believe a person is experiencing a behavioral health crisis; • Requiring the facility where the person is transported to require an application, in writing, stating the circumstances and specific facts under which the person's condition was called to the attention of a certified peace officer or emergency medical services provider; • Requiring an intervening professional to screen the person immediately or within 8 hours after the person's arrival at the facility to determine if the person meets the criteria for an emergency mental health hold; • Establishing certain rights for a person being transported, which must be explained prior to transporting the person; • Requiring a petition for certification for long-term treatment and care to be filed with the court at least 30 days prior to the expiration of the extended certification and requiring the 		

petition to include a recommendation as to whether the certification should take place on an inpatient or outpatient basis;

Effective July 1, 2023:

- Subjecting a person who files a malicious or false petition for an evaluation of a respondent to criminal prosecution;
- Authorizing a certified peace officer to transport a person to an emergency medical services facility (EMS facility), even if a warrant has been issued for the person's arrest, if the certified peace officer believes it is in the best interest of the person;
- Authorizing an intervening professional or certified peace officer to initiate an emergency mental health hold at the time of screening the respondent;
- Authorizing a secure transportation provider to take a respondent into custody and transport the person to an EMS facility or designated facility for an emergency mental health hold;
- Expanding the list of professionals who may terminate the emergency mental health hold;
- Requiring the evaluation to be completed using a standardized form approved by the commissioner;
- Expanding who can initiate a certification to include an advanced practice registered nurse with training in psychiatric nursing and prescriptive authority;
- Requiring an EMS facility to immediately notify the BHA if a person is evaluated and the evaluating professional determines that the person continues to meet the criteria for an emergency mental health hold and the initial emergency mental health hold is set to expire before an appropriate placement is located;
- Requiring the BHA to support the EMS facility in locating an appropriate placement option. If an appropriate placement option cannot be located, the bill authorizes the EMS facility to place the person under a second emergency mental health hold and requires the court to immediately appoint an attorney.
- Authorizing a designated facility to place the person under a second emergency mental health hold if the person has been recently transferred from an EMS facility to the designated facility and the designated facility is unable to complete the evaluation before the initial emergency mental health hold is set to expire; and
- Requiring the facility to provide the person with a discharge summary and a copy of the completed evaluation; facilitate a follow-up appointment within 7 calendar days after discharge; attempt to follow up with the person 48 hours after discharge; and encourage the person to designate a family member, friend, or lay person to participate in the person's discharge planning.

Effective January 1, 2025:

- Authorizing the court to certify a respondent for not more than 3 months for short-term treatment and place the respondent in the BHA's custody without the need for an emergency mental health hold upon a petition of certain individuals;
- Requiring the court to commit the respondent to the custody of the BHA if the court finds that grounds for certification for short-term treatment have been established;
- Authorizing the judge or magistrate who certified the respondent for short-term treatment to sign the notice of certification;
- Requiring the notification of certification to include a recommendation whether the certification should take place on an inpatient or outpatient basis;
- Authorizing the BHA to delegate physical custody of the respondent to a designated facility;
- Requiring an extended certification to be filed with the court at least 30 days prior to the expiration of the original certification;

	<ul style="list-style-type: none"> • Establishing requirements for a short-term or long-term certification on an outpatient basis; and • Requiring the outpatient treatment provider, in collaboration with the BHA, to develop a treatment plan for the respondent and requiring the BHA to create a one-step grievance process for the respondent related to the respondent's treatment plan or provider. <p>The bill establishes a right to an attorney for a person certified for short-term or long-term care and treatment, regardless of income.</p> <p>The bill establishes certain rights for a person transported or detained for an emergency mental health hold or certified on an outpatient basis. The bill modifies current rights for a person certified for short-term or long-term care and treatment on an inpatient basis. The bill grants a person whose rights are wrongfully denied or violated a private right of action against the facility.</p> <p>Beginning January 1, 2025, the bill requires the BHA to annually submit a report to the general assembly on the outcomes and effectiveness of the involuntary commitment system, disaggregated by region, including any recommendations to improve the system and outcomes for persons involuntarily committed or certified.</p> <p>The bill makes conforming amendments.</p>
Status	House Committee on Public & Behavioral Health & Human Services Refer Amended to Appropriations
Position	Amend CCI is seeking clarifying amendments that counties can request a secure transportation when they have an M1 hold.

Past Legislation for Updates and/or Reference

<u>HB22-1041, Privacy Protections For Protected Persons</u>			
H-Spon	A. Boesenecker & C. Larson	S-Spon	J. Ginal
Summary	<p>The bill adds child representatives, code enforcement officers, health-care workers, mortgage servicers, and office of the respondent parents' counsel staff members and contractors to the list of protected persons whose personal information may be withheld from the internet if the protected person believes dissemination of such information poses an imminent and serious threat to the protected person or the safety of the protected person's immediate family.</p> <p>The bill adds a protected person's full name and home address to the list of personal information that the protected person's written request for removal must include.</p> <p>The bill authorizes access to records maintained by a county recorder, county assessor, or county treasurer for certain individuals if such access is related to a real estate matter.</p>		
Status	Governor Signed		
Position	Support (CCI Priority Bill)		

<u>HB22-1063, Jail Standards Commission</u>			
H-Spon	A. Benavidez & J. Amabile	S-Spon	

<p>Summary</p>	<p>The bill creates the Colorado jail standards commission (commission) in the department of public safety. The commission creates standards for the operation of Colorado's county jails (jails) and updates the standards as necessary. The commission consists of the following 20 members:</p> <ul style="list-style-type: none"> • 5 sheriffs or senior jail administrators; • 2 county commissioners; • 3 people with lived experience of being incarcerated or having a family member who is or was incarcerated in a jail; • One mental health professional with experience working in a jail; • One health professional with experience working in a jail; • One person representing a lesbian, gay, bisexual, transgender, or queer advocacy organization; • One person representing an organization advocating for the rights of people with disabilities; • One person representing an organization advocating for the rights of communities of color; • One person representing an organization advocating for the rights of persons with mental or physical disabilities; • One non-law-enforcement person with experience working in a jail, appointed by the executive director of the department of public safety; • The state public defender or the state public defender's designee; • One district attorney, appointed by the Colorado district attorneys' council; and • One person representing the department of public safety with expertise in jail operations. <p>The commission shall develop standards for all aspects of jail operations as follows:</p> <ul style="list-style-type: none"> • Reception and release; • Classification of inmates; • Security; • Housing; • Sanitation and environmental conditions; • Communication; • Visitation; • Health care, mental and behavioral health care, and dental care; • Food service; • Recreation and programming; • Inmate disciplinary processes; • Restrictive housing; • Inmate grievances; • Staffing; and • Inmates' prerogatives. <p>The commission shall establish standards regarding oversight of the standards; compliance with the standards, including a requirement for a biennial compliance inspection of each jail; a complaint process and investigation process; and possible sanctions for noncompliance with or violations of the standards. The department of public safety shall promulgate rules adopting the standards and possible sanctions.</p>
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	<p>The department of public safety shall provide oversight of the implementation of the standards. The commission shall evaluate the effectiveness of the standards after implementation and make any needed changes to the standards.</p> <p>The bill sunsets the commission on September 1, 2029.</p>
Status	House Committee on Judiciary Refer Amended to Appropriations
Position	Support CCI is secured amendments which have been adopted to create a study/ report within this bill.

SB22-018, Expand Court Reminder Program			
H-Spon	A. Benavidez & M. Soper	S-Spon	P. Lee & J. Cooke
Summary	<p>Under existing law, the court reminder program (program) provides 2 text message reminders to criminal defendants and juveniles who have been alleged to have committed a delinquent act (collectively, "defendants") to appear at each of their scheduled court appearances. The defendants must enroll in the program and provide a telephone number specifically for the purposes of the program.</p> <p>The bill requires every defendant to be automatically enrolled in the program and allows a defendant to opt out of the program. The bill clarifies that defendants alleged to have committed traffic offenses are enrolled in the program. The bill requires the program to use the best contact information available to the courts. The bill requires the program to provide at least 3 reminders, including one reminder the day before the court appearance, and, for court appearances that can be attended virtually, the final reminder must include a link to the virtual court appearance. The program must send reminders by text message, but may use another method if a defendant is unable to receive text messages.</p> <p>The program is required to track the number of defendants that opt out of the program and to implement or recommend changes to improve participation. The judicial department is required to report information regarding reminders sent by methods other than text message.</p> <p>The bill requires the state court administrator to convene a working group to study best practices in court reminders, assess the effectiveness of the program, and recommend appropriate changes to the program to the state court administrator. In its annual State Measurement for Accountable, Responsive, and Transparent Government Act hearing, the judicial department is required to present the recommendations made by the working group, whether the recommendations were implemented, and the rationale for implementing or rejecting any recommendation.</p> <p>Because defendants are automatically enrolled in the program, the bill repeals provisions related to notifying defendants of the opportunity to enroll in the program.</p> <p>The bill appropriates \$74,713 to the judicial department from the general fund to implement the act.</p>		
Status	Senate Third Reading Passed - No Amendments		
Position	Support		

Adjourn