



JUSTICE and PUBLIC SAFETY

Thursday March 16, 2017

9 a.m.

CCI Office

(This meeting is recorded)

Teleconference: 1.857.216.6700 Passcode: 171009

AGENDA

WELCOME

David Weaver, Chair

Nancy Jackson, Vice Chair

Allison Daley, CCI

INTRODUCTIONS

LEGISLATION

Bill #	HB17-1053
Title	Warrant Or Order For Electronic Communications
H-Spon	L. Landgraf
S-Spon	
Summary	<p>This bill provides that a governmental entity must have a valid search warrant or court order to require an electronic communication service to disclose the contents of an electronic communication. The bill provides an exception if the time required to obtain the warrant or order would result in a risk of death or substantial bodily injury or if certain persons consent to the release of the communication.</p> <p>The bill also requires that the governmental entity give the customer notice of the search warrant and the disclosure unless the court orders that the notice need not be given.</p> <p>Any evidence obtained without the warrant or order cannot be introduced as evidence and immunity is provided to the electronic communication service for complying with or objecting to a search warrant.</p> <p>Nothing in the bill changes the application of exceptions available to investigators, law enforcement officials, or district attorneys pursuant to existing law.</p>
Position	Monitor PI'd
Bill #	HB17-1070
Title	Drone Use By Public Safety Agencies

H-Spon	J. Wilson
S-Spon	
Summary	<p>The bill requires the center of excellence (center) within the division of fire prevention and control within the department of public safety (department) to conduct a study concerning the integration of unmanned aircraft systems (UAS) within state and local government operations that relate to public safety.</p> <p>The bill also creates an UAS pilot program (pilot program) to integrate UAS within state and local government operations that relate to public safety.</p>
Position	Support
Bill #	HB17-1230
Title	Protect Colorado Residents From Federal Government Overreach
H-Spon	J. Salazar, D. Esgar
S-Spon	L. Guzman, D. Kagan
Summary	<p>The bill prohibits a state or political subdivision from:</p> <ul style="list-style-type: none"> • Providing the race, ethnicity, national origin, immigration status, or religious affiliation of a Colorado resident to the federal government without determining it is for a legal and constitutional purpose; • Aiding or assisting the federal government in creating, maintaining, or updating a registry for the purpose of identifying Colorado residents based on race, ethnicity, national origin, immigration status, or religious affiliation; • Aiding or assisting the federal government or a federal agency in marking or otherwise placing a physical or electronic identifier on a person based on his or her race, ethnicity, national origin, immigration status, or religious affiliation; and • Aiding or assisting, including using state or local lands or resources, the federal government in interning, arresting, or detaining a person based on his or her race, ethnicity, national origin, immigration status, or religious affiliation.
Position	
Bill #	SB17-136
Title	Reporting and Limiting Civil Forfeiture
H-Spon	S. Humphrey, L. Herod
S-Spon	T. Neville, D. Kagan
Summary	<p>The bill requires the Department of Public Safety to establish and maintain a website containing specified information on each criminal forfeiture involving property and specified information on how each governmental agency that received proceeds from forfeitures used those proceeds.</p> <p>The bill requires each seizing agency to update the information posted on the division's website and the seizing agency must pay a fee to update the website. Failure to update the website can result in a fine of \$10,000 and the agency becoming ineligible to receive forfeited property or proceeds.</p>

	<p>The bill prohibits a seizing agency from transferring or referring seized property to a federal governmental agency for forfeiture litigation unless the property includes currency in excess of \$100,000. Instead, the seizing agency must refer seized property to the appropriate state, district, county, or municipal prosecuting authority.</p> <p>Currently, seizing agencies report information about forfeiture to DOLA. That information is subject to CORA but is not on a public website. Additionally, most prosecution for civil forfeiture is done by the federal government through the Equitable Sharing Program.</p>
Position	PI'd
Bill #	SB17-207
Title	Strengthen Colorado Behavioral Health Crisis System
H-Spon	J. Salazar, L. Sias
S-Spon	J. Cooke, D. Kagan
Summary	<p>The bill clarifies the intent of the general assembly for establishing a coordinated behavioral health crisis response system (crisis system). The crisis system is intended to be a comprehensive, appropriate, and preferred response to behavioral health crises in Colorado. By clarifying the role of the crisis system and making necessary enhancements, the bill puts systems in place to help Colorado end the use of jails and correctional facilities as placement options for individuals placed on emergency mental health holds if they have not also been charged with a crime and enhances the ability of emergency departments to serve individuals who are experiencing a behavioral health crisis. The crisis system is intended to provide an appropriate first line of response to individuals in need of an emergency 72-hour mental health hold. The statewide framework created by the crisis system strengthens community partnerships and ensures that first responders are equipped with a variety of options for addressing behavioral health crises that meet the needs of the individual in a clinically appropriate setting. The bill expands and strengthens the current crisis system in the following ways:</p> <ul style="list-style-type: none"> • Encourages crisis system contractors in each region to develop partnerships with the broad array of crisis intervention services in the region; • Requires crisis system contractors to be responsible for community engagement, coordination, and system navigation for key partners in the crisis system. The goals of community coordination are to formalize key relationships within contractually defined regions, pursue collaborative programming for behavioral health services, and coordinate interventions as necessary with behavioral health crises in the region. • Increases the ability of all crisis services facilities, including walk-in centers, acute treatment units, and crisis stabilization units within the crisis system, regardless of facility licensure, to adequately care for an individual brought to the facility in need of an emergency 72-hour mental health hold; • Expands the ability of mobile response units to be available within 2 hours, either face-to-face or using telehealth operations for mobile crisis evaluations; • Recognizes the obligations of hospitals and hospital-based emergency

	<p>departments under federal law to screen and stabilize every patient who comes to the hospital-based emergency department, including those patients experiencing a behavioral health crisis; and</p> <ul style="list-style-type: none"> • Requires that, on or before January 1, 2018, all walk-in centers throughout the state be appropriately designated, adequately prepared, and properly staffed to accept an individual in need of an emergency 72-hour mental health hold. <p>The department of human services (department) shall ensure consistent training for professionals who have regular contact with individuals who are experiencing a behavioral health crisis. The department shall conduct a needs and capacity assessment of the crisis system. The office of behavioral health is required to submit a report on or before November 1, 2017, and on or before May 1, 2018, concerning the status of funding, the use of new and existing resources, and the implementation of additional behavioral health crisis services. This report is separate and in addition to the information the department is required to provide concerning the crisis system in its annual SMART report to the general assembly.</p> <p>The bill removes language from statute that allows, at any time for any reason, an individual who is being held on an emergency 72-hour mental health hold to be detained or housed in a jail, lockup, or other place used for the confinement of persons charged with or convicted of criminal offenses. The effective date of this component of the bill is May 1, 2018. An appropriation from the marijuana tax cash fund is authorized.</p>
Position	
Bill #	HB17-1215
Title	Mental Health Support For Peace Officers
H-Spon	J. Coleman
S-Spon	D. Kagan, R. Gardner
Summary	<p>The bill encourages each sheriff's office and each municipal police department to adopt a policy whereby mental health professionals, to the extent practicable, provide:</p> <ul style="list-style-type: none"> • On-scene response services to support officers' handling of persons with mental health disorders; and • Counseling services to officers. <p>The bill creates the peace officers mental health support grant program (grant program) in the department of local affairs (department) to provide grants of money to county sheriffs' offices and municipal police departments to help them engage mental health professionals. Each sheriff's office and each municipal police department is encouraged to apply annually for a grant from the grant program. The bill creates the peace officers mental health support fund (fund), which consists of gifts, grants, and donations and any other money that the general assembly may appropriate or transfer to the fund. The executive director of the department, or his or her designee, may expend money from the fund for the purposes of the grant program. The grant program repeals September 1, 2027.</p>
Position	

Bill #	SB17-185
Title	District Attorney Salary Compensation And PERA Public Employees' Retirement Association
H-Spon	M. Gray
S-Spon	R. Gardner
Summary	<p>The district attorney of each judicial district, with the approval of the boards of county commissioners comprising the district, currently fixes the salaries of any assistant district attorney, chief deputy district attorney, and deputy district attorney in the district. There are currently no minimum salary amounts in law for these positions. The bill establishes minimum salary amounts for these positions based upon the salary ranges of certain employees of the state public defender's office. The county or counties making up a judicial district currently pay the entire amount of the salaries of all deputy, chief deputy, and assistant district attorneys working in the district. The bill requires the state to pay a percentage of the salaries, starting at a lower percentage and scaling up to the following percentages after 4 years:</p> <ul style="list-style-type: none"> -Assistant district attorney - 80%; -Chief deputy district attorney - 50%; -Deputy district attorney - 20%. <p>The bill allows the boards of county commissioners of the counties within a judicial district, in consultation with the district attorney, to make a one-time irrevocable election to require an assistant district attorney to become a member of the public employees' retirement association's defined benefit plan. In such case, the state would pay 80% and the counties would pay 20% of the employer contribution for an assistant district attorney.</p>
Position	Monitor

OTHER BUSINESS

NACO/FEDERAL UPDATE

ADJOURN



March 1, 2017

Joint Budget Committee Members
Legislative Service Building, 3rd Floor
200 East 14th Avenue
Denver, CO 80203

Dear Members of the Joint Budget Committee:

We write to you today to demonstrate our support of budget requests BA-06, “Implementation of Mental Health Hold Task Force Recommendations”, and BA-07, “Diversion from the Criminal Justice System”, offered by the Colorado Department of Human Services (CDHS). These budget requests aim to improve outcomes for individuals experiencing mental health crises and individuals with mental illness in the criminal justice system by stopping the use of jails, emergency rooms, and prisons as behavioral health centers and expanding and coordinating behavioral health resources across the state.

Budget request BA-06 requests \$3.5 million Marijuana Tax cash funds (MTCF) in FY 2017-18 to implement recommendations of CDHS’ Mental Health Task Force. This task force recommended ending the practice of using jails for M-1 holds and expanding the behavioral health network across the state. The request will fund training for people who have regular contact with individuals on mental health holds and increase regional coordination among hospitals, law enforcement, Behavioral Health Organizations, and the Crisis Response System. The request also includes a transportation pilot program to address the absence of crisis stabilization units near many of our counties and study the difficulty of transporting individuals hundreds of miles to the nearest unit.

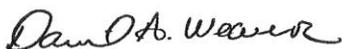
Budget request BA-07 requests \$6 million MTCF and 2.3 FTE in FY 2017-18 to support and incentivize local partnerships between law enforcement and behavioral health service providers to expand criminal justice diversion and increase the use of evidence-based programs such as co-responder models and Law Enforcement Assisted Diversion (LEAD). These programs aim to improve outcomes and reduce rates of recidivism by connecting individuals to community resources, substance use treatment, or vocational training.

Approving these budget requests will add important resources to our communities so that we can better serve those with behavioral health disorders. Ending the use of jails for people in mental health crisis will lead to better health outcomes for individuals, cost-savings to our jails, and a recognition of the dignity of individuals in crisis. Additionally, coordinating crisis response and incentivizing community partnerships will connect people to the help they need thereby reducing recidivism rates and helping people become productive members of society.

Joint Budget Committee Members
Colorado General Assembly
March 1, 2017
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Thank you for your consideration of these requests, and please let us know if you have any questions.

Sincerely,



Commissioner David Weaver
Chair, JPS Steering Committee
Colorado Counties Inc.



Commissioner Nancy Jackson
Vice Chair, JPS Steering Committee
Colorado Counties, Inc.

cc:

Governor John Hickenlooper
Senator Kevin Grantham, President of the Senate
Senator Lucia Guzman, Senate Minority Leader
Representative Crisanta Duran, Speaker of the House
Representative Patrick Neville, House Minority Leader
Reggie Bicha, Executive Director of Colorado Department of Human Services
Henry Sobanet, Director of Office of State Planning & Budgeting
Carolyn Kampman, Joint Budget Committee Staff
Kurt Morrison, Legislative Affairs Director for the Governor's Office
Lauren Lambert, Deputy Legislative Director for the Governor's Office
Adam Zarrin, Policy Advisor for the Governor's Office
Riley Kitts, Legislative Liaison for Colorado Department of Human Services