



# Final Report to the General Assembly

Treatment of Persons with Behavioral Health Disorders in the Juvenile Justice Systems

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Legislative Council Staff



# Treatment of Persons with Behavioral Health Disorders in the Criminal and Juvenile Justice Systems

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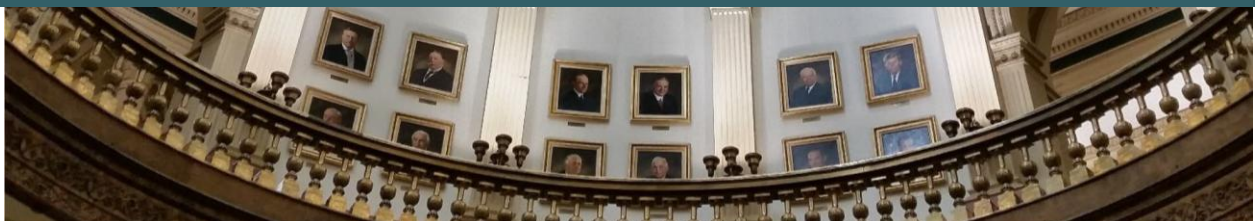
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December 2025





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To Members of the Seventy-fifth General Assembly:

Submitted herewith is the final report of the Legislative Oversight Committee for the Treatment of Persons with Behavioral Health Disorders in the Criminal and Juvenile Justice Systems. The committee was created pursuant to Article 98 of Title 37, Colorado Revised Statutes. The purpose of this committee is to oversee an advisory task force that studies and makes recommendations concerning persons with behavioral health disorders who are justice-involved.

At its meeting on November 14, 2025 the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2026 session was approved.

Sincerely,

/s/ Sen. James Coleman  
Chair



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**This report is also available online at:**

**<https://leg.colorado.gov/committees/2025A/interim/TreatmentofPersonswithBehavioralHealthDisordersintheCriminalandJuvenileJusticeSystems>**

## Committee and Task Force Charge History

The Legislative Oversight Committee Concerning the Treatment of Persons with Behavioral Health Disorders in the Criminal and Juvenile Justice Systems (committee) and an advisory task force (task force) have been in existence for over two and a half decades (Article 1.9 of Title 18, C.R.S.). The committee and task force has consistently been reauthorized about every five to seven years since its inception, most recently by [Senate Bill 22-021](#) until 2027.

### Committee Charge

The committee is responsible for the oversight of the advisory task force, as well as recommending legislative changes. The committee also develops and proposes areas of study for the task force. Additional requirements include submitting an annual report to the General Assembly each year highlighting legislation from the work of the committee and advisory task force. This report serves as this annual report.

### Task Force Charge

The 31-member advisory task force examines the identification, diagnosis, and treatment of persons with behavioral health issues who are involved in the criminal and juvenile justice systems. This includes reviewing liability, safety, and costs as they relate to these issues, and researching topics for members of the committee upon request. The task force must also consider, at a minimum, the following issues:

- early identification and intervention strategies for individuals who are at a higher risk of system involvement;
- promotion of resilience and health for persons who are involved or at-risk of becoming involved in the criminal or juvenile justice system;
- intersection of behavioral health disorders and the criminal and juvenile justice system, with a specific focus on diversion; and
- safe and effective prevention and intervention strategies to promote good health outcomes upon release and during recovery.

The advisory task force may work with other task forces, committees, or organizations that are pursuing policy initiatives similar to those listed above. Further, collaborative relationships are encouraged with these other groups for joint policy-making opportunities.

## Committee and Task Force Activities

The Legislative Oversight Committee met four times to monitor and examine the work, findings, and recommendations of the advisory task force and its subcommittees. The committee also considered legislative changes recommended by members and other stakeholders, appointed task force members, and received bill draft request status updates from the Office of Legislative Legal Services. Topics discussed include:

- the Youthful Offender System (YOS);
- Crisis and competency; and

- Not Guilty by Reason of Insanity (NGRI) defenses.

The following sections discuss the committee’s activities during the 2025 interim.

## **Advisory Task Force and Subcommittee Activities**

The task force met nearly every month in 2025 to develop a timeline, based on guidance from the 2024 scope of study letter, to finalize position statements, collect stakeholder input, and initiate bill draft concepts. Task force subcommittees provided regular updates about the Youthful Offender System (YOS) in the Colorado Department of Corrections (DOC), treating people with behavioral health disorders, and issues related to not guilty by reason of insanity (NGRI) defenses, as those topics relate to persons with behavioral health disorders involved in the criminal justice system.

### **Youthful Offender System**

The YOS program is designed for violent offenders aged 14 to 18 at the time of their offense and under 19 at sentencing who were tried as adults. It focuses on rehabilitation, with these youthful inmates housed separately from the general adult population. The youth subcommittee reviewed the structure of YOS, related statutes, and information related to adolescent brain development and other similar topics. The youth subcommittee proposed several changes relating to updating the statutes, restructuring phases of the program, updating terminology in statute to align with goals, adjusting the allocation of resources to YOS to accomplish the goals of the program, and commissioning a steering committee. The subcommittee stated that YOS is not currently designed to provide trauma-informed treatment and they suggested assembling another subcommittee to explore and implement changes.

### **Committee recommendations**

As a result of its discussions, the committee recommends Bill A, which makes changes to the YOS within the DOC, including expanding services for participants with behavioral or mental health conditions and intellectual and developmental disabilities.

### **Crisis and Competency**

The crisis subcommittee reviewed Behavioral Health Secure Transportation (BHST), the process for transporting individuals in a behavioral health crisis to appropriate facilities, along with its oversight structure and related laws. The subcommittee recommended bringing BHST under a state licensing process. The subcommittee also recommended changes to statute that would allow law enforcement to feel more comfortable following pick-up orders for certifications and transporting for M1 holds, which are when an individual is involuntarily held for up to 72 hours due to being a danger to themselves or others, or being gravely disabled due to a mental health disorder. Staff from the Department of Healthcare Policy and Financing joined the discussion to share information about 1115 waivers, which are issued by the federal Centers for Medicare and Medicaid Services to permit and support innovation in Medicaid and the Children’s Health Insurance Programs, and how federal action on these waivers may have an impact in the state.

### **Committee recommendations**

As a result of its discussions, the committee recommends Bill B, which changes requirements for providers of medication-assisted treatment, secure transportation services, and transportation to mental health hold facilities.

### **Not Guilty by Reason of Insanity**

NGRI evaluations typically take weeks or months to complete, as they involve a detailed examination of the defendant's mental state at the time of the crime. This process often includes multiple interviews, review of medical records, and consultations with other professionals. The time involved can vary based on the complexity of the case and jurisdiction.

The NGRI subcommittee examined state law related to NGRI defenses as well as working with stakeholders to determine areas of improvement. The subcommittee recommended adding language in statute to make clear which steps are presumptive for release and making it clear that community placement is an option. They additionally recommended addressing only having one standard in the release section of statute and continuing to clean up archaic language in statute based on further multistate research. The subcommittee discussed whether individuals found to be not guilty by reason of insanity could remain on bond even with charges involving crimes of violence, or potentially certain sex offenses.

### **Committee recommendations**

As a result of its discussions, the committee recommends Bill C, which modifies various processes for cases involving a plea of not guilty by reason of insanity

## Summary of Recommendations

As a result of the committee's activities, the committee recommended three bills to the Legislative Council for consideration in the 2026 session. At its meeting on November 14, 2025 the Legislative Council approved three recommended bills for introduction. The approved bills are described below.

### **Bill A – Youthful Offender System Updates**

The YOS within the DOC is a sentencing option for juveniles and young adults that provides a continuum of services focusing on rehabilitation, education, and social interaction. The bill makes changes to the YOS, including:

- modifying program intent to emphasize trauma-informed care, evidence-informed treatment, and equitable housing and services for participants with behavioral or mental health conditions and intellectual and developmental disabilities;
- requiring the YOS to include therapy, family therapy, and substance use disorder treatment based on individual needs;
- authorizing the executive director to hire unlicensed behavioral health professionals or paraprofessionals under the supervision of licensed providers as needed;
- adding additional considerations when making a determination of whether the juvenile or young adult is acceptable for sentencing to the YOS, including risk factors and protective factors and treatment needs;
- adding new reporting requirements for the DOC on the YOS, including completion rates and recommendations for integrating trauma-informed stand of care; and
- modifying references to “youthful offenders” in statute.

Additionally, under current law, a court can impose the original DOC sentence when reviewing the sentence for a YOS participant found incapable of completing their YOS sentence due to a behavioral or mental health condition or an intellectual and developmental disability. The bill removes this sentencing option, requiring the court to reconsider and reduce the participant's sentence to the DOC. The bill also requires courts to first make a determination that the failure to comply with YOS was not the result of a mental or behavioral health condition or an intellectual and developmental disability, or because the of the DOC's failure to provide reasonable accommodations for their conditions

### **Bill B – Treating People with Behavioral Health Disorder**

#### **Secure Transportation**

Under current law, secure transportation services cannot be provided by personnel employed by or contracted with a law enforcement agency. This bill transfers licensing authority from counties to the Colorado Department of Public Health and Environment (CDPHE) starting January 1, 2027,

and allows entities who contract with law enforcement agencies to provide secure transportation services.

### **Mental Health Holds**

Under current law, a person may be placed under an emergency mental health hold and detained at a BHA approved facility or emergency medical services facility if a certified peace officer, intervening professional, or court upon petition by a concerned person believes the person is an imminent danger because of a mental health disorder. Current law specifies that a certified peace officer or intervening professional may contact the following entities for assistance in transporting the person to the facility:

- a secure transportation provider, licensed by counties;
- a behavioral health crisis response team, defined as a mobile team with at least one licensed or bachelor-degree-level behavioral health worker; or
- an emergency medical services provider, licensed by CDPHE.

The bill expands the list of entities to include private ambulance providers, updates the allowable licenses for these providers, and specifies the order that they must be contacted in.

Additionally the bill makes the changes to the mental health hold detention process by:

- establishing a person's right not to be transported by a peace officer if there is an available alternative;
- requiring any peace officer involved in the process to advise the person that they are not under arrest and have not committed a crime; and
- requiring a court petitioner to report any known history of assault, weapon possession, or prior mental health holds.

### **Bill C – Modifications to Defense of Not Guilty by Reason of Insanity**

The bill makes two process changes to cases involving a plea of NGRI, as discussed below.

#### **Examinations Requested by a Defendant**

Under current law, a defendant in an NGRI case has a right to select their own expert to conduct required examinations, and must provide these reports to the prosecution within a reasonable amount of time in advance of the trial. The bill requires that these reports also be provided to the court, which must in turn provide a copy to the state Department of Human Services (CDHS).

#### **Release of Defendants**

At any unconditional release hearing for a defendant who is on a conditional release, the bill establishes that the defendant has the burden of proving, by a preponderance of the evidence, that they meet the criteria for unconditional release. If the court finds the defendant eligible for unconditional release, the court must order the unconditional release. If the court finds the defendant ineligible for unconditional release, then the court must continue a conditional release and may impose or modify terms of this release in the best interest of the defendant and the community.

Under current law, a defendant in the custody of the CDHS may be temporarily removed from an institutional setting for treatment and rehabilitation. The bill clarifies that such temporary removal can include community placement. Other procedures for temporary removal under current law must be followed.

The bill also establishes new standards for determining eligibility for conditional and unconditional release for crimes committed after July 1, 2026.

## Resource Materials

Meeting summaries are prepared for each meeting of the committee and contain all handouts provided to the committee. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver (303-866-2055). The listing below contains the dates of committee meetings and the topics discussed at those meetings. Meeting summaries are also available on our website at:

<https://leg.colorado.gov/committees>

## Meetings and Topics Discussed

June 2, 2025

- Call to Order and Introductions
- Committee Overview and Update on 2025 Legislation
- Overview of Advisory Task Force and Subcommittee Activities
- Review of Task Force Vacancies and Candidates
- Public Comment

July 25, 2025

- Call to Order and Introductions
- Overview of Advisory Task Force and Subcommittee Activities
- Task Force Appointments
- Committee Discussion: Legislation for the 2026 Session
- Other Business and Next Steps
- Public Comment

August 15, 2025

- Call to Order and Introductions
- Overview of Advisory Task Force and Subcommittee Activities
- Committee Discussion: Bill Draft Request Updates
- Committee Discussion: Scope Letter
- Public Comment

October 31, 2025

- Call to Order and Introductions
- Overview of Advisory Task Force and Subcommittee Activities
- Committee Discussion: Interim Committee Bills
- Public Comment