

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-1062.01 Richard Sweetman x4333

HOUSE BILL 17-1329

HOUSE SPONSORSHIP

Lee and Landgraf, Covarrubias, McKean, Lawrence, Garnett, Herod, Kraft-Tharp, Singer, Thurlow, Wilson

SENATE SPONSORSHIP

Kagan and Coram,

House Committees

Judiciary
Appropriations

Senate Committees

State, Veterans, & Military Affairs
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE TREATMENT OF YOUTHS WITHIN THE DIVISION OF**
102 **YOUTH CORRECTIONS, AND, IN CONNECTION THEREWITH,**
103 **RENAMING THE DIVISION THE "DIVISION OF YOUTH SERVICES",**
104 **CLARIFYING THE REHABILITATIVE PURPOSE OF THE DIVISION,**
105 **ESTABLISHING A PILOT PROGRAM TO INITIATE A CULTURAL**
106 **CHANGE WITHIN THE DIVISION, CLARIFYING THE MANNER IN**
107 **WHICH THE DIVISION SHALL REPORT DATA CONCERNING**
108 **CRITICAL INCIDENTS, RENAMING AND EXPANDING THE ROLE OF**
109 **THE YOUTH SECLUSION WORKING GROUP, REQUIRING AN**
110 **INDEPENDENT ASSESSMENT OF THE DIVISION, CREATING**
111 **COMMUNITY BOARDS IN EACH REGION OF THE DIVISION,**
112 **REQUIRING THE STATE AUDITOR TO AUDIT CERTAIN REPORTS OF**
113 **THE DIVISION, AND MAKING AN APPROPRIATION.**

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

HOUSE
3rd Reading Unamended
May 1, 2017

HOUSE
Amended 2nd Reading
April 28, 2017

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>.)

The bill renames the division of youth corrections the "division of youth services" (division) and makes conforming amendments. The bill sets forth the purposes of the renamed division.

The bill creates and requires the division to implement a pilot program to initiate a cultural change within the division. The bill creates a cash fund and authorizes the division to seek, accept, and expend gifts, grants, or donations for the pilot program.

The bill requires the department to contract with an independent third party to facilitate, supervise, coach, and train staff and leadership of the division throughout the pilot program. The bill requires the division to contract with a second independent third party to evaluate the effectiveness and outcome of the pilot program.

The bill creates community boards in each region of the division, requires a management-level employee from each division facility to attend community board meetings, and requires a representative of the division to report to each community board quarterly.

Current law requires the state department of human services (department) to report annually to the general assembly data concerning recidivism rates of youths committed to the custody of the department. The bill requires the department to report data concerning educational outcomes as well as recidivism rates, and the bill requires the state auditor to audit these reports for accuracy and quality.

The bill renames the "youth seclusion working group" the "youth restraint and seclusion working group", adds a member to the working group, expands the role of the working group to include advising on the use of restraints, requires the division to report to the working group concerning its use of restraints and seclusion, and requires the division to include in its reports an incident report or behavior management plan for any youth whom the division isolates from his or her peers for more than 8 hours in 2 consecutive calendar days.

The bill requires the division to document and report certain items relating to the use of restraint as well as the use of seclusion.

The bill states that an attorney for a juvenile who presents the division with a valid release-of-information request is entitled to all records, including documents and video recordings, related to the juvenile while he or she was in the custody of the division.

The bill requires the division to contract with a third independent third party to conduct a performance assessment of the division's de-escalation, physical management, and safety policies and practices, as well as its provision of trauma-responsive care.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-2-203, **amend** (1),
3 (2), and (3)(a); and **add** (4), (5), and (6) as follows:

4 **19-2-203. Division of youth services - created - interagency**
5 **agreements - duties of administrators concerning voter registration**
6 **and casting of ballots - reports - pilot program - fund created -**
7 **repeal.** (1) (a) There is hereby created within the department of human
8 services the division of youth ~~corrections~~ SERVICES, REFERRED TO WITHIN
9 THIS SECTION AS THE "DIVISION", the head of which ~~shall be~~ IS the director
10 of the division. ~~of youth corrections.~~ The director ~~shall be appointed by~~
11 ~~the~~ executive director of the department of human services SHALL
12 APPOINT THE DIRECTOR OF THE DIVISION pursuant to section 13 of article
13 XII of the state constitution and the laws and rules governing the state
14 personnel system. The director shall exercise powers and perform duties
15 and functions within the office of the executive director of the department
16 of human services in accordance with the provisions of this ~~article~~
17 ARTICLE 2 and as if transferred thereto by a **type 2** transfer as such
18 transfer is defined in the "Administrative Organization Act of 1968",
19 article 1 of title 24. ~~C.R.S.~~

20 (b) THE PURPOSES OF THE DIVISION ARE TO:

21 (I) INCREASE PUBLIC SAFETY BY PROVIDING REHABILITATIVE
22 TREATMENT TO HELP YOUTHS IN THE DIVISION'S CARE MAKE LASTING
23 BEHAVIORAL CHANGES TO PREPARE THEMSELVES FOR SUCCESSFUL

1 TRANSITION BACK TO THE COMMUNITY;

2 (II) PROMOTE THE PHYSICAL SAFETY OF YOUTHS AND STAFF
3 WITHIN THE DIVISION;

4 (III) PROMOTE A SEAMLESS CONTINUUM OF CARE FROM THE TIME
5 OF DETENTION OR COMMITMENT TO DISCHARGE, IN WHICH YOUTHS' NEEDS
6 ARE MET IN A SAFE, STRUCTURED ENVIRONMENT WITH WELL-TRAINED,
7 CARING STAFF WHO HELP YOUTHS IDENTIFY AND ADDRESS THEIR ISSUES,
8 HOLD YOUTHS ACCOUNTABLE FOR THEIR ACTIONS, AND HELP YOUTHS
9 ACCEPT RESPONSIBILITY FOR THEIR ACTIONS;

10 (IV) ENABLE YOUTHS TO DEVELOP HEALTHY, SUPPORTIVE
11 RELATIONSHIPS WITH PEERS, ADULTS, FAMILY, AND MEMBERS OF THEIR
12 NEIGHBORHOODS AND COMMUNITIES; AND

13 (V) PROVIDE YOUTHS WITH THE TOOLS NECESSARY TO BECOME
14 LAW-ABIDING, CONTRIBUTING MEMBERS OF THE COMMUNITY UPON THEIR
15 RELEASE.

16 (2) ~~(a)~~ The division of ~~youth corrections~~ may enter into
17 agreements with the judicial department to combine provision of juvenile
18 parole and probation services. Juvenile probation and parole supervision
19 programs implemented pursuant to such agreements ~~shall~~ MAY not
20 include provisions for supervision of juveniles sentenced to the
21 department of corrections.

22 ~~(b) Repealed.~~

23 (3) (a) This subsection (3) applies to any individual committed to
24 a juvenile facility and in the custody of the division of ~~youth corrections~~
25 who is eighteen years of age or older on the date of the next election.

26 (4) **Pilot program - fund created. (a) Legislative declaration.**

27 THE GENERAL ASSEMBLY FINDS THAT:

1 (I) YOUTHS COMMITTED TO THE CARE OF THE DIVISION DESERVE
2 TO BE TREATED WITH RESPECT AND DIGNITY, USING A THERAPEUTIC
3 APPROACH DELIVERED IN A TREATMENT SETTING WHERE
4 SOCIAL-EMOTIONAL COMPETENCIES ARE LEARNED AND PRACTICED BY
5 YOUTHS AND STAFF;

6 (II) BECAUSE MANY YOUTHS COMMITTED TO THE CARE OF THE
7 DIVISION HAVE EXPERIENCED TRAUMA, WHICH MAY INCLUDE PHYSICAL
8 AND SEXUAL ABUSE, ABANDONMENT, VIOLENCE IN THEIR HOMES OR IN
9 THEIR COMMUNITIES, OR THE LOSS OF A FAMILY MEMBER AT A YOUNG AGE,
10 THE EXPERIENCE OF A SAFE, HUMANE, AND NURTURING ENVIRONMENT IS
11 NECESSARY FOR YOUTHS TO DEVELOP COPING SKILLS AND THE ABILITY TO
12 TRUST AND FORM HEALTHY RELATIONSHIPS;

13 (III) ALMOST ALL YOUTHS COMMITTED TO THE DIVISION WILL
14 RETURN TO THE COMMUNITY;

15 (IV) YOUTHS IN THE DIVISION'S CARE NEED TREATMENT AND
16 TOOLS THAT PREPARE THEM TO SAFELY REJOIN OUR COMMUNITIES;

17 (V) THE ENVIRONMENT IN THE DIVISION SHOULD BE SAFE, SECURE,
18 AND NONVIOLENT TO PROMOTE BUILDING TRUST AND HEALTHY
19 RELATIONSHIPS BETWEEN YOUTHS AND STAFF AND TO ALLOW YOUTHS TO
20 GROW AND MATURE RESPONSIBLY;

21 (VI) RATES OF VIOLENCE AGAINST YOUTHS AND STAFF IN THE
22 DIVISION ARE UNACCEPTABLY HIGH;

23 (VII) IMPROVEMENTS CAN ALWAYS BE MADE IN THE DIVISION,
24 WHICH STRIVES TO HAVE STAFF AND YOUTHS ENGAGED WITH RESPECT AND
25 DIGNITY AND CREATE AN ENVIRONMENT THAT IS SAFE FOR ALL;

26 (VIII) DIVISION STAFF HAVE AN EXTREMELY DIFFICULT JOB. THEY
27 MUST RESPOND DAILY TO EXTREMELY TROUBLED YOUTHS, INCLUDING

1 SOME WHO ACT OUT WITH VIOLENCE. EVEN WITH APPROPRIATE STAFF
2 RESPONSE, SOME YOUTHS WILL NEED TO BE PHYSICALLY RESTRAINED.

3 (IX) DIVISION STAFF WANT TO HELP, AND NOT HURT, YOUTHS;

4 (X) NONETHELESS, CERTAIN RESTRAINT PRACTICES USED IN YOUTH
5 CORRECTIONS, INCLUDING FULL BODY RESTRAINTS, THE WRAP, SOLITARY
6 CONFINEMENT, PRESSURE-POINT OR PAIN-COMPLIANCE TECHNIQUES,
7 MANIPULATING NERVES, MECHANICAL RESTRAINTS, AND KNEE STRIKES TO
8 THIGHS, BUTTOCKS, AND RIBS ARE PHYSICALLY AND PSYCHOLOGICALLY
9 HARMFUL, DESTRUCTIVE TO RELATIONSHIP BUILDING, AND INCONSISTENT
10 WITH THE THERAPEUTIC, TRAUMA-RESPONSIVE, AND NON-VIOLENT
11 ENVIRONMENT THE DIVISION IS COMMITTED TO CREATING;

12 (XI) FUNDAMENTAL CULTURAL CHANGE IS NEEDED AT THE
13 DIVISION IN ORDER TO PROVIDE FOR THE SAFETY OF YOUTHS AND STAFF
14 AND TO EFFECTUATE REAL AND LASTING PERSONAL CHANGE FOR THE
15 YOUTHS IN THE DIVISION'S CARE;

16 (XII) DIVISION STAFF NEED ADDITIONAL TOOLS AND TRAINING TO
17 REDUCE THE USE OF PHYSICAL RESTRAINTS AND TO PROMOTE STRONGER,
18 HEALTHIER RELATIONSHIPS WITH YOUTHS; AND

19 (XIII) TRANSPARENCY AND ACCOUNTABILITY REGARDING
20 CRITICAL INCIDENTS, FIGHTS, ASSAULTS, RESTRAINTS, AND INJURIES THAT
21 OCCUR IN DIVISION FACILITIES ARE CRITICAL COMPONENTS OF CULTURAL
22 CHANGE.

23 (b) THE DIVISION SHALL IMPLEMENT A PILOT PROGRAM TO AID IN
24 THE ESTABLISHMENT OF A DIVISION-WIDE THERAPEUTIC AND
25 REHABILITATIVE CULTURE. THE PILOT PROGRAM WILL TEST THE EFFICACY
26 OF A THERAPEUTIC, GROUP-TREATMENT APPROACH AND THE ABILITY OF
27 THE DIVISION TO KEEP YOUTHS AND STAFF SAFE WITHOUT THE USE OF

1 SECLUSION AND MECHANICAL RESTRAINTS OTHER THAN HANDCUFFS. IN
2 ADMINISTERING THE PILOT PROGRAM, THE DIVISION SHALL:

3 (I) PROVIDE TREATMENT TO AT LEAST TWENTY YOUTHS
4 COMMITTED TO THE DIVISION'S CARE, DIVIDED INTO GROUPS OF NO MORE
5 THAN TWELVE. IN SELECTING YOUTHS TO PARTICIPATE IN THE PILOT
6 PROGRAM, THE DIVISION SHALL ENSURE THAT THE YOUTHS REFLECT A
7 REPRESENTATIVE CROSS SECTION OF YOUTHS COMMITTED TO THE
8 DIVISION'S CARE WITH RESPECT TO AGE AND HISTORY OF VIOLENCE.

9 (II) GIVE HIRING OR TRANSFER PREFERENCE TO STAFF WHO AGREE
10 TO WORK AS STAFF IN THE PILOT PROGRAM;

11 (III) CREATE TEAMS OF YOUTHS AND STAFF BY ASSIGNING EACH
12 STAFF MEMBER TO A GROUP OF YOUTHS, TO WHICH GROUP THE STAFF
13 MEMBER REMAINS ASSIGNED THROUGHOUT THE PILOT PROGRAM;

14 (IV) REQUIRE STAFF ASSIGNED TO THE PILOT PROGRAM TO BE
15 TRAINED AS YOUTH SPECIALISTS AND HAVE OR ACQUIRE SUBSTANTIAL
16 KNOWLEDGE OF REHABILITATIVE TREATMENT, DE-ESCALATION,
17 ADOLESCENT BEHAVIOR MODIFICATION, TRAUMA, SAFETY, AND PHYSICAL
18 MANAGEMENT TECHNIQUES THAT DO NOT HARM YOUTH; ASSIGN NO STAFF
19 MEMBERS TO THE PILOT PROGRAM SOLELY AS SECURITY STAFF; AND
20 MAINTAIN A RATIO OF STAFF TO YOUTHS THAT MEETS OR EXCEEDS
21 NATIONALLY RECOGNIZED STANDARDS AND REFLECTS BEST PRACTICES;

22 (V) OPERATE HEALTHY, TRAUMA-RESPONSIVE ORGANIZATIONAL
23 ENVIRONMENTS AS DEMONSTRATED THROUGH PROSOCIAL, SAFE, AND
24 NON-VIOLENT INTERACTION BY:

25 (A) PRIORITIZING THE PHYSICAL AND PSYCHOLOGICAL SAFETY OF
26 YOUTHS AND STAFF;

27 (B) MEETING THE BASIC NEEDS OF YOUTHS, WHICH ARE FOOD,

1 CLOTHING, SHELTER, EMOTIONAL AND PHYSICAL SAFETY, BELONGING, AND
2 FAMILY INVOLVEMENT;

3 (C) CREATING A HUMANE ENVIRONMENT FOR YOUTHS THAT IS NOT
4 INSTITUTIONAL BUT IS HOME-LIKE, HEALTHY, AND THERAPEUTIC;

5 (D) HOLDING YOUTHS IN THE LEAST RESTRICTIVE ENVIRONMENT
6 POSSIBLE;

7 (E) EMPHASIZING POSITIVE BEHAVIORAL OUTCOMES WITH THE
8 GOAL OF HELPING YOUTHS TO PROGRESS FROM BEHAVIORAL COMPLIANCE
9 TO INTERNALIZED CHANGE;

10 (F) UTILIZING THE SMALL GROUP PROCESS AS A PRIMARY METHOD
11 OF PROVIDING TREATMENT SERVICES, WHERE RESOLUTION OF CORE ISSUES
12 AND DEVELOPMENT OF SOCIAL-EMOTIONAL COMPETENCY CAN OCCUR,
13 YOUTH BEHAVIORS ARE VIEWED AS HAVING A CAUSE, AND DETERMINING
14 THE PURPOSE OF A BEHAVIOR IS ESSENTIAL TO THE TREATMENT PROCESS;

15 (G) TO THE EXTENT POSSIBLE, ENSURING THAT EACH YOUTH IN
16 THE PILOT PROGRAM REMAINS WITH HIS OR HER GROUP AND DEDICATED
17 STAFF MEMBER DURING WAKING HOURS, EXCEPT FOR SPECIALIZED
18 TREATMENT OR EDUCATIONAL SERVICES;

19 (H) RELYING ON DE-ESCALATION AND RELATIONSHIP-BUILDING
20 TECHNIQUES THAT HELP STAFF MEMBERS AVOID PHYSICAL MANAGEMENT
21 AND RESTRAINT;

22 (I) PHASING OUT COMPLETELY WITHIN THE FIRST YEAR OF THE
23 PILOT PROGRAM THE USE OF RESTRAINT METHODS THAT PHYSICALLY
24 HARM YOUTHS, INCLUDING STRIKING YOUTHS, USING MECHANICAL
25 RESTRAINTS OTHER THAN HANDCUFFS, AND USING PAIN-COMPLIANCE OR
26 PRESSURE-POINT TECHNIQUES;

27 (J) PROHIBITING A YOUTH FROM PARTICIPATING IN THE RESTRAINT

1 OF ANOTHER YOUTH;

2 (K) PHASING OUT COMPLETELY WITHIN THE FIRST YEAR OF THE
3 PILOT PROGRAM THE PRACTICE OF PLACING YOUTHS ALONE IN A ROOM OR
4 AREA BEHIND A LOCKED DOOR FROM WHICH EGRESS IS PREVENTED,
5 EXCEPT DURING SLEEPING HOURS, AND AVOIDING ISOLATION OF YOUTHS
6 FROM THEIR PEERS;

7
8 (L) INTEGRATING TRAUMA-RESPONSIVE PRINCIPLES AND
9 PRACTICES INTO ALL ELEMENTS OF PROGRAMMING AND ENSURING THAT
10 ALL STAFF WHO WORK WITH YOUTHS ARE THOROUGHLY TRAINED TO
11 PROVIDE TRAUMA-RESPONSIVE CARE. FOR THE PURPOSES OF THIS SECTION,
12 "TRAUMA-RESPONSIVE" CARE MEANS CARE IN WHICH STAFF ARE TRAINED
13 TO EXPECT THE PRESENCE OF TRAUMA IN THE YOUTHS BEING SERVED, TO
14 RECOGNIZE HOW STAFF RESPONSE AND ORGANIZATIONAL PRACTICES MAY
15 TRIGGER PAINFUL MEMORIES AND RE-TRAUMATIZE YOUTHS WITH TRAUMA
16 HISTORIES, AND TO RESIST TAKING ACTIONS OR USING WORDS THAT
17 RE-TRAUMATIZE YOUTHS.

18 (M) PROVIDING CONTINUITY OF SERVICES AND RELATIONSHIPS
19 THROUGH A SEAMLESS CASE MANAGEMENT SYSTEM AND ASSIGNMENT OF
20 A DEDICATED CASE MANAGER TO EACH YOUTH, WHICH CASE MANAGER
21 SERVES AS THE PRIMARY ADVOCATE FOR THE YOUTH AND HIS OR HER
22 FAMILY AND WORKS ACTIVELY WITH BOTH THROUGHOUT THE PILOT
23 PROGRAM;

24 (N) PRIORITIZING FAMILY ENGAGEMENT; AND

25 (O) FACILITATING COMMUNITY ENGAGEMENT, CONSISTENT WITH
26 PRINCIPLES OF RESTORATIVE JUSTICE;

27 (VI) CONTRACT THROUGH A COMPETITIVE BID PROCESS WITH AN

1 INDEPENDENT THIRD PARTY TO FACILITATE, ■ COACH, AND TRAIN STAFF
2 AND LEADERSHIP THROUGHOUT THE COURSE OF THE PILOT PROGRAM. THE
3 INDEPENDENT THIRD PARTY MUST HAVE EXPERTISE IN SYSTEMIC
4 CULTURAL TRANSFORMATION OF A YOUTH CORRECTIONAL SYSTEM FROM
5 A PUNITIVE, CORRECTIONAL CULTURE TO A REHABILITATIVE AND
6 THERAPEUTIC CULTURE. THE INDEPENDENT THIRD PARTY MUST HAVE
7 EXPERIENCE TRAINING STAFF IN PROVIDING RELATIONSHIP-BASED,
8 GROUP-CENTERED, TRAUMA-RESPONSIVE CARE AND DECREASING
9 VIOLENCE AGAINST YOUTHS AND STAFF IN FACILITIES. THE INDEPENDENT
10 THIRD PARTY SHALL ASSIST WITH IMPLEMENTATION OF THE PILOT
11 PROGRAM, PROVIDE TRAINING FOR STAFF WORKING IN THE PILOT
12 PROGRAM, AND PROVIDE AT LEAST ONE ~~THREE-QUARTER-TIME TO~~
13 ~~FULL-TIME~~ CONSULTANT TO PROVIDE ON-THE-GROUND MENTORSHIP,
14 COACHING, AND TRAINING TO PILOT-PROGRAM STAFF MEMBERS
15 THROUGHOUT THE PILOT PROGRAM. THE CONSULTANT SHALL ALSO
16 PROVIDE TRAINING TO THE DIVISION'S LEADERSHIP REGARDING THE
17 PHILOSOPHIES AND TECHNIQUES USED IN THE PILOT PROGRAM. FOR THE
18 PURPOSES OF THIS SUBSECTION (4)(b)(VI), ON OR BEFORE SEPTEMBER 1,
19 2017, THE DIVISION SHALL REQUEST PROPOSALS FROM CANDIDATES. THE
20 DIVISION SHALL REQUIRE EACH CANDIDATE TO SUBMIT ITS PROPOSAL TO
21 THE DIVISION ON OR BEFORE NOVEMBER 1, 2017, AND THE DIVISION SHALL
22 CONTRACT WITH A CANDIDATE ON OR BEFORE ~~DECEMBER 1, 2017. ON OR~~
23 ~~BEFORE JANUARY 1, 2018, THE DIVISION SHALL BEGIN WORKING ACTIVELY~~
24 WITH THE CONTRACTED INDEPENDENT THIRD PARTY TO ~~TAKE THE~~
25 ~~NECESSARY STEPS TO~~ COMMENCE THE ~~PILOT PROGRAM AS SOON AS~~
26 ~~POSSIBLE, WHICH MUST BEGIN TO SERVE YOUTH NO LATER THAN JULY 1,~~
27 ~~2018.~~

1 (VII) (A) CONTRACT THROUGH A COMPETITIVE BID PROCESS WITH
2 AN INDEPENDENT CONTRACTOR OTHER THAN THE INDEPENDENT THIRD
3 PARTY DESCRIBED IN SUBSECTION (4)(b)(VI) OF THIS SECTION TO
4 EVALUATE THE EFFECTIVENESS AND OUTCOME OF THE PILOT PROGRAM.
5 PRIOR TO THE START OF THE PILOT PROGRAM, THE DIVISION AND THE
6 CONTRACTOR SHALL WORK TOGETHER TO IDENTIFY THE DATA POINTS TO
7 BE COLLECTED THROUGHOUT THE PILOT PROGRAM, WHICH MUST INCLUDE,
8 BUT ARE NOT LIMITED TO, DATA CONCERNING FIGHTS, ASSAULTS ON
9 YOUTH, ASSAULTS ON STAFF, CRITICAL INCIDENTS, RESTRAINTS,
10 MECHANICAL RESTRAINTS, SECLUSION, INJURIES TO YOUTH, INJURIES TO
11 STAFF, CRIMINAL CHARGES FILED AGAINST YOUTH OR STAFF, GRIEVANCES
12 OR COMPLAINTS REGARDING ABUSE THAT HAVE BEEN FILED OR SUSTAINED,
13 STAFF ABSENCES, STAFF TURNOVER, AND YOUTH EDUCATIONAL
14 ACHIEVEMENT. THE DIVISION SHALL COLLECT THE DATA AND MAKE IT
15 AVAILABLE TO THE CONTRACTOR AT THE CONTRACTOR'S REQUEST
16 THROUGHOUT THE PILOT PROGRAM. FOR THE PURPOSES OF THIS
17 SUBSECTION (4)(b)(VII), ON OR BEFORE SEPTEMBER 1, 2017, THE DIVISION
18 SHALL REQUEST PROPOSALS FROM CANDIDATES. THE DIVISION SHALL
19 REQUIRE EACH CANDIDATE TO SUBMIT ITS PROPOSAL TO THE DIVISION ON
20 OR BEFORE NOVEMBER 1, 2017, AND THE DIVISION SHALL CONTRACT WITH
21 A CANDIDATE ON OR BEFORE DECEMBER 1, 2017. NOT LATER THAN
22 NINETY DAYS AFTER THE END OF THE PILOT PROGRAM, THE INDEPENDENT
23 CONTRACTOR DESCRIBED IN THIS SUBSECTION (4)(b)(VII) SHALL ASSESS
24 THE DATA PROVIDED BY THE DIVISION AND COMPLETE A REPORT
25 EVALUATING THE EFFECTIVENESS AND OUTCOMES OF THE PILOT PROGRAM
26 WHEN COMPARED TO ONE OR MORE COMPARABLE POPULATIONS OF
27 YOUTHS IN THE DIVISION. THE DIVISION SHALL PROVIDE THE CONTRACTOR

1 ALL AVAILABLE DATA REQUESTED TO COMPLETE THE REPORT.

2 (B) THE INDEPENDENT CONTRACTOR, AT LEAST IN PART, SHALL
3 BASE ITS EVALUATION OF THE EFFECTIVENESS OF THE PILOT PROGRAM
4 UPON WHETHER IT REDUCES THE NUMBER OF FIGHTS, CRITICAL INCIDENTS,
5 ASSAULTS ON YOUTH, ASSAULTS ON STAFF, INJURIES TO YOUTH, AND
6 INJURIES TO STAFF WHEN COMPARED TO COMPARABLE POPULATIONS OF
7 YOUTHS IN THE DIVISION, AND WHETHER IT REDUCES THE NUMBER OF
8 PHYSICAL MANagements AND MECHANICAL RESTRAINTS WHEN
9 COMPARED TO COMPARABLE POPULATIONS OF YOUTHS IN THE DIVISION.

10 (C) NOT LATER THAN NINETY DAYS AFTER THE END OF THE PILOT
11 PROGRAM, THE INDEPENDENT CONTRACTOR SHALL COMPLETE THE REPORT
12 DESCRIBED IN SUBSECTION (4)(b)(II)(A) OF THIS SECTION AND SUBMIT IT
13 TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND
14 THE SENATE, TO THE PUBLIC HEATH CARE AND HUMAN SERVICES
15 COMMITTEE OF THE HOUSE OF REPRESENTATIVES, AND TO THE HEALTH
16 AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR TO ANY SUCCESSOR
17 COMMITTEES.

18 (VIII) PERFORM THE NECESSARY CONSTRUCTION AND
19 RENOVATION, IN CONSULTATION WITH THE INDEPENDENT THIRD PARTY
20 DESCRIBED IN SUBSECTION (4)(b)(VI) OF THIS SECTION, TO CREATE YOUTH
21 RESIDENCES FOR THE PILOT PROGRAM THAT ARE HOME-LIKE AND
22 THERAPEUTIC, INCLUDING HOME-LIKE SLEEPING QUARTERS AND LIVING
23 AND GROUP MEETING AREAS.

24 (c) (I) THE DIVISION OF YOUTH SERVICES PILOT PROGRAM CASH
25 FUND, REFERRED TO IN THIS SUBSECTION (4) AS THE "FUND", IS HEREBY
26 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY
27 CREDITED TO THE FUND PURSUANT TO SUBSECTION (4)(c)(IV) OF THIS

1 SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
2 APPROPRIATE OR TRANSFER TO THE FUND.

3 (II) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
4 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
5 FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEY
6 REMAINING IN THE FUND AT THE END OF A FISCAL YEAR REMAINS IN THE
7 FUND AND DOES NOT REVERT TO THE GENERAL FUND.

8 (III) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
9 ASSEMBLY, THE DIVISION MAY EXPEND MONEY FROM THE FUND FOR THE
10 PURPOSES DESCRIBED IN THIS SUBSECTION (4).

11 (IV) THE DIVISION MAY SEEK, ACCEPT, AND EXPEND GIFTS,
12 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
13 PURPOSES OF THIS SUBSECTION (4). THE DIVISION SHALL TRANSMIT ALL
14 MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE
15 TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

16 (V) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED
17 AND UNENCUMBERED MONEY IN THE FUND ON JULY 1, 2021, TO THE
18 GENERAL FUND.

19 (d) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2021.

20 (5) **Assessment of the division of youth services - repeal.**

21 (a) ON OR BEFORE DECEMBER 1, 2017, THE DIVISION SHALL CONTRACT
22 WITH AN INDEPENDENT THIRD PARTY OTHER THAN THE INDEPENDENT
23 THIRD PARTIES DESCRIBED IN SUBSECTIONS (4)(b)(VI) AND (4)(b)(VII) OF
24 THIS SECTION TO CONDUCT A PERFORMANCE ASSESSMENT THAT
25 EVALUATES SAFETY IN ALL FACILITIES OF THE DIVISION FOR YOUTHS AND
26 STAFF.

27 (b) ON THE EFFECTIVE DATE OF THIS SUBSECTION (5), THE DIVISION

1 SHALL COMMENCE PREPARING A REQUEST FOR PROPOSAL TO SOLICIT
2 PROPOSALS FROM INTERESTED PARTIES WHO WISH TO CONTRACT FOR THE
3 PERFORMANCE ASSESSMENT DESCRIBED IN THIS SUBSECTION (5). THE
4 DIVISION SHALL ISSUE THE REQUEST FOR PROPOSAL ON OR BEFORE
5 SEPTEMBER 1, 2017, AND SHALL REQUIRE INTERESTED PARTIES TO SUBMIT
6 THEIR COMPLETED REQUEST FOR PROPOSALS TO THE DIVISION ON OR
7 BEFORE NOVEMBER 1, 2017.

8 (c) THE GOAL OF THE ASSESSMENT IS TO DETERMINE THE MOST
9 HUMANE AND EFFECTIVE METHODS OR APPROACHES TO KEEPING YOUTH
10 AND STAFF SAFE AND KEEPING VIOLENCE IN FACILITIES TO A MINIMUM.

11 THE ASSESSMENT MUST:

12 (I) ASSESS THE DIVISION'S DE-ESCALATION,
13 PHYSICAL-MANAGEMENT, AND SAFETY PROTOCOLS AND ACTUAL
14 PRACTICES; ITS TREATMENT APPROACH, INCLUDING ITS FIDELITY TO THE
15 PROVISION OF TRAUMA-RESPONSIVE CARE; AND ITS OVERALL ABILITY TO
16 MAINTAIN THE SAFETY OF YOUTHS AND STAFF;

17 (II) COMPARE THE DIVISION'S PRACTICES TO BEST PRACTICES IN
18 OTHER JUVENILE JUSTICE JURISDICTIONS FOR INCARCERATED YOUTHS UP
19 TO TWENTY-ONE YEARS OF AGE REGARDING DE-ESCALATION, SECLUSION,
20 AND PHYSICAL MANAGEMENT, INCLUDING PHYSICAL AND MECHANICAL
21 RESTRAINT METHODS;

22 (III) COMPARE THE DIVISION'S OUTCOMES TO BEST OUTCOMES
23 FROM YOUTH CORRECTIONAL AGENCIES IN OTHER JUVENILE JUSTICE
24 JURISDICTIONS REGARDING THE FREQUENCY OF FIGHTS, ASSAULTS ON
25 YOUTHS AND STAFF, INJURIES TO YOUTHS AND STAFF, EDUCATION, AND
26 RECIDIVISM AND THE USE OF PHYSICAL MANAGEMENT, MECHANICAL
27 RESTRAINTS, AND SECLUSION; AND

1 (IV) EVALUATE THE DIVISION'S ADHERENCE IN PRACTICE TO ITS
2 OWN STATED POLICIES AND EXISTING LAW CONCERNING THE USE OF
3 RESTRAINT AND SECLUSION, THE PROVISION OF TRAUMA-RESPONSIVE
4 CARE, AND THE USE OF RESTORATIVE JUSTICE.

5 (d) IN THE REPORT DESCRIBED IN SUBSECTION (5)(e) OF THIS
6 SECTION, THE INDEPENDENT THIRD PARTY SHALL PROVIDE THE DIVISION
7 WITH COMPREHENSIVE RECOMMENDATIONS FOR ANY CHANGES THE
8 DIVISION CAN MAKE TO ITS POLICIES AND PRACTICES REGARDING
9 DE-ESCALATION, PHYSICAL-MANAGEMENT, AND THE PROVISION OF
10 TRAUMA-RESPONSIVE CARE CONSISTENT WITH BEST PRACTICES, WHILE
11 AVOIDING HARMING YOUTHS IN THE DIVISION'S CUSTODY.

12 (e) ON OR BEFORE MAY 1, 2018, THE INDEPENDENT THIRD PARTY
13 SHALL COMPLETE ITS ASSESSMENT AND SUBMIT A REPORT OF ITS FINDINGS
14 AND RECOMMENDATIONS TO THE JUDICIARY COMMITTEES OF THE HOUSE
15 OF REPRESENTATIVES AND SENATE, TO THE PUBLIC HEALTH CARE AND
16 HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, AND
17 TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR TO
18 ANY SUCCESSOR COMMITTEES.

19 (f) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2018.

20 (6) ON AN ANNUAL BASIS, THE DEPARTMENT OF HUMAN SERVICES
21 SHALL CALCULATE THE RECIDIVISM RATE AND EDUCATIONAL OUTCOMES
22 FOR JUVENILES COMMITTED TO THE CUSTODY OF THE DEPARTMENT OF
23 HUMAN SERVICES WHO COMPLETE THE PROGRAM OFFERED BY EACH
24 FACILITY. IN CALCULATING THE RECIDIVISM RATE, THE DEPARTMENT
25 SHALL INCLUDE ANY JUVENILE WHO COMMITS A CRIMINAL OFFENSE,
26 EITHER AS A JUVENILE OR AS AN ADULT, WITHIN THREE YEARS AFTER
27 LEAVING THE FACILITY. NOTWITHSTANDING SECTION 24-1-136(11)(a)(I).

1 THE DEPARTMENT SHALL REPORT THE RECIDIVISM RATE AND
2 EDUCATIONAL OUTCOMES TO THE GENERAL ASSEMBLY ANNUALLY.

3 **SECTION 2.** In Colorado Revised Statutes, **add** 19-2-203.5 as
4 follows:

5 **19-2-203.5. Division of youth services - community boards.**

6 (1) THERE IS CREATED IN EACH REGION OF THE DIVISION OF YOUTH
7 SERVICES A COMMUNITY BOARD TO:

8 (a) PROMOTE TRANSPARENCY AND COMMUNITY INVOLVEMENT IN
9 DIVISION FACILITIES WITHIN THE REGION;

10 (b) PROVIDE OPPORTUNITIES FOR YOUTHS TO BUILD POSITIVE
11 RELATIONSHIPS WITH ADULT ROLE MODELS; AND

12 (c) PROMOTE YOUTH INVOLVEMENT IN THE COMMUNITY.

13 (2) (a) EACH COMMUNITY BOARD MUST INCLUDE SIX MEMBERS
14 WITH A DIVERSE ARRAY OF EXPERIENCE AND PERSPECTIVES RELATED TO
15 INCARCERATED YOUTHS. EACH MEMBER OF EACH BOARD SHALL BE A
16 RESIDENT OF, OR WORK WITHIN, THE REGION IN WHICH HE OR SHE SERVES.

17 (b) THE GOVERNOR OR HIS OR HER DESIGNEE SHALL APPOINT EACH
18 MEMBER OF EACH BOARD TO A TERM OF THREE YEARS, AND EACH MEMBER
19 MAY SERVE AN UNLIMITED NUMBER OF TERMS. EACH MEMBER MUST
20 SERVE WITHOUT COMPENSATION.

21 (c) A MEMBER OF A COMMUNITY BOARD MAY NOT BE EMPLOYED
22 BY THE DEPARTMENT OF HUMAN SERVICES OR THE DIVISION OF YOUTH
23 SERVICES.

24 (d) EACH COMMUNITY BOARD SHALL ELECT A CHAIR AND A
25 VICE-CHAIR FROM AMONG ITS MEMBERS.

26 (e) EACH COMMUNITY BOARD SHALL MEET AT LEAST ONCE EVERY
27 THREE MONTHS. THE CHAIR OF EACH COMMUNITY BOARD MAY CALL SUCH

1 ADDITIONAL MEETINGS AS ARE NECESSARY FOR THE COMMUNITY BOARD
2 TO ACCOMPLISH ITS DUTIES.

3 (3) (a) LEADERSHIP AND STAFF MEMBERS OF THE DEPARTMENT OF
4 HUMAN SERVICES AND THE DIVISION OF YOUTH SERVICES, AS WELL AS
5 REPRESENTATIVES OF AN ORGANIZATION IN COLORADO THAT EXISTS FOR
6 THE PURPOSE OF DEALING WITH THE STATE AS AN EMPLOYER CONCERNING
7 ISSUES OF MUTUAL CONCERN BETWEEN EMPLOYEES AND THE STATE, ARE
8 INVITED TO ATTEND COMMUNITY BOARD MEETINGS TO PROVIDE THEIR
9 PERSPECTIVES.

10 (b) A MANAGEMENT-LEVEL EMPLOYEE OF EACH FACILITY IN EACH
11 REGION SHALL ATTEND EACH MEETING OF THEIR REGIONAL COMMUNITY
12 BOARD. AT LEAST ONCE EVERY THREE MONTHS, A REPRESENTATIVE OF
13 THE DIVISION OF YOUTH SERVICES SHALL UPDATE THE COMMUNITY BOARD
14 REGARDING NEW POLICIES, PRACTICES, AND PROGRAMS AFFECTING THE
15 REGION AND ANY ISSUES OF CONCERN IN THE REGION DURING THE PAST
16 QUARTER.

17 (4) THE DIVISION SHALL ALLOW BOARD MEMBERS TO HAVE
18 PERIODIC ACCESS TO ENTER FACILITIES IN THEIR REGIONS ON AT LEAST A
19 QUARTERLY BASIS AND SPEAK WITH YOUTHS AND STAFF, UNLESS AN
20 EMERGENCY PREVENTS SUCH ACCESS.

21 **SECTION 3. In Colorado Revised Statutes, 26-20-102, amend**
22 **the introductory portion and (7); and add (3.7) and (4.5) as follows:**

23 **26-20-102. Definitions. As used in this article ARTICLE 20, unless**
24 **the context otherwise requires:**

25 **(3.7) "LICENSED HEALTH CARE PROVIDER" MEANS A PERSON,**
26 **CORPORATION, FACILITY, OR INSTITUTION LICENSED OR CERTIFIED BY THIS**
27 **STATE TO PROVIDE HEALTH CARE OR PROFESSIONAL SERVICES AS A**

1 HOSPITAL, HEALTH CARE FACILITY, OR DISPENSARY OR TO PRACTICE
2 MEDICINE, OSTEOPATHY, CHIROPRACTIC, NURSING, PHYSICAL THERAPY,
3 PODIATRY, DENTISTRY, PHARMACY, ACUPUNCTURE, OR OPTOMETRY IN
4 THIS STATE, OR AN OFFICER, EMPLOYEE, OR AGENT OF THE PERSON,
5 CORPORATION, FACILITY, OR INSTITUTION WORKING UNDER THE
6 SUPERVISION OF THE PERSON, CORPORATION, FACILITY, OR INSTITUTION IN
7 PROVIDING HEALTH CARE SERVICES.

8 (4.5) "MEDICAL ISOLATION" MEANS THE PLACEMENT OF AN
9 INDIVIDUAL ALONE IN A ROOM OR AN AREA FROM WHICH EGRESS IS
10 INVOLUNTARILY PREVENTED FOR THE PERIOD OF TIME NECESSARY TO
11 RESOLVE A MEDICAL CONDITION AND TO ACHIEVE THE BEST HEALTHY
12 OUTCOMES FOR YOUTH IN SUCH MEDICAL ISOLATION. MEDICAL ISOLATION
13 MUST BE PRESCRIBED BY A LICENSED HEALTH CARE PROVIDER AND BE FOR
14 A PERIOD OF TIME THAT IS NO LONGER THAN IS MEDICALLY NECESSARY.

15 (7) "Seclusion" means the placement of an individual alone in a
16 room or area from which egress is involuntarily prevented. ~~except during~~
17 ~~normal sleeping hours.~~ "SECLUSION" DOES NOT INCLUDE:

- 18 (a) NORMAL SLEEPING HOURS; OR
- 19 (b) MEDICAL ISOLATION.

20 **SECTION 4.** In Colorado Revised Statutes, 19-1-103, **amend** the
21 introductory portion; and **add** (113) as follows:

22 **19-1-103. Definitions.** As used in this ~~title~~ TITLE 19 or in the
23 specified portion of this ~~title~~ TITLE 19, unless the context otherwise
24 requires:

25 (113) "YOUTH" MEANS AN INDIVIDUAL WHO IS LESS THAN
26 TWENTY-ONE YEARS OF AGE.

27 **SECTION 5.** In Colorado Revised Statutes, 26-20-106, **amend**

1 (2) introductory portion, (2)(k), (3) introductory portion, (4), and (6) as
2 follows:

3 **26-20-106. Documentation requirements for restraint and**
4 **seclusion - adults and youth.** (2) The division of youth ~~corrections~~
5 SERVICES shall maintain the following documentation each time a youth
6 is placed in seclusion as a result of an emergency in any secure
7 state-operated or state-owned facility:

8 (k) The written approval by the director of the division of youth
9 ~~corrections~~ SERVICES for any seclusion that results from an emergency
10 that extends beyond four consecutive hours, as required by section
11 26-20-104.5. This written approval must include documentation of
12 specific facts to demonstrate that the emergency was ongoing and specific
13 reasons why a referral to a mental health facility was not warranted.

14 (3) The division of youth ~~corrections~~ SERVICES shall maintain the
15 following documentation each time one or more youths are placed in
16 confinement for administrative reasons pursuant to section 26-20-104.5
17 (3) in a secure state-operated or state-owned facility:

18 (4) On or before January 1, 2017, and on or before July 1, 2017,
19 and every January 1 and July 1 thereafter, the division of youth
20 ~~corrections~~ SERVICES shall report on its use of RESTRAINT OR seclusion in
21 any secure state-operated or state-owned facility to the youth RESTRAINT
22 AND seclusion working group established in section 26-20-110. The
23 January report must include information from March 1 through August
24 31, and the July report must include information from September 1
25 through the last day of February. The reports must include the following:

26 (a) An incident report on any use of seclusion on a youth due to
27 an emergency for more than four consecutive hours, or for more than

1 eight total hours in two consecutive calendar days. Each incident report
2 must include length of seclusion, specific facts that demonstrate that the
3 emergency was ongoing, any incidents of self-harm while in seclusion,
4 the reasons why attempts to process the youth out of seclusion were
5 unsuccessful, and any corrective measures taken to prevent lengthy or
6 repeat periods of seclusion in the future. To protect the privacy of the
7 youth, the division of youth ~~corrections~~ SERVICES shall redact all private
8 medical or mental health information and personal identifying
9 information, including, if necessary, the facility at which the seclusion
10 occurred.

11 (b) A report that lists the following aggregate information, both
12 as combined totals and totals by facility for all secure state-operated or
13 state-owned facilities:

14 (I) The total number of ~~youth~~ YOUTHS held in seclusion OR
15 RESTRAINT due to an emergency;

16 (II) The total number of incidents of seclusion OR RESTRAINT due
17 to an emergency;

18 (III) The average time in seclusion OR RESTRAINT per incident;
19 **and**

20 (IV) An aggregate summary of race, age, and gender of ~~youth~~
21 YOUTHS held in seclusion or RESTRAINT; AND

22 (V) THE TYPE OF RESTRAINT OR RESTRAINTS USED IN EACH
23 INCIDENT; AND

24 (c) AN INCIDENT REPORT FOR ANY YOUTH WHOM THE DIVISION
25 ISOLATES FROM HIS OR HER PEERS FOR MORE THAN EIGHT HOURS IN TWO
26 CONSECUTIVE CALENDAR DAYS. EACH INCIDENT REPORT MUST INCLUDE
27 THE AGE, RACE, AND GENDER OF THE YOUTH; THE NAME OF THE FACILITY;

1 THE LENGTH OF TIME THAT THE YOUTH WAS ISOLATED FROM HIS OR HER
2 PEERS; AND THE JUSTIFICATION FOR THE ISOLATION ON AN HOUR-BY-HOUR
3 BASIS. TO PROTECT THE PRIVACY OF THE YOUTH, THE DIVISION SHALL
4 REDACT ALL PRIVATE MEDICAL OR MENTAL HEALTH INFORMATION AND
5 PERSONAL IDENTIFYING INFORMATION, INCLUDING, IF NECESSARY, THE
6 FACILITY AT WHICH THE SECLUSION OCCURRED. IF THE DIVISION HAS
7 PREPARED AN INCIDENT REPORT OF AN INCIDENT INVOLVING SECLUSION
8 PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION, THE DIVISION IS NOT
9 REQUIRED TO INCLUDE A REPORT OF THE SAME INCIDENT PURSUANT TO
10 THIS SUBSECTION (4)(c).

11 (6) Prior to January 1, 2018, the division of youth ~~corrections~~
12 SERVICES shall meet the requirements of this section to the extent that it
13 is able using its current reporting mechanisms. The division of youth
14 ~~corrections~~ SERVICES shall fully comply with all requirements of this
15 section on or before January 1, 2018.

16 **SECTION 6.** In Colorado Revised Statutes, 26-20-110, **amend**
17 (1), (2), (3), (4), and (6) as follows:

18 **26-20-110. Youth restraint and seclusion working group -**
19 **membership - purpose - repeal.** (1) There is established within the
20 division of youth ~~corrections~~ SERVICES a youth RESTRAINT AND seclusion
21 working group, referred to in this section as the "working group". The
22 working group consists of:

23 (a) The director of the office of children, youth, and families in
24 the division of child welfare within the state department, or his or her
25 designee. The director shall convene the working group and serve as
26 chair.

27 (b) The director of the division of youth ~~corrections~~ SERVICES, or

1 his or her designee;

2 (c) The director of behavioral health within the division of youth
3 ~~corrections~~ SERVICES, or his or her designee;

4 (d) The director of the office of behavioral health within the state
5 department, or his or her designee;

6 (e) An employee of the division of youth ~~corrections~~ SERVICES
7 who is a representative of an organization in Colorado that exists for the
8 purpose of dealing with the state as an employer concerning issues of
9 mutual concern between employees and the state, as appointed by the
10 governor;

11 (f) Two representatives from nonprofit advocacy groups that work
12 to restrict RESTRAINT OR seclusion for youth or that represent children
13 within the custody of the division of youth ~~corrections~~ SERVICES, one who
14 is appointed by the speaker of the house of representatives and one who
15 is appointed by the president of the senate; ~~and~~

16 (g) Two experts independent from the division of youth
17 ~~corrections~~ SERVICES with expertise in adolescent development,
18 adolescent brain development, ~~trauma-informed~~ TRAUMA-RESPONSIVE
19 care of juveniles, positive behavior incentives in a juvenile correctional
20 setting, evidence-based de-escalation techniques, or the negative effects
21 of seclusion on the adolescent brain. The minority leader of the house of
22 representatives shall appoint one expert and the minority leader of the
23 senate shall appoint the other expert; AND

24 (h) A PERSON WHO DOES NOT WORK FOR THE DEPARTMENT OR FOR
25 THE DIVISION OF YOUTH SERVICES AND WHO HAS WORKED AS A STAFF
26 MEMBER OR AS A SENIOR EXECUTIVE IN YOUTH CORRECTIONS AND WHO
27 HAS EXPERIENCE WORKING TO ESTABLISH A REHABILITATIVE AND

1 THERAPEUTIC CULTURE IN ONE OR MORE JUVENILE JUSTICE FACILITIES, TO
2 BE APPOINTED BY THE GOVERNOR OR HIS OR HER DESIGNEE.

3 (2) The working group shall advise the division of youth
4 ~~corrections~~ on SERVICES CONCERNING policies, procedures, and best
5 practices related to RESTRAINT AND seclusion and alternatives to ~~such~~
6 RESTRAINT AND seclusion.

7 (3) The working group shall monitor the division of youth
8 ~~corrections'~~ SERVICES' use of confinement for administrative purposes.
9 The division of youth ~~corrections~~ SERVICES shall share with the working
10 group, on an ongoing basis, available data regarding time spent in
11 confinement by ~~youth~~ YOUTHS for administrative reasons, as described in
12 section 26-20-104.5 (3), in any secure state-operated and state-owned
13 facility. If necessary, the working group may make recommendations to
14 the division of youth ~~corrections~~ SERVICES and TO the public health care
15 and human services committee of the house of representatives and the
16 health and human services committee of the senate, or any successor
17 committees, about the use of confinement for administrative purposes.

18 (4) The working group may request, on a semiannual basis,
19 information and data from the state department on the status of the
20 division of youth ~~corrections'~~ SERVICES' work related to the RESTRAINT
21 AND seclusion of ~~youth~~ YOUTHS in their care and custody.

22 (6) The chair shall provide the working group with semiannual
23 updates on the division of youth ~~corrections'~~ SERVICES' policies related to
24 RESTRAINT AND seclusion and alternatives to RESTRAINT AND seclusion.

25 **SECTION 7.** In Colorado Revised Statutes, 19-1-304, **amend**
26 (8)(b) introductory portion, (8)(b)(V), (8)(c), and (8)(d) as follows:

27 **19-1-304. Juvenile delinquency records - division of youth**

1 **services critical incident information - definitions. (8) Division of**
2 **youth services critical incident information.** (b) The department of
3 human services, the division of youth ~~corrections~~ SERVICES, or any
4 agency with relevant information shall release the following information
5 related to any critical incident, or aggregate of critical incidents, that
6 occurred in a facility operated by the division of youth ~~corrections~~
7 SERVICES upon request so long as the disclosing agency, EXCEPT AS
8 DESCRIBED IN SUBSECTION (8)(b)(V) OF THIS SECTION, redacts any
9 identifying information, any information concerning security procedures
10 or protocols, and any information that would jeopardize the safety of the
11 community, ~~youth~~ YOUTHS, or staff:

12 (V) A summary of any critical incident that has occurred, WHICH
13 SUMMARY MUST INCLUDE A SUMMARY OF ANY USE OF FORCE ON A YOUTH,
14 INCLUDING ANY PHYSICAL-MANAGEMENT TECHNIQUES OR RESTRAINTS
15 UTILIZED AND ANY SECLUSION OF A YOUTH. THE DIVISION SHALL NOT
16 REDACT THE INFORMATION OTHER THAN TO PROTECT THE PERSONAL
17 IDENTIFYING INFORMATION OF ANY INDIVIDUAL. [REDACTED]

18 (c) The division of youth ~~corrections~~ SERVICES, the department of
19 human services, or any agency with relevant information related to a
20 critical incident shall provide redacted records related to the critical
21 incident, provided confidentiality is maintained. ~~and~~ THE DIVISION may
22 charge a fee in accordance with section 24-72-205. ~~C.R.S.~~

23 (d) The division of youth ~~corrections~~ SERVICES may release to the
24 public information at any time to correct inaccurate information
25 pertaining to the critical incident that was reported in the news media, so
26 long as the release of information by the division protects the
27 confidentiality of any youth involved; is not explicitly in conflict with

1 federal law; is not contrary to the best interest of the child who is the
2 subject of the report, or his or her siblings; is in the public's best interest;
3 and is consistent with the federal "Child Abuse Prevention and Treatment
4 Reauthorization Act of 2010", Pub.L. 111-320.

5

6 **SECTION 8.** In Colorado Revised Statutes, 19-2-508, **amend**
7 (3)(c)(IV), (3)(c)(V), and (7) as follows:

8 **19-2-508. Detention and shelter - hearing - time limits -**
9 **findings - review - confinement with adult offenders - restrictions.**

10 (3) (c) (IV) After charges are filed directly in district court against a
11 juvenile pursuant to section 19-2-517 or a juvenile is transferred to
12 district court pursuant to section 19-2-518, the division of youth
13 ~~corrections~~ SERVICES may petition the district court to transport the
14 juvenile to an adult jail. The district court shall hold a hearing on the
15 place of pretrial detention for the juvenile as soon as practicable, but no
16 later than ~~twenty~~ TWENTY-ONE days after the receipt of the division's
17 petition to transport. The district attorney, sheriff, or juvenile may file a
18 response to the petition and participate in the hearing. The juvenile shall
19 remain in a juvenile detention facility pending hearing and decision by the
20 district court.

21 (V) If a juvenile is placed in the division of youth ~~corrections~~
22 SERVICES and is being tried in district court, the division of youth
23 ~~corrections~~ SERVICES may petition the court for ~~a forthwith~~ AN IMMEDIATE
24 hearing to terminate juvenile detention placement if the juvenile's
25 placement in a juvenile detention facility presents an imminent danger to
26 the other juveniles or to staff at the detention facility. In making its
27 determination, the court shall review the factors set forth in ~~subparagraph~~

1 ~~(HH) of this paragraph (c)~~ SUBSECTION (3)(c)(III) OF THIS SECTION.

2 (7) Any law enforcement officer, employee of the division of
3 youth ~~corrections~~ SERVICES, or another person acting under the direction
4 of the court who in good faith transports any juvenile, releases any
5 juvenile from custody pursuant to a written policy of a court, releases any
6 juvenile pursuant to any written criteria established pursuant to this ~~title~~
7 TITLE 19, or detains any juvenile pursuant to court order or written policy
8 or criteria established pursuant to this ~~title shall be~~ TITLE 19 IS immune
9 from civil or criminal liability that might otherwise result by reason of
10 such act. For purposes of any proceedings, civil or criminal, the good
11 faith of any such person ~~shall be~~ IS presumed.

12

==

13 **SECTION 9.** In Colorado Revised Statutes, **add** 2-3-124 as
14 follows:

15 **2-3-124. Audits of reports of recidivism and educational**
16 **outcomes by the division of youth services.** ON OR BEFORE JANUARY 1,
17 2019, AND ON OR BEFORE JANUARY 1, 2024, THE STATE AUDITOR SHALL
18 AUDIT THE REPORTS OF RECIDIVISM RATES AND EDUCATIONAL OUTCOMES
19 FOR YOUTHS COMMITTED TO THE DIVISION OF YOUTH SERVICES IN THE
20 STATE DEPARTMENT OF HUMAN SERVICES, WHICH REPORTS ARE PROVIDED
21 PURSUANT TO SECTION 19-2-203 (6). EACH SUCH AUDIT MUST EXAMINE
22 THE DIVISION'S REPORTS DURING THE PRECEDING FIVE YEARS FOR
23 ACCURACY AND QUALITY. AFTER JANUARY 1, 2024, THE STATE AUDITOR,
24 AT HIS OR HER DISCRETION, MAY CONDUCT ADDITIONAL AUDITS OF THE
25 DIVISION OF YOUTH SERVICES.

26 **SECTION 10.** In Colorado Revised Statutes, 24-75-402, **amend**
27 (5)(jj) and (5)(kk); and **add** (5)(ll) as follows:

1 **24-75-402. Cash funds - limit on uncommitted reserves -**
2 **reduction in amount of fees - exclusions - repeal.** (5) Notwithstanding
3 any provision of this section to the contrary, the following cash funds are
4 excluded from the limitations specified in this section:

5 (jj) The licensing services cash fund created in section 42-2-114.5
6 (1); ~~C.R.S.~~; and

7 (kk) The cybersecurity cash fund created in section 24-33.5-1906;
8 AND

9 (ll) THE DIVISION OF YOUTH SERVICES PILOT PROGRAM CASH FUND
10 CREATED IN SECTION 19-2-203 (4).

11 **SECTION 11.** In Colorado Revised Statutes, 1-2-210.5, **amend**
12 (1) and (5)(a) as follows:

13 **1-2-210.5. Registration of and voting by persons in custody of**
14 **division of youth services - definitions.** (1) In the case of any individual
15 committed to a juvenile facility and in the custody of the division of youth
16 ~~corrections~~ SERVICES in the department of human services created in
17 section 19-2-203 (1) ~~C.R.S.~~, who is eighteen years of age or older on the
18 date of the next election, the administrator of the facility in which the
19 individual is committed shall facilitate the registration for voting purposes
20 of, and voting by, the individual. In connection with this requirement, the
21 administrator shall provide the individual information regarding his or her
22 voting rights and how the individual may register to vote and cast a mail
23 ballot, provide the individual with voter information materials upon the
24 request of the individual, and ensure that any mail ballot cast by the
25 individual is timely delivered to the designated election official.

26 (5) As used in this section:
27 (a) "Administrator" means the administrator, or his or her

1 designee, of the division of youth ~~corrections~~ SERVICES created in section
2 19-2-203 (1), ~~C.R.S.~~, a residential facility operated by the division of
3 youth ~~corrections~~ SERVICES, or a residential facility that contracts with the
4 division of youth ~~corrections~~ SERVICES in which a person committed to
5 the department of human services is confined and eligible to register to
6 vote and cast a ballot.

7 **SECTION 12.** In Colorado Revised Statutes, 2-3-208, **amend**
8 (3)(b)(I) as follows:

9 **2-3-208. Budget requests - amendments - supplemental**
10 **appropriation requests - deadlines - definitions.** (3) (b) (I) The
11 department of education shall submit a request for a supplemental
12 appropriation pursuant to section 22-54-106 (4)(b) ~~C.R.S.~~, to the joint
13 budget committee by January 15. The department of corrections and the
14 division of youth ~~corrections~~ SERVICES in the department of human
15 services shall each submit a request for a supplemental appropriation
16 related to changes in caseload to the joint budget committee by January
17 15.

18 **SECTION 13.** In Colorado Revised Statutes, 2-3-1203, **amend**
19 (15)(a) introductory portion and (15)(a)(V) as follows:

20 **2-3-1203. Sunset review of advisory committees - legislative**
21 **declaration - definition - repeal.** (15) (a) The following statutory
22 authorizations for the designated advisory committees ~~will repeal~~ ARE
23 SCHEDULED FOR REPEAL on September 1, 2024:

24 (V) The youth RESTRAINT AND seclusion working group in the
25 division of youth ~~corrections~~ SERVICES created in section 26-20-110.
26 ~~C.R.S.~~

27 **SECTION 14.** In Colorado Revised Statutes, 16-11.7-103,

1 **amend** (1) introductory portion and (1)(c)(II) as follows:

2 **16-11.7-103. Sex offender management board - creation -**
3 **duties - repeal.** (1) There is hereby created in the department of public
4 safety a sex offender management board that ~~shall consist~~ CONSISTS of
5 twenty-five members. The membership of the board ~~shall~~ MUST reflect,
6 to the extent possible, representation of urban and rural areas of the state
7 and a balance of expertise in adult and juvenile issues relating to persons
8 who commit sex offenses. The membership of the board ~~shall consist~~
9 CONSISTS of the following persons who ~~shall be~~ ARE appointed as
10 follows:

11 (c) The executive director of the department of human services
12 shall appoint three members as follows:

13 (II) One member who represents the division of youth ~~corrections~~
14 SERVICES in the department of human services; and

15 **SECTION 15.** In Colorado Revised Statutes, 16-11.9-102,
16 **amend** (2) introductory portion as follows:

17 **16-11.9-102. Mental illness screening - standardized process**
18 **- development.** (2) In conjunction with the development of a
19 standardized mental illness screening procedure for the adult criminal
20 justice system as specified in subsection (1) of this section, the judicial
21 department, the division of youth ~~corrections~~ SERVICES within the
22 department of human services, the unit responsible for child welfare
23 services within the department of human services, the unit within the
24 department of human services that administers behavioral health
25 programs and services, including those related to mental health and
26 substance abuse, the division of criminal justice within the department of
27 public safety, and the department of corrections shall cooperate to

1 develop a standardized screening procedure for the assessment of mental
2 illness in juveniles who are involved in the juvenile justice system. The
3 standardized screening procedure shall include, but is not limited to:

4 **SECTION 16.** In Colorado Revised Statutes, 16-20.5-102,
5 **amend** the introductory portion and (10) as follows:

6 **16-20.5-102. Definitions.** As used in this ~~article~~ ARTICLE 20.5,
7 unless the context otherwise requires:

8 (10) "TRAILS" means the case management system of the
9 division of youth ~~corrections~~ SERVICES of the department of human
10 services.

11 **SECTION 17.** In Colorado Revised Statutes, 16-22-103, **amend**
12 (4) as follows:

13 **16-22-103. Sex offender registration - required - applicability**
14 **- exception.** (4) The provisions of this ~~article shall~~ ARTICLE 22 apply to
15 any person who receives a disposition or is adjudicated a juvenile
16 delinquent based on the commission of any act that may constitute
17 unlawful sexual behavior or who receives a deferred adjudication based
18 on commission of any act that may constitute unlawful sexual behavior;
19 except that, with respect to section 16-22-113 (1)(a) to (1)(e), a person
20 may petition the court for an order to discontinue the duty to register as
21 provided in those paragraphs, but only if the person has not subsequently
22 received a disposition for, been adjudicated a juvenile delinquent for, or
23 been otherwise convicted of any offense involving unlawful sexual
24 behavior. In addition, the duty to provide notice to a person of the duty to
25 register, as set forth in sections 16-22-105 to 16-22-107, ~~shall apply~~
26 APPLIES to juvenile parole and probation officers and appropriate
27 personnel of the division of youth ~~corrections~~ SERVICES in the department

1 of human services.

2 **SECTION 18.** In Colorado Revised Statutes, **amend** 17-31-101
3 as follows:

4 **17-31-101. Legislative declaration.** The general assembly hereby
5 finds it necessary to provide for and encourage the implementation of
6 programs within the state's correctional facilities, the probation division
7 of the judicial department, the parole division within the department of
8 corrections, the division of youth ~~corrections~~ SERVICES within the
9 department of human services, and the department of public safety that
10 enable volunteers to effectively assist with the rehabilitation and
11 transition of adult and juvenile offenders. The general assembly ~~further~~
12 ~~finds that~~ ENCOURAGES the maximum use of volunteers ~~should be~~
13 ~~encouraged~~ to complement the regular staffs of such adult ~~and juvenile~~
14 corrections, parole, ~~and~~ probation, AND JUVENILE SERVICES divisions and
15 ~~that~~ ENCOURAGES volunteers ~~should be encouraged~~ to participate in
16 existing programs for adult and juvenile offenders in those divisions. The
17 general assembly finds that such volunteers should be allowed, where
18 practical and within the safety and security requirements of the applicable
19 institution or program, to meet with and freely communicate with
20 offenders to assist with the rehabilitation and transition of such offenders,
21 in order to establish support groups and systems outside of the
22 correctional facility.

23 **SECTION 19.** In Colorado Revised Statutes, 17-31-102, **amend**
24 the introductory portion and (2) as follows:

25 **17-31-102. Definitions.** As used in this ~~article~~ ARTICLE 31, unless
26 the context otherwise requires:

27 (2) "Division" means the division or department directing or

1 administering any public or private correctional institution or detention
2 facility in which offenders are housed or treated, any probation program
3 within each judicial district, or any juvenile or adult parole program,
4 including but not limited to, the judicial department, the department of
5 public safety and the division of criminal justice therein, the department
6 of corrections and the division of adult parole therein, and the department
7 of human services and the division of youth ~~corrections~~ SERVICES therein.

8 **SECTION 20.** In Colorado Revised Statutes, 17-31-103, **amend**
9 (1)(d) as follows:

10 **17-31-103. Volunteers - rehabilitation and transition -**
11 **programs.** (1) Each division shall facilitate, where practicable, the use
12 of volunteers to assist and participate in the development and
13 implementation of programs for the rehabilitation and transition of and
14 growth of support groups and systems for adult and juvenile offenders in
15 the following institutions and programs:

16 (d) The juvenile parole program of the division of youth
17 ~~corrections~~ SERVICES within the department of human services;

18 **SECTION 21.** In Colorado Revised Statutes, 18-1.3-107, **amend**
19 (4)(a) as follows:

20 **18-1.3-107. Sentencing order - collateral relief - definitions.**

21 (4) (a) Notwithstanding any other provision of law, an order of collateral
22 relief cannot relieve any collateral consequences imposed by law for
23 licensure by the department of education or any collateral consequences
24 imposed by law for employment with the judicial branch, the department
25 of corrections, division of youth ~~corrections~~ SERVICES in the department
26 of human services, or any other law enforcement agency in the state of
27 Colorado.

1 **SECTION 22**. In Colorado Revised Statutes, 18-1.3-213, **amend**
2 (4)(a) as follows:

3 **18-1.3-213. Sentencing order - collateral relief - definitions.**

4 (4) (a) Notwithstanding any other provision of law, an order of collateral
5 relief cannot relieve any collateral consequences imposed by law for
6 licensure by the department of education or any collateral consequences
7 imposed by law for employment with the judicial branch, the department
8 of corrections, division of youth ~~corrections~~ SERVICES in the department
9 of human services, or any other law enforcement agency in the state of
10 Colorado.

11 **SECTION 23**. In Colorado Revised Statutes, 18-1.3-303, **amend**
12 (4)(a) as follows:

13 **18-1.3-303. Sentencing order - collateral relief - definitions.**

14 (4) (a) Notwithstanding any other provision of law, an order of collateral
15 relief cannot relieve any collateral consequences imposed by law for
16 licensure by the department of education or any collateral consequences
17 imposed by law for employment with the judicial branch, the department
18 of corrections, division of youth ~~corrections~~ SERVICES in the department
19 of human services, or any other law enforcement agency in the state of
20 Colorado.

21 **SECTION 24**. In Colorado Revised Statutes, 18-1.9-101, **amend**
22 (1)(c) as follows:

23 **18-1.9-101. Legislative declaration.** (1) The general assembly
24 hereby finds that:

25 (c) The Colorado division of youth ~~corrections~~ SERVICES estimates
26 that twenty-four percent of juveniles in the juvenile justice system are
27 diagnosed with mental illness;

1 **SECTION 25**. In Colorado Revised Statutes, 18-1.9-104, **amend**
2 (1)(c)(IV)(B) as follows:

3 **18-1.9-104. Task force concerning treatment of persons with**
4 **mental illness in the criminal and juvenile justice systems - creation**
5 **- membership - duties.** (1) **Creation.** (c) The chair and vice-chair of the
6 committee shall appoint twenty-eight members as follows:

7 (IV) Five members who represent the department of human
8 services, as follows:

9 (B) One member who represents the division of youth ~~corrections~~
10 SERVICES;

11 **SECTION 26**. In Colorado Revised Statutes, 18-8-208, **amend**
12 (4.5) as follows:

13 **18-8-208. Escapes.** (4.5) A person commits a class 3
14 misdemeanor if he or she has been committed to the division of youth
15 ~~corrections~~ SERVICES in the department of human services for a
16 delinquent act, is over eighteen years of age, and escapes from a staff
17 secure facility as defined in section 19-1-103 (101.5), ~~C.R.S.~~, other than
18 a state-operated locked facility.

19 **SECTION 27**. In Colorado Revised Statutes, 19-1-103, **amend**
20 the introductory portion and (69) as follows:

21 **19-1-103. Definitions.** As used in this ~~title~~ TITLE 19 or in the
22 specified portion of this ~~title~~ TITLE 19, unless the context otherwise
23 requires:

24 (69) "Juvenile community review board", as used in article 2 of
25 this ~~title~~ TITLE 19, means any board appointed by a board of county
26 commissioners for the purpose of reviewing community placements under
27 article 2 of this ~~title~~ TITLE 19. The board, if practicable, shall include but

1 not be limited to a representative from a county department of social
2 services, a local school district, a local law enforcement agency, a local
3 probation department, a local bar association, the division of youth
4 ~~corrections~~ SERVICES, and private citizens.

5 **SECTION 28.** In Colorado Revised Statutes, 19-2-205, **amend**
6 (1) as follows:

7 **19-2-205. Facility directors - duties.** (1) THE DIRECTOR OF THE
8 DIVISION OF YOUTH SERVICES SHALL APPOINT a director of each
9 state-operated facility established by section 19-2-403 and sections
10 19-2-406 to 19-2-408 ~~shall be appointed by the director of the division of~~
11 ~~youth corrections~~ pursuant to section 13 of article XII of the state
12 constitution.

13 **SECTION 29.** In Colorado Revised Statutes, 19-2-209, **amend**
14 (1), (2), and (3) as follows:

15 **19-2-209. Juvenile parole - organization.** (1) Juvenile parole
16 services ~~shall be~~ ARE administered by the division of youth ~~corrections~~
17 SERVICES in the department of human services, under the direction of the
18 director of the division of youth ~~corrections~~ SERVICES, appointed pursuant
19 to section 19-2-203.

20 (2) THE DIRECTOR OF THE DIVISION SHALL APPOINT juvenile parole
21 officers and other personnel of the division of youth ~~corrections shall be~~
22 ~~appointed by the director of the division of youth corrections~~ SERVICES
23 pursuant to section 13 of article XII of the state constitution and with the
24 consent of the department of human services. Juvenile parole officers
25 ~~shall~~ have the powers and duties specified in part 10 of this ~~article~~
26 ARTICLE 2 and ~~shall have~~ the powers of peace officers, as described in
27 sections 16-2.5-101 and 16-2.5-138. ~~C.R.S.~~

1 (3) The division of youth ~~corrections~~ SERVICES may divide
2 juvenile parole supervision into regions throughout the state. Within each
3 region there may be more than one office location for parole officers.

4 **SECTION 30.** In Colorado Revised Statutes, **amend** 19-2-211 as
5 follows:

6 **19-2-211. Local juvenile services planning committee -**
7 **creation - duties.** If all of the boards of commissioners of each county or
8 the city council of each city and county in a judicial district agree, there
9 ~~shall~~ MAY be created in the judicial district a local juvenile services
10 planning committee that ~~shall be~~ IS appointed by the chief judge of the
11 judicial district or, for the second judicial district, the presiding judge of
12 the Denver juvenile court from persons recommended by the boards of
13 commissioners of each county or the city council of each city and county
14 within the judicial district. The committee, if practicable, ~~shall~~ MUST
15 include, but need not be limited to, a representative from the county
16 department of social services, a local school district, a local law
17 enforcement agency, a local probation department, the division of youth
18 ~~corrections~~ SERVICES, private citizens, the district attorney's office, and
19 the public defender's office and a community mental health representative
20 and a representative of the concerns of municipalities. The committee, if
21 created, shall meet as necessary to develop a plan for the allocation of
22 resources for local juvenile services within the judicial district for the
23 fiscal year. The committee is strongly encouraged to consider programs
24 with restorative justice components when developing the plan. The plan
25 ~~shall~~ MUST be approved by the department of human services. A local
26 juvenile services planning committee may be consolidated with other
27 local advisory boards pursuant to section 24-1.7-103. ~~C.R.S.~~

1 **SECTION 31.** In Colorado Revised Statutes, 19-2-213, **amend**
2 (2)(b) as follows:

3 **19-2-213. Restorative justice coordinating council -**
4 **establishment - membership - repeal.** (2) The restorative justice
5 coordinating council includes, at a minimum, the following:

6 (b) A representative from the division of youth ~~corrections~~
7 SERVICES in the department of human services who ~~shall be~~ IS appointed
8 by the executive director of the department of human services;

9 **SECTION 32.** In Colorado Revised Statutes, 19-2-214, **amend**
10 (1) introductory portion as follows:

11 **19-2-214. Detention center sexual assault prevention program.**

12 (1) The division of youth ~~corrections~~ SERVICES created in section
13 19-2-203 shall develop, with respect to sexual assaults that occur in
14 juvenile facilities, policies and procedures to:

15 **SECTION 33.** In Colorado Revised Statutes, 19-2-307, **amend**
16 (2) as follows:

17 **19-2-307. Juvenile intensive supervision program - elements.**

18 (2) The judicial department, ~~shall be assisted in developing~~ WITH THE
19 ASSISTANCE OF A JUVENILE INTENSIVE SUPERVISION ADVISORY
20 COMMITTEE, SHALL DEVELOP assessment criteria for placement in the
21 juvenile intensive supervision program and judicial department guidelines
22 for implementation of the program and measurement of the outcome of
23 the program. ~~by a juvenile intensive supervision advisory committee.~~
24 ~~Such~~ THE advisory committee ~~shall be~~ IS appointed by the state court
25 administrator and ~~shall include, but shall not be~~ INCLUDES, BUT IS NOT
26 limited to, representatives of the division of youth ~~corrections~~ SERVICES
27 in the department of human services and the division of criminal justice

1 of the department of public safety.

2 **SECTION 34.** In Colorado Revised Statutes, 19-2-309.5, **amend**
3 (2)(a), (2)(c), (2)(d), (2)(e), (3), (4)(a) introductory portion, (4)(a)(II)
4 introductory portion, (5), (6), and (8) as follows:

5 **19-2-309.5. Community accountability program - legislative**
6 **declaration - creation.** (2) (a) The division of youth ~~corrections~~
7 SERVICES, pursuant to a contract with one or more private entities, shall
8 establish, maintain, and operate a community accountability program,
9 referred to in this section as the "program".

10 (c) A sentence imposed pursuant to this section ~~shall be~~ IS
11 conditioned on the availability of space in the program and the division
12 of youth ~~corrections~~ SERVICES' determination of whether the juvenile's
13 participation in the program is appropriate. A juvenile may be denied
14 participation in the program upon a determination by the division that a
15 physical or mental condition, including severe substance abuse, will
16 prevent the juvenile's full participation in the program. Any juvenile
17 denied participation in the program ~~shall~~ MUST be returned to the juvenile
18 court for resentencing.

19 (d) The judicial department shall provide information to the
20 division of youth ~~corrections~~ SERVICES concerning sentencing of the
21 juvenile, including but not limited to the juvenile's criminal history, the
22 presentence investigation report, the risk-need assessment, and
23 demographics pertaining to the juvenile.

24 (e) The program ~~shall~~ MUST be established for up to eighty beds.
25 Under the contract entered into pursuant to ~~paragraph (a) of this~~
26 ~~subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION, the division of youth
27 ~~corrections~~ SERVICES shall pay only for the actual number of juveniles

1 placed in the program.

2 (3) If feasible, the program may be established regionally, one in
3 each of the division of youth ~~corrections~~' SERVICES' regions. The division,
4 through a competitive bid process, shall select one or more private entities
5 to operate the program.

6 (4) (a) The program ~~shall consist~~ CONSISTS of two integrated
7 components. Each selected entity shall provide both components within
8 the contracted region as follows:

9 (II) **Component II.** THE DIVISION OF YOUTH SERVICES SHALL
10 ADMINISTER component II, ~~shall be administered by the division of youth~~
11 ~~corrections and shall consist~~ WHICH CONSISTS of a community
12 reintegration phase. FOR each juvenile entering component II, THE
13 DEPARTMENT OF YOUTH SERVICES AND THE LOCAL PROBATION
14 DEPARTMENT shall ~~have~~ JOINTLY ESTABLISH a reintegration plan. ~~jointly~~
15 ~~established by the division of youth corrections and the local probation~~
16 ~~department.~~ Component II may contain, but need not be limited to, the
17 following program elements:

18 (5) If a juvenile in the first component of the program would
19 substantially benefit, the division of youth ~~corrections~~ SERVICES shall
20 notify the local department of probation who may petition the court for
21 an extension of up to fifteen days in addition to the initial sixty-day period
22 for the first component of the program. The period of time a juvenile
23 spends in the second component of the program ~~shall~~ MUST not exceed
24 one hundred twenty days. The entire period of a juvenile's participation
25 in the program ~~shall~~ MUST not exceed the length of the juvenile's
26 probation sentence. Whenever a juvenile fails to progress through or
27 complete the first or second component of the program, the juvenile ~~shall~~

1 be IS subject to the provisions of section 19-2-925 (4) for violating a
2 condition of probation.

3 (6) The division of youth ~~corrections~~ SERVICES and the judicial
4 department shall jointly establish guidelines for the program and FOR each
5 of the components thereof described in subsection (4) of this section. THE
6 DIVISION OF YOUTH SERVICES SHALL MAKE AVAILABLE necessary support
7 services for the juvenile and the juvenile's family ~~shall be made available~~
8 under both components of the program. ~~as deemed appropriate by the~~
9 ~~division of youth corrections.~~

10 (8) The division of youth ~~corrections~~ SERVICES shall conduct an
11 ongoing evaluation of the program. On or before ~~January 15, 2003, and~~
12 ~~on or before~~ January 15 each year, ~~thereafter~~, the division of youth
13 ~~corrections~~ SERVICES shall submit a report of the evaluation results to the
14 general assembly. The division may contract for the services and labor
15 necessary to perform the ongoing evaluation.

16 **SECTION 35.** In Colorado Revised Statutes, **amend** 19-2-311 as
17 follows:

18 **19-2-311. Victim-offender conferences - pilot program.** The
19 division of youth ~~corrections~~ SERVICES is authorized to establish a pilot
20 program, when funds become available, in its facilities to facilitate
21 victim-initiated victim-offender conferences whereby a victim of a crime
22 may request a facilitated conference with the juvenile who committed the
23 crime, if the juvenile is in the custody of the division of youth ~~corrections~~
24 SERVICES. After such a pilot program is established, the division of youth
25 ~~corrections~~ SERVICES may establish policies and procedures for the
26 victim-offender conferences using volunteers to facilitate the conferences.
27 The volunteers shall complete the division of youth ~~corrections~~' SERVICES'

1 volunteer and facility-specific training programs and complete high-risk
2 victim-offender training and victim advocacy training. The division of
3 youth ~~corrections~~ SERVICES shall not compensate or reimburse a volunteer
4 or victim for any expenses. If a pilot program is available, and subsequent
5 to the victim's or the victim representative's request, the division of youth
6 ~~corrections~~ SERVICES shall arrange such a conference only after
7 determining that the conference would be safe and only if the juvenile
8 agrees to participate. The purposes of the conference ~~shall be~~ ARE to
9 enable the victim to meet the juvenile, to obtain answers to questions only
10 the juvenile can answer, to assist the victim in healing from the impact of
11 the crime, and to promote a sense of remorse and acceptance of
12 responsibility by the juvenile that may contribute to his or her
13 rehabilitation.

14 **SECTION 36.** In Colorado Revised Statutes, 19-2-414, **amend**
15 (3) as follows:

16 **19-2-414. Facility rules - academic and vocational courses.**

17 (3) The director of the division of youth ~~corrections~~ SERVICES may
18 appoint, pursuant to section 13 of article XII of the state constitution, a
19 director and such other officers, teachers, instructors, counselors, and
20 other personnel as the director may consider necessary to transact the
21 business of the schools and may designate their duties. No person shall be
22 appointed as a teacher or instructor in the schools who is not qualified to
23 serve as a teacher or instructor in the schools under the laws of the state
24 and the standards established by the department of education.

25 **SECTION 37.** In Colorado Revised Statutes, **amend** 19-2-415 as
26 follows:

27 **19-2-415. Fees for transporting juveniles.** It is the duty of the

1 sheriff, undersheriff, or deputy, or in their absence any suitable person
2 appointed by the court for such purpose, to convey any juvenile
3 committed under the provisions of section 19-2-601 or 19-2-907 to
4 facilities of the division of youth ~~corrections~~ SERVICES. All officers
5 performing services under this part 4 ~~shall~~ MUST be paid the same fees as
6 are allowed for similar services in criminal cases, such fees to be paid by
7 the county from which such juvenile was committed.

8 **SECTION 38.** In Colorado Revised Statutes, **amend** 19-2-914 as
9 follows:

10 **19-2-914. Sentencing - community accountability program.**

11 Except as otherwise provided in section 19-2-601, the court may sentence
12 the juvenile to participate in the community accountability program as set
13 forth in section 19-2-309.5. Such a sentence ~~shall be~~ IS a condition of
14 probation ~~and shall be~~ for higher-risk juveniles who would have
15 otherwise been sentenced to detention or out-of-home placement or
16 committed to the department of human services. A sentence pursuant to
17 this section ~~shall be~~ IS conditioned on the availability of space in the
18 community accountability program and on a determination by the division
19 of youth ~~corrections~~ SERVICES that the juvenile's participation in the
20 program is appropriate. In the event that the division of youth ~~corrections~~
21 SERVICES determines the program is at maximum capacity or that a
22 juvenile's participation is not appropriate, the juvenile ~~shall~~ MUST be
23 ordered to return to the sentencing court for another sentencing hearing.

24 **SECTION 39.** In Colorado Revised Statutes, 19-2-921, **amend**
25 (7) and (10) as follows:

26 **19-2-921. Commitment to department of human services.**

27 (7) When a juvenile is released or released to parole supervision by the

1 department of human services or escapes from said department, the
2 department shall notify the committing court, the district attorney, the
3 Colorado bureau of investigation, and the initiating law enforcement
4 agency. If the juvenile is on parole status, the division of youth
5 ~~corrections~~ SERVICES shall notify the juvenile parole board, pursuant to
6 section 19-2-1002 (7)(b)(II), of any discharge as a matter of law, any
7 placement change that may impact public safety or victim safety as
8 determined by the division of youth ~~corrections~~ SERVICES, and any escape
9 and recapture that occurs during the period of parole.

10 (10) When custody of a juvenile who will be under the age of
11 eighteen years at the time of expiration of commitment cannot be
12 determined or none of the resources described in subsection (9) of this
13 section exist, the division of youth ~~corrections~~ SERVICES shall make a
14 referral to the last-known county of residence of the responsible person
15 having custody of the juvenile immediately prior to the commitment. The
16 referral to the county ~~shall~~ MUST be made by the division of youth
17 ~~corrections~~ SERVICES at least ninety days prior to the expiration of the
18 juvenile's commitment. The county department of human services or
19 county department of social services shall conduct an assessment of the
20 child protection needs of the juvenile and, pursuant to rules adopted by
21 the state board, provide services in the best interest of the juvenile. The
22 division of youth ~~corrections~~ SERVICES shall work in collaboration with
23 the county department conducting the assessment and shall provide parole
24 supervision services as described in section 19-2-1003.

25 **SECTION 40.** In Colorado Revised Statutes, 19-2-1002, **amend**
26 (7)(b)(I)(A), (7)(b)(II), (9)(b)(I), and (9)(b)(II)(B) as follows:

27 **19-2-1002. Juvenile parole. (7) Notice. (b) (I) (A)** Prior to

1 consideration of the case of a juvenile for parole, the board shall provide
2 notice of the time and place of the juvenile's hearing before the board or
3 a hearing panel of the board to a victim who has provided to the division
4 of youth ~~corrections~~ SERVICES or the board a written statement pursuant
5 to sections 24-4.1-302.5 and 24-4.1-303. ~~C.R.S.~~ The notice and
6 subsequent interactions with the victim ~~shall~~ MUST be consistent with the
7 provisions of article 4.1 of title 24. ~~C.R.S.~~

8 (II) For a ~~youth that~~ JUVENILE WHO is currently serving parole that
9 implicates the provisions of article 4.1 of title 24, ~~C.R.S.~~, the division of
10 youth ~~corrections~~ SERVICES shall notify the board of any discharge as a
11 matter of law and any placement change that may impact public safety or
12 victim safety as determined by the division of youth ~~corrections~~ SERVICES,
13 including any escape or recapture.

14 (9) **Parole discharge.** (b) (I) Based upon a request and
15 recommendation by the division of youth ~~corrections~~ SERVICES, the board
16 may discharge all or a portion of a juvenile's period of parole, as defined
17 in section 19-2-909 (1) (b), without holding a hearing before the board or
18 a hearing panel of the board, if the board finds that:

19 (II) As used in this subsection (9), a juvenile is unavailable to
20 complete the period of parole if:

21 (B) The juvenile has been or will be transferred out of the state of
22 Colorado and the division of youth ~~corrections~~ SERVICES determines that
23 the discharge is not in conflict with the interstate compact on juveniles,
24 part 7 of article 60 of title 24; ~~C.R.S.~~ or

25 **SECTION 41.** In Colorado Revised Statutes, 19-2-1003, **amend**
26 (1) as follows:

27 **19-2-1003. Parole officers - powers - duties.** (1) Under the

1 direction of the director of the division of youth ~~corrections~~ SERVICES, the
2 juvenile parole officer or officers in each region established in section
3 19-2-209 (3) shall supervise all juveniles living in the region who, having
4 been committed to the department of human services, are on parole from
5 one of its facilities.

6 **SECTION 42.** In Colorado Revised Statutes, 19-2-1004, **amend**
7 (1) introductory portion, (2), (8)(b), and (12) as follows:

8 **19-2-1004. Parole violation and revocation.** (1) The director of
9 the division of youth ~~corrections~~ SERVICES or any juvenile parole officer
10 may arrest any parolee when:

11 (2) When an alleged parole violator is taken into custody, the
12 director of the division of youth ~~corrections~~ SERVICES or the juvenile
13 parole officer shall notify the parents, guardian, or legal custodian of the
14 juvenile without unnecessary delay.

15 (8) Within ten working days after the finding of probable cause by
16 the preliminary administrative law judge, the juvenile parole officer shall
17 complete his or her investigation and either:

18 (b) Recommend to the director of the division of youth ~~corrections~~
19 SERVICES, or his or her designee, that the parolee, if detained, be released
20 and the violation proceedings be dismissed. The director, or his or her
21 designee, shall determine whether to cause the violation proceedings to
22 be dismissed, and, if he or she elects to cause dismissal, the parolee ~~shall~~
23 **MUST** be released or notified that he or she is relieved of obligation to
24 appear before the hearing panel. In such event, the director, or his or her
25 designee, shall give written notification to the board of his or her action.

26 (12) At the hearing before the hearing panel, if the parolee denies
27 the violation, the division of youth ~~corrections shall have~~ SERVICES HAS

1 the burden of establishing by a preponderance of the evidence the
2 violation of a condition or conditions of parole. The hearing panel shall,
3 when it appears that the alleged violation of conditions of parole consists
4 of an offense with which the parolee is charged in a criminal case then
5 pending, continue the parole violation hearing until the termination of the
6 criminal proceeding. Any evidence having probative value ~~shall be~~ IS
7 admissible regardless of its admissibility under exclusionary rules of
8 evidence if the parolee is accorded a fair opportunity to rebut hearsay
9 evidence. The parolee ~~shall have~~ HAS the right to confront and to
10 cross-examine adverse witnesses unless the administrative law judge
11 specifically finds good cause for not allowing confrontation.

12 **SECTION 43.** In Colorado Revised Statutes, 19-3.3-103, **amend**
13 (5) as follows:

14 **19-3.3-103. Office of the child protection ombudsman - powers**
15 **and duties - access to information - confidentiality - testimony -**
16 **judicial review.** (5) In the performance of his or her duties, the
17 ombudsman shall act independently of the divisions within the state
18 department that are responsible for child welfare, youth ~~corrections~~
19 SERVICES, or child care, of the county departments of human or social
20 services, and of all judicial agencies, including, but not limited to, the
21 office of the child's representative, the office of the respondent parents'
22 counsel, the office of state public defender, the office of alternate defense
23 counsel, and the office of attorney regulation counsel. Any
24 recommendations made by the ombudsman or positions taken by the
25 ombudsman do not reflect those of the state department, judicial
26 department, or of the county departments of human or social services.

27 **SECTION 44.** In Colorado Revised Statutes, 19-7-101, **amend**

1 (1) introductory portion as follows:

2 **19-7-101. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that youth in foster care, excluding those in the
4 custody of the division of youth ~~corrections~~ SERVICES or a state mental
5 hospital, should enjoy the following:

6 **SECTION 45.** In Colorado Revised Statutes, 19-7-103, **amend**
7 (1) as follows:

8 **19-7-103. Access to extracurricular activities - legislative**
9 **declaration - rules.** (1) The general assembly finds and declares that it
10 is important for youth in foster care, excluding those in the custody of the
11 division of youth ~~corrections~~ SERVICES or a state mental hospital, to have
12 increased access to normative, developmentally appropriate
13 extracurricular activities to help prepare them for independence. Foster
14 parents and group home parents or group center administrators shall make
15 a reasonable effort to allow a youth in their care to participate in
16 extracurricular, cultural, educational, work-related, and personal
17 enrichment activities. ~~On or before July 31, 2012,~~ The department of
18 human services shall promulgate rules for the implementation of this
19 section. The rules ~~shall~~ **MUST** address policies, including but not limited
20 to waiver of any fingerprint-based criminal history records checks for
21 community entities, excluding all individuals required to obtain a
22 fingerprint-based criminal history records check pursuant to section
23 26-6-107, ~~C.R.S.~~, providing extracurricular activities and guidelines for
24 determining in what situations it is appropriate to waive fingerprint-based
25 criminal history records checks, to allow youth in foster care, excluding
26 those in the custody of the division of youth ~~corrections~~ SERVICES or a
27 state mental hospital, who are twelve years of age and older to participate

1 in age-appropriate extracurricular enrichment, social activities, and
2 activities designed to assist those youth to make the transition to
3 independence, build life skills, and enhance opportunities to make
4 positive connections.

5 **SECTION 46.** In Colorado Revised Statutes, 22-14-103, **amend**
6 (3)(c)(IV) as follows:

7 **22-14-103. Office of dropout prevention and student**
8 **re-engagement - created - purpose - duties.** (3) To accomplish the
9 purposes specified in subsection (2) of this section, the office shall also:

10 (c) Develop interagency agreements and otherwise cooperate with
11 other state and federal agencies and with private, nonprofit agencies to
12 collect and review student data and develop and recommend methods for
13 reducing student dropout rates and increasing student engagement and
14 re-engagement. The office shall, to the extent possible, collaborate with,
15 at a minimum:

16 (IV) The division of youth ~~corrections~~ SERVICES and other
17 agencies within the juvenile justice system;

18 **SECTION 47.** In Colorado Revised Statutes, 22-20-103, **amend**
19 (28)(c) as follows:

20 **22-20-103. Definitions.** As used in this part 1, unless the context
21 otherwise requires:

22 (28) "State-operated program" means an approved school program
23 supervised by the department and operated by:

24 (c) The department of human services, including but not limited
25 to the division of youth ~~corrections~~ SERVICES and the mental health
26 institutes.

27 **SECTION 48.** In Colorado Revised Statutes, 22-20-104, **amend**

1 (2)(a) as follows:

2 **22-20-104. Administration - advisory committee - rules.**

3 (2) (a) In order to assist the state board in the performance of its
4 responsibilities for the implementation of this part 1, the state board shall
5 appoint a state special education advisory committee of an appropriate
6 size. The members of the advisory committee ~~shall~~ MUST be
7 representative of the state population and ~~shall be~~ composed of persons
8 involved in or concerned with the education of children with disabilities,
9 including parents of children with disabilities ages birth through
10 twenty-six years; individuals with disabilities; teachers; representatives
11 of institutions of higher education that prepare special education and
12 related services personnel; state and local education officials, including
13 officials who carry out activities under section 22-33-103.5;
14 administrators of programs for children with disabilities; representatives
15 of other state agencies involved in the financing or delivery of related
16 services to children with disabilities; representatives of private schools,
17 district charter schools, and institute charter schools; at least one
18 representative of a vocational, community, or business organization
19 concerned with the provision of transition services to children with
20 disabilities; a representative from child welfare services in the department
21 of human services established pursuant to section 26-5-102; ~~C.R.S.~~; and
22 representatives from the division of youth ~~corrections~~ SERVICES in the
23 department of human services and from the department of corrections. A
24 majority of the members of the advisory committee ~~shall~~ MUST be
25 individuals with disabilities or parents of children with disabilities.
26 Members ~~shall be~~ ARE appointed for terms as determined by the by-laws
27 of the advisory committee. Any additions to the composition of the

1 advisory committee ~~shall~~ MUST be made pursuant to the procedures of the
2 state board.

3 **SECTION 49.** In Colorado Revised Statutes, 22-32-109.3,
4 **amend** (2) introductory portion and (2)(b) as follows:

5 **22-32-109.3. Board of education - specific duties - student**
6 **records.** (2) Notwithstanding the provisions of subsection (1) of this
7 section, the address and telephone number and any medical,
8 psychological, sociological, and scholastic achievement data concerning
9 any student ~~shall be~~ ARE released ONLY under the following conditions:

10 (b) To district or municipal court personnel, the division of youth
11 ~~corrections~~ SERVICES, county departments of social services, the youthful
12 offender system, and any other juvenile justice agency within fifteen days
13 after receipt by the school district of a court order authorizing release of
14 such information.

15 **SECTION 50.** In Colorado Revised Statutes, 24-1-120, **amend**
16 (6) introductory portion and (6)(e) as follows:

17 **24-1-120. Department of human services - creation.** (6) The
18 department ~~shall consist~~ CONSISTS of the following divisions and units:

19 (e) The division of youth ~~corrections~~ SERVICES, created pursuant
20 to section 19-2-203. ~~C.R.S.~~ The division of youth ~~corrections~~ SERVICES
21 and the office of the director of the division of youth ~~corrections~~
22 SERVICES and their powers, duties, and functions are transferred by a **type**
23 **2** transfer to the department of human services as a division thereof.

24 **SECTION 51.** In Colorado Revised Statutes, 24-1.9-102, **amend**
25 (1)(a) introductory portion and (1)(a)(VI) as follows:

26 **24-1.9-102. Memorandum of understanding - local-level**
27 **interagency oversight groups - individualized service and support**

1 **teams - coordination of services for children and families -**
2 **requirements - waiver.** (1) (a) Local representatives of each of the
3 agencies specified in this ~~paragraph (a)~~ SUBSECTION (1)(a) and county
4 departments of social services may enter into memorandums of
5 understanding that are designed to promote a collaborative system of
6 local-level interagency oversight groups and individualized service and
7 support teams to coordinate and manage the provision of services to
8 children and families who would benefit from integrated multi-agency
9 services. The memorandums of understanding entered into pursuant to
10 this subsection (1) ~~shall~~ MUST be between interested county departments
11 of social services and local representatives of each of the following
12 agencies or entities:

13 (VI) The division of youth ~~corrections~~ SERVICES;

14 **SECTION 52.** In Colorado Revised Statutes, 24-4.1-302, **amend**
15 (1.3) as follows:

16 **24-4.1-302. Definitions.** As used in this part 3, and for no other
17 purpose, including the expansion of the rights of any defendant:

18 (1.3) "Correctional facility" means any private or public entity
19 providing correctional services to offenders pursuant to a court order
20 including, but not limited to a county jail, a community corrections
21 provider, the division of youth ~~corrections~~ SERVICES, and the department
22 of corrections.

23 **SECTION 53.** In Colorado Revised Statutes, 24-4.1-302.5,
24 **amend** (1)(d.5)(IV) as follows:

25 **24-4.1-302.5. Rights afforded to victims.** (1) In order to
26 preserve and protect a victim's rights to justice and due process, each
27 victim of a crime has the following rights:

1 (d.5) (IV) This ~~paragraph (d.5)~~ SUBSECTION (1)(d.5) applies to a
2 victim who is incarcerated or otherwise being held in a local county jail,
3 the department of corrections, or the division of youth ~~corrections~~
4 SERVICES in the department of human services, but is limited to
5 participation by telephone.

6 **SECTION 54.** In Colorado Revised Statutes, 24-4.1-303, **amend**
7 (14.3)(c) as follows:

8 **24-4.1-303. Procedures for ensuring rights of victims of**
9 **crimes.** (14.3) Upon receipt of a written statement from the victim, the
10 juvenile parole board shall notify the victim of the following information
11 regarding any person who was charged with or convicted of an offense
12 against the victim:

13 (c) Any placement change that occurs during the period of parole
14 that may impact the victim's safety or public safety as determined by the
15 division of youth ~~corrections~~ SERVICES; and

16 **SECTION 55.** In Colorado Revised Statutes, 24-33.5-515,
17 **amend** (1) introductory portion, (1)(d), and (2) as follows:

18 **24-33.5-515. Statewide automated victim information and**
19 **notification system - legislative declaration.** (1) The general assembly
20 ~~hereby~~ finds and declares that:

21 (d) The system is available for any county that wishes to
22 participate and also includes the division of youth ~~corrections~~ SERVICES;

23 (2) The general assembly may annually appropriate from the
24 general fund to the division ~~moneys~~ MONEY for the operation of the
25 statewide automated victim information and notification system. The
26 division must distribute ~~moneys~~ MONEY appropriated to the division by
27 the general assembly for the operation of the statewide automated victim

1 information and notification system to be used by the county sheriffs, the
2 division of youth ~~corrections~~ SERVICES, and other departments or
3 agencies.

4 **SECTION 56.** In Colorado Revised Statutes, 25-1.5-106, **amend**
5 (10) as follows:

6 **25-1.5-106. Medical marijuana program - powers and duties**
7 **of state health agency - rules - medical review board - medical**
8 **marijuana program cash fund - subaccount - created - repeal.**
9 **(10) Renewal of patient identification card upon criminal conviction.**

10 Any patient who is convicted of a criminal offense under article 18 of title
11 18 ~~C.R.S.~~, WHO IS sentenced or ordered by a court to drug or substance
12 abuse treatment, or sentenced to the division of youth ~~corrections~~, shall
13 ~~be~~ SERVICES, IS subject to immediate renewal of his or her patient registry
14 identification card, and the patient shall apply for the renewal based upon
15 a recommendation from a physician with whom the patient has a bona
16 fide physician-patient relationship.

17 **SECTION 57.** In Colorado Revised Statutes, 25-20.5-109,
18 **amend** (1) introductory portion and (1)(a) as follows:

19 **25-20.5-109. Programs not included.** (1) Notwithstanding any
20 other provisions of this ~~article~~ ARTICLE 20.5 to the contrary, the following
21 programs are not subject to the requirements of this ~~article~~ ARTICLE 20.5:

22 (a) Any juvenile programs operated by the division of youth
23 ~~corrections~~ SERVICES in the department of human services;

24 **SECTION 58.** In Colorado Revised Statutes, 25-20.5-406,
25 **amend** (2)(b)(IV) as follows:

26 **25-20.5-406. State review team - creation - membership -**
27 **vacancies.** (2) (b) The executive director of the department of human

1 services shall appoint six voting members, as follows:

2 (IV) One member who represents the division of youth ~~corrections~~
3 SERVICES; and

4 **SECTION 59.** In Colorado Revised Statutes, 25.5-4-205.5,
5 **amend** (2) as follows:

6 **25.5-4-205.5. Confined persons - suspension of benefits.**

7 (2) Notwithstanding any other provision of law, a person who,
8 immediately prior to becoming a confined person, was a recipient of
9 medical assistance pursuant to this ~~article~~ ARTICLE 4 or article 5 or 6 of
10 this ~~title shall remain~~ TITLE 25.5 REMAINS eligible for medical assistance
11 while a confined person; except that no medical assistance ~~shall~~ MAY be
12 furnished pursuant to this ~~article~~ ARTICLE 4 or article 5 or 6 of this ~~title~~
13 TITLE 25.5 while the person is a confined person unless federal financial
14 participation is available for the cost of the assistance, including but not
15 limited to juveniles held in a facility operated by or under contract to the
16 division of youth ~~corrections~~ SERVICES established pursuant to section
17 19-2-203 ~~C.R.S.~~, or the department of human services. Once a person is
18 no longer a confined person, the person ~~shall continue~~ CONTINUES to be
19 eligible for receipt of medical benefits pursuant to this ~~article~~ ARTICLE 4
20 or article 5 or 6 of this ~~title~~ TITLE 25.5 until the person is determined to be
21 ineligible for the receipt of the assistance. To the extent permitted by
22 federal law, the time during which a person is a confined person ~~shall not~~
23 ~~be~~ IS NOT included in any calculation of when the person must recertify
24 his or her eligibility for medical assistance pursuant to this ~~article~~
25 ARTICLE 4 or article 5 or 6 of this ~~title~~ TITLE 25.5.

26 **SECTION 60.** In Colorado Revised Statutes, 25.5-6-409.5,
27 **amend** (3)(d) as follows:

1 **25.5-6-409.5. Transition plan for youth with intellectual and**
2 **developmental disabilities to adult services - legislative declaration -**
3 **report - rules - cash fund.** (3) (d) The requirement to transition youth
4 as set forth in ~~paragraph (c) of this subsection (3)~~ SUBSECTION (3)(c) OF
5 THIS SECTION does not apply to youth currently serving a sentence in the
6 division of youth ~~corrections~~ SERVICES or to youth under a court order in
7 a juvenile delinquency case, unless the court approves the transition by
8 written court order.

9 **SECTION 61.** In Colorado Revised Statutes, 26-20-102, **amend**
10 the introductory portion and (2.5) as follows:

11 **26-20-102. Definitions.** As used in this ~~article~~ ARTICLE 20, unless
12 the context otherwise requires:

13 (2.5) "Division of youth ~~corrections~~ SERVICES" means the division
14 of youth ~~corrections~~ SERVICES within the state department created
15 pursuant to section 19-2-203. ~~C.R.S.~~

16 **SECTION 62.** In Colorado Revised Statutes, 26-20-104.5,
17 **amend** (1) introductory portion, (1)(c), (2)(b) introductory portion,
18 (2)(b)(II), and (3) as follows:

19 **26-20-104.5. Duties relating to use of seclusion by division of**
20 **youth services.** (1) Notwithstanding the provisions of section 26-20-103
21 to the contrary, if the division of youth ~~corrections~~ SERVICES holds a
22 youth in seclusion in any secure state-operated or state-owned facility:

23 (c) Within twelve hours after the beginning of the youth's
24 seclusion period, the division of youth ~~corrections~~ SERVICES shall notify
25 the youth's parent, guardian, or legal custodian and inform that person
26 that the youth is or was in seclusion and the reason for his or her
27 seclusion.

1 (2) (b) If an emergency situation occurs that continues beyond
2 four consecutive hours, the division of youth ~~corrections~~ SERVICES may
3 not continue the use of seclusion for that youth unless the following
4 criteria are met and documented:

5 (II) The director of the division of youth ~~corrections~~ SERVICES, or
6 his or her designee, approves at or before the conclusion of four hours,
7 and every hour thereafter, the continued use of seclusion.

8 (3) Notwithstanding any other provision of this section, the
9 division of youth ~~corrections~~ SERVICES may place a youth alone in a room
10 or area from which egress is involuntarily prevented if such confinement
11 is part of a routine practice that is applicable to substantial portions of the
12 population. Such confinement must be imposed only for the completion
13 of administrative tasks and should last no longer than necessary to
14 achieve the task safely and effectively.

15 **SECTION 63.** In Colorado Revised Statutes, 26-20-105, **amend**
16 (1.5) introductory portion as follows:

17 **26-20-105. Staff training concerning the use of restraint and**
18 **seclusion - adults and youth.** (1.5) The division of youth ~~corrections~~
19 SERVICES shall ensure that all staff involved in utilizing restraint and
20 seclusion are trained in:

21 **SECTION 64.** In Colorado Revised Statutes, 27-67-102, **amend**
22 (1) as follows:

23 **27-67-102. Legislative declaration.** (1) The general assembly
24 finds that many parents in Colorado have experienced challenging
25 circumstances because their children have significant mental health
26 needs. Many times, the parents are loving, caring parents who have
27 become increasingly frustrated in their attempts to navigate the various

1 governmental systems including child welfare, mental health, law
2 enforcement, juvenile justice, education, and youth ~~corrections~~ SERVICES
3 in an attempt to find help for their children. Frequently in these situations
4 an action in dependency or neglect under article 3 of title 19 ~~C.R.S.~~, is
5 neither appropriate nor warranted.

6 **SECTION 65.** In Colorado Revised Statutes, 27-69-104, **amend**
7 (3) introductory portion and (3)(a) as follows:

8 **27-69-104. Program scope - rules.** (3) Key components of the
9 family advocacy mental health juvenile justice programs for
10 system-of-care family advocates and family systems navigators for mental
11 health juvenile justice populations ~~shall~~ include:

12 (a) Coordination with the key stakeholders involved in the local
13 community to ensure consistent and effective collaboration. This
14 collaboration may include, but need not be limited to, a family advocacy
15 organization, representatives of the juvenile court, the probation
16 department, the district attorney's office, the public defender's office, a
17 school district, the division of youth ~~corrections~~ SERVICES within the
18 department of human services, a county department of social or human
19 services, a local community mental health center, and a regional
20 behavioral health organization and may include representatives of a local
21 law enforcement agency, a county public health department, a substance
22 abuse program, a community centered board, a local juvenile services
23 planning committee, and other community partners;

24 **SECTION 66.** In Colorado Revised Statutes, 27-80-101, **amend**
25 the introductory portion and (5) as follows:

26 **27-80-101. Definitions.** As used in this ~~article~~ ARTICLE 80, unless
27 the context otherwise requires:

1 (5) "Public program" means a program concerning the problems
2 of alcohol or drug abuse sponsored by a county, district, or municipal
3 public health agency, county department of social services, court,
4 probation department, law enforcement agency, school, school system,
5 board of cooperative services, Indian tribal reservation, or state agency.
6 "Public program" includes any alcohol or drug abuse treatment program
7 required as a condition of probation under part 2 of article 11 of title 16,
8 ~~C.R.S.~~, any alcohol or drug abuse program administered by the division
9 of adult parole under article 2 of title 17, ~~C.R.S.~~, any community
10 correctional facility or program administered under article 27 of title 17,
11 ~~C.R.S.~~, and any alcohol or drug abuse treatment program administered by
12 the division of youth ~~corrections~~ SERVICES under title 19. ~~C.R.S.~~

13 **SECTION 67.** In Colorado Revised Statutes, 27-90-105, **amend**
14 (2)(a)(II) as follows:

15 **27-90-105. Future juvenile detention facility needs.** (2) (a) The
16 department is directed to assess the need for, and to determine the
17 community commitment to, a new multipurpose juvenile detention facility
18 to be constructed in La Plata county that would serve the following
19 detention and treatment needs of juveniles in the southwest portion of the
20 state:

21 (II) Secure facility and medium secure facility housing of
22 juveniles who are committed to the division of youth ~~corrections~~
23 SERVICES.

24 **SECTION 68.** In Colorado Revised Statutes, 42-2-108, **amend**
25 (1)(a) and (1)(b)(I) as follows:

26 **42-2-108. Application of minors.** (1) (a) The application of any
27 person under eighteen years of age for an instruction permit or minor

1 driver's license shall be accompanied by an affidavit of liability signed
2 and verified by the parent, stepparent, grandparent with power of
3 attorney, guardian, spouse of the applicant if the spouse is eighteen years
4 of age or older, or, in the event there is no such person, guardian, or
5 spouse, any other responsible adult who is willing to assume the
6 obligation imposed under this ~~article~~ ARTICLE 2 upon an adult signing the
7 affidavit of liability for a minor. When an applicant has been made a ward
8 of any court in the state for any reason and has been placed in a foster
9 home, the foster parents or parent may sign the affidavit of liability for
10 the minor. If the parent or foster parent is unwilling or unable to sign the
11 affidavit of liability, a guardian ad litem, a designated official of the
12 county department of social services having custody of the applicant, or
13 a designated official of the division of youth ~~corrections~~ SERVICES in the
14 department of human services having custody of the applicant may sign
15 the application for an instruction permit without signing the affidavit of
16 liability for the minor if the requirements of ~~paragraph (b) of this~~
17 ~~subsection (1)~~ SUBSECTION (1)(b) OF THIS SECTION are met; except that,
18 prior to signing the application for an instruction permit, the guardian ad
19 litem or other designated official shall notify the court of his or her intent
20 to sign the application, and except that, the guardian ad litem or
21 designated official shall not sign the application for an instruction permit
22 for a minor who is placed in a foster care home and is under seventeen
23 and one-half years of age without first obtaining the consent of the foster
24 parent. If the minor is seventeen and one-half years of age or older and is
25 in the care of a foster parent, in order to prepare the minor for
26 emancipation from foster care and to assist the minor in obtaining
27 important life skills, the guardian ad litem or designated official shall

1 consult with the foster parent of the minor about the opportunity for the
2 minor to learn driving skills under the restrictions provided in ~~paragraph~~
3 ~~(b) of this subsection (1)~~ SUBSECTION (1)(b) OF THIS SECTION prior to
4 signing an application for an instruction permit. The guardian ad litem or
5 designated official shall solicit the opinion of the minor's foster parent
6 concerning the minor's ability to exercise good judgment and make
7 decisions as well as the minor's overall capacity to drive. When a minor
8 to whom an instruction permit or minor driver's license has been issued
9 is required to appear before the department for a hearing pursuant to any
10 provision of this ~~article~~ ARTICLE 2, the minor ~~shall~~ MUST be accompanied
11 by the person who signed the affidavit of liability for the minor or by the
12 guardian ad litem or designated official who signed the application for an
13 instruction permit for the minor. If the person who signed the minor's
14 affidavit of liability or application for an instruction permit is unable to
15 attend the hearing, he or she shall submit to the department a verified
16 signed statement certifying under oath that he or she is aware of the
17 purpose of the hearing but cannot attend.

18 (b) The department shall issue an instruction permit to an
19 applicant under the age of eighteen years who is otherwise eligible to
20 obtain an instruction permit and who has been made a ward of the court
21 and who is in out-of-home placement without the requirement of a parent,
22 guardian, stepparent, or foster parent signing an affidavit of liability if the
23 following requirements are met:

24 (I) The guardian ad litem, a designated official of the county
25 department of social services having custody of such applicant, or a
26 designated official of the division of youth ~~corrections~~ SERVICES in the
27 department of human services having custody of such applicant signs the

1 application for an instruction permit;

2 **SECTION 69.** In Colorado Revised Statutes, 42-2-306, **amend**
3 (1)(a)(III.5)(C) as follows:

4 **42-2-306. Fees - disposition.** (1) The department shall charge
5 and collect the following fees:

6 (a) (III.5) The department shall not charge a fee to an applicant
7 who is:

8 (C) Referred by the department of corrections, the division of
9 youth ~~corrections~~ SERVICES, or a county jail.

10 **SECTION 70. Appropriation.** (1) For the 2017-18 state fiscal
11 year, \$306,302 is appropriated to the department of human services for
12 use by the division youth services. This appropriation is from the general
13 fund. To implement this act, the division may use this appropriation as
14 follows:

15 (a) \$144,058 for personal services related to institutional
16 programs, which amount is based on an assumption that the division will
17 require an additional 0.3 FTE; and

18 (b) \$162,244 for operating expenses related to institutional
19 programs.

20 **SECTION 71. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, and safety.