

CHAPTER 25

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 18-1010

BY REPRESENTATIVE(S) Lee and Wilson, Buckner, Coleman, Exum, Garnett, Herod, Hooton, Jackson, Lontine, Melton, Michaelson Jenet, Pettersen, Rosenthal, Valdez, Young, Duran;
also SENATOR(S) Coram, Court, Fenberg, Fields, Jahn, Kefalas, Merrifield, Moreno, Todd, Williams A.

AN ACT

CONCERNING YOUTH COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES, AND, IN CONNECTION THEREWITH, REQUIRING THE DEPARTMENT TO REPORT CERTAIN DATA AND ADDING MEMBERS TO THE YOUTH RESTRAINT AND SECLUSION WORKING GROUP.

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

SECTION 1. In Colorado Revised Statutes, 19-2-203, **add** (6) as follows:

19-2-203. Division of youth services - created - interagency agreements - duties of administrators of facilities in connection with voter registration and casting of ballots - definitions - report. (6) ON OR BEFORE JULY 1, 2018, AND ON OR BEFORE EACH JULY 1 THEREAFTER, THE DEPARTMENT OF HUMAN SERVICES SHALL COLLECT RECIDIVISM DATA AND CALCULATE THE RECIDIVISM RATES AND THE EDUCATIONAL OUTCOMES FOR JUVENILES COMMITTED TO THE CUSTODY OF THE DEPARTMENT WHO COMPLETE THEIR PAROLE SENTENCES AND DISCHARGE FROM DEPARTMENT SUPERVISION. IN COLLECTING THE RECIDIVISM DATA, THE DEPARTMENT SHALL INCLUDE ANY JUVENILE ADJUDICATION OR ADULT CONVICTION OF A CRIMINAL OFFENSE WITHIN THREE YEARS AFTER PAROLE DISCHARGE. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE DEPARTMENT SHALL REPORT THE RECIDIVISM DATA, RECIDIVISM RATES, AND EDUCATIONAL OUTCOMES TO THE GENERAL ASSEMBLY ANNUALLY. THE REPORT MUST DENOTE THE DEMOGRAPHIC CHARACTERISTICS OF THE POPULATION CONSIDERED IN THE REPORT. IN REPORTING ON RECIDIVISM RATES, THE REPORT MUST DENOTE THE TYPES OF CRIMINAL OFFENSES COMMITTED, DELINEATING BETWEEN FELONIES AND MISDEMEANORS AND BETWEEN CRIMES THAT ARE INCLUDED AS A "CRIME" PURSUANT TO SECTION 24-4.1-302 (1) AND OTHER CRIMES.

SECTION 2. In Colorado Revised Statutes, **amend** 2-3-124 as follows:

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

2-3-124. Audits of reports of recidivism and educational outcomes by the division of youth services. (1) On or before January 1, 2019, and on or before January 1, 2024, the state auditor shall audit the reports of recidivism rates and educational outcomes for youths committed to the division of youth services in the state department of human services, which reports are provided pursuant to ~~section 19-2-411.5 (5)~~ SECTION 19-2-203 (6). Each such audit must examine the division's reports during the preceding five years for accuracy and quality. After January 1, 2024, the state auditor, at his or her discretion, may conduct additional audits of the division of youth services REPORTS OF RECIDIVISM RATES AND EDUCATIONAL OUTCOMES FOR YOUTHS COMMITTED TO THE DIVISION.

(2) THE JUDICIAL DEPARTMENT SHALL PROVIDE DATA TO THE STATE AUDITOR AS PERMISSIBLE BY LAW FOR THE PURPOSES OF THIS SECTION.

SECTION 3. In Colorado Revised Statutes, 26-20-110, **amend** (1)(g); and **add** (1)(i) and (1)(j) as follows:

26-20-110. Youth restraint and seclusion working group - membership - purpose - repeal. (1) There is established within the division of youth services a youth restraint and seclusion working group, referred to in this section as the "working group". The working group consists of:

(g) Two experts independent from the division of youth services with expertise in adolescent development, adolescent brain development, trauma-responsive care of juveniles, positive behavior incentives in a juvenile correctional setting, evidence-based de-escalation techniques, or the negative effects of seclusion on the adolescent brain. The minority leader of the house of representatives shall appoint one expert and the minority leader of the senate shall appoint the other expert. ~~and~~

(i) THE CHILD PROTECTION OMBUDSMAN OR HIS OR HER DESIGNEE PURSUANT TO SECTION 19-3.3-103 (1)(g); AND

(j) A PARENT OF A PERSON WHO WAS ONCE COMMITTED TO THE CUSTODY OF THE DIVISION OF YOUTH SERVICES, TO BE APPOINTED BY THE STATE PUBLIC DEFENDER.

SECTION 4. In Colorado Revised Statutes, 19-3.3-103, **amend** (1)(e) and (1)(f); and **add** (1)(g) as follows:

19-3.3-103. Office of the child protection ombudsman - powers and duties - access to information - confidentiality - testimony - judicial review. (1) The ombudsman has the following duties, at a minimum:

(e) To act on behalf of the office and serve as signator for the office; ~~and~~

(f) To ensure accountability and consistency in the operating policies and procedures, including reasonable rules to administer the provisions of this article and any other standards of conduct and reporting requirements as provided by law; AND

(g) TO SERVE OR DESIGNATE A PERSON TO SERVE ON THE YOUTH RESTRAINT AND

SECLUSION WORKING GROUP PURSUANT TO SECTION 26-20-110 (1)(i).

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 7, 2018