

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 21, 2016  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB16-1328 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3           **"SECTION 1.** In Colorado Revised Statutes, **amend** 26-20-101  
4 as follows:

5           **26-20-101. Short title.** ~~This~~ THE SHORT TITLE OF THIS article ~~shall~~  
6 ~~be known and may be cited as~~ IS the "Protection of ~~Persons~~ INDIVIDUALS  
7 from Restraint AND SECLUSION Act".

8           **SECTION 2.** In Colorado Revised Statutes, 26-20-102, **amend**  
9 (6) introductory portion, (6) (c), (6) (d), and (7); **repeal** (6) (e); and **add**  
10 (2.5), (3.5), (5.7), (8), and (9) as follows:

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

13           (2.5) "DIVISION OF YOUTH CORRECTIONS" MEANS THE DIVISION OF  
14 YOUTH CORRECTIONS WITHIN THE STATE DEPARTMENT CREATED  
15 PURSUANT TO SECTION 19-2-203, C.R.S.

16           (3.5) "INDIVIDUAL" ENCOMPASSES BOTH ADULTS AND YOUTHS,  
17 UNLESS THE CONTEXT SPECIFICALLY STATES ONE OR THE OTHER.

18           (5.7) "QUALIFIED MENTAL HEALTH PROFESSIONAL" MEANS AN  
19 INDIVIDUAL WHO IS A LICENSED PSYCHOLOGIST, A LICENSED  
20 PSYCHIATRIST, A LICENSED CLINICAL SOCIAL WORKER, A PSYCHOLOGIST  
21 CANDIDATE FOR LICENSURE, A LICENSED MARRIAGE AND FAMILY  
22 THERAPIST, OR A MASTERS-LEVEL MENTAL HEALTH THERAPIST WHO IS

1 UNDER THE SUPERVISION OF A LICENSED MENTAL HEALTH PROFESSIONAL.

2 (6) "Restraint" means any method or device used to involuntarily

3 limit freedom of movement, including ~~but not limited to~~ bodily physical

4 force, mechanical devices, or chemicals. "Restraint" includes a chemical

5 restraint, a mechanical restraint, a AND physical restraint. ~~and seclusion.~~

6 "Restraint" does not include:

7 (c) The holding of an individual for less than five minutes by a

8 staff person for protection of the individual or other persons; OR

9 (d) Placement of an inpatient or resident in his or her room for the

10 night. ~~or~~

11 (e) ~~The use of time-out as may be defined by written policies,~~

12 ~~rules, or procedures of an agency.~~

13 (7) "Seclusion" means the placement of ~~a person~~ AN INDIVIDUAL

14 alone in a room OR AREA from which egress is involuntarily prevented,

15 EXCEPT DURING NORMAL SLEEPING HOURS.

16 (8) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF

17 HUMAN SERVICES.

18 (9) "YOUTH" MEANS AN INDIVIDUAL WHO IS LESS THAN

19 TWENTY-ONE YEARS OF AGE.

20 **SECTION 3.** In Colorado Revised Statutes, **amend** 26-20-103 as

21 follows:

22 **26-20-103. Basis for use of restraint or seclusion.** (1) Subject

23 to the provisions of this article, an agency may only use restraint OR

24 SECLUSION ON AN INDIVIDUAL:

25 (a) In cases of emergency, AS DEFINED IN SECTION 26-20-102 (3);

26 and

27 (b) (I) After the failure of less restrictive alternatives; or

28 (II) After a determination that such alternatives would be

29 inappropriate or ineffective under the circumstances.

30 (1.5) RESTRAINT AND SECLUSION MUST NEVER BE USED:

31 (a) AS A PUNISHMENT OR DISCIPLINARY SANCTION;

32 (b) AS PART OF A TREATMENT PLAN OR BEHAVIOR MODIFICATION

33 PLAN;

34 (c) FOR THE PURPOSE OF RETALIATION BY STAFF; OR

35 (d) FOR THE PURPOSE OF PROTECTION, UNLESS:

36 (I) THE RESTRAINT OR SECLUSION IS ORDERED BY THE COURT; OR

37 (II) IN AN EMERGENCY, AS PROVIDED FOR IN SUBSECTION (1) OF

38 THIS SECTION.

39 (2) An agency that uses restraint OR SECLUSION pursuant to the

40 provisions of subsection (1) of this section shall use such restraint OR

1 SECLUSION:

2 (a) ~~FOR ONLY FOR~~ the purpose of preventing the continuation or  
3 renewal of an emergency;

4 (b) ~~FOR ONLY FOR~~ the period of time necessary to accomplish its  
5 purpose; and

6 (c) In the case of physical restraint, ~~using ONLY IF~~ no more force  
7 than is necessary to limit the individual's freedom of movement IS USED.

8 (3) In addition to the circumstances described in subsection (1) of  
9 this section, a facility, as defined in section 27-65-102 (7), C.R.S., that is  
10 designated by the executive director of the STATE department ~~of human~~  
11 ~~services~~ to provide treatment pursuant to section 27-65-105, 27-65-106,  
12 27-65-107, or 27-65-109, C.R.S., to ~~a person~~ AN INDIVIDUAL with mental  
13 illness, as defined in section 27-65-102 (14), C.R.S., may use seclusion  
14 to restrain ~~a person~~ AN INDIVIDUAL with a mental illness when the  
15 seclusion is necessary to eliminate a continuous and serious disruption of  
16 the treatment environment.

17 (4) (a) The general assembly recognizes that skilled nursing and  
18 nursing care facilities that participate in federal medicaid programs are  
19 subject to federal statutes and regulations concerning the use of restraint  
20 in such facilities that afford protections from restraint in a manner  
21 consistent with the purposes and policies set forth in this article.

22 (b) If the use of restraint OR SECLUSION in skilled nursing and  
23 nursing care facilities licensed under state law is in accordance with the  
24 federal statutes and regulations governing the medicare program set forth  
25 in 42 U.S.C. sec. 1395i-3(c) and 42 CFR part 483, subpart B and the  
26 medicaid program set forth in 42 U.S.C. sec. 1396r(c) and 42 CFR part  
27 483, subpart B and with the rules of the department of public health and  
28 environment relating to the licensing of these facilities, there ~~shall be~~ IS  
29 a conclusive presumption that ~~such~~ use of restraint OR SECLUSION is in  
30 accordance with the provisions of this article.

31 (5) (a) The general assembly recognizes that article 10.5 of title  
32 27, C.R.S., AND ARTICLE 10 OF TITLE 25.5, C.R.S., and the rules  
33 promulgated pursuant to the ~~authority~~ AUTHORITIES set forth in ~~that article~~  
34 THOSE ARTICLES, address the use of restraint on ~~a person~~ AN INDIVIDUAL  
35 with a developmental disability.

36 (b) If any provision of this article concerning the use of restraint  
37 OR SECLUSION conflicts with any provision concerning the use of restraint  
38 OR SECLUSION stated in article 10.5 of title 27, C.R.S., ARTICLE 10 OF  
39 TITLE 25.5, C.R.S., or any ~~regulation~~ RULE adopted pursuant thereto, the  
40 provision of article 10.5 of title 27, C.R.S., ARTICLE 10 OF TITLE 25.5,

1 C.R.S., or the ~~regulation~~ RULE adopted pursuant thereto ~~shall prevail~~  
2 PREVAILS.

3 (6) The provisions of this article ~~shall~~ DO not apply to any agency  
4 ~~while~~ engaged in transporting ~~a person~~ AN INDIVIDUAL from one facility  
5 or location to another facility or location when it is within the scope of  
6 that agency's powers and authority to effect such transportation.

7 **SECTION 4.** In Colorado Revised Statutes, **add** 26-20-104.5 as  
8 follows:

9 **26-20-104.5. Duties relating to use of seclusion by division of**  
10 **youth corrections.** (1) NOTWITHSTANDING THE PROVISIONS OF SECTION  
11 26-20-103 TO THE CONTRARY, IF THE DIVISION OF YOUTH CORRECTIONS  
12 HOLDS A YOUTH IN SECLUSION IN ANY SECURE STATE-OPERATED OR  
13 STATE-OWNED FACILITY:

14 (a) A STAFF MEMBER SHALL CHECK THE YOUTH'S SAFETY AT  
15 VARYING INTERVALS, BUT AT LEAST EVERY FIFTEEN MINUTES;

16 (b) WITHIN ONE HOUR AFTER THE BEGINNING OF THE YOUTH'S  
17 SECLUSION PERIOD, AND EVERY HOUR THEREAFTER, A STAFF MEMBER  
18 SHALL NOTIFY THE FACILITY DIRECTOR OR HIS OR HER DESIGNEE OF THE  
19 SECLUSION AND RECEIVE HIS OR HER WRITTEN APPROVAL OF THE  
20 SECLUSION; AND

21 (c) WITHIN TWELVE HOURS AFTER THE BEGINNING OF THE YOUTH'S  
22 SECLUSION PERIOD, THE DIVISION OF YOUTH CORRECTIONS SHALL NOTIFY  
23 THE YOUTH'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN AND INFORM  
24 THAT PERSON THAT THE YOUTH IS OR WAS IN SECLUSION AND THE REASON  
25 FOR HIS OR HER SECLUSION.

26 (2) (a) A YOUTH PLACED IN SECLUSION BECAUSE OF AN ONGOING  
27 EMERGENCY MUST NOT BE HELD IN SECLUSION BEYOND FOUR  
28 CONSECUTIVE HOURS, UNLESS THE REQUIREMENTS OF PARAGRAPH (b) OF  
29 THIS SUBSECTION (2) ARE SATISFIED.

30 (b) IF AN EMERGENCY SITUATION OCCURS THAT CONTINUES  
31 BEYOND FOUR CONSECUTIVE HOURS, THE DIVISION OF YOUTH  
32 CORRECTIONS MAY NOT CONTINUE THE USE OF SECLUSION FOR THAT  
33 YOUTH UNLESS THE FOLLOWING CRITERIA ARE MET AND DOCUMENTED:

34 (I) A QUALIFIED MENTAL HEALTH PROFESSIONAL, OR, IF SUCH  
35 PROFESSIONAL IS NOT AVAILABLE, THE FACILITY DIRECTOR OR HIS OR HER  
36 DESIGNEE, DETERMINES THAT REFERRAL OF THE YOUTH IN SECLUSION TO  
37 A MENTAL HEALTH FACILITY IS NOT WARRANTED; AND

38 (II) THE DIRECTOR OF THE DIVISION OF YOUTH CORRECTIONS, OR  
39 HIS OR HER DESIGNEE, APPROVES AT OR BEFORE THE CONCLUSION OF FOUR  
40 HOURS, AND EVERY HOUR THEREAFTER, THE CONTINUED USE OF

1 SECLUSION.

2 (c) A YOUTH MAY NOT BE HELD IN SECLUSION UNDER ANY  
3 CIRCUMSTANCES FOR MORE THAN EIGHT TOTAL HOURS IN TWO  
4 CONSECUTIVE CALENDAR DAYS WITHOUT A WRITTEN COURT ORDER.

5 (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
6 THE DIVISION OF YOUTH CORRECTIONS MAY PLACE A YOUTH ALONE IN A  
7 ROOM OR AREA FROM WHICH EGRESS IS INVOLUNTARILY PREVENTED IF  
8 SUCH CONFINEMENT IS PART OF A ROUTINE PRACTICE THAT IS APPLICABLE  
9 TO SUBSTANTIAL PORTIONS OF THE POPULATION. SUCH CONFINEMENT  
10 MUST BE IMPOSED ONLY FOR THE COMPLETION OF ADMINISTRATIVE TASKS  
11 AND SHOULD LAST NO LONGER THAN NECESSARY TO ACHIEVE THE TASK  
12 SAFELY AND EFFECTIVELY.

13 **SECTION 5.** In Colorado Revised Statutes, **amend** 26-20-105 as  
14 follows:

15 **26-20-105. Staff training concerning the use of restraint and**  
16 **seclusion - adults and youth.** (1) ~~All agencies~~ AN AGENCY THAT  
17 UTILIZES RESTRAINT OR SECLUSION shall ensure that ALL staff INVOLVED  
18 IN utilizing restraint OR SECLUSION in ITS facilities or programs are trained  
19 in the appropriate use of restraint AND SECLUSION.

20 (1.5) THE DIVISION OF YOUTH CORRECTIONS SHALL ENSURE THAT  
21 ALL STAFF INVOLVED IN UTILIZING RESTRAINT AND SECLUSION ARE  
22 TRAINED IN:

23 (a) THE HEALTH AND BEHAVIORAL EFFECTS OF RESTRAINT AND  
24 SECLUSION ON YOUTH, INCLUDING THOSE WITH MENTAL ILLNESS OR  
25 DEVELOPMENTAL DISABILITIES;

26 (b) EFFECTIVE DE-ESCALATION TECHNIQUES FOR YOUTH IN CRISIS,  
27 INCLUDING THOSE WITH MENTAL ILLNESS OR DEVELOPMENTAL  
28 DISABILITIES;

29 (c) THE VALUE OF POSITIVE OVER NEGATIVE REINFORCEMENT IN  
30 DEALING WITH YOUTH; AND

31 (d) METHODS FOR IMPLEMENTING POSITIVE BEHAVIOR INCENTIVES.

32 (2) All agencies THAT UTILIZE RESTRAINT OR SECLUSION shall  
33 ensure that staff are trained to explain, where possible, the use of restraint  
34 OR SECLUSION to the individual who is to be restrained OR SECLUDED and  
35 to the individual's family if appropriate.

36 **SECTION 6.** In Colorado Revised Statutes, **amend** 26-20-106 as  
37 follows:

38 **26-20-106. Documentation requirements for restraint and**  
39 **seclusion - adults and youth.** (1) Each agency shall ensure that ~~an~~  
40 ~~appropriate notation~~ of the use of restraint OR SECLUSION is documented

1 in the record of the individual WHO WAS restrained OR SECLUDED. Each  
2 agency that is authorized to promulgate rules or adopt ordinances shall  
3 promulgate rules or adopt ordinances applicable to the agencies within  
4 their respective jurisdictions specifying the documentation requirements  
5 for purposes of this section.

6 (2) THE DIVISION OF YOUTH CORRECTIONS SHALL MAINTAIN THE  
7 FOLLOWING DOCUMENTATION EACH TIME A YOUTH IS PLACED IN  
8 SECLUSION AS A RESULT OF AN EMERGENCY IN ANY SECURE  
9 STATE-OPERATED OR STATE-OWNED FACILITY:

10 (a) THE DATE OF THE OCCURRENCE;  
11 (b) THE RACE, AGE, AND GENDER OF THE INDIVIDUAL;  
12 (c) THE REASON OR REASONS FOR SECLUSION, INCLUDING A  
13 DESCRIPTION OF THE EMERGENCY AND THE SPECIFIC FACTS THAT  
14 DEMONSTRATE THAT THE YOUTH POSED A SERIOUS, PROBABLE, AND  
15 IMMINENT THREAT OF BODILY HARM TO HIMSELF, HERSELF, OR OTHERS,  
16 AND THAT THERE WAS A PRESENT ABILITY TO EFFECT SUCH BODILY HARM;  
17 (d) A DESCRIPTION OF DE-ESCALATION MEASURES TAKEN BY STAFF  
18 AND THE RESPONSE, IF ANY, OF THE YOUTH IN SECLUSION TO THOSE  
19 MEASURES;  
20 (e) AN EXPLANATION OF WHY LESS RESTRICTIVE ALTERNATIVES  
21 WERE UNSUCCESSFUL;  
22 (f) THE TOTAL TIME IN SECLUSION;  
23 (g) ANY INCIDENTS OF SELF-HARM OR SUICIDE THAT OCCURRED  
24 WHILE THE YOUTH WAS IN SECLUSION;  
25 (h) WITH RESPECT TO THE INTERACTIONS REQUIRED BY SECTION  
26 26-20-104.5, DOCUMENTATION OF THE JUSTIFICATION FOR KEEPING THE  
27 YOUTH IN SECLUSION AND SPECIFIC FACTS TO DEMONSTRATE THAT THE  
28 EMERGENCY WAS ONGOING;  
29 (i) THE FACILITY DIRECTOR OR HIS OR HER DESIGNEE'S APPROVAL  
30 OF CONTINUED SECLUSION AT INTERVALS AS REQUIRED BY SECTION  
31 26-20-104.5;  
32 (j) DOCUMENTATION OF NOTIFICATION WITHIN TWELVE HOURS TO  
33 THE PARENT, GUARDIAN, OR LEGAL CUSTODIAN OF THE YOUTH IN  
34 SECLUSION AS REQUIRED BY SECTION 26-20-104.5; AND  
35 (k) THE WRITTEN APPROVAL BY THE DIRECTOR OF THE DIVISION OF  
36 YOUTH CORRECTIONS FOR ANY SECLUSION THAT RESULTS FROM AN  
37 EMERGENCY THAT EXTENDS BEYOND FOUR CONSECUTIVE HOURS, AS  
38 REQUIRED BY SECTION 26-20-104.5. THIS WRITTEN APPROVAL MUST  
39 INCLUDE DOCUMENTATION OF SPECIFIC FACTS TO DEMONSTRATE THAT THE  
40 EMERGENCY WAS ONGOING AND SPECIFIC REASONS WHY A REFERRAL TO

1 A MENTAL HEALTH FACILITY WAS NOT WARRANTED.

2 (3) THE DIVISION OF YOUTH CORRECTIONS SHALL MAINTAIN THE  
3 FOLLOWING DOCUMENTATION EACH TIME ONE OR MORE YOUTHS ARE  
4 PLACED IN CONFINEMENT FOR ADMINISTRATIVE REASONS PURSUANT TO  
5 SECTION 26-20-104.5 (3) IN A SECURE STATE-OPERATED OR STATE-OWNED  
6 FACILITY:

7 (a) THE NUMBER OF YOUTH CONFINED;  
8 (b) THE LENGTH OF TIME THE YOUTH OR YOUTHS WERE CONFINED;  
9 AND

10 (c) THE REASON OR REASONS FOR THE CONFINEMENT.

11 (4) THE DIVISION OF YOUTH CORRECTIONS HAS THE FOLLOWING  
12 REPORTING REQUIREMENTS RELATED TO THE USE OF SECLUSION IN ANY  
13 SECURE STATE-OPERATED OR STATE-OWNED FACILITY:

14 (a) ON OR BEFORE JANUARY 1, 2017, AND ON OR BEFORE JULY 1,  
15 2017, AND EVERY JANUARY 1 AND JULY 1 THEREAFTER, TO REPORT TO THE  
16 YOUTH SECLUSION WORKING GROUP ESTABLISHED IN SECTION 26-20-111.  
17 THE JANUARY BIENNIAL REPORT MUST INCLUDE INFORMATION FROM  
18 MARCH 1 THROUGH AUGUST 31, AND THE JULY BIENNIAL REPORT MUST  
19 INCLUDE INFORMATION FROM SEPTEMBER 1 THROUGH THE LAST DAY OF  
20 FEBRUARY. THE REPORTS MUST INCLUDE THE FOLLOWING:

21 (I) AN INCIDENT REPORT ON ANY USE OF SECLUSION ON A YOUTH  
22 DUE TO AN EMERGENCY FOR MORE THAN FOUR CONSECUTIVE HOURS, OR  
23 FOR MORE THAN EIGHT TOTAL HOURS IN TWO CONSECUTIVE CALENDAR  
24 DAYS. EACH INCIDENT REPORT MUST INCLUDE LENGTH OF SECLUSION,  
25 SPECIFIC FACTS THAT DEMONSTRATE THAT THE EMERGENCY WAS  
26 ONGOING, ANY INCIDENTS OF SELF-HARM WHILE IN SECLUSION, THE  
27 REASONS WHY ATTEMPTS TO PROCESS THE YOUTH OUT OF SECLUSION  
28 WERE UNSUCCESSFUL, AND ANY CORRECTIVE MEASURES TAKEN TO  
29 PREVENT LENGTHY OR REPEAT PERIODS OF SECLUSION IN THE FUTURE. TO  
30 PROTECT THE PRIVACY OF THE YOUTH, THE DIVISION OF YOUTH  
31 CORRECTIONS SHALL REDACT ALL PRIVATE MEDICAL OR MENTAL HEALTH  
32 INFORMATION AND PERSONAL IDENTIFYING INFORMATION, INCLUDING, IF  
33 NECESSARY, THE FACILITY AT WHICH THE SECLUSION OCCURRED.

34 (II) A REPORT THAT LISTS THE FOLLOWING AGGREGATE  
35 INFORMATION, BOTH AS COMBINED TOTALS AND TOTALS BY FACILITY FOR  
36 ALL SECURE STATE-OPERATED OR STATE-OWNED FACILITIES:

37 (A) THE TOTAL NUMBER OF YOUTH HELD IN SECLUSION DUE TO AN  
38 EMERGENCY;

39 (B) THE TOTAL NUMBER OF INCIDENTS OF SECLUSION DUE TO AN  
40 EMERGENCY;

1 (C) THE AVERAGE TIME IN SECLUSION PER INCIDENT; AND  
2 (D) AN AGGREGATE SUMMARY OF RACE, AGE, AND GENDER OF  
3 YOUTH HELD IN SECLUSION; AND  
4 (b) ON OR BEFORE JANUARY 1, 2019, AND ON OR BEFORE JULY 1,  
5 2019, ANDEVERY JANUARY 1 AND JULY 1 THEREAFTER, TO REPORT TO THE  
6 YOUTH SECLUSION WORKING GROUP ESTABLISHED IN SECTION 26-20-111.  
7 THE JANUARY BIENNIAL REPORT MUST INCLUDE INFORMATION FROM  
8 MARCH 1 THROUGH AUGUST 31, AND THE JULY BIENNIAL REPORT MUST  
9 INCLUDE INFORMATION FROM SEPTEMBER 1 THROUGH THE LAST DAY OF  
10 FEBRUARY. THE REPORT MUST INCLUDE THE FOLLOWING AGGREGATE  
11 INFORMATION, BOTH AS COMBINED TOTALS FOR ALL SECURE  
12 STATE-OPERATED AND STATE-OWNED FACILITIES AND BY FACILITY:  
13 (I) THE NUMBER OF TIMES YOUTH WERE CONFINED FOR  
14 ADMINISTRATIVE PURPOSES FOR MORE THAN TWO HOURS IN A CALENDAR  
15 DAY;  
16 (II) THE AVERAGE AMOUNT OF TIME YOUTH SPENT PER DAY  
17 CONFINED FOR ADMINISTRATIVE PURPOSES; AND  
18 (III) AN AGGREGATE SUMMARY OF THE REASONS YOUTH WERE  
19 CONFINED FOR ADMINISTRATIVE PURPOSES.  
20 (5) REPORTS PREPARED PURSUANT TO THIS SECTION MUST  
21 MAINTAIN THE CONFIDENTIALITY OF ALL YOUTH. THE REPORTS MADE  
22 PURSUANT TO THIS SECTION ARE AVAILABLE TO THE PUBLIC UPON  
23 REQUEST.  
24 **SECTION 7.** In Colorado Revised Statutes, **amend** 26-20-107 as  
25 follows:  
26 **26-20-107. Review of the use of restraint and seclusion.** Each  
27 AN agency THAT UTILIZES RESTRAINT OR SECLUSION shall ensure that a  
28 review process is established for the appropriate use of restraint OR  
29 SECLUSION.  
30 **SECTION 8.** In Colorado Revised Statutes, **amend** 26-20-108 as  
31 follows:  
32 **26-20-108. Rules.** Each AN agency that is authorized to  
33 promulgate rules or adopt ordinances shall promulgate rules or adopt  
34 ordinances applicable to the agencies within their respective jurisdictions  
35 that establish procedures for the use of restraint AND SECLUSION  
36 consistent with the provisions of this article. Any agency that has rules or  
37 ordinances in existence on April 22, 1999, is not required to promulgate  
38 additional rules or adopt additional ordinances unless that agency's  
39 existing rules or ordinances do not meet the minimum requirements of  
40 this article.



1           **SECTION 9.** In Colorado Revised Statutes, add 26-20-110 as  
2 follows:

3           **26-20-110. Youth seclusion working group - membership -**  
4 **purpose - repeal.** (1) THERE IS ESTABLISHED WITHIN THE DIVISION OF  
5 YOUTH CORRECTIONS A YOUTH SECLUSION WORKING GROUP, REFERRED TO  
6 IN THIS SECTION AS THE "WORKING GROUP". THE WORKING GROUP  
7 CONSISTS OF:

8           (a) THE DIRECTOR OF THE OFFICE OF CHILDREN, YOUTH, AND  
9 FAMILIES IN THE DIVISION OF CHILD WELFARE WITHIN THE STATE  
10 DEPARTMENT, OR HIS OR HER DESIGNEE. THE DIRECTOR SHALL CONVENE  
11 THE WORKING GROUP AND SERVE AS CHAIR.

12           (b) THE DIRECTOR OF THE DIVISION OF YOUTH CORRECTIONS, OR  
13 HIS OR HER DESIGNEE;

14           (c) THE DIRECTOR OF BEHAVIORAL HEALTH WITHIN THE DIVISION  
15 OF YOUTH CORRECTIONS, OR HIS OR HER DESIGNEE;

16           (d) THE DIRECTOR OF THE OFFICE OF BEHAVIORAL HEALTH WITHIN  
17 THE STATE DEPARTMENT, OR HIS OR HER DESIGNEE;

18           (e) AN EMPLOYEE OF THE DIVISION OF YOUTH CORRECTIONS WHO  
19 IS A REPRESENTATIVE OF AN ORGANIZATION IN COLORADO THAT EXISTS  
20 FOR THE PURPOSE OF DEALING WITH THE STATE AS AN EMPLOYER  
21 CONCERNING ISSUES OF MUTUAL CONCERN BETWEEN EMPLOYEES AND THE  
22 STATE, AS APPOINTED BY THE GOVERNOR;

23           (f) TWO REPRESENTATIVES FROM NONPROFIT ADVOCACY GROUPS  
24 THAT WORK TO RESTRICT SECLUSION FOR YOUTH OR THAT REPRESENT  
25 CHILDREN WITHIN THE CUSTODY OF THE DIVISION OF YOUTH CORRECTIONS,  
26 ONE WHO IS APPOINTED BY THE SPEAKER OF THE HOUSE OF  
27 REPRESENTATIVES AND ONE WHO IS APPOINTED BY THE PRESIDENT OF THE  
28 SENATE; AND

29           (g) TWO EXPERTS INDEPENDENT FROM THE DIVISION OF YOUTH  
30 CORRECTIONS WITH EXPERTISE IN ADOLESCENT DEVELOPMENT,  
31 ADOLESCENT BRAIN DEVELOPMENT, TRAUMA-INFORMED CARE OF  
32 JUVENILES, POSITIVE BEHAVIOR INCENTIVES IN A JUVENILE CORRECTIONAL  
33 SETTING, EVIDENCE-BASED DE-ESCALATION TECHNIQUES, OR THE  
34 NEGATIVE EFFECTS OF SECLUSION ON THE ADOLESCENT BRAIN. THE  
35 MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT  
36 ONE EXPERT AND THE MINORITY LEADER OF THE SENATE SHALL APPOINT  
37 THE OTHER EXPERT.

38           (2) THE WORKING GROUP SHALL ADVISE THE DIVISION OF YOUTH  
39 CORRECTIONS ON POLICIES, PROCEDURES, AND BEST PRACTICES RELATED  
40 TO SECLUSION AND ALTERNATIVES TO SUCH SECLUSION.

1 (3) THE WORKING GROUP SHALL MONITOR THE DIVISION OF YOUTH  
2 CORRECTIONS' USE OF CONFINEMENT FOR ADMINISTRATIVE PURPOSES AND,  
3 IF NECESSARY, MAKE RECOMMENDATIONS TO THE DIVISION OF YOUTH  
4 CORRECTIONS AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES  
5 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND  
6 HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR  
7 COMMITTEES, ABOUT LIMITING THE USE OF CONFINEMENT FOR  
8 ADMINISTRATIVE PURPOSES.

9 (4) THE WORKING GROUP MAY REQUEST, ON A BIANNUAL BASIS,  
10 INFORMATION AND DATA FROM THE STATE DEPARTMENT ON THE STATUS  
11 OF THE DIVISION OF YOUTH CORRECTIONS' WORK RELATED TO THE  
12 SECLUSION OF YOUTH IN THEIR CARE AND CUSTODY.

13 (5) THE CHAIR OF THE WORKING GROUP SHALL CONVENE THE  
14 WORKING GROUP'S FIRST MEETING NO LATER THAN AUGUST 1, 2016. THE  
15 WORKING GROUP MUST MEET AT LEAST SEMI-ANNUALLY THEREAFTER. THE  
16 CHAIR SHALL SCHEDULE AND CONVENE SUBSEQUENT MEETINGS.

17 (6) THE CHAIR SHALL PROVIDE THE WORKING GROUP WITH  
18 BIANNUAL UPDATES ON THE DIVISION OF YOUTH CORRECTIONS' POLICIES  
19 RELATED TO SECLUSION AND ALTERNATIVES TO SECLUSION.

20 (7) (a) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2024.

21 (b) PRIOR TO THE REPEAL, THE WORKING GROUP SHALL BE  
22 REVIEWED AS PROVIDED IN SECTION 2-3-1203, C.R.S.

23 **SECTION 10.** In Colorado Revised Statutes, 2-3-1203, **add** (3)  
24 (kk) (V) as follows:

25 **2-3-1203. Sunset review of advisory committees.** (3) The  
26 following dates are the dates on which the statutory authorization for the  
27 designated advisory committee is scheduled for repeal:

28 (kk) September 1, 2024:

29 (V) THE YOUTH SECLUSION WORKING GROUP IN THE DIVISION OF  
30 YOUTH CORRECTIONS CREATED IN SECTION 26-20-110, C.R.S.;

31 **SECTION 11. Safety clause.** The general assembly hereby finds,  
32 determines, and declares that this act is necessary for the immediate  
33 preservation of the public peace, health, and safety."

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