

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

**INTRODUCED**

LLS NO. 17-1062.01 Richard Sweetman x4333

**HOUSE BILL 17-1329**

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**HOUSE SPONSORSHIP**

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

**SENATE SPONSORSHIP**

**(None)**,

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**House Committees**  
Judiciary

**Senate Committees**

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**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, AND**  
112               **REQUIRING THE STATE AUDITOR TO AUDIT CERTAIN REPORTS OF**  
113               **THE DIVISION.**

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.*

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## 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.

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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) and (5) 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) ON AND AFTER JANUARY 1, 2018, THE DIVISION SHALL  
24 IMPLEMENT A PILOT PROGRAM TO AID IN THE ESTABLISHMENT OF A  
25 DIVISION-WIDE THERAPEUTIC AND REHABILITATIVE CULTURE. THE PILOT  
26 PROGRAM WILL TEST THE EFFICACY OF A THERAPEUTIC,  
27 GROUP-TREATMENT APPROACH AND THE ABILITY OF THE DIVISION TO KEEP

1 YOUTHS AND STAFF SAFE WITHOUT THE USE OF SECLUSION AND  
2 MECHANICAL RESTRAINTS OTHER THAN HANDCUFFS. IN ADMINISTERING  
3 THE PILOT PROGRAM, THE DIVISION SHALL:

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

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

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

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

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

27 (A) PRIORITIZING THE PHYSICAL AND PSYCHOLOGICAL SAFETY OF

1 YOUTHS AND STAFF;

2 (B) MEETING THE BASIC NEEDS OF YOUTHS, WHICH ARE FOOD,  
3 CLOTHING, SHELTER, EMOTIONAL AND PHYSICAL SAFETY, BELONGING, AND  
4 FAMILY INVOLVEMENT;

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

7 (D) HOLDING YOUTHS IN THE LEAST RESTRICTIVE ENVIRONMENT  
8 POSSIBLE;

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

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

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

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

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



1 PRESSURE-POINT TECHNIQUES;

2 (J) PROHIBITING A YOUTH FROM PARTICIPATING IN THE RESTRAINT  
3 OF ANOTHER YOUTH;

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

8 (L) PROHIBITING STRIP SEARCHES OF YOUTHS ABSENT A  
9 REASONABLE AND INDIVIDUALIZED SUSPICION THAT A YOUTH IS IN  
10 POSSESSION OF CONTRABAND, EXCEPT THAT NOTHING HEREIN PROHIBITS  
11 STAFF FROM REQUIRING YOUTHS TO EMPTY THEIR POCKETS OR SUBMIT TO  
12 PAT-DOWN SEARCHES UPON RETURN FROM HOME VISITS;

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

23 (N) PROVIDING CONTINUITY OF SERVICES AND RELATIONSHIPS  
24 THROUGH A SEAMLESS CASE MANAGEMENT SYSTEM AND ASSIGNMENT OF  
25 A DEDICATED CASE MANAGER TO EACH YOUTH, WHICH CASE MANAGER  
26 SERVES AS THE PRIMARY ADVOCATE FOR THE YOUTH AND HIS OR HER  
27 FAMILY AND WORKS ACTIVELY WITH BOTH THROUGHOUT THE PILOT

1 PROGRAM;

2 (O) PRIORITIZING FAMILY ENGAGEMENT; AND

3 (P) FACILITATING COMMUNITY ENGAGEMENT, CONSISTENT WITH

4 PRINCIPLES OF RESTORATIVE JUSTICE;

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

6 INDEPENDENT THIRD PARTY TO FACILITATE, SUPERVISE, COACH, AND

7 TRAIN STAFF AND LEADERSHIP THROUGHOUT THE COURSE OF THE PILOT

8 PROGRAM. THE INDEPENDENT THIRD PARTY MUST HAVE EXPERTISE IN

9 SYSTEMIC CULTURAL TRANSFORMATION OF A YOUTH CORRECTIONAL

10 SYSTEM FROM A PUNITIVE, CORRECTIONAL CULTURE TO A REHABILITATIVE

11 AND THERAPEUTIC CULTURE. THE INDEPENDENT THIRD PARTY MUST HAVE

12 EXPERIENCE TRAINING STAFF IN PROVIDING RELATIONSHIP-BASED,

13 GROUP-CENTERED, TRAUMA-RESPONSIVE CARE AND DECREASING

14 VIOLENCE AGAINST YOUTHS AND STAFF IN FACILITIES. THE INDEPENDENT

15 THIRD PARTY SHALL ASSIST WITH IMPLEMENTATION OF THE PILOT

16 PROGRAM, PROVIDE TRAINING FOR STAFF WORKING IN THE PILOT

17 PROGRAM, AND PROVIDE AT LEAST ONE FULL-TIME CONSULTANT TO

18 PROVIDE ON-THE-GROUND MENTORSHIP, COACHING, AND TRAINING TO

19 PILOT-PROGRAM STAFF MEMBERS THROUGHOUT THE PILOT PROGRAM. THE

20 CONSULTANT SHALL ALSO PROVIDE TRAINING TO THE DIVISION'S

21 LEADERSHIP REGARDING THE PHILOSOPHIES AND TECHNIQUES USED IN THE

22 PILOT PROGRAM. FOR THE PURPOSES OF THIS SUBSECTION (4)(b)(VI), ON

23 OR BEFORE SEPTEMBER 1, 2017, THE DIVISION SHALL REQUEST PROPOSALS

24 FROM CANDIDATES. THE DIVISION SHALL REQUIRE EACH CANDIDATE TO

25 SUBMIT ITS PROPOSAL TO THE DIVISION ON OR BEFORE NOVEMBER 1, 2017,

26 AND THE DIVISION SHALL CONTRACT WITH A CANDIDATE ON OR BEFORE

27 DECEMBER 1, 2017. THEREAFTER, THE DIVISION SHALL WORK ACTIVELY

1 WITH THE CONTRACTED INDEPENDENT THIRD PARTY TO COMMENCE THE  
2 PILOT PROGRAM AS SOON AS POSSIBLE. BEFORE THE PILOT PROGRAM  
3 BEGINS, THE INDEPENDENT THIRD PARTY DESCRIBED IN THIS SUBSECTION  
4 (4)(b)(VI) SHALL IDENTIFY DATA TO BE COLLECTED BY THE DIVISION  
5 THROUGHOUT THE PILOT PROGRAM FOR THE PURPOSE OF EVALUATING THE  
6 EFFECTIVENESS AND OUTCOME OF THE PILOT PROGRAM. THE DIVISION  
7 SHALL COLLECT THE DATA IDENTIFIED BY THE INDEPENDENT THIRD PARTY  
8 AND PROVIDE IT TO THE INDEPENDENT THIRD PARTY DESCRIBED IN  
9 SUBSECTION (4)(b)(VII) OF THIS SECTION UPON REQUEST.

10 (VII) CONTRACT THROUGH A COMPETITIVE BID PROCESS WITH AN  
11 INDEPENDENT CONTRACTOR OTHER THAN THE INDEPENDENT THIRD PARTY  
12 DESCRIBED IN SUBSECTION (4)(b)(VI) OF THIS SECTION TO EVALUATE THE  
13 EFFECTIVENESS AND OUTCOME OF THE PILOT PROGRAM. NOT LATER THAN  
14 NINETY DAYS AFTER THE END OF THE PILOT PROGRAM, THE INDEPENDENT  
15 THIRD PARTY DESCRIBED IN THIS SUBSECTION (4)(a)(VII) SHALL ASSESS  
16 THE DATA PROVIDED TO IT BY THE INDEPENDENT THIRD PARTY DESCRIBED  
17 IN SUBSECTION (4)(b)(VI) OF THIS SECTION AND COMPLETE AND PREPARE  
18 AN EVALUATION OF THE EFFECTIVENESS AND OUTCOME OF THE PILOT  
19 PROGRAM. THE DIVISION SHALL MAKE THE DATA AND THE EVALUATION  
20 AVAILABLE TO THE PUBLIC UPON REQUEST. FOR THE PURPOSES OF THIS  
21 SUBSECTION (4)(b)(VII), ON OR BEFORE MARCH 1, 2021, THE DIVISION  
22 SHALL REQUEST PROPOSALS FROM CANDIDATES. THE DIVISION SHALL  
23 REQUIRE EACH CANDIDATE TO SUBMIT ITS PROPOSAL TO THE DIVISION ON  
24 OR BEFORE MAY 1, 2021, AND THE DIVISION SHALL CONTRACT WITH A  
25 CANDIDATE ON OR BEFORE JUNE 1, 2021.

26 (VIII) PERFORM THE NECESSARY CONSTRUCTION AND  
27 RENOVATION, IN CONSULTATION WITH THE INDEPENDENT THIRD PARTY

1 DESCRIBED IN SUBSECTION (4)(b)(VI) OF THIS SECTION, TO CREATE YOUTH  
2 RESIDENCES FOR THE PILOT PROGRAM THAT ARE HOME-LIKE AND  
3 THERAPEUTIC, INCLUDING HOME-LIKE SLEEPING QUARTERS AND LIVING  
4 AND GROUP MEETING AREAS.

5 (c) (I) THE DIVISION OF YOUTH SERVICES PILOT PROGRAM CASH  
6 FUND, REFERRED TO IN THIS SUBSECTION (4) AS THE "FUND", IS HEREBY  
7 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY  
8 CREDITED TO THE FUND PURSUANT TO SUBSECTION (4)(c)(IV) OF THIS  
9 SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY  
10 APPROPRIATE OR TRANSFER TO THE FUND.

11 (II) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
12 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
13 FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEY  
14 REMAINING IN THE FUND AT THE END OF A FISCAL YEAR REMAINS IN THE  
15 FUND AND DOES NOT REVERT TO THE GENERAL FUND.

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

19 (IV) THE DIVISION MAY SEEK, ACCEPT, AND EXPEND GIFTS,  
20 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE  
21 PURPOSES OF THIS SUBSECTION (4). THE DIVISION SHALL TRANSMIT ALL  
22 MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE  
23 TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

24 (V) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED  
25 AND UNENCUMBERED MONEY IN THE FUND ON JULY 1, 2021, TO THE  
26 GENERAL FUND.

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

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

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

8           (b) ON THE EFFECTIVE DATE OF THIS SUBSECTION (5), THE DIVISION  
9 SHALL COMMENCE PREPARING A REQUEST FOR PROPOSAL TO SOLICIT  
10 PROPOSALS FROM INTERESTED PARTIES WHO WISH TO CONTRACT FOR THE  
11 PERFORMANCE ASSESSMENT DESCRIBED IN THIS SUBSECTION (5). THE  
12 DIVISION SHALL ISSUE THE REQUEST FOR PROPOSAL ON OR BEFORE  
13 SEPTEMBER 1, 2017, AND SHALL REQUIRE INTERESTED PARTIES TO SUBMIT  
14 THEIR COMPLETED REQUEST FOR PROPOSALS TO THE DIVISION ON OR  
15 BEFORE NOVEMBER 1, 2017.

16           (c) THE GOAL OF THE ASSESSMENT IS TO DETERMINE THE MOST  
17 HUMANE AND EFFECTIVE METHODS OR APPROACHES TO KEEPING YOUTH  
18 AND STAFF SAFE AND KEEPING VIOLENCE IN FACILITIES TO A MINIMUM.  
19 THE ASSESSMENT MUST:

20           (I) ASSESS THE DIVISION'S DE-ESCALATION,  
21 PHYSICAL-MANAGEMENT, AND SAFETY PROTOCOLS AND ACTUAL  
22 PRACTICES; ITS TREATMENT APPROACH, INCLUDING ITS FIDELITY TO THE  
23 PROVISION OF TRAUMA-RESPONSIVE CARE; AND ITS OVERALL ABILITY TO  
24 MAINTAIN THE SAFETY OF YOUTHS AND STAFF;

25           (II) COMPARE THE DIVISION'S PRACTICES TO BEST PRACTICES IN  
26 OTHER JUVENILE JUSTICE JURISDICTIONS FOR INCARCERATED YOUTHS UP  
27 TO TWENTY-ONE YEARS OF AGE REGARDING DE-ESCALATION, SECLUSION,

1 AND PHYSICAL MANAGEMENT, INCLUDING PHYSICAL AND MECHANICAL  
2 RESTRAINT METHODS;

3 (III) COMPARE THE DIVISION'S OUTCOMES TO BEST OUTCOMES  
4 FROM YOUTH CORRECTIONAL AGENCIES IN OTHER JUVENILE JUSTICE  
5 JURISDICTIONS REGARDING THE FREQUENCY OF FIGHTS, ASSAULTS ON  
6 YOUTHS AND STAFF, INJURIES TO YOUTHS AND STAFF, EDUCATION, AND  
7 RECIDIVISM AND THE USE OF PHYSICAL MANAGEMENT, MECHANICAL  
8 RESTRAINTS, AND SECLUSION; AND

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

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

20 (e) ON OR BEFORE MAY 1, 2018, THE INDEPENDENT THIRD PARTY  
21 SHALL COMPLETE ITS ASSESSMENT AND SUBMIT A REPORT OF ITS FINDINGS  
22 AND RECOMMENDATIONS TO THE JUDICIARY COMMITTEES OF THE HOUSE  
23 OF REPRESENTATIVES AND SENATE, TO THE PUBLIC HEALTH CARE AND  
24 HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, AND  
25 TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR TO  
26 ANY SUCCESSOR COMMITTEES.

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

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

3           **19-2-203.5. Division of youth services - community boards.**

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

6           (a) PROMOTE TRANSPARENCY AND COMMUNITY INVOLVEMENT IN  
7 DIVISION FACILITIES WITHIN THE REGION;

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

10          (c) PROMOTE YOUTH INVOLVEMENT IN THE COMMUNITY.

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

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

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

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

24          (e) EACH COMMUNITY BOARD SHALL MEET AT LEAST ONCE EVERY  
25 THREE MONTHS. THE CHAIR OF EACH COMMUNITY BOARD MAY CALL SUCH  
26 ADDITIONAL MEETINGS AS ARE NECESSARY FOR THE COMMUNITY BOARD  
27 TO ACCOMPLISH ITS DUTIES.

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

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

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

19           **SECTION 3.** In Colorado Revised Statutes, 26-20-106, **amend**  
20 (2) introductory portion, (2)(k), (3) introductory portion, (4), and (6) as  
21 follows:

22           **26-20-106. Documentation requirements for restraint and**  
23 **seclusion - adults and youth.** (2) The division of youth ~~corrections~~  
24 SERVICES shall maintain the following documentation each time a youth  
25 is placed in seclusion as a result of an emergency in any secure  
26 state-operated or state-owned facility:

27           (k) The written approval by the director of the division of youth



1 ~~corrections~~ SERVICES for any seclusion that results from an emergency  
2 that extends beyond four consecutive hours, as required by section  
3 26-20-104.5. This written approval must include documentation of  
4 specific facts to demonstrate that the emergency was ongoing and specific  
5 reasons why a referral to a mental health facility was not warranted.

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

10 (4) On or before January 1, 2017, and on or before July 1, 2017,  
11 and every January 1 and July 1 thereafter, the division of youth  
12 ~~corrections~~ SERVICES shall report on its use of RESTRAINT OR seclusion in  
13 any secure state-operated or state-owned facility to the youth RESTRAINT  
14 AND seclusion working group established in section 26-20-110. The  
15 January report must include information from March 1 through August  
16 31, and the July report must include information from September 1  
17 through the last day of February. The reports must include the following:

18 (a) An incident report on any use of seclusion on a youth due to  
19 an emergency for more than four consecutive hours, or for more than  
20 eight total hours in two consecutive calendar days. Each incident report  
21 must include length of seclusion, specific facts that demonstrate that the  
22 emergency was ongoing, any incidents of self-harm while in seclusion,  
23 the reasons why attempts to process the youth out of seclusion were  
24 unsuccessful, and any corrective measures taken to prevent lengthy or  
25 repeat periods of seclusion in the future. To protect the privacy of the  
26 youth, the division of youth ~~corrections~~ SERVICES shall redact all private  
27 medical or mental health information and personal identifying

1 information, including, if necessary, the facility at which the seclusion  
2 occurred.

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

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

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

10 (III) The average time in seclusion OR RESTRAINT per incident;

11 ~~and~~

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

14 (V) THE TYPE OF RESTRAINT OR RESTRAINTS USED IN EACH  
15 INCIDENT; AND

16 (c) AN INCIDENT REPORT FOR ANY YOUTH WHOM THE DIVISION  
17 ISOLATES FROM HIS OR HER PEERS FOR MORE THAN EIGHT HOURS IN TWO  
18 CONSECUTIVE CALENDAR DAYS. EACH INCIDENT REPORT MUST INCLUDE  
19 THE AGE, RACE, AND GENDER OF THE YOUTH; THE NAME OF THE FACILITY;  
20 THE LENGTH OF TIME THAT THE YOUTH WAS ISOLATED FROM HIS OR HER  
21 PEERS; AND THE JUSTIFICATION FOR THE ISOLATION ON AN HOUR-BY-HOUR  
22 BASIS. IF THE DIVISION HAS PREPARED AN INCIDENT REPORT OF AN  
23 INCIDENT INVOLVING SECLUSION PURSUANT TO SUBSECTION (4)(a) OF THIS  
24 SECTION, THE DIVISION IS NOT REQUIRED TO INCLUDE A REPORT OF THE  
25 SAME INCIDENT PURSUANT TO THIS SUBSECTION (4)(c).

26 (6) Prior to January 1, 2018, the division of youth ~~corrections~~  
27 SERVICES shall meet the requirements of this section to the extent that it

1 is able using its current reporting mechanisms. The division of youth  
2 ~~corrections~~ SERVICES shall fully comply with all requirements of this  
3 section on or before January 1, 2018.

4 **SECTION 4.** In Colorado Revised Statutes, 26-20-110, **amend**  
5 (1), (2), (3), (4), and (6) as follows:

6 **26-20-110. Youth restraint and seclusion working group -**  
7 **membership - purpose - repeal.** (1) There is established within the  
8 division of youth ~~corrections~~ SERVICES a youth RESTRAINT AND seclusion  
9 working group, referred to in this section as the "working group". The  
10 working group consists of:

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

15 (b) The director of the division of youth ~~corrections~~ SERVICES, or  
16 his or her designee;

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

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

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

26 (f) Two representatives from nonprofit advocacy groups that work  
27 to restrict RESTRAINT OR seclusion for youth or that represent children

1 within the custody of the division of youth ~~corrections~~ SERVICES, one who  
2 is appointed by the speaker of the house of representatives and one who  
3 is appointed by the president of the senate; ~~and~~

4 (g) Two experts independent from the division of youth  
5 ~~corrections~~ SERVICES with expertise in adolescent development,  
6 adolescent brain development, ~~trauma-informed~~ TRAUMA-RESPONSIVE  
7 care of juveniles, positive behavior incentives in a juvenile correctional  
8 setting, evidence-based de-escalation techniques, or the negative effects  
9 of seclusion on the adolescent brain. The minority leader of the house of  
10 representatives shall appoint one expert and the minority leader of the  
11 senate shall appoint the other expert; AND

12 (h) A PERSON WHO DOES NOT WORK FOR THE DEPARTMENT OR FOR  
13 THE DIVISION OF YOUTH SERVICES AND WHO HAS WORKED AS A STAFF  
14 MEMBER OR AS A SENIOR EXECUTIVE IN YOUTH CORRECTIONS AND WHO  
15 HAS EXPERIENCE WORKING TO ESTABLISH A REHABILITATIVE AND  
16 THERAPEUTIC CULTURE IN ONE OR MORE JUVENILE JUSTICE FACILITIES, TO  
17 BE APPOINTED BY THE GOVERNOR OR HIS OR HER DESIGNEE.

18 (2) The working group shall advise the division of youth  
19 ~~corrections-on~~ SERVICES CONCERNING policies, procedures, and best  
20 practices related to RESTRAINT AND seclusion and alternatives to ~~such~~  
21 RESTRAINT AND seclusion.

22 (3) The working group shall monitor the division of youth  
23 ~~corrections'~~ SERVICES' use of confinement for administrative purposes.  
24 The division of youth ~~corrections~~ SERVICES shall share with the working  
25 group, on an ongoing basis, available data regarding time spent in  
26 confinement by youth YOUTHS for administrative reasons, as described in  
27 section 26-20-104.5 (3), in any secure state-operated and state-owned

1 facility. If necessary, the working group may make recommendations to  
2 the division of youth ~~corrections~~ SERVICES and TO the public health care  
3 and human services committee of the house of representatives and the  
4 health and human services committee of the senate, or any successor  
5 committees, about the use of confinement for administrative purposes.

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

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

13 **SECTION 5.** In Colorado Revised Statutes, 19-1-304, **amend**  
14 (8)(b) introductory portion, (8)(b)(V), (8)(c), and (8)(d) as follows:

15 **19-1-304. Juvenile delinquency records - division of youth**  
16 **services critical incident information - definitions. (8) Division of**  
17 **youth services critical incident information.** (b) The department of  
18 human services, the division of youth ~~corrections~~ SERVICES, or any  
19 agency with relevant information shall release the following information  
20 related to any critical incident, or aggregate of critical incidents, that  
21 occurred in a facility operated by the division of youth ~~corrections~~  
22 SERVICES upon request so long as the disclosing agency, EXCEPT AS  
23 DESCRIBED IN SUBSECTION (8)(b)(V) OF THIS SECTION, redacts any  
24 identifying information, any information concerning security procedures  
25 or protocols, and any information that would jeopardize the safety of the  
26 community, youth YOUTHS, or staff:

27 (V) A summary of any critical incident that has occurred. THE

1 SUMMARY MUST INCLUDE A DESCRIPTION OF THE FOLLOWING ITEMS,  
2 WHICH ITEMS THE DIVISION SHALL NOT REDACT:

3 (A) THE ACTIONS OF YOUTHS AND STAFF DURING THE COURSE OF  
4 THE INCIDENT;

5 (B) ANY PHYSICAL FORCE USED BY A YOUTH OR BY STAFF;

6 (C) ANY RESTRAINT OF A YOUTH;

7 (D) ANY RESTRAINT METHODS UTILIZED;

8 (E) THE LENGTH OF TIME THAT EACH YOUTH INVOLVED IN THE  
9 CRITICAL INCIDENT WAS RESTRAINED;

10 (F) ANY SECLUSION OF A YOUTH;

11 (G) THE LENGTH OF TIME THAT EACH YOUTH INVOLVED IN THE  
12 CRITICAL INCIDENT WAS SECLUDED;

13 (H) ANY INJURY TO A YOUTH OR STAFF MEMBER;

14 (I) ANY PUNISHMENT INCURRED BY A YOUTH OR BY A STAFF  
15 MEMBER AS A RESULT OF THE CRITICAL INCIDENT; AND

16 (J) ANY RESTORATIVE JUSTICE PRACTICES IMPLEMENTED BY THE  
17 DIVISION IN RESPONSE TO THE CRITICAL INCIDENT.

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.~~ EXCEPT THAT  
23 A MEMBER OF THE GENERAL ASSEMBLY MAY OBTAIN THIS INFORMATION  
24 FROM THE DIVISION FREE OF CHARGE NOT MORE THAN TWICE EACH YEAR.

25 (d) The division of youth ~~corrections~~ SERVICES may release to the  
26 public information at any time to correct inaccurate information  
27 pertaining to the critical incident that was reported in the news media, so

1 long as the release of information by the division protects the  
2 confidentiality of any youth involved; is not explicitly in conflict with  
3 federal law; is not contrary to the best interest of the child who is the  
4 subject of the report, or his or her siblings; is in the public's best interest;  
5 and is consistent with the federal "Child Abuse Prevention and Treatment  
6 Reauthorization Act of 2010", Pub.L. 111-320.

7 **SECTION 6.** In Colorado Revised Statutes, 19-1-305, **add** (3) as  
8 follows:

9 **19-1-305. Operation of juvenile facilities.** (3) AN ATTORNEY  
10 FOR A JUVENILE WHO PRESENTS THE DIVISION OF YOUTH SERVICES WITH A  
11 VALID RELEASE-OF-INFORMATION REQUEST IS ENTITLED TO ALL RECORDS,  
12 INCLUDING DOCUMENTS AND VIDEO RECORDINGS, RELATED TO THE  
13 JUVENILE WHILE HE OR SHE WAS IN THE CUSTODY OF THE DIVISION,  
14 INCLUDING ANY RECORDS RELATING TO ANY INCIDENT IN WHICH THE  
15 JUVENILE WAS RESTRAINED OR PLACED IN SECLUSION. THE RECORDS MUST  
16 INCLUDE, BUT ARE NOT LIMITED TO, COMPLETE INCIDENT REPORTS,  
17 INCLUDING BEHAVIOR MANAGEMENT PLANS, RECORDS RELATED TO STRIP  
18 SEARCHES, AND DESCRIPTIONS OF STAFF MEMBERS' USES OF FORCE.  
19 REDACTIONS OF SUCH RECORDS ARE PROHIBITED EXCEPT FOR THE  
20 PURPOSE OF PROTECTING THE IDENTITY OF JUVENILES OTHER THAN THE  
21 JUVENILE WHO REQUESTED THE RELEASE OF THE RECORDS.

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

24 **19-2-508. Detention and shelter - hearing - time limits -**  
25 **findings - review - confinement with adult offenders - restrictions.**  
26 (3) (c) (IV) After charges are filed directly in district court against a  
27 juvenile pursuant to section 19-2-517 or a juvenile is transferred to

1 district court pursuant to section 19-2-518, the division of youth  
2 ~~corrections~~ SERVICES may petition the district court to transport the  
3 juvenile to an adult jail. The district court shall hold a hearing on the  
4 place of pretrial detention for the juvenile as soon as practicable, but no  
5 later than ~~twenty~~ TWENTY-ONE days after the receipt of the division's  
6 petition to transport. The district attorney, sheriff, or juvenile may file a  
7 response to the petition and participate in the hearing. The juvenile shall  
8 remain in a juvenile detention facility pending hearing and decision by the  
9 district court.

10 (V) If a juvenile is placed in the division of youth ~~corrections~~  
11 SERVICES and is being tried in district court, the division of youth  
12 ~~corrections~~ SERVICES may petition the court for a ~~forthwith~~ AN IMMEDIATE  
13 hearing to terminate juvenile detention placement if the juvenile's  
14 placement in a juvenile detention facility presents an imminent danger to  
15 the other juveniles or to staff at the detention facility. In making its  
16 determination, the court shall review the factors set forth in ~~subparagraph~~  
17 ~~(H) of this paragraph (c)~~ SUBSECTION (3)(c)(III) OF THIS SECTION.

18 (7) Any law enforcement officer, employee of the division of  
19 youth ~~corrections~~ SERVICES, or another person acting under the direction  
20 of the court who in good faith transports any juvenile, releases any  
21 juvenile from custody pursuant to a written policy of a court, releases any  
22 juvenile pursuant to any written criteria established pursuant to this ~~title~~  
23 TITLE 19, or detains any juvenile pursuant to court order or written policy  
24 or criteria established pursuant to this ~~title shall be~~ TITLE 19 IS immune  
25 from civil or criminal liability that might otherwise result by reason of  
26 such act. For purposes of any proceedings, civil or criminal, the good  
27 faith of any such person ~~shall be~~ IS presumed.



1           **SECTION 8.** In Colorado Revised Statutes, 19-2-411.5, **amend**  
2 (5) as follows:

3           **19-2-411.5. Juvenile facility - contract for operation.**

4 (5) (a) On an annual basis, the department of human services shall  
5 calculate the recidivism rate AND EDUCATIONAL OUTCOMES for committed  
6 juveniles in the custody of the department of human services who  
7 complete the program offered by ~~the~~ EACH facility. In calculating the  
8 recidivism rate, the department of human services shall include any  
9 juvenile who commits a criminal offense, either as a juvenile or as an  
10 adult, within three years after leaving the facility. The department of  
11 human services shall report the recidivism rate AND EDUCATIONAL  
12 OUTCOMES to the general assembly.

13           (b) THE STATE AUDITOR, AS PROVIDED IN SECTION 2-3-124, SHALL  
14 AUDIT THE REPORTS DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION  
15 FOR ACCURACY AND QUALITY.

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

18           **2-3-124. Audits of reports of recidivism and educational**  
19 **outcomes by the division of youth services.** ON OR BEFORE JANUARY 1,  
20 2019, AND ON OR BEFORE JANUARY 1, 2024, THE STATE AUDITOR SHALL  
21 AUDIT THE REPORTS OF RECIDIVISM RATES AND EDUCATIONAL OUTCOMES  
22 FOR YOUTHS COMMITTED TO THE DIVISION OF YOUTH SERVICES IN THE  
23 STATE DEPARTMENT OF HUMAN SERVICES, WHICH REPORTS ARE PROVIDED  
24 PURSUANT TO SECTION 19-2-411.5 (5). EACH SUCH AUDIT MUST EXAMINE  
25 THE DIVISION'S REPORTS DURING THE PRECEDING FIVE YEARS FOR  
26 ACCURACY AND QUALITY. AFTER JANUARY 1, 2024, THE STATE AUDITOR,  
27 AT HIS OR HER DISCRETION, MAY CONDUCT ADDITIONAL AUDITS OF THE

1 DIVISION OF YOUTH SERVICES.

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

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

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

10 (kk) The cybersecurity cash fund created in section 24-33.5-1906;

11 AND

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

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

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

1 individual is timely delivered to the designated election official.

2 (5) As used in this section:

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

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

12 **2-3-208. Budget requests - amendments - supplemental**  
13 **appropriation requests - deadlines - definitions.** (3) (b) (I) The  
14 department of education shall submit a request for a supplemental  
15 appropriation pursuant to section 22-54-106 (4)(b) ~~C.R.S.~~, to the joint  
16 budget committee by January 15. The department of corrections and the  
17 division of youth ~~corrections~~ SERVICES in the department of human  
18 services shall each submit a request for a supplemental appropriation  
19 related to changes in caseload to the joint budget committee by January  
20 15.

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

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

27 (V) The youth RESTRAINT AND seclusion working group in the

1 division of youth ~~corrections~~ SERVICES created in section 26-20-110.  
2 ~~C.R.S.~~

3 **SECTION 14.** In Colorado Revised Statutes, 16-11.7-103,  
4 **amend** (1) introductory portion and (1)(c)(II) as follows:

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

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

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

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

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

1 programs and services, including those related to mental health and  
2 substance abuse, the division of criminal justice within the department of  
3 public safety, and the department of corrections shall cooperate to  
4 develop a standardized screening procedure for the assessment of mental  
5 illness in juveniles who are involved in the juvenile justice system. The  
6 standardized screening procedure shall include, but is not limited to:

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

9 **16-20.5-102. Definitions.** As used in this ~~article~~ ARTICLE 20.5,  
10 unless the context otherwise requires:

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

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

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

1 register, as set forth in sections 16-22-105 to 16-22-107, ~~shall apply~~  
2 APPLIES to juvenile parole and probation officers and appropriate  
3 personnel of the division of youth ~~corrections~~ SERVICES in the department  
4 of human services.

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

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

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

1           **17-31-102. Definitions.** As used in this ~~article~~ ARTICLE 31, unless  
2 the context otherwise requires:

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

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

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

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

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

23           **18-1.3-107. Sentencing order - collateral relief - definitions.**  
24 (4) (a) Notwithstanding any other provision of law, an order of collateral  
25 relief cannot relieve any collateral consequences imposed by law for  
26 licensure by the department of education or any collateral consequences  
27 imposed by law for employment with the judicial branch, the department

1 of corrections, division of youth ~~corrections~~ SERVICES in the department  
2 of human services, or any other law enforcement agency in the state of  
3 Colorado.

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

6 **18-1.3-213. Sentencing order - collateral relief - definitions.**

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

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

16 **18-1.3-303. Sentencing order - collateral relief - definitions.**

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

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

26 **18-1.9-101. Legislative declaration.** (1) The general assembly  
27 hereby finds that:



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

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

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

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

12 (B) One member who represents the division of youth ~~corrections~~  
13 SERVICES;

14 **SECTION 26.** In Colorado Revised Statutes, 18-8-208, **amend**  
15 (4.5) as follows:

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

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

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

27 (69) "Juvenile community review board", as used in article 2 of

1 this ~~title~~ TITLE 19, means any board appointed by a board of county  
2 commissioners for the purpose of reviewing community placements under  
3 article 2 of this ~~title~~ TITLE 19. The board, if practicable, shall include but  
4 not be limited to a representative from a county department of social  
5 services, a local school district, a local law enforcement agency, a local  
6 probation department, a local bar association, the division of youth  
7 ~~corrections~~ SERVICES, and private citizens.

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

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

16 **SECTION 29.** In Colorado Revised Statutes, 19-2-209, **amend**  
17 (1), (2), and (3) as follows:

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

23 (2) THE DIRECTOR OF THE DIVISION SHALL APPOINT juvenile parole  
24 officers and other personnel of the division of youth ~~corrections shall be~~  
25 ~~appointed by the director of the division of youth corrections~~ SERVICES  
26 pursuant to section 13 of article XII of the state constitution and with the  
27 consent of the department of human services. Juvenile parole officers

1 shall have the powers and duties specified in part 10 of this article  
2 ARTICLE 2 and shall have the powers of peace officers, as described in  
3 sections 16-2.5-101 and 16-2.5-138. ~~C.R.S.~~

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

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

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

1 ~~shall~~ MUST be approved by the department of human services. A local  
2 juvenile services planning committee may be consolidated with other  
3 local advisory boards pursuant to section 24-1.7-103. ~~C.R.S.~~

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

6 **19-2-213. Restorative justice coordinating council -**  
7 **establishment - membership - repeal.** (2) The restorative justice  
8 coordinating council includes, at a minimum, the following:

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

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

14 **19-2-214. Detention center sexual assault prevention program.**

15 (1) The division of youth ~~corrections~~ SERVICES created in section  
16 19-2-203 shall develop, with respect to sexual assaults that occur in  
17 juvenile facilities, policies and procedures to:

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

20 **19-2-307. Juvenile intensive supervision program - elements.**

21 (2) The judicial department, ~~shall be assisted in developing~~ WITH THE  
22 ASSISTANCE OF A JUVENILE INTENSIVE SUPERVISION ADVISORY  
23 COMMITTEE, SHALL DEVELOP assessment criteria for placement in the  
24 juvenile intensive supervision program and judicial department guidelines  
25 for implementation of the program and measurement of the outcome of  
26 the program. ~~by a juvenile intensive supervision advisory committee.~~  
27 ~~Such~~ THE advisory committee ~~shall be~~ IS appointed by the state court

1 administrator and ~~shall include, but shall not be~~ INCLUDES, BUT IS NOT  
2 limited to, representatives of the division of youth ~~corrections~~ SERVICES  
3 in the department of human services and the division of criminal justice  
4 of the department of public safety.

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

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

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

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

27 (e) The program ~~shall~~ MUST be established for up to eighty beds.

1 Under the contract entered into pursuant to ~~paragraph (a) of this~~  
2 ~~subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION, the division of youth  
3 ~~corrections~~ SERVICES shall pay only for the actual number of juveniles  
4 placed in the program.

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

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

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

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

1 in the program ~~shall~~ MUST not exceed the length of the juvenile's  
2 probation sentence. Whenever a juvenile fails to progress through or  
3 complete the first or second component of the program, the juvenile ~~shall~~  
4 ~~be~~ IS subject to the provisions of section 19-2-925 (4) for violating a  
5 condition of probation.

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

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

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

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

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

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

19 **19-2-414. Facility rules - academic and vocational courses.**  
20 (3) The director of the division of youth ~~corrections~~ SERVICES may  
21 appoint, pursuant to section 13 of article XII of the state constitution, a  
22 director and such other officers, teachers, instructors, counselors, and  
23 other personnel as the director may consider necessary to transact the  
24 business of the schools and may designate their duties. No person shall be  
25 appointed as a teacher or instructor in the schools who is not qualified to  
26 serve as a teacher or instructor in the schools under the laws of the state  
27 and the standards established by the department of education.



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

3           **19-2-415. Fees for transporting juveniles.** It is the duty of the  
4 sheriff, undersheriff, or deputy, or in their absence any suitable person  
5 appointed by the court for such purpose, to convey any juvenile  
6 committed under the provisions of section 19-2-601 or 19-2-907 to  
7 facilities of the division of youth ~~corrections~~ SERVICES. All officers  
8 performing services under this part 4 ~~shall~~ **MUST** be paid the same fees as  
9 are allowed for similar services in criminal cases, such fees to be paid by  
10 the county from which such juvenile was committed.

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

13           **19-2-914. Sentencing - community accountability program.**  
14 Except as otherwise provided in section 19-2-601, the court may sentence  
15 the juvenile to participate in the community accountability program as set  
16 forth in section 19-2-309.5. Such a sentence ~~shall be~~ **IS** a condition of  
17 probation ~~and shall be~~ for higher-risk juveniles who would have  
18 otherwise been sentenced to detention or out-of-home placement or  
19 committed to the department of human services. A sentence pursuant to  
20 this section ~~shall be~~ **IS** conditioned on the availability of space in the  
21 community accountability program and on a determination by the division  
22 of youth ~~corrections~~ SERVICES that the juvenile's participation in the  
23 program is appropriate. In the event that the division of youth ~~corrections~~  
24 SERVICES determines the program is at maximum capacity or that a  
25 juvenile's participation is not appropriate, the juvenile ~~shall~~ **MUST** be  
26 ordered to return to the sentencing court for another sentencing hearing.

27           **SECTION 39.** In Colorado Revised Statutes, 19-2-921, **amend**

1 (7) and (10) as follows:

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

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

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

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

3           **19-2-1002. Juvenile parole. (7) Notice.** (b) (I) (A) Prior to  
4 consideration of the case of a juvenile for parole, the board shall provide  
5 notice of the time and place of the juvenile's hearing before the board or  
6 a hearing panel of the board to a victim who has provided to the division  
7 of youth ~~corrections~~ SERVICES or the board a written statement pursuant  
8 to sections 24-4.1-302.5 and 24-4.1-303. ~~C.R.S.~~ The notice and  
9 subsequent interactions with the victim ~~shall~~ **MUST** be consistent with the  
10 provisions of article 4.1 of title 24. ~~C.R.S.~~

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

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

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

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

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

3           **19-2-1003. Parole officers - powers - duties.** (1) Under the  
4 direction of the director of the division of youth ~~corrections~~ SERVICES, the  
5 juvenile parole officer or officers in each region established in section  
6 19-2-209 (3) shall supervise all juveniles living in the region who, having  
7 been committed to the department of human services, are on parole from  
8 one of its facilities.

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

11           **19-2-1004. Parole violation and revocation.** (1) The director of  
12 the division of youth ~~corrections~~ SERVICES or any juvenile parole officer  
13 may arrest any parolee when:

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

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

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

1 designee, shall give written notification to the board of his or her action.

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

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

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

1 ombudsman do not reflect those of the state department, judicial  
2 department, or of the county departments of human or social services.

3 **SECTION 44.** In Colorado Revised Statutes, 19-7-101, **amend**  
4 (1) introductory portion as follows:

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

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

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

1 criminal history records checks, to allow youth in foster care, excluding  
2 those in the custody of the division of youth ~~corrections~~ SERVICES or a  
3 state mental hospital, who are twelve years of age and older to participate  
4 in age-appropriate extracurricular enrichment, social activities, and  
5 activities designed to assist those youth to make the transition to  
6 independence, build life skills, and enhance opportunities to make  
7 positive connections.

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

10 **22-14-103. Office of dropout prevention and student**  
11 **re-engagement - created - purpose - duties.** (3) To accomplish the  
12 purposes specified in subsection (2) of this section, the office shall also:

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

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

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

23 **22-20-103. Definitions.** As used in this part 1, unless the context  
24 otherwise requires:

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

27 (c) The department of human services, including but not limited

1 to the division of youth ~~corrections~~ SERVICES and the mental health  
2 institutes.

3 **SECTION 48.** In Colorado Revised Statutes, 22-20-104, **amend**  
4 (2)(a) as follows:

5 **22-20-104. Administration - advisory committee - rules.**

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



1 individuals with disabilities or parents of children with disabilities.  
2 Members ~~shall be~~ ARE appointed for terms as determined by the by-laws  
3 of the advisory committee. Any additions to the composition of the  
4 advisory committee ~~shall~~ MUST be made pursuant to the procedures of the  
5 state board.

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

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

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

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

20 **24-1-120. Department of human services - creation.** (6) The  
21 department ~~shall consist~~ CONSISTS of the following divisions and units:

22 (e) The division of youth ~~corrections~~ SERVICES, created pursuant  
23 to section 19-2-203. ~~C.R.S.~~ The division of youth ~~corrections~~ SERVICES  
24 and the office of the director of the division of youth ~~corrections~~  
25 SERVICES and their powers, duties, and functions are transferred by a **type**  
26 **2** transfer to the department of human services as a division thereof.

27 **SECTION 51.** In Colorado Revised Statutes, 24-1.9-102, **amend**

1 (1)(a) introductory portion and (1)(a)(VI) as follows:

2 **24-1.9-102. Memorandum of understanding - local-level**  
3 **interagency oversight groups - individualized service and support**  
4 **teams - coordination of services for children and families -**  
5 **requirements - waiver.** (1) (a) Local representatives of each of the  
6 agencies specified in this ~~paragraph (a)~~ SUBSECTION (1)(a) and county  
7 departments of social services may enter into memorandums of  
8 understanding that are designed to promote a collaborative system of  
9 local-level interagency oversight groups and individualized service and  
10 support teams to coordinate and manage the provision of services to  
11 children and families who would benefit from integrated multi-agency  
12 services. The memorandums of understanding entered into pursuant to  
13 this subsection (1) ~~shall~~ MUST be between interested county departments  
14 of social services and local representatives of each of the following  
15 agencies or entities:

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

17 **SECTION 52.** In Colorado Revised Statutes, 24-4.1-302, **amend**  
18 (1.3) as follows:

19 **24-4.1-302. Definitions.** As used in this part 3, and for no other  
20 purpose, including the expansion of the rights of any defendant:

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

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

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

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

9           **SECTION 54.** In Colorado Revised Statutes, 24-4.1-303, **amend**  
10 (14.3)(c) as follows:

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

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

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

21           **24-33.5-515. Statewide automated victim information and**  
22 **notification system - legislative declaration.** (1) The general assembly  
23 ~~hereby~~ finds and declares that:

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

26           (2) The general assembly may annually appropriate from the  
27 general fund to the division ~~moneys~~ MONEY for the operation of the

1 statewide automated victim information and notification system. The  
2 division must distribute ~~moneys~~ MONEY appropriated to the division by  
3 the general assembly for the operation of the statewide automated victim  
4 information and notification system to be used by the county sheriffs, the  
5 division of youth ~~corrections~~ SERVICES, and other departments or  
6 agencies.

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

9 **25-1.5-106. Medical marijuana program - powers and duties**  
10 **of state health agency - rules - medical review board - medical**  
11 **marijuana program cash fund - subaccount - created - repeal.**

12 (10) **Renewal of patient identification card upon criminal conviction.**

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

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

22 **25-20.5-109. Programs not included.** (1) Notwithstanding any  
23 other provisions of this ~~article~~ ARTICLE 20.5 to the contrary, the following  
24 programs are not subject to the requirements of this ~~article~~ ARTICLE 20.5:

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

27 **SECTION 58.** In Colorado Revised Statutes, 25-20.5-406,

1 **amend** (2)(b)(IV) as follows:

2 **25-20.5-406. State review team - creation - membership -**  
3 **vacancies.** (2) (b) The executive director of the department of human  
4 services shall appoint six voting members, as follows:

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

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

9 **25.5-4-205.5. Confined persons - suspension of benefits.**

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

1 ARTICLE 4 or article 5 or 6 of this ~~title~~ TITLE 25.5.

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

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

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

14 **26-20-102. Definitions.** As used in this ~~article~~ ARTICLE 20, unless  
15 the context otherwise requires:

16 (2.5) "Division of youth ~~corrections~~ SERVICES" means the division  
17 of youth ~~corrections~~ SERVICES within the state department created  
18 pursuant to section 19-2-203. ~~C.R.S.~~

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

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

26 (c) Within twelve hours after the beginning of the youth's  
27 seclusion period, the division of youth ~~corrections~~ SERVICES shall notify

1 the youth's parent, guardian, or legal custodian and inform that person  
2 that the youth is or was in seclusion and the reason for his or her  
3 seclusion.

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

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

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

18 **SECTION 63.** In Colorado Revised Statutes, 26-20-105, **amend**  
19 (1.5) introductory portion as follows:

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

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

26 **27-67-102. Legislative declaration.** (1) The general assembly  
27 finds that many parents in Colorado have experienced challenging

1 circumstances because their children have significant mental health  
2 needs. Many times, the parents are loving, caring parents who have  
3 become increasingly frustrated in their attempts to navigate the various  
4 governmental systems including child welfare, mental health, law  
5 enforcement, juvenile justice, education, and youth ~~corrections~~ SERVICES  
6 in an attempt to find help for their children. Frequently in these situations  
7 an action in dependency or neglect under article 3 of title 19 ~~C.R.S.~~, is  
8 neither appropriate nor warranted.

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

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

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

27 **SECTION 66.** In Colorado Revised Statutes, 27-80-101, **amend**



1 the introductory portion and (5) as follows:

2 **27-80-101. Definitions.** As used in this ~~article~~ ARTICLE 80, unless  
3 the context otherwise requires:

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

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

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

24 (II) Secure facility and medium secure facility housing of  
25 juveniles who are committed to the division of youth ~~corrections~~  
26 SERVICES.

27 **SECTION 68.** In Colorado Revised Statutes, 42-2-108, **amend**

1 (1)(a) and (1)(b)(I) as follows:

2 **42-2-108. Application of minors.** (1) (a) The application of any  
3 person under eighteen years of age for an instruction permit or minor  
4 driver's license shall be accompanied by an affidavit of liability signed  
5 and verified by the parent, stepparent, grandparent with power of  
6 attorney, guardian, spouse of the applicant if the spouse is eighteen years  
7 of age or older, or, in the event there is no such person, guardian, or  
8 spouse, any other responsible adult who is willing to assume the  
9 obligation imposed under this ~~article~~ ARTICLE 2 upon an adult signing the  
10 affidavit of liability for a minor. When an applicant has been made a ward  
11 of any court in the state for any reason and has been placed in a foster  
12 home, the foster parents or parent may sign the affidavit of liability for  
13 the minor. If the parent or foster parent is unwilling or unable to sign the  
14 affidavit of liability, a guardian ad litem, a designated official of the  
15 county department of social services having custody of the applicant, or  
16 a designated official of the division of youth ~~corrections~~ SERVICES in the  
17 department of human services having custody of the applicant may sign  
18 the application for an instruction permit without signing the affidavit of  
19 liability for the minor if the requirements of ~~paragraph (b) of this~~  
20 ~~subsection (1)~~ SUBSECTION (1)(b) OF THIS SECTION are met; except that,  
21 prior to signing the application for an instruction permit, the guardian ad  
22 litem or other designated official shall notify the court of his or her intent  
23 to sign the application, and except that, the guardian ad litem or  
24 designated official shall not sign the application for an instruction permit  
25 for a minor who is placed in a foster care home and is under seventeen  
26 and one-half years of age without first obtaining the consent of the foster  
27 parent. If the minor is seventeen and one-half years of age or older and is

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

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

27 (I) The guardian ad litem, a designated official of the county

1 department of social services having custody of such applicant, or a  
2 designated official of the division of youth ~~corrections~~ SERVICES in the  
3 department of human services having custody of such applicant signs the  
4 application for an instruction permit;

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

7 **42-2-306. Fees - disposition.** (1) The department shall charge  
8 and collect the following fees:

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

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

13 **SECTION 70. Safety clause.** The general assembly hereby finds,  
14 determines, and declares that this act is necessary for the immediate  
15 preservation of the public peace, health, and safety.