

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 20, 2017
Date

Committee on Judiciary.

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

HB17-1329 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 6, line 23, strike "ON AND AFTER JANUARY 1,
2 2018, THE" and substitute "THE".
- 3 Page 7, line 9, strike "VIOLENCE WITHIN" and substitute "VIOLENCE."
- 4 Page 7, strike line 10.
- 5 Page 9, line 6, strike "DOOR," and substitute "DOOR FROM WHICH EGRESS
6 IS PREVENTED,".
- 7 Page 9, strike lines 8 through 12.
- 8 Re-letter succeeding sub-subparagraphs accordingly.
- 9 Page 10, line 6, strike "SUPERVISE,".
- 10 Page 10, line 17, strike "FULL-TIME" and substitute
11 "THREE-QUARTER-TIME TO FULL-TIME".
- 12 Page 10, strike line 27 and substitute "DECEMBER 1, 2017. ON OR BEFORE
13 JANUARY 1, 2018, THE DIVISION SHALL BEGIN WORKING ACTIVELY".
- 14 Page 11, line 1, after "TO" insert "TAKE THE NECESSARY STEPS TO".

1 Page 11, strike lines 2 through 25 and substitute:
2 "PILOT PROGRAM AS SOON AS POSSIBLE, WHICH MUST BEGIN TO SERVE
3 YOUTH NO LATER THAN JULY 1, 2018.

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

32 (B) THE INDEPENDENT CONTRACTOR, AT LEAST IN PART, SHALL
33 BASE ITS EVALUATION OF THE EFFECTIVENESS OF THE PILOT PROGRAM
34 UPON WHETHER IT REDUCES THE NUMBER OF FIGHTS, CRITICAL INCIDENTS,
35 ASSAULTS ON YOUTH, ASSAULTS ON STAFF, INJURIES TO YOUTH, AND
36 INJURIES TO STAFF WHEN COMPARED TO COMPARABLE DIVISION
37 FACILITIES, AND WHETHER IT REDUCES THE NUMBER OF PHYSICAL
38 MANagements AND MECHANICAL RESTRAINTS WHEN COMPARED TO
39 COMPARABLE DIVISION FACILITIES.

40 (C) NOT LATER THAN NINETY DAYS AFTER THE END OF THE PILOT
41 PROGRAM, THE INDEPENDENT CONTRACTOR SHALL COMPLETE THE REPORT

1 DESCRIBED IN SUBSECTION (4)(b)(II)(A) OF THIS SECTION AND SUBMIT IT
2 TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND
3 THE SENATE, TO THE PUBLIC HEATH CARE AND HUMAN SERVICES
4 COMMITTEE OF THE HOUSE OF REPRESENTATIVES, AND TO THE HEALTH
5 ANDHUMAN SERVICES COMMITTEE OF THE SENATE, OR TO ANY SUCCESSOR
6 COMMITTEES."

7 Page 21, line 27, strike "occurred. THE" and substitute "occurred, WHICH
8 SUMMARY MUST INCLUDE A SUMMARY OF ANY USE OF FORCE ON A YOUTH,
9 INCLUDING ANY PHYSICAL-MANAGEMENT TECHNIQUES OR RESTRAINTS
10 UTILIZED AND ANY SECLUSION OF A YOUTH. THE DIVISION SHALL NOT
11 REDACT THE INFORMATION OTHER THAN TO PROTECT THE PERSONAL
12 IDENTIFYING INFORMATION OF ANY INDIVIDUAL."

13 Page 22, strike lines 1 through 17.

14 Page 22, strike lines 22 through 24 and substitute "charge a fee in
15 accordance with section 24-72-205. ~~C.R.S.~~".

16 Page 23, strike lines 7 through 21.

17 Renumber succeeding sections accordingly.

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