

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

**PREAMENDED**

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

LLS NO. 17-1062.01 Richard Sweetman x4333

**HOUSE BILL 17-1329**

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**HOUSE SPONSORSHIP**

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

**SENATE SPONSORSHIP**

**Kagan and Coram**,

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

State, Veterans, & Military Affairs  
Appropriations

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

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

HOUSE  
3rd Reading Unamended  
May 1, 2017

HOUSE  
Amended 2nd Reading  
April 28, 2017

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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), (5), and (6) as follows:

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

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

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

1 TRANSITION BACK TO THE COMMUNITY;

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

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

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

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

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

22 ~~(b) Repealed.~~

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

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

27 THE GENERAL ASSEMBLY FINDS THAT:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 OF ANOTHER YOUTH;

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

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

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

24 (N) PRIORITIZING FAMILY ENGAGEMENT; AND

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

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

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

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

1 ALL AVAILABLE DATA REQUESTED TO COMPLETE THE REPORT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 THE ASSESSMENT MUST:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (c) PROMOTE YOUTH INVOLVEMENT IN THE COMMUNITY.

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

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

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

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

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



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

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

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

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

21 **SECTION 3.** In Colorado Revised Statutes, 19-1-103, **amend** the  
22 introductory portion; and **add** (113) as follows:

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

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

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

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

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

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

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

27           (a) An incident report on any use of seclusion on a youth due to

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

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

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

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

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

20 **and**

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

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

25 (c) AN INCIDENT REPORT FOR ANY YOUTH WHOM THE DIVISION  
26 ISOLATES FROM HIS OR HER PEERS FOR MORE THAN EIGHT HOURS IN TWO  
27 CONSECUTIVE CALENDAR DAYS. EACH INCIDENT REPORT MUST INCLUDE

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

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

17 **SECTION 5.** In Colorado Revised Statutes, 26-20-110, **amend**  
18 (1), (2), (3), (4), and (6) as follows:

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

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

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

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

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

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

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

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

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

1 HAS EXPERIENCE WORKING TO ESTABLISH A REHABILITATIVE AND  
2 THERAPEUTIC CULTURE IN ONE OR MORE JUVENILE JUSTICE FACILITIES, TO  
3 BE APPOINTED BY THE GOVERNOR OR HIS OR HER DESIGNEE.

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

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

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

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

26 **SECTION 6.** In Colorado Revised Statutes, 19-1-304, **amend**  
27 (8)(b) introductory portion, (8)(b)(V), (8)(c), and (8)(d) as follows:

1           **19-1-304. Juvenile delinquency records - division of youth**  
2           **services critical incident information - definitions. (8) Division of**  
3           **youth services critical incident information.** (b) The department of  
4           human services, the division of youth ~~corrections~~ SERVICES, or any  
5           agency with relevant information shall release the following information  
6           related to any critical incident, or aggregate of critical incidents, that  
7           occurred in a facility operated by the division of youth ~~corrections~~  
8           SERVICES upon request so long as the disclosing agency, EXCEPT AS  
9           DESCRIBED IN SUBSECTION (8)(b)(V) OF THIS SECTION, redacts any  
10          identifying information, any information concerning security procedures  
11          or protocols, and any information that would jeopardize the safety of the  
12          community, ~~youth~~ YOUTHS, or staff:

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

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

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

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

6

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

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

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

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



1 determination, the court shall review the factors set forth in ~~subparagraph~~  
2 ~~(HH) of this paragraph (c)~~ SUBSECTION (3)(c)(III) OF THIS SECTION.

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

13 ==  
14 **SECTION 8.** In Colorado Revised Statutes, **add** 2-3-124 as  
15 follows:

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

27 **SECTION 9.** In Colorado Revised Statutes, 24-75-402, **amend**

1 (5)(jj) and (5)(kk); and **add** (5)(ll) as follows:

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

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

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

9 AND

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

12 **SECTION 10.** In Colorado Revised Statutes, 1-2-210.5, **amend**  
13 (1) and (5)(a) as follows:

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

27 (5) As used in this section:

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

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

10 **2-3-208. Budget requests - amendments - supplemental**  
11 **appropriation requests - deadlines - definitions.** (3) (b) (I) The  
12 department of education shall submit a request for a supplemental  
13 appropriation pursuant to section 22-54-106 (4)(b) ~~C.R.S.~~, to the joint  
14 budget committee by January 15. The department of corrections and the  
15 division of youth ~~corrections~~ SERVICES in the department of human  
16 services shall each submit a request for a supplemental appropriation  
17 related to changes in caseload to the joint budget committee by January  
18 15.

19 **SECTION 12.** In Colorado Revised Statutes, 2-3-1203, **amend**  
20 (15)(a) introductory portion and (15)(a)(V) as follows:

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

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

1           **SECTION 13.** In Colorado Revised Statutes, 16-11.7-103,  
2 **amend** (1) introductory portion and (1)(c)(II) as follows:

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

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

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

16           **SECTION 14.** In Colorado Revised Statutes, 16-11.9-102,  
17 **amend** (2) introductory portion as follows:

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

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

5 **SECTION 15.** In Colorado Revised Statutes, 16-20.5-102,  
6 **amend** the introductory portion and (10) as follows:

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

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

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

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

1 personnel of the division of youth ~~corrections~~ SERVICES in the department  
2 of human services.

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

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

24 **SECTION 18.** In Colorado Revised Statutes, 17-31-102, **amend**  
25 the introductory portion and (2) as follows:

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

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

9           **SECTION 19.** In Colorado Revised Statutes, 17-31-103, **amend**  
10 (1)(d) as follows:

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

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

19           **SECTION 20.** In Colorado Revised Statutes, 18-1.3-107, **amend**  
20 (4)(a) as follows:

21           **18-1.3-107. Sentencing order - collateral relief - definitions.**

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

1 Colorado.

2 **SECTION 21.** In Colorado Revised Statutes, 18-1.3-213, **amend**

3 (4)(a) as follows:

4 **18-1.3-213. Sentencing order - collateral relief - definitions.**

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

12 **SECTION 22.** In Colorado Revised Statutes, 18-1.3-303, **amend**

13 (4)(a) as follows:

14 **18-1.3-303. Sentencing order - collateral relief - definitions.**

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

22 **SECTION 23.** In Colorado Revised Statutes, 18-1.9-101, **amend**

23 (1)(c) as follows:

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

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



1 diagnosed with mental illness;

2 **SECTION 24.** In Colorado Revised Statutes, 18-1.9-104, **amend**  
3 (1)(c)(IV)(B) as follows:

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

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

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

12 **SECTION 25.** In Colorado Revised Statutes, 18-8-208, **amend**  
13 (4.5) as follows:

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

20 **SECTION 26.** In Colorado Revised Statutes, 19-1-103, **amend**  
21 the introductory portion and (69) as follows:

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

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

1 article 2 of this ~~title~~ TITLE 19. The board, if practicable, shall include but  
2 not be limited to a representative from a county department of social  
3 services, a local school district, a local law enforcement agency, a local  
4 probation department, a local bar association, the division of youth  
5 ~~corrections~~ SERVICES, and private citizens.

6 **SECTION 27.** In Colorado Revised Statutes, 19-2-205, **amend**  
7 (1) as follows:

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

14 **SECTION 28.** In Colorado Revised Statutes, 19-2-209, **amend**  
15 (1), (2), and (3) as follows:

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

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

1 sections 16-2.5-101 and 16-2.5-138. ~~C.R.S.~~

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

5 **SECTION 29.** In Colorado Revised Statutes, **amend** 19-2-211 as  
6 follows:

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

1 local advisory boards pursuant to section 24-1.7-103. ~~C.R.S.~~

2 **SECTION 30.** In Colorado Revised Statutes, 19-2-213, **amend**  
3 (2)(b) as follows:

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

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

10 **SECTION 31.** In Colorado Revised Statutes, 19-2-214, **amend**  
11 (1) introductory portion as follows:

12 **19-2-214. Detention center sexual assault prevention program.**

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

16 **SECTION 32.** In Colorado Revised Statutes, 19-2-307, **amend**  
17 (2) as follows:

18 **19-2-307. Juvenile intensive supervision program - elements.**

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

1 in the department of human services and the division of criminal justice  
2 of the department of public safety.

3 **SECTION 33.** In Colorado Revised Statutes, 19-2-309.5, **amend**  
4 (2)(a), (2)(c), (2)(d), (2)(e), (3), (4)(a) introductory portion, (4)(a)(II)  
5 introductory portion, (5), (6), and (8) as follows:

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

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

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

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

1 ~~corrections~~ SERVICES shall pay only for the actual number of juveniles  
2 placed in the program.

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

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

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

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

1 complete the first or second component of the program, the juvenile ~~shall~~  
2 ~~be~~ IS subject to the provisions of section 19-2-925 (4) for violating a  
3 condition of probation.

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

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

17 **SECTION 34.** In Colorado Revised Statutes, **amend** 19-2-311 as  
18 follows:

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

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

15 **SECTION 35.** In Colorado Revised Statutes, 19-2-414, **amend**  
16 (3) as follows:

17 **19-2-414. Facility rules - academic and vocational courses.**

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

26 **SECTION 36.** In Colorado Revised Statutes, **amend** 19-2-415 as  
27 follows:



1           **19-2-415. Fees for transporting juveniles.** It is the duty of the  
2 sheriff, undersheriff, or deputy, or in their absence any suitable person  
3 appointed by the court for such purpose, to convey any juvenile  
4 committed under the provisions of section 19-2-601 or 19-2-907 to  
5 facilities of the division of youth ~~corrections~~ SERVICES. All officers  
6 performing services under this part 4 ~~shall~~ MUST be paid the same fees as  
7 are allowed for similar services in criminal cases, such fees to be paid by  
8 the county from which such juvenile was committed.

9           **SECTION 37.** In Colorado Revised Statutes, **amend** 19-2-914 as  
10 follows:

11           **19-2-914. Sentencing - community accountability program.**  
12 Except as otherwise provided in section 19-2-601, the court may sentence  
13 the juvenile to participate in the community accountability program as set  
14 forth in section 19-2-309.5. Such a sentence ~~shall be~~ IS a condition of  
15 probation ~~and shall be~~ for higher-risk juveniles who would have  
16 otherwise been sentenced to detention or out-of-home placement or  
17 committed to the department of human services. A sentence pursuant to  
18 this section ~~shall be~~ IS conditioned on the availability of space in the  
19 community accountability program and on a determination by the division  
20 of youth ~~corrections~~ SERVICES that the juvenile's participation in the  
21 program is appropriate. In the event that the division of youth ~~corrections~~  
22 SERVICES determines the program is at maximum capacity or that a  
23 juvenile's participation is not appropriate, the juvenile ~~shall~~ MUST be  
24 ordered to return to the sentencing court for another sentencing hearing.

25           **SECTION 38.** In Colorado Revised Statutes, 19-2-921, **amend**  
26 (7) and (10) as follows:

27           **19-2-921. Commitment to department of human services.**

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

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

26 **SECTION 39.** In Colorado Revised Statutes, 19-2-1002, **amend**  
27 (7)(b)(I)(A), (7)(b)(II), (9)(b)(I), and (9)(b)(II)(B) as follows:

1           **19-2-1002. Juvenile parole.** (7) **Notice.** (b) (I) (A) Prior to  
2 consideration of the case of a juvenile for parole, the board shall provide  
3 notice of the time and place of the juvenile's hearing before the board or  
4 a hearing panel of the board to a victim who has provided to the division  
5 of youth ~~corrections~~ SERVICES or the board a written statement pursuant  
6 to sections 24-4.1-302.5 and 24-4.1-303. ~~C.R.S.~~ The notice and  
7 subsequent interactions with the victim ~~shall~~ MUST be consistent with the  
8 provisions of article 4.1 of title 24. ~~C.R.S.~~

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

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

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

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

26           **SECTION 40.** In Colorado Revised Statutes, 19-2-1003, **amend**  
27 (1) as follows:

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

7           **SECTION 41.** In Colorado Revised Statutes, 19-2-1004, **amend**  
8 (1) introductory portion, (2), (8)(b), and (12) as follows:

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

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

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

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

27           (12) At the hearing before the hearing panel, if the parolee denies

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

13 **SECTION 42.** In Colorado Revised Statutes, 19-3.3-103, **amend**  
14 (5) as follows:

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

1           **SECTION 43.** In Colorado Revised Statutes, 19-7-101, **amend**  
2 (1) introductory portion as follows:

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

7           **SECTION 44.** In Colorado Revised Statutes, 19-7-103, **amend**  
8 (1) as follows:

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

1 state mental hospital, who are twelve years of age and older to participate  
2 in age-appropriate extracurricular enrichment, social activities, and  
3 activities designed to assist those youth to make the transition to  
4 independence, build life skills, and enhance opportunities to make  
5 positive connections.

6 **SECTION 45.** In Colorado Revised Statutes, 22-14-103, **amend**  
7 (3)(c)(IV) as follows:

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

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

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

19 **SECTION 46.** In Colorado Revised Statutes, 22-20-103, **amend**  
20 (28)(c) as follows:

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

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

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

1           **SECTION 47.** In Colorado Revised Statutes, 22-20-104, **amend**  
2 (2)(a) as follows:

3           **22-20-104. Administration - advisory committee - rules.**

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



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

4 **SECTION 48.** In Colorado Revised Statutes, 22-32-109.3,  
5 **amend** (2) introductory portion and (2)(b) as follows:

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

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

16 **SECTION 49.** In Colorado Revised Statutes, 24-1-120, **amend**  
17 (6) introductory portion and (6)(e) as follows:

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

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

25 **SECTION 50.** In Colorado Revised Statutes, 24-1.9-102, **amend**  
26 (1)(a) introductory portion and (1)(a)(VI) as follows:

27 **24-1.9-102. Memorandum of understanding - local-level**

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

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

15 **SECTION 51.** In Colorado Revised Statutes, 24-4.1-302, **amend**  
16 (1.3) as follows:

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

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

24 **SECTION 52.** In Colorado Revised Statutes, 24-4.1-302.5,  
25 **amend** (1)(d.5)(IV) as follows:

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

1 victim of a crime has the following rights:

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

7 **SECTION 53.** In Colorado Revised Statutes, 24-4.1-303, **amend**  
8 (14.3)(c) as follows:

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

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

17 **SECTION 54.** In Colorado Revised Statutes, 24-33.5-515,  
18 **amend** (1) introductory portion, (1)(d), and (2) as follows:

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

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

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

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

5 **SECTION 55.** In Colorado Revised Statutes, 25-1.5-106, **amend**  
6 (10) as follows:

7 **25-1.5-106. Medical marijuana program - powers and duties**  
8 **of state health agency - rules - medical review board - medical**  
9 **marijuana program cash fund - subaccount - created - repeal.**

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

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

18 **SECTION 56.** In Colorado Revised Statutes, 25-20.5-109,  
19 **amend** (1) introductory portion and (1)(a) as follows:

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

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

25 **SECTION 57.** In Colorado Revised Statutes, 25-20.5-406,  
26 **amend** (2)(b)(IV) as follows:

27 **25-20.5-406. State review team - creation - membership -**

1 **vacancies.** (2) (b) The executive director of the department of human  
2 services shall appoint six voting members, as follows:

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

5 **SECTION 58.** In Colorado Revised Statutes, 25.5-4-205.5,  
6 **amend** (2) as follows:

7 **25.5-4-205.5. Confined persons - suspension of benefits.**

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

27 **SECTION 59.** In Colorado Revised Statutes, 25.5-6-409.5,

1 **amend** (3)(d) as follows:

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

10 **SECTION 60.** In Colorado Revised Statutes, 26-20-102, **amend**  
11 the introductory portion and (2.5) as follows:

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

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

17 **SECTION 61.** In Colorado Revised Statutes, 26-20-104.5,  
18 **amend** (1) introductory portion, (1)(c), (2)(b) introductory portion,  
19 (2)(b)(II), and (3) as follows:

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

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

1 seclusion.

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

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

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

16 **SECTION 62.** In Colorado Revised Statutes, 26-20-105, **amend**  
17 (1.5) introductory portion as follows:

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

22 **SECTION 63.** In Colorado Revised Statutes, 27-67-102, **amend**  
23 (1) as follows:

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

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

7 **SECTION 64.** In Colorado Revised Statutes, 27-69-104, **amend**  
8 (3) introductory portion and (3)(a) as follows:

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

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

25 **SECTION 65.** In Colorado Revised Statutes, 27-80-101, **amend**  
26 the introductory portion and (5) as follows:

27 **27-80-101. Definitions.** As used in this ~~article~~ ARTICLE 80, unless



1 the context otherwise requires:

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

14 **SECTION 66.** In Colorado Revised Statutes, 27-90-105, **amend**  
15 (2)(a)(II) as follows:

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

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

25 **SECTION 67.** In Colorado Revised Statutes, 42-2-108, **amend**  
26 (1)(a) and (1)(b)(I) as follows:

27 **42-2-108. Application of minors.** (1) (a) The application of any

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

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

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

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

1 department of human services having custody of such applicant signs the  
2 application for an instruction permit;

3 **SECTION 68.** In Colorado Revised Statutes, 42-2-306, **amend**  
4 (1)(a)(III.5)(C) as follows:

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

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

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

11 **SECTION 69. Appropriation.** (1) For the 2017-18 state fiscal  
12 year, \$306,302 is appropriated to the department of human services for  
13 use by the division youth services. This appropriation is from the general  
14 fund. To implement this act, the division may use this appropriation as  
15 follows:

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

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

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