

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0040.01 Richard Sweetman x4333

HOUSE BILL 18-1010

HOUSE SPONSORSHIP

Lee and Wilson,

SENATE SPONSORSHIP

(None),

House Committees

Judiciary

Senate Committees

A BILL FOR AN ACT

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

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 requires the department of human services (department), to calculate annually the recidivism rate and educational outcomes for juveniles committed to the custody of the department who complete their

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

parole sentences and discharge from department supervision. In calculating the recidivism rate, the department shall include any juvenile who is adjudicated for or convicted of a criminal offense, either as a juvenile or as an adult, within 3 years after department discharge. The department shall report the recidivism rate and educational outcomes to the general assembly annually.

Existing law requires the state auditor to perform 2 audits of the department's reports of recidivism rates and educational outcomes. The bill requires the judicial department to provide data to the state auditor as permissible by law for the purposes of these audits.

The bill adds 2 members to the youth restraint and seclusion working group within the division of youth services.

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

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

4 **19-2-203. Division of youth services - created - interagency
5 agreements - duties of administrators of facilities in connection with
6 voter registration and casting of ballots - definitions - report.**

7 (6) (a) ON OR BEFORE JULY 1, 2018, AND ON OR BEFORE EACH JULY 1
8 THEREAFTER, THE DEPARTMENT OF HUMAN SERVICES SHALL CALCULATE
9 THE RECIDIVISM RATE AND EDUCATIONAL OUTCOMES FOR JUVENILES
10 COMMITTED TO THE CUSTODY OF THE DEPARTMENT WHO COMPLETE THEIR
11 PAROLE SENTENCES AND DISCHARGE FROM DEPARTMENT SUPERVISION. IN
12 CALCULATING THE RECIDIVISM RATE, THE DEPARTMENT SHALL INCLUDE
13 ANY JUVENILE WHO IS ADJUDICATED FOR OR CONVICTED OF A CRIMINAL
14 OFFENSE, EITHER AS A JUVENILE OR AS AN ADULT, WITHIN THREE YEARS
15 AFTER DEPARTMENT DISCHARGE. NOTWITHSTANDING SECTION 24-1-136
16 (11)(a)(I), THE DEPARTMENT SHALL REPORT THE RECIDIVISM RATE AND
17 EDUCATIONAL OUTCOMES TO THE GENERAL ASSEMBLY ANNUALLY. THE
18 REPORT MUST DENOTE THE DEMOGRAPHIC CHARACTERISTICS OF THE
19 POPULATION CONSIDERED IN THE REPORT. IN REPORTING ON RECIDIVISM

1 RATES, THE REPORT MUST DENOTE THE TYPES OF CRIMINAL OFFENSES
2 COMMITTED, DELINEATING BETWEEN FELONIES AND MISDEMEANORS AND
3 BETWEEN VIOLENT CRIMES AND NONVIOLENT CRIMES.

4 (b) AS USED IN THIS SUBSECTION (6), UNLESS THE CONTEXT
5 OTHERWISE REQUIRES, "VIOLENT CRIME" MEANS ANY CRIME IN WHICH THE
6 JUVENILE USED FORCE OR THE THREAT OF FORCE.

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

9 **2-3-124. Audits of reports of recidivism and educational**
10 **outcomes by the division of youth services.** (1) On or before January
11 1, 2019, and on or before January 1, 2024, the state auditor shall audit the
12 reports of recidivism rates and educational outcomes for youths
13 committed to the division of youth services in the state department of
14 human services, which reports are provided pursuant to ~~section~~
15 ~~19-2-411.5 (5)~~ SECTION 19-2-203 (6). Each such audit must examine the
16 division's reports during the preceding five years for accuracy and quality.
17 After January 1, 2024, the state auditor, at his or her discretion, may
18 conduct additional audits of the division of youth services REPORTS OF
19 RECIDIVISM RATES AND EDUCATIONAL OUTCOMES FOR YOUTHS
20 COMMITTED TO THE DIVISION.

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

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

26 **26-20-110. Youth restraint and seclusion working group -**
27 **membership - purpose - repeal.** (1) There is established within the

1 division of youth services a youth restraint and seclusion working group,
2 referred to in this section as the "working group". The working group
3 consists of:

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

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

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

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

18 **19-3.3-103. Office of the child protection ombudsman - powers**
19 **and duties - access to information - confidentiality - testimony -**
20 **judicial review.** (1) The ombudsman has the following duties, at a
21 minimum:

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

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

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