

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 18-0040.01 Richard Sweetman x4333

**HOUSE BILL 18-1010**

**HOUSE SPONSORSHIP**

**Lee and Wilson,**

**SENATE SPONSORSHIP**

**Coram,**

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**House Committees**

Judiciary

**Senate Committees**

Judiciary

SENATE  
3rd Reading Unamended  
February 27, 2018

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101

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

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SENATE  
2nd Reading Unamended  
February 26, 2018

**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>.)*

HOUSE  
3rd Reading Unamended  
February 2, 2018

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

HOUSE  
Amended 2nd Reading  
February 1, 2018

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.

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

1 REPORTING ON RECIDIVISM RATES, THE REPORT MUST DENOTE THE TYPES  
2 OF CRIMINAL OFFENSES COMMITTED, DELINEATING BETWEEN FELONIES  
3 AND MISDEMEANORS AND BETWEEN CRIMES THAT ARE INCLUDED AS A  
4 "CRIME" PURSUANT TO SECTION 24-4.1-302 (1) AND OTHER CRIMES.

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

7 **2-3-124. Audits of reports of recidivism and educational**  
8 **outcomes by the division of youth services.** (1) On or before January  
9 1, 2019, and on or before January 1, 2024, the state auditor shall audit the  
10 reports of recidivism rates and educational outcomes for youths  
11 committed to the division of youth services in the state department of  
12 human services, which reports are provided pursuant to ~~section~~  
13 ~~19-2-411.5-(5)~~ SECTION 19-2-203 (6). Each such audit must examine the  
14 division's reports during the preceding five years for accuracy and quality.  
15 After January 1, 2024, the state auditor, at his or her discretion, may  
16 conduct additional audits of the division of youth services REPORTS OF  
17 RECIDIVISM RATES AND EDUCATIONAL OUTCOMES FOR YOUTHS  
18 COMMITTED TO THE DIVISION.

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

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

24 **26-20-110. Youth restraint and seclusion working group -**  
25 **membership - purpose - repeal.** (1) There is established within the  
26 division of youth services a youth restraint and seclusion working group,  
27 referred to in this section as the "working group". The working group

1 consists of:

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

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

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

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

16 **19-3.3-103. Office of the child protection ombudsman - powers**  
17 **and duties - access to information - confidentiality - testimony -**  
18 **judicial review.** (1) The ombudsman has the following duties, at a  
19 minimum:

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

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

26 (g) To SERVE OR DESIGNATE A PERSON TO SERVE ON THE YOUTH  
27 RESTRAINT AND SECLUSION WORKING GROUP PURSUANT TO SECTION

1 26-20-110 (1)(i).

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