

HB1131_L.006

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.HB15-1131 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 19-1-304, add (8)
4 as follows:

5 **19-1-304. Juvenile delinquency records - division of youth**
6 **corrections critical incident information - definitions. (8) Division of**
7 **youth corrections critical incident information. (a) FOR THE PURPOSES**
8 **OF THIS SUBSECTION (8), "CRITICAL INCIDENT" MEANS ANY OF THE**
9 **FOLLOWING:**

10 (I) AN INTENTIONAL PHYSICAL OR SEXUAL ACT OF AGGRESSION
11 THAT:

12 (A) CAUSES OR ATTEMPTS TO CAUSE SERIOUS BODILY INJURY;

13 (B) CAUSES BODILY INJURY THAT REQUIRES ONLY FIRST AID OR
14 LESSER ATTENTION; OR

15 (C) CAUSES NO BODILY INJURY;

16 (II) UNAUTHORIZED OR INCIDENTAL, DIRECT OR INDIRECT,
17 PHYSICAL OR SEXUAL CONTACT CAUSED THROUGH RECKLESSNESS OR
18 NEGLIGENCE, WHERE PHYSICAL OR SEXUAL HARM WAS NOT INTENDED; OR

19 (III) AN ATTEMPT TO HARM OR GAIN POWER BY BLOWS OR WITH
20 WEAPONS.

21 (b) THE DEPARTMENT OF HUMAN SERVICES, THE DIVISION OF
22 YOUTH CORRECTIONS, OR ANY AGENCY WITH RELEVANT INFORMATION
23 SHALL RELEASE THE FOLLOWING INFORMATION RELATED TO ANY CRITICAL
24 INCIDENT, OR AGGREGATE OF CRITICAL INCIDENTS, THAT OCCURRED IN A
25 FACILITY OPERATED BY THE DIVISION OF YOUTH CORRECTIONS UPON
26 REQUEST, SO LONG AS THE DISCLOSING AGENCY REDACTS ANY
27 IDENTIFYING INFORMATION, ANY INFORMATION CONCERNING SECURITY
28 PROCEDURES OR PROTOCOLS, AND ANY INFORMATION THAT WOULD
29 JEOPARDIZE THE SAFETY OF THE COMMUNITY, YOUTH, OR STAFF:

30 (I) THE TYPE OF CRITICAL INCIDENT THAT OCCURRED OR A
31 SUMMARY OF TYPES OF CRITICAL INCIDENTS THAT HAVE OCCURRED
32 WITHIN A GIVEN TIME FRAME;

33 (II) A SUMMARY OF WHETHER THE NUMBER AND TYPES OF
34 CRITICAL INCIDENTS ARE INCREASING OR DECREASING IN FREQUENCY AND
35 SEVERITY;

36 (III) ON AVERAGE, HOW MANY OF THE YOUTH HAVE BEEN
37 INVOLVED IN MULTIPLE CRITICAL INCIDENTS AND THE AVERAGE LENGTH



1 OF DETAINMENT;

2 (IV) A SUMMARY OF RESPONSES TO CRITICAL INCIDENTS BY THE
3 FACILITY INVOLVED, SUCH AS DE-ESCALATION OR TYPICAL CONSEQUENCE
4 IMPOSED; AND

5 (V) A SUMMARY OF ANY CRITICAL INCIDENT THAT HAS OCCURRED.

6 (c) THE DIVISION OF YOUTH CORRECTIONS MAY RELEASE TO THE
7 PUBLIC INFORMATION AT ANY TIME TO CORRECT INACCURATE
8 INFORMATION PERTAINING TO THE CRITICAL INCIDENT THAT WAS
9 REPORTED IN THE NEWS MEDIA, SO LONG AS THE RELEASE OF INFORMATION
10 BY THE DIVISION PROTECTS THE CONFIDENTIALITY OF ANY YOUTH
11 INVOLVED; IS NOT EXPLICITLY IN CONFLICT WITH FEDERAL LAW; IS NOT
12 CONTRARY TO THE BEST INTEREST OF THE CHILD WHO IS THE SUBJECT OF
13 THE REPORT, OR HIS OR HER SIBLINGS; IS IN THE PUBLIC'S BEST INTEREST;
14 AND IS CONSISTENT WITH THE FEDERAL "CHILD ABUSE PREVENTION AND
15 TREATMENT REAUTHORIZATION ACT OF 2010", PUB.L. 111-320.

16 (d) EXCEPT AS OTHERWISE AUTHORIZED BY SECTION 19-1-303, ALL
17 RECORDS PREPARED OR OBTAINED BY THE DEPARTMENT OF HUMAN
18 SERVICES IN THE COURSE OF CARRYING OUT ITS DUTIES PURSUANT TO
19 ARTICLE 2 OF THIS TITLE ARE CONFIDENTIAL AND PRIVILEGED.

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

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