

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 15-0627.01 Jane Ritter x4342

HOUSE BILL 15-1131

HOUSE SPONSORSHIP

Esgar and Lee,

SENATE SPONSORSHIP

Lambert,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE RELEASE OF INFORMATION RELATED TO CRITICAL**
102 **INCIDENTS THAT OCCUR IN FACILITIES OPERATED BY THE**
103 **DIVISION OF YOUTH CORRECTIONS, AND, IN CONNECTION**
104 **THEREWITH, MAKING AN APPROPRIATION.**

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://www.leg.state.co.us/billsummaries>.)

The bill instructs the department of human services, the division of youth corrections, and any other agency with relevant information to release, upon request, specified information related to incidents that occur

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.*

in a facility operated by the division of youth corrections, so long as all identifying information has been redacted.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-305, **amend** (1)
3 introductory portion as follows:

4 **19-1-305. Operation of juvenile facilities.** (1) Except as
5 otherwise authorized by ~~section~~ SECTIONS 19-1-303 OR 19-1-304 (8), all
6 records prepared or obtained by the department of human services in the
7 course of carrying out its duties pursuant to article 2 of this title ~~shall be~~
8 ARE confidential and privileged. Said records may be disclosed only:

9 **SECTION 2.** In Colorado Revised Statutes, 19-1-304, **add** (8) as
10 follows:

11 **19-1-304. Juvenile delinquency records - division of youth**
12 **corrections critical incident information - definitions.** (8) **Division of**
13 **youth corrections critical incident information.** (a) FOR THE PURPOSES
14 OF THIS SUBSECTION (8), "CRITICAL INCIDENT" MEANS ANY OF THE
15 FOLLOWING:

16 (I) AN INTENTIONAL PHYSICAL OR SEXUAL ACT OF AGGRESSION
17 THAT:

18 (A) CAUSES OR ATTEMPTS TO CAUSE SERIOUS BODILY INJURY;
19 (B) CAUSES BODILY INJURY THAT REQUIRES ONLY FIRST AID OR
20 LESSER ATTENTION; OR

21 (C) CAUSES NO BODILY INJURY;
22 (II) UNAUTHORIZED PHYSICAL OR SEXUAL CONTACT CAUSED
23 THROUGH RECKLESSNESS OR NEGLIGENCE, WHERE PHYSICAL OR SEXUAL
24 HARM WAS NOT INTENDED; OR

25 (III) AN ATTEMPT TO HARM OR GAIN POWER BY BLOWS OR WITH

1 WEAPONS.

2 (b) THE DEPARTMENT OF HUMAN SERVICES, THE DIVISION OF
3 YOUTH CORRECTIONS, OR ANY AGENCY WITH RELEVANT INFORMATION
4 SHALL RELEASE THE FOLLOWING INFORMATION RELATED TO ANY CRITICAL
5 INCIDENT, OR AGGREGATE OF CRITICAL INCIDENTS, THAT OCCURRED IN A
6 FACILITY OPERATED BY THE DIVISION OF YOUTH CORRECTIONS UPON
7 REQUEST, SO LONG AS THE DISCLOSING AGENCY REDACTS ANY
8 IDENTIFYING INFORMATION, ANY INFORMATION CONCERNING SECURITY
9 PROCEDURES OR PROTOCOLS, AND ANY INFORMATION THAT WOULD
10 JEOPARDIZE THE SAFETY OF THE COMMUNITY, YOUTH, OR STAFF:

11 (I) THE TYPE OF CRITICAL INCIDENT THAT OCCURRED OR A
12 SUMMARY OF TYPES OF CRITICAL INCIDENTS THAT HAVE OCCURRED
13 WITHIN A GIVEN TIME FRAME;

14 (II) A SUMMARY OF WHETHER THE NUMBER AND TYPES OF
15 CRITICAL INCIDENTS ARE INCREASING OR DECREASING IN FREQUENCY AND
16 SEVERITY;

17 (III) ON AVERAGE, HOW MANY OF THE YOUTH HAVE BEEN
18 INVOLVED IN MULTIPLE CRITICAL INCIDENTS AND THE AVERAGE LENGTH
19 OF DETAINMENT;

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

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

24 (c) IN ACCORDANCE WITH SECTION 24-72-205 (3), C.R.S., IF, IN
25 RESPONSE TO A SPECIFIC REQUEST, THE DIVISION OF YOUTH CORRECTIONS,
26 THE DEPARTMENT OF HUMAN SERVICES, OR ANY AGENCY WITH RELEVANT
27 INFORMATION RELATED TO A CRITICAL INCIDENT HAS GENERATED A

1 REPORT IN A FORM NOT USED BY THE DIVISION, DEPARTMENT, OR AGENCY,
2 OR GENERATED A REDACTED OR SUMMARIZED RECORD, A REASONABLE FEE
3 MAY BE CHARGED TO THE PERSON MAKING THE REQUEST. THE FEE MUST
4 NOT EXCEED THE ACTUAL COST OF GENERATING OR REDACTING THE
5 REPORT IN ACCORDANCE WITH THE REQUEST.

6 (d) 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 (e) 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 3. Appropriation.** (1) For the 2015-16 state fiscal
21 year, \$14,404 is appropriated to the department of human services for use
22 by the division of youth corrections. This appropriation is from the
23 general fund and is based on an assumption that the division will require
24 an additional 0.3 FTE. To implement this act, the division may use this
25 appropriation as follows:

26 (a) \$14,119 for personal services related to administration, which
27 amount is based on an assumption that the division will require an

1 additional 0.3 FTE; and

2 (b) \$285 for operating expenses related to administration.

3 **SECTION 4. Applicability.** This act applies to critical incidents
4 that occur on or after January 1, 2015.

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