

HB1328_L.002

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.HB16-1328 be amended as follows:

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

3 "SECTION 1. In Colorado Revised Statutes, amend 26-20-101
4 as follows:

5 26-20-101. Short title. This THE SHORT TITLE OF THIS article shall
6 be known and may be cited as IS the "Protection of Persons INDIVIDUALS
7 from Restraint AND SECLUSION Act".

8 SECTION 2. In Colorado Revised Statutes, 26-20-102, amend
9 (6) introductory portion, (6) (c), (6) (d), and (7); repeal (6) (e); and add
10 (2.5), (3.5), (5.7), (8), and (9) as follows:

11 26-20-102. Definitions. As used in this article, unless the context
12 otherwise requires:

13 (2.5) "DIVISION OF YOUTH CORRECTIONS" MEANS THE DIVISION OF
14 YOUTH CORRECTIONS WITHIN THE STATE DEPARTMENT CREATED
15 PURSUANT TO SECTION 19-2-203, C.R.S.

16 (3.5) "INDIVIDUAL" ENCOMPASSES BOTH ADULTS AND YOUTHS,
17 UNLESS THE CONTEXT SPECIFICALLY STATES ONE OR THE OTHER.

18 (5.7) "QUALIFIED MENTAL HEALTH PROFESSIONAL" MEANS AN
19 INDIVIDUAL WHO IS A LICENSED PSYCHOLOGIST, LICENSED PSYCHIATRIST,
20 LICENSED CLINICAL SOCIAL WORKER, A PSYCHOLOGIST CANDIDATE FOR
21 LICENSURE, A LICENSED MARRIAGE AND FAMILY THERAPIST, OR A
22 MASTERS-LEVEL MENTAL HEALTH THERAPIST WHO IS UNDER THE
23 SUPERVISION OF A LICENSED MENTAL HEALTH PROFESSIONAL.

24 (6) "Restraint" means any method or device used to involuntarily
25 limit freedom of movement, including but not limited to bodily physical
26 force, mechanical devices, or chemicals. "Restraint" includes a chemical
27 restraint, a mechanical restraint, a AND physical restraint. and seclusion:
28 "Restraint" does not include:

29 (c) The holding of an individual for less than five minutes by a
30 staff person for protection of the individual or other persons; OR

31 (d) Placement of an inpatient or resident in his or her room for the
32 night. or

33 ~~(e) The use of time-out as may be defined by written policies;~~
34 ~~rules, or procedures of an agency.~~

35 (7) "Seclusion" means the placement of a person AN INDIVIDUAL
36 alone in a room OR AREA from which egress is involuntarily prevented,
37 EXCEPT DURING NORMAL SLEEPING HOURS.



1 (8) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF
2 HUMAN SERVICES.

3 (9) "YOUTH" MEANS AN INDIVIDUAL WHO IS LESS THAN
4 TWENTY-ONE YEARS OF AGE.

5 **SECTION 3.** In Colorado Revised Statutes, amend 26-20-103 as
6 follows:

7 **26-20-103. Basis for use of restraint or seclusion.** (1) Subject
8 to the provisions of this article, an agency may only use restraint OR
9 SECLUSION ON AN INDIVIDUAL:

10 (a) In cases of emergency, AS DEFINED IN SECTION 26-20-102 (3);
11 and

12 (b) (I) After the failure of less restrictive alternatives; or

13 (II) After a determination that such alternatives would be
14 inappropriate or ineffective under the circumstances.

15 (1.5) RESTRAINT AND SECLUSION MUST NEVER BE USED:

16 (a) AS A PUNISHMENT OR DISCIPLINARY SANCTION;

17 (b) AS PART OF A TREATMENT PLAN OR BEHAVIOR MODIFICATION
18 PLAN;

19 (c) FOR THE PURPOSE OF RETALIATION BY STAFF; OR

20 (d) FOR THE PURPOSE OF PROTECTION, UNLESS:

21 (I) THE RESTRAINT OR SECLUSION IS ORDERED BY THE COURT; OR

22 (II) IN AN EMERGENCY, AS PROVIDED FOR IN SUBSECTION (1) OF
23 THIS SECTION.

24 (2) An agency that uses restraint OR SECLUSION pursuant to the
25 provisions of subsection (1) of this section shall use such restraint OR
26 SECLUSION:

27 (a) ~~For ONLY FOR~~ the purpose of preventing the continuation or
28 renewal of an emergency;

29 (b) ~~For ONLY FOR~~ the period of time necessary to accomplish its
30 purpose; and

31 (c) In the case of physical restraint, ~~using ONLY IF~~ no more force
32 than is necessary to limit the individual's freedom of movement IS USED.

33 (3) In addition to the circumstances described in subsection (1) of
34 this section, a facility, as defined in section 27-65-102 (7), C.R.S., that is
35 designated by the executive director of the STATE department of human
36 services to provide treatment pursuant to section 27-65-105, 27-65-106,
37 27-65-107, or 27-65-109, C.R.S., to ~~a person~~ AN INDIVIDUAL with mental
38 illness, as defined in section 27-65-102 (14), C.R.S., may use seclusion
39 to restrain ~~a person~~ AN INDIVIDUAL with a mental illness when the
40 seclusion is necessary to eliminate a continuous and serious disruption of
41 the treatment environment.



1 (4) (a) The general assembly recognizes that skilled nursing and
2 nursing care facilities that participate in federal medicaid programs are
3 subject to federal statutes and regulations concerning the use of restraint
4 in such facilities that afford protections from restraint in a manner
5 consistent with the purposes and policies set forth in this article.

6 (b) If the use of restraint OR SECLUSION in skilled nursing and
7 nursing care facilities licensed under state law is in accordance with the
8 federal statutes and regulations governing the medicare program set forth
9 in 42 U.S.C. sec. 1395i-3(c) and 42 CFR part 483, subpart B and the
10 medicaid program set forth in 42 U.S.C. sec. 1396r(c) and 42 CFR part
11 483, subpart B and with the rules of the department of public health and
12 environment relating to the licensing of these facilities, there shall be IS
13 a conclusive presumption that such use of restraint OR SECLUSION is in
14 accordance with the provisions of this article.

15 (5) (a) The general assembly recognizes that article 10.5 of title
16 27, C.R.S., AND ARTICLE 10 OF TITLE 25.5, C.R.S., and the rules
17 promulgated pursuant to the authority AUTHORITIES set forth in that article
18 THOSE ARTICLES, address the use of restraint on a person AN INDIVIDUAL
19 with a developmental disability.

20 (b) If any provision of this article concerning the use of restraint
21 OR SECLUSION conflicts with any provision concerning the use of restraint
22 OR SECLUSION stated in article 10.5 of title 27, C.R.S., ARTICLE 10 OF
23 TITLE 25.5, C.R.S., or any regulation RULE adopted pursuant thereto, the
24 provision of article 10.5 of title 27, C.R.S., ARTICLE 10 OF TITLE 25.5,
25 C.R.S., or the regulation RULE adopted pursuant thereto shall prevail
26 PREVAILS.

27 (6) The provisions of this article shall DO not apply to any agency
28 while engaged in transporting a person AN INDIVIDUAL from one facility
29 or location to another facility or location when it is within the scope of
30 that agency's powers and authority to effect such transportation.

31 **SECTION 4.** In Colorado Revised Statutes, add 26-20-104.5 as
32 follows:

33 **26-20-104.5. Duties relating to use of seclusion by division of**
34 **youth corrections.** (1) NOTWITHSTANDING THE PROVISIONS OF SECTION
35 26-20-103 TO THE CONTRARY, IF THE DIVISION OF YOUTH CORRECTIONS
36 HOLDS A YOUTH IN SECLUSION IN ANY SECURE STATE-OPERATED OR
37 STATE-OWNED FACILITY:

38 (a) A STAFF MEMBER SHALL CHECK THE YOUTH'S SAFETY AT
39 VARYING INTERVALS, BUT AT LEAST EVERY FIFTEEN MINUTES;

40 (b) WITHIN ONE HOUR AFTER THE BEGINNING OF THE YOUTH'S
41 SECLUSION PERIOD, AND EVERY HOUR THEREAFTER, A STAFF MEMBER

1 SHALL NOTIFY THE FACILITY DIRECTOR OR HIS OR HER DESIGNEE OF THE
2 SECLUSION AND RECEIVE HIS OR HER WRITTEN APPROVAL OF THE
3 SECLUSION; AND

4 (c) WITHIN TWELVE HOURS AFTER THE BEGINNING OF THE YOUTH'S
5 SECLUSION PERIOD, THE DIVISION OF YOUTH CORRECTIONS SHALL NOTIFY
6 THE YOUTH'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN AND INFORM
7 THAT PERSON THAT THE YOUTH IS OR WAS IN SECLUSION AND THE REASON
8 FOR HIS OR HER SECLUSION.

9 (2) (a) A YOUTH PLACED IN SECLUSION BECAUSE OF AN ONGOING
10 EMERGENCY MUST NOT BE HELD IN SECLUSION BEYOND FOUR
11 CONSECUTIVE HOURS, UNLESS THE REQUIREMENTS OF PARAGRAPH (b) OF
12 THIS SUBSECTION (2) ARE SATISFIED.

13 (b) IF AN EMERGENCY SITUATION OCCURS THAT CONTINUES
14 BEYOND FOUR CONSECUTIVE HOURS, THE DIVISION OF YOUTH
15 CORRECTIONS MAY NOT CONTINUE THE USE OF SECLUSION FOR THAT
16 YOUTH UNLESS THE FOLLOWING CRITERIA ARE MET AND DOCUMENTED:

17 (I) A QUALIFIED MENTAL HEALTH PROFESSIONAL, OR, IF SUCH
18 PROFESSIONAL IS NOT AVAILABLE, THE FACILITY DIRECTOR OR HIS OR HER
19 DESIGNEE, DETERMINES THAT REFERRAL OF THE YOUTH IN SECLUSION TO
20 A MENTAL HEALTH FACILITY IS NOT WARRANTED; AND

21 (II) THE DIRECTOR OF THE DIVISION OF YOUTH CORRECTIONS, OR
22 HIS OR HER DESIGNEE, APPROVES AT OR BEFORE THE CONCLUSION OF FOUR
23 HOURS, AND EVERY HOUR THEREAFTER, THE CONTINUED USE OF
24 SECLUSION.

25 (c) A YOUTH MAY NOT BE HELD IN SECLUSION UNDER ANY
26 CIRCUMSTANCES FOR MORE THAN EIGHT TOTAL HOURS IN TWO
27 CONSECUTIVE CALENDAR DAYS WITHOUT A WRITTEN COURT ORDER.

28 (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
29 THE DIVISION OF YOUTH CORRECTIONS MAY PLACE A YOUTH ALONE IN A
30 ROOM OR AREA FROM WHICH EGRESS IS INVOLUNTARILY PREVENTED IF
31 SUCH CONFINEMENT IS PART OF A ROUTINE PRACTICE THAT IS APPLICABLE
32 TO SUBSTANTIAL PORTIONS OF THE POPULATION. SUCH CONFINEMENT
33 MUST BE IMPOSED ONLY FOR THE COMPLETION OF ADMINISTRATIVE TASKS
34 AND SHOULD LAST NO LONGER THAN NECESSARY TO ACHIEVE THE TASK
35 SAFELY AND EFFECTIVELY.

36 **SECTION 5.** In Colorado Revised Statutes, **amend** 26-20-105 as
37 follows:

38 **26-20-105. Staff training concerning the use of restraint and**
39 **seclusion - adults and youth.** (1) ~~All agencies~~ AN AGENCY THAT
40 UTILIZES RESTRAINT OR SECLUSION shall ensure that ALL staff INVOLVED
41 IN utilizing restraint OR SECLUSION in ITS facilities or programs are trained



- 1 in the appropriate use of restraint AND SECLUSION.
2 (1.5) THE DIVISION OF YOUTH CORRECTIONS SHALL ENSURE THAT
3 ALL STAFF INVOLVED IN UTILIZING RESTRAINT AND SECLUSION ARE
4 TRAINED IN:
5 (a) THE HEALTH AND BEHAVIORAL EFFECTS OF RESTRAINT AND
6 SECLUSION ON YOUTH, INCLUDING THOSE WITH MENTAL ILLNESS OR
7 DEVELOPMENTAL DISABILITIES;
8 (b) EFFECTIVE DE-ESCALATION TECHNIQUES FOR YOUTH IN CRISIS,
9 INCLUDING THOSE WITH MENTAL ILLNESS OR DEVELOPMENTAL
10 DISABILITIES;
11 (c) THE VALUE OF POSITIVE OVER NEGATIVE REINFORCEMENT IN
12 DEALING WITH YOUTH; AND
13 (d) METHODS FOR IMPLEMENTING POSITIVE BEHAVIOR INCENTIVES.
14 (2) All agencies THAT UTILIZE RESTRAINT OR SECLUSION shall
15 ensure that staff are trained to explain, where possible, the use of restraint
16 OR SECLUSION to the individual who is to be restrained OR SECLUDED and
17 to the individual's family if appropriate.

18 **SECTION 6.** In Colorado Revised Statutes, **amend 26-20-106** as
19 follows:

20 **26-20-106. Documentation requirements for restraint and**
21 **seclusion - adults and youth.** (1) Each agency shall ensure that an
22 appropriate notation of the use of restraint OR SECLUSION is documented
23 in the record of the individual WHO WAS restrained OR SECLUDED. Each
24 agency that is authorized to promulgate rules or adopt ordinances shall
25 promulgate rules or adopt ordinances applicable to the agencies within
26 their respective jurisdictions specifying the documentation requirements
27 for purposes of this section.

28 (2) THE DIVISION OF YOUTH CORRECTIONS SHALL MAINTAIN THE
29 FOLLOWING DOCUMENTATION EACH TIME A YOUTH IS PLACED IN
30 SECLUSION AS A RESULT OF AN EMERGENCY IN ANY SECURE
31 STATE-OPERATED OR STATE-OWNED FACILITY:

- 32 (a) THE DATE OF THE OCCURRENCE;
33 (b) THE RACE, AGE, AND GENDER OF THE INDIVIDUAL;
34 (c) THE REASON OR REASONS FOR SECLUSION, INCLUDING A
35 DESCRIPTION OF THE EMERGENCY AND THE SPECIFIC FACTS THAT
36 DEMONSTRATE THAT THE YOUTH POSED A SERIOUS, PROBABLE, AND
37 IMMINENT THREAT OF BODILY HARM TO HIMSELF, HERSELF, OR OTHERS,
38 AND THAT THERE WAS A PRESENT ABILITY TO EFFECT SUCH BODILY HARM;
39 (d) A DESCRIPTION OF DE-ESCALATION MEASURES TAKEN BY STAFF
40 AND THE RESPONSE, IF ANY, OF THE YOUTH IN SECLUSION TO THOSE
41 MEASURES;

- 1 (e) AN EXPLANATION OF WHY LESS RESTRICTIVE ALTERNATIVES
 2 WERE UNSUCCESSFUL;
- 3 (f) THE TOTAL TIME IN SECLUSION;
- 4 (g) ANY INCIDENTS OF SELF-HARM OR SUICIDE THAT OCCURRED
 5 WHILE THE YOUTH WAS IN SECLUSION;
- 6 (h) WITH RESPECT TO THE INTERACTIONS REQUIRED BY SECTION
 7 26-20-104.5, DOCUMENTATION OF THE JUSTIFICATION FOR KEEPING THE
 8 YOUTH IN SECLUSION AND SPECIFIC FACTS TO DEMONSTRATE THAT THE
 9 EMERGENCY WAS ONGOING;
- 10 (i) THE FACILITY DIRECTOR OR HIS OR HER DESIGNEE'S APPROVAL
 11 OF CONTINUED SECLUSION AT INTERVALS AS REQUIRED BY SECTION
 12 26-20-104.5;
- 13 (j) DOCUMENTATION OF NOTIFICATION WITHIN TWELVE HOURS TO
 14 THE PARENT, GUARDIAN, OR LEGAL CUSTODIAN OF THE YOUTH IN
 15 SECLUSION AS REQUIRED BY SECTION 26-20-104.5; AND
- 16 (k) THE WRITTEN APPROVAL BY THE DIRECTOR OF THE DIVISION OF
 17 YOUTH CORRECTIONS FOR ANY SECLUSION THAT RESULTS FROM AN
 18 EMERGENCY THAT EXTENDS BEYOND FOUR CONSECUTIVE HOURS, AS
 19 REQUIRED BY SECTION 26-20-104.5. THIS WRITTEN APPROVAL MUST
 20 INCLUDE DOCUMENTATION OF SPECIFIC FACTS TO DEMONSTRATE THAT THE
 21 EMERGENCY WAS ONGOING AND SPECIFIC REASONS WHY A REFERRAL TO
 22 A MENTAL HEALTH FACILITY WAS NOT WARRANTED.
- 23 (3) THE DIVISION OF YOUTH CORRECTIONS SHALL MAINTAIN THE
 24 FOLLOWING DOCUMENTATION EACH TIME ONE OR MORE YOUTHS ARE
 25 PLACED IN CONFINEMENT FOR ADMINISTRATIVE REASONS PURSUANT TO
 26 SECTION 26-20-104.5 (3) IN A SECURE STATE-OPERATED OR STATE-OWNED
 27 FACILITY:
- 28 (a) THE NUMBER OF YOUTH CONFINED;
- 29 (b) THE LENGTH OF TIME THE YOUTH OR YOUTHS WERE CONFINED;
- 30 AND
- 31 (c) THE REASON OR REASONS FOR THE CONFINEMENT.
- 32 (4) THE DIVISION OF YOUTH CORRECTIONS HAS THE FOLLOWING
 33 REPORTING REQUIREMENTS RELATED TO THE USE OF SECLUSION IN ANY
 34 SECURE STATE-OPERATED OR STATE-OWNED FACILITY:
- 35 (a) ON OR BEFORE JANUARY 1, 2017, AND ON OR BEFORE JULY 1,
 36 2017, AND EVERY JANUARY 1 AND JULY 1 THEREAFTER, TO REPORT TO THE
 37 YOUTH SECLUSION WORKING GROUP ESTABLISHED IN SECTION 26-20-111.
 38 THE JANUARY BIENNIAL REPORT MUST INCLUDE INFORMATION FROM
 39 MARCH 1 THROUGH AUGUST 31, AND THE JULY BIENNIAL REPORT MUST
 40 INCLUDE INFORMATION FROM SEPTEMBER 1 THROUGH THE LAST DAY OF
 41 FEBRUARY. THE REPORTS MUST INCLUDE THE FOLLOWING:

1 (I) AN INCIDENT REPORT ON ANY USE OF SECLUSION ON A YOUTH
2 DUE TO AN EMERGENCY FOR MORE THAN FOUR CONSECUTIVE HOURS, OR
3 FOR MORE THAN EIGHT TOTAL HOURS IN TWO CONSECUTIVE CALENDAR
4 DAYS. EACH INCIDENT REPORT MUST INCLUDE LENGTH OF SECLUSION,
5 SPECIFIC FACTS THAT DEMONSTRATE THAT THE EMERGENCY WAS
6 ONGOING, ANY INCIDENTS OF SELF-HARM WHILE IN SECLUSION, THE
7 REASONS WHY ATTEMPTS TO PROCESS THE YOUTH OUT OF SECLUSION
8 WERE UNSUCCESSFUL AND ANY CORRECTIVE MEASURES TAKEN TO
9 PREVENT LENGTHY OR REPEAT PERIODS OF SECLUSION IN THE FUTURE. TO
10 PROTECT THE PRIVACY OF THE YOUTH, THE DIVISION OF YOUTH
11 CORRECTIONS SHALL REDACT ALL PRIVATE MEDICAL OR MENTAL HEALTH
12 INFORMATION AND PERSONAL IDENTIFYING INFORMATION, INCLUDING, IF
13 NECESSARY, THE FACILITY AT WHICH THE SECLUSION OCCURRED.

14 (II) A REPORT THAT LISTS THE FOLLOWING AGGREGATE
15 INFORMATION, BOTH AS COMBINED TOTALS AND TOTALS BY FACILITY FOR
16 ALL SECURE STATE-OPERATED OR STATE-OWNED FACILITIES:

17 (A) THE TOTAL NUMBER OF YOUTH HELD IN SECLUSION DUE TO AN
18 EMERGENCY;

19 (B) THE TOTAL NUMBER OF INCIDENTS OF SECLUSION DUE TO AN
20 EMERGENCY;

21 (C) THE AVERAGE TIME IN SECLUSION PER INCIDENT; AND

22 (D) AN AGGREGATE SUMMARY OF RACE, AGE, AND GENDER OF
23 YOUTH HELD IN SECLUSION; AND

24 (b) ON OR BEFORE JANUARY 1, 2019, AND ON OR BEFORE JULY 1,
25 2019, AND EVERY JANUARY 1 AND JULY 1 THEREAFTER, TO REPORT TO THE
26 YOUTH SECLUSION WORKING GROUP ESTABLISHED IN SECTION 26-20-111.
27 THE JANUARY BIENNIAL REPORT MUST INCLUDE INFORMATION FROM
28 MARCH 1 THROUGH AUGUST 31, AND THE JULY BIENNIAL REPORT MUST
29 INCLUDE INFORMATION FROM SEPTEMBER 1 THROUGH THE LAST DAY OF
30 FEBRUARY. THE REPORT MUST INCLUDE THE FOLLOWING AGGREGATE
31 INFORMATION, BOTH AS COMBINED TOTALS FOR ALL SECURE
32 STATE-OPERATED AND STATE-OWNED FACILITIES AND BY FACILITY:

33 (I) THE NUMBER OF TIMES YOUTH WERE CONFINED FOR
34 ADMINISTRATIVE PURPOSES FOR MORE THAN TWO HOURS IN A CALENDAR
35 DAY;

36 (II) THE AVERAGE AMOUNT OF TIME YOUTH SPENT PER DAY
37 CONFINED FOR ADMINISTRATIVE PURPOSES; AND

38 (III) AN AGGREGATE SUMMARY OF THE REASONS YOUTH WERE
39 CONFINED FOR ADMINISTRATIVE PURPOSES.

40 (5) REPORTS PREPARED PURSUANT TO THIS SECTION MUST
41 MAINTAIN THE CONFIDENTIALITY OF ALL YOUTH. THE REPORTS MADE

1 PURSUANT TO THIS SECTION ARE AVAILABLE TO THE PUBLIC UPON
2 REQUEST.

3 **SECTION 7.** In Colorado Revised Statutes, **amend** 26-20-107 as
4 follows:

5 **26-20-107. Review of the use of restraint and seclusion.** Each
6 AN agency THAT UTILIZES RESTRAINT OR SECLUSION shall ensure that a
7 review process is established for the appropriate use of restraint OR
8 SECLUSION.

9 **SECTION 8.** In Colorado Revised Statutes, **amend** 26-20-108 as
10 follows:

11 **26-20-108. Rules.** Each AN agency that is authorized to
12 promulgate rules or adopt ordinances shall promulgate rules or adopt
13 ordinances applicable to the agencies within their respective jurisdictions
14 that establish procedures for the use of restraint AND SECLUSION
15 consistent with the provisions of this article. Any agency that has rules or
16 ordinances in existence on April 22, 1999, is not required to promulgate
17 additional rules or adopt additional ordinances unless that agency's
18 existing rules or ordinances do not meet the minimum requirements of
19 this article.

20 **SECTION 9.** In Colorado Revised Statutes, **add** 26-20-110 as
21 follows:

22 **26-20-110. Youth seclusion working group - membership -**
23 **purpose - repeal.** (1) THERE IS ESTABLISHED WITHIN THE DIVISION OF
24 YOUTH CORRECTIONS A YOUTH SECLUSION WORKING GROUP, REFERRED TO
25 IN THIS SECTION AS THE "WORKING GROUP". THE WORKING GROUP
26 CONSISTS OF:

27 (a) THE DIRECTOR OF THE OFFICE OF CHILDREN, YOUTH, AND
28 FAMILIES IN THE DIVISION OF CHILD WELFARE WITHIN THE STATE
29 DEPARTMENT, OR HIS OR HER DESIGNEE. THE DIRECTOR SHALL CONVENE
30 THE WORKING GROUP AND SERVE AS CHAIR.

31 (b) THE DIRECTOR OF THE DIVISION OF YOUTH CORRECTIONS, OR
32 HIS OR HER DESIGNEE;

33 (c) THE DIRECTOR OF BEHAVIORAL HEALTH WITHIN THE DIVISION
34 OF YOUTH CORRECTIONS, OR HIS OR HER DESIGNEE;

35 (d) THE DIRECTOR OF THE OFFICE OF BEHAVIORAL HEALTH WITHIN
36 THE STATE DEPARTMENT, OR HIS OR HER DESIGNEE;

37 (e) AN EMPLOYEE OF THE DIVISION OF YOUTH CORRECTIONS WHO
38 IS A REPRESENTATIVE OF AN ORGANIZATION IN COLORADO THAT EXISTS
39 FOR THE PURPOSE OF DEALING WITH THE STATE AS AN EMPLOYER
40 CONCERNING ISSUES OF MUTUAL CONCERN BETWEEN EMPLOYEES AND THE
41 STATE;

1 (f) TWO REPRESENTATIVES FROM NONPROFIT ADVOCACY GROUPS
2 THAT WORK TO RESTRICT SECLUSION FOR YOUTH OR THAT REPRESENT
3 CHILDREN WITHIN THE CUSTODY OF THE DIVISION OF YOUTH CORRECTIONS,
4 ONE WHO IS APPOINTED BY THE SPEAKER OF THE HOUSE OF
5 REPRESENTATIVES AND ONE WHO IS APPOINTED BY THE PRESIDENT OF THE
6 SENATE; AND

7 (g) TWO EXPERTS INDEPENDENT FROM THE DIVISION OF YOUTH
8 CORRECTIONS WITH EXPERTISE IN ADOLESCENT DEVELOPMENT,
9 ADOLESCENT BRAIN DEVELOPMENT, TRAUMA-INFORMED CARE OF
10 JUVENILES, POSITIVE BEHAVIOR INCENTIVES IN A JUVENILE CORRECTIONAL
11 SETTING, EVIDENCE-BASED DE-ESCALATION TECHNIQUES, OR THE
12 NEGATIVE EFFECTS OF SECLUSION ON THE ADOLESCENT BRAIN. THE
13 MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT
14 ONE EXPERT AND THE MINORITY LEADER OF THE SENATE SHALL APPOINT
15 THE OTHER EXPERT.

16 (2) THE WORKING GROUP SHALL ADVISE THE DIVISION OF YOUTH
17 CORRECTIONS ON POLICIES, PROCEDURES, AND BEST PRACTICES RELATED
18 TO SECLUSION AND ALTERNATIVES TO SUCH SECLUSION.

19 (3) THE WORKING GROUP SHALL MONITOR THE DIVISION OF YOUTH
20 CORRECTIONS' USE OF CONFINEMENT FOR ADMINISTRATIVE PURPOSES AND,
21 IF NECESSARY, MAKE RECOMMENDATIONS TO THE DIVISION OF YOUTH
22 CORRECTIONS AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES
23 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND
24 HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR
25 COMMITTEES, ABOUT LIMITING THE USE OF CONFINEMENT FOR
26 ADMINISTRATIVE PURPOSES.

27 (4) THE WORKING GROUP MAY REQUEST, ON A BIENNIAL BASIS,
28 INFORMATION AND DATA FROM THE STATE DEPARTMENT ON THE STATUS
29 OF THE DIVISION OF YOUTH CORRECTIONS' WORK RELATED TO THE
30 SECLUSION OF YOUTH IN THEIR CARE AND CUSTODY.

31 (5) THE CHAIR OF THE WORKING GROUP SHALL CONVENE THE
32 WORKING GROUP'S FIRST MEETING NO LATER THAN AUGUST 1, 2016. THE
33 WORKING GROUP MUST MEET AT LEAST SEMI-ANNUALLY THEREAFTER. THE
34 CHAIR SHALL SCHEDULE AND CONVENE SUBSEQUENT MEETINGS.

35 (6) THE CHAIR SHALL PROVIDE THE WORKING GROUP WITH
36 BIENNIAL UPDATES ON THE DIVISION OF YOUTH CORRECTIONS' POLICIES
37 RELATED TO SECLUSION AND ALTERNATIVES TO SECLUSION.

38 (7)(a) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2024.

39 (b) PRIOR TO THE REPEAL, THE WORKING GROUP SHALL BE
40 REVIEWED AS PROVIDED IN SECTION 2-3-1203, C.R.S.

41 **SECTION 10.** In Colorado Revised Statutes, 2-3-1203, **add** (3)



1 (kk) (V) as follows:
2 **2-3-1203. Sunset review of advisory committees.** (3) The
3 following dates are the dates on which the statutory authorization for the
4 designated advisory committee is scheduled for repeal:
5 (kk) September 1, 2024:
6 (V) THE YOUTH SECLUSION WORKING GROUP IN THE DIVISION OF
7 YOUTH CORRECTIONS CREATED IN SECTION 26-20-110, C.R.S.;
8 **SECTION 11. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety."

** ** ** ** **

