

**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**

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**HOUSE SPONSORSHIP**

**Esgar and Lee,**

**SENATE SPONSORSHIP**

**Lambert,**

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

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**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.**

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**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/bills summaries>.)*

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

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.*

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-305, **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  
26 WEAPONS.

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

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

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

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

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

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

23 (c) IN ACCORDANCE WITH SECTION 24-72-205 (3), C.R.S., IF, IN  
24 RESPONSE TO A SPECIFIC REQUEST, THE DIVISION OF YOUTH CORRECTIONS,  
25 THE DEPARTMENT OF HUMAN SERVICES, OR ANY AGENCY WITH RELEVANT  
26 INFORMATION RELATED TO A CRITICAL INCIDENT HAS GENERATED A  
27 REPORT IN A FORM NOT USED BY THE DIVISION, DEPARTMENT, OR AGENCY,

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

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

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

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