

HOUSE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chairman of Committee

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Date

March 5, 2015

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB15-1131 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

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

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

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

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

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

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

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

20 (B) CAUSES BODILY INJURY THAT REQUIRES ONLY FIRST AID OR  
21 LESSER ATTENTION; OR

22 (C) CAUSES NO BODILY INJURY;

23 (II) UNAUTHORIZED PHYSICAL OR SEXUAL CONTACT CAUSED  
24 THROUGH RECKLESSNESS OR NEGLIGENCE, WHERE PHYSICAL OR SEXUAL  
25 HARM WAS NOT INTENDED; OR

1 (III) AN ATTEMPT TO HARM OR GAIN POWER BY BLOWS OR WITH  
2 WEAPONS.

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

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

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

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

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

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

25 (c) IN ACCORDANCE WITH SECTION 24-72-205 (3), C.R.S., IF, IN  
26 RESPONSE TO A SPECIFIC REQUEST, THE DIVISION OF YOUTH CORRECTIONS,  
27 THE DEPARTMENT OF HUMAN SERVICES, OR ANY AGENCY WITH RELEVANT  
28 INFORMATION RELATED TO A CRITICAL INCIDENT HAS GENERATED A  
29 REPORT IN A FORM NOT USED BY THE DIVISION, DEPARTMENT, OR AGENCY,  
30 OR GENERATED A REDACTED OR SUMMARIZED RECORD, A REASONABLE  
31 FEE MAY BE CHARGED TO THE PERSON MAKING THE REQUEST. THE FEE  
32 MUST NOT EXCEED THE ACTUAL COST OF GENERATING OR REDACTING THE  
33 REPORT IN ACCORDANCE WITH THE REQUEST.

34 (d) THE DIVISION OF YOUTH CORRECTIONS MAY RELEASE TO THE  
35 PUBLIC INFORMATION AT ANY TIME TO CORRECT INACCURATE  
36 INFORMATION PERTAINING TO THE CRITICAL INCIDENT THAT WAS  
37 REPORTED IN THE NEWS MEDIA, SO LONG AS THE RELEASE OF  
38 INFORMATION BY THE DIVISION PROTECTS THE CONFIDENTIALITY OF ANY  
39 YOUTH INVOLVED; IS NOT EXPLICITLY IN CONFLICT WITH FEDERAL LAW;  
40 IS NOT CONTRARY TO THE BEST INTEREST OF THE CHILD WHO IS THE  
41 SUBJECT OF THE REPORT, OR HIS OR HER SIBLINGS; IS IN THE PUBLIC'S BEST

1 INTEREST; AND IS CONSISTENT WITH THE FEDERAL "CHILD ABUSE  
2 PREVENTION AND TREATMENT REAUTHORIZATION ACT OF 2010", PUB.L.  
3 111-320.

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

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

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

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