

NOTE: The governor signed this measure on 6/10/2016.

An Act

HOUSE BILL 16-1328

BY REPRESENTATIVE(S) Lee and McCann, Court, Fields, Kagan, Kraft-Tharp, Lontine, Primavera, Salazar, Arndt, Buckner, Garnett, Ginal, Melton, Tyler, Becker K., Esgar, Lebsock, Pabon, Pettersen, Ryden, Singer, Young, Hulinghorst, Duran;
also SENATOR(S) Lambert and Lundberg, Aguilar, Carroll, Hill, Holbert, Johnston, Kefalas, Kerr, Martinez Humenik, Merrifield, Newell, Scott, Sonnenberg, Steadman, Tate, Todd, Woods.

CONCERNING STATUTORY PROVISIONS RELATED TO THE USE OF SECLUSION ON INDIVIDUALS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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

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

SECTION 2. In Colorado Revised Statutes, 26-20-102, **amend** (6) introductory portion, (6) (c), (6) (d), and (7); **repeal** (6) (e); and **add** (2.5),

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(3.5), (5.7), (8), and (9) as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1.5) RESTRAINT AND SECLUSION MUST NEVER BE USED:

(a) AS A PUNISHMENT OR DISCIPLINARY SANCTION;

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

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

(d) FOR THE PURPOSE OF PROTECTION, UNLESS:

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

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

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

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

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

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

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

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

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

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

(b) If any provision of this article concerning the use of restraint OR SECLUSION conflicts with any provision concerning the use of restraint OR

SECLUSION stated in article 10.5 of title 27, C.R.S., ARTICLE 10 OF TITLE 25.5, C.R.S., or any ~~regulation~~ RULE adopted pursuant thereto, the provision of article 10.5 of title 27, C.R.S., ARTICLE 10 OF TITLE 25.5, C.R.S., or the ~~regulation~~ RULE adopted pursuant thereto ~~shall prevail~~ PREVAILS.

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

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

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

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

(b) WITHIN ONE HOUR AFTER THE BEGINNING OF THE YOUTH'S SECLUSION PERIOD, AND EVERY HOUR THEREAFTER, A STAFF MEMBER SHALL NOTIFY THE FACILITY DIRECTOR OR HIS OR HER DESIGNEE OF THE SECLUSION AND RECEIVE HIS OR HER WRITTEN APPROVAL OF THE SECLUSION; AND

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

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

(b) IF AN EMERGENCY SITUATION OCCURS THAT CONTINUES BEYOND

FOUR CONSECUTIVE HOURS, THE DIVISION OF YOUTH CORRECTIONS MAY NOT CONTINUE THE USE OF SECLUSION FOR THAT YOUTH UNLESS THE FOLLOWING CRITERIA ARE MET AND DOCUMENTED:

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

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

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

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

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

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

(1.5) THE DIVISION OF YOUTH CORRECTIONS SHALL ENSURE THAT ALL STAFF INVOLVED IN UTILIZING RESTRAINT AND SECLUSION ARE TRAINED IN:

(a) THE HEALTH AND BEHAVIORAL EFFECTS OF RESTRAINT AND

SECLUSION ON YOUTH, INCLUDING THOSE WITH MENTAL ILLNESS OR DEVELOPMENTAL DISABILITIES;

(b) EFFECTIVE DE-ESCALATION TECHNIQUES FOR YOUTH IN CRISIS, INCLUDING THOSE WITH MENTAL ILLNESS OR DEVELOPMENTAL DISABILITIES;

(c) THE VALUE OF POSITIVE OVER NEGATIVE REINFORCEMENT IN DEALING WITH YOUTH; AND

(d) METHODS FOR IMPLEMENTING POSITIVE BEHAVIOR INCENTIVES.

(2) All agencies THAT UTILIZE RESTRAINT OR SECLUSION shall ensure that staff are trained to explain, where possible, the use of restraint OR SECLUSION to the individual who is to be restrained OR SECLUDED and to the individual's family if appropriate.

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

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

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

(a) THE DATE OF THE OCCURRENCE;

(b) THE RACE, AGE, AND GENDER OF THE INDIVIDUAL;

(c) THE REASON OR REASONS FOR SECLUSION, INCLUDING A DESCRIPTION OF THE EMERGENCY AND THE SPECIFIC FACTS THAT DEMONSTRATE THAT THE YOUTH POSED A SERIOUS, PROBABLE, AND

IMMINENT THREAT OF BODILY HARM TO HIMSELF, HERSELF, OR OTHERS, AND THAT THERE WAS A PRESENT ABILITY TO EFFECT SUCH BODILY HARM;

(d) A DESCRIPTION OF DE-ESCALATION MEASURES TAKEN BY STAFF AND THE RESPONSE, IF ANY, OF THE YOUTH IN SECLUSION TO THOSE MEASURES;

(e) AN EXPLANATION OF WHY LESS RESTRICTIVE ALTERNATIVES WERE UNSUCCESSFUL;

(f) THE TOTAL TIME IN SECLUSION;

(g) ANY INCIDENTS OF SELF-HARM OR SUICIDE THAT OCCURRED WHILE THE YOUTH WAS IN SECLUSION;

(h) WITH RESPECT TO THE INTERACTIONS REQUIRED BY SECTION 26-20-104.5, DOCUMENTATION OF THE JUSTIFICATION FOR KEEPING THE YOUTH IN SECLUSION AND SPECIFIC FACTS TO DEMONSTRATE THAT THE EMERGENCY WAS ONGOING;

(i) THE FACILITY DIRECTOR OR HIS OR HER DESIGNEE'S APPROVAL OF CONTINUED SECLUSION AT INTERVALS AS REQUIRED BY SECTION 26-20-104.5;

(j) DOCUMENTATION OF NOTIFICATION WITHIN TWELVE HOURS TO THE PARENT, GUARDIAN, OR LEGAL CUSTODIAN OF THE YOUTH IN SECLUSION AS REQUIRED BY SECTION 26-20-104.5; AND

(k) THE WRITTEN APPROVAL BY THE DIRECTOR OF THE DIVISION OF YOUTH CORRECTIONS FOR ANY SECLUSION THAT RESULTS FROM AN EMERGENCY THAT EXTENDS BEYOND FOUR CONSECUTIVE HOURS, AS REQUIRED BY SECTION 26-20-104.5. THIS WRITTEN APPROVAL MUST INCLUDE DOCUMENTATION OF SPECIFIC FACTS TO DEMONSTRATE THAT THE EMERGENCY WAS ONGOING AND SPECIFIC REASONS WHY A REFERRAL TO A MENTAL HEALTH FACILITY WAS NOT WARRANTED.

(3) THE DIVISION OF YOUTH CORRECTIONS SHALL MAINTAIN THE FOLLOWING DOCUMENTATION EACH TIME ONE OR MORE YOUTHS ARE PLACED IN CONFINEMENT FOR ADMINISTRATIVE REASONS PURSUANT TO SECTION 26-20-104.5 (3) IN A SECURE STATE-OPERATED OR STATE-OWNED

FACILITY:

(a) THE NUMBER OF YOUTH CONFINED;

(b) THE LENGTH OF TIME THE YOUTH OR YOUTHS WERE CONFINED;
AND

(c) THE REASON OR REASONS FOR THE CONFINEMENT.

(4) ON OR BEFORE JANUARY 1, 2017, AND ON OR BEFORE JULY 1, 2017, AND EVERY JANUARY 1 AND JULY 1 THEREAFTER, THE DIVISION OF YOUTH CORRECTIONS SHALL REPORT ON ITS USE OF SECLUSION IN ANY SECURE STATE-OPERATED OR STATE-OWNED FACILITY TO THE YOUTH SECLUSION WORKING GROUP ESTABLISHED IN SECTION 26-20-111. THE JANUARY REPORT MUST INCLUDE INFORMATION FROM MARCH 1 THROUGH AUGUST 31, AND THE JULY REPORT MUST INCLUDE INFORMATION FROM SEPTEMBER 1 THROUGH THE LAST DAY OF FEBRUARY. THE REPORTS MUST INCLUDE THE FOLLOWING:

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

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

(I) THE TOTAL NUMBER OF YOUTH HELD IN SECLUSION DUE TO AN EMERGENCY;

(II) THE TOTAL NUMBER OF INCIDENTS OF SECLUSION DUE TO AN EMERGENCY;

(III) THE AVERAGE TIME IN SECLUSION PER INCIDENT; AND

(IV) AN AGGREGATE SUMMARY OF RACE, AGE, AND GENDER OF YOUTH HELD IN SECLUSION.

(5) REPORTS PREPARED PURSUANT TO THIS SECTION MUST MAINTAIN THE CONFIDENTIALITY OF ALL YOUTH. THE REPORTS MADE PURSUANT TO THIS SECTION ARE AVAILABLE TO THE PUBLIC UPON REQUEST.

(6) PRIOR TO JANUARY 1, 2018, THE DIVISION OF YOUTH CORRECTIONS SHALL MEET THE REQUIREMENTS OF THIS SECTION TO THE EXTENT THAT IT IS ABLE USING ITS CURRENT REPORTING MECHANISMS. THE DIVISION OF YOUTH CORRECTIONS SHALL FULLY COMPLY WITH ALL REQUIREMENTS OF THIS SECTION ON OR BEFORE JANUARY 1, 2018.

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

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

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

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

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

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

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

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

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

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

(e) AN EMPLOYEE OF THE DIVISION OF YOUTH CORRECTIONS WHO IS A REPRESENTATIVE OF AN ORGANIZATION IN COLORADO THAT EXISTS FOR THE PURPOSE OF DEALING WITH THE STATE AS AN EMPLOYER CONCERNING ISSUES OF MUTUAL CONCERN BETWEEN EMPLOYEES AND THE STATE, AS APPOINTED BY THE GOVERNOR;

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

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

MINORITY LEADER OF THE SENATE SHALL APPOINT THE OTHER EXPERT.

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

(3) THE WORKING GROUP SHALL MONITOR THE DIVISION OF YOUTH CORRECTIONS' USE OF CONFINEMENT FOR ADMINISTRATIVE PURPOSES. THE DIVISION OF YOUTH CORRECTIONS SHALL SHARE WITH THE WORKING GROUP, ON AN ONGOING BASIS, AVAILABLE DATA REGARDING TIME SPENT IN CONFINEMENT BY YOUTH FOR ADMINISTRATIVE REASONS, AS DESCRIBED IN SECTION 26-20-104.5 (3), IN ANY SECURE STATE-OPERATED AND STATE-OWNED FACILITY. IF NECESSARY, THE WORKING GROUP MAY MAKE RECOMMENDATIONS TO THE DIVISION OF YOUTH CORRECTIONS AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES, ABOUT THE USE OF CONFINEMENT FOR ADMINISTRATIVE PURPOSES.

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

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

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

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

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

SECTION 10. In Colorado Revised Statutes, 2-3-1203, **add** (3) (kk) (V) as follows:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates on which the statutory authorization for the designated advisory committee is scheduled for repeal:

(kk) September 1, 2024:

(V) THE YOUTH SECLUSION WORKING GROUP IN THE DIVISION OF YOUTH CORRECTIONS CREATED IN SECTION 26-20-110, C.R.S.;

SECTION 11. Appropriation. (1) For the 2016-17 state fiscal year, \$4,900 is appropriated to the department of human services. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the purchase of legal services.

(2) For the 2016-17 state fiscal year, \$4,900 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of human services in subsection (1) of this section. To implement this act, the department of law may use this appropriation to provide legal services for the department of human services.

SECTION 12. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Bill L. Cadman
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO