

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB23-164 be amended as follows:

1 Amend printed bill, page 2, line 15, strike "(2)" and substitute "(2); and
2 **add (3)".**

3 Page 3, line 2, strike "August 10, 2016," and substitute "~~August 10, 2016~~
4 THE EFFECTIVE DATE OF THIS SUBSECTION (2), AS AMENDED,".

5 Page 3, lines 5 and 6, strike "THE COMPLETE LIST OF treatment provider
6 agencies staffed by approved providers." and substitute "**treatment**
7 ~~provider agencies staffed by approved providers~~".

8 Page 3, line 12, before "Once" insert "ACCESS TO A COMPLETE LIST OF
9 TREATMENT PROVIDERS WHO ARE APPROVED PURSUANT TO SECTION
10 16-11.7-106 AND WHO HAVE THE EXPERTISE TO WORK WITH THE SPECIFIC
11 RISKS AND NEEDS OF THAT PARTICULAR OFFENDER. THE SUPERVISING
12 AGENCY SHALL ALSO MAKE SPECIFIC RECOMMENDATIONS TO THE
13 OFFENDER. WHEN MAKING A LIST OF REFERRALS, THE SUPERVISING
14 AGENCY SHALL CONSIDER THE INDIVIDUAL RISKS AND TREATMENT NEEDS
15 OF THE PARTICULAR OFFENDER, ABILITY OF THE TREATMENT PROVIDER TO
16 ACCEPT NEW CLIENTS, GEOGRAPHIC PROXIMITY OF THE PROVIDER, AND
17 THE NATURE OF THE PROGRAMS, AND TAILOR REFERRALS TO THOSE
18 CONSIDERATIONS AND ANY OTHER FACTOR RELEVANT TO THE TREATMENT
19 NEEDS OF THE OFFENDER, CAPABILITY OF THE PROVIDER, AND SAFETY OF
20 THE COMMUNITY. FOR AN OFFENDER WHO IS A PERSON WITH AN
21 INTELLECTUAL AND DEVELOPMENTAL DISABILITY, AS DESCRIBED IN
22 SECTION 25.5-10-202, THE SUPERVISING AGENCY SHALL REFER THAT
23 OFFENDER TO A PROVIDER APPROVED BY THE SEX OFFENDER
24 MANAGEMENT BOARD TO WORK WITH THAT POPULATION. FOR OFFENDERS
25 WHO PREFER TO DO TREATMENT IN A LANGUAGE OTHER THAN ENGLISH,
26 REFERRALS MUST BE OFFERED, WHEN POSSIBLE, TO PROVIDERS WHO ARE
27 FLUENT IN THE TARGET LANGUAGE."

28 Page 3, line 13, before "agency" insert "OR".

29 Page 3, after line 15 insert:

30 "(3) THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION DO
31 NOT APPLY TO THE DIVISION OF YOUTH SERVICES BASED ON THE NATURE
32 OF THE PROGRAM, THE COMPLEX NEEDS OF THE JUVENILES SERVED, AND
33 THE PLACEMENTS AND APPROVED TREATMENT PROVIDERS AVAILABLE TO
34 WORK WITH JUVENILES FROM THE DIVISION OF YOUTH SERVICES. THE
35 DIVISION OF YOUTH SERVICES SHALL ASSIGN JUVENILES WHO HAVE
36 COMMITTED A SEXUAL OFFENSE TO A TREATMENT PROVIDER BASED ON

1 THE INDIVIDUAL RISKS AND NEEDS OF THE JUVENILE AND HAVE
2 PROCEDURES IN PLACE TO ALLOW FOR A JUVENILE OR FAMILY TO REQUEST
3 A CHANGE IN TREATMENT PROVIDERS BASED ON RESPONSIVITY FACTORS.
4 THE MULTIDISCIPLINARY TEAM FOR THE JUVENILE SHALL REVIEW ALL
5 REQUESTS FOR CHANGES IN TREATMENT PROVIDERS AND APPROVE
6 REQUESTS IF THE MULTIDISCIPLINARY TEAM DETERMINES THE JUVENILE'S
7 RISKS, NEEDS, AND RESPONSIVITY FACTORS CAN BE BETTER SERVED BY AN
8 ALTERNATE TREATMENT PROVIDER."

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