

CHAPTER 209

GOVERNMENT - STATE

HOUSE BILL 98-1389

BY REPRESENTATIVES Adkins, George, Gotlieb, Kaufman, Paschall, and Piffner;
also SENATOR Wham.

AN ACT

CONCERNING RECOMMENDATIONS OF THE HOUSE COMMITTEE ON THE JUDICIARY RELATED TO THE CONTINUATION OF REQUIREMENTS FOR CERTAIN PERIODIC REPORTS TO THE GENERAL ASSEMBLY FROM EXECUTIVE AND JUDICIAL BRANCH AGENCIES UNDER ARTICLES 16 TO 90 OF TITLE 13 AND UNDER TITLES 14 TO 21, COLORADO REVISED STATUTES.

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

SECTION 1. Repeal. 13-22-309, Colorado Revised Statutes, is repealed as follows:

~~**13-22-309. Reports.** The director shall report annually to the chief justice, the general assembly, and the governor on the operation of the office of dispute resolution. Such information shall include, but shall not be limited to, identification of participating judicial districts and the methods of alternative dispute resolution that are available to such participating districts, the number and types of disputes received and the method of alternative dispute resolution to which such disputes were referred; the source of the referral, the status of cases referred to alternative dispute resolution or the disposition of these disputes, and any problems being encountered. In addition, the report shall contain a comparison of the cost of alternative dispute resolution with the cost of litigation.~~

SECTION 2. Repeal. 16-11-213 (6), Colorado Revised Statutes, is repealed as follows:

~~**16-11-213. Intensive supervision probation programs - legislative declaration.** (6) The judicial department, at the time of the making of its annual budget request, shall report to the joint budget committee on the number of offenders diverted from the department of corrections to each intensive supervision probation program and the amount of money saved to the state because of such diversion.~~

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

SECTION 3. 16-11-311 (10) (a), (10) (b), and (10) (d), Colorado Revised Statutes, are amended to read:

16-11-311. Sentences - youthful offenders - legislative declaration - powers and duties of district court - authorization for youthful offender system - powers and duties of department of corrections - repeal. (10) (a) On or before ~~January 30, 1994~~ JANUARY 30, 1999, the department of corrections shall submit a report to the ~~capital development committee and the joint budget committee~~ HOUSE AND SENATE JUDICIARY COMMITTEES concerning the youthful offender system ~~and thereafter shall submit an annual updated report that includes but is not necessarily limited to the following:~~ CONTAINING A SUMMARY OF THE RECIDIVISM RATE FOR OFFENDERS WHO COMPLETE THE PROGRAMS IN THE YOUTHFUL OFFENDER SYSTEM THAT TRACKS SUCH OFFENDERS FOR FIVE YEARS FOLLOWING RELEASE FROM THE YOUTHFUL OFFENDER SYSTEM AS WELL AS AN ACCOUNTING OF THE AMOUNT SPENT PER OFFENDER FOR EACH OF THE FIRST FIVE YEARS OF OPERATION OF THE YOUTHFUL OFFENDER SYSTEM.

~~(F) The specific content and structure of the programs for offenders in the youthful offender system, including staffing ratios for each program, a description of the daily routine of offenders that includes the amount of offenders' time that is allocated to each program, and an explanation of how the programs are related to the principles described in subsection (3) of this section;~~

~~(H) The process used for transition to community supervision, whether offenders may be returned to their original environment for the supervised period, the specific means of community supervision, and the specific educational and treatment programs provided to offenders during their supervised period;~~

~~(HH) The procedure for transferring an offender to another facility for vocational or training services or when an offender poses a danger to himself or herself or others, and identification of the facilities used for such purposes;~~

~~(IV) The specific criteria and procedures for determining successful completion of the programs in the youthful offender system, for determining whether an offender cannot successfully complete the sentence, and for revocation of community supervision;~~

~~(V) A summary of the recidivism rate for offenders who complete the programs in the youthful offender system that tracks such offenders for five years following release from the youthful offender system.~~

~~(b) On or before March 1, 1994, the department of corrections shall submit a report to the capital development committee and the joint budget committee concerning the number of offenders entering the youthful offender system and a profile of the typical offender, including demographic backgrounds, entering the system, including an analysis of the criminal backgrounds of such offenders, and update the committees quarterly.~~

~~(d) On or after January 1, 1995, the department of corrections shall submit a report to the general assembly and the joint budget committee concerning the number of~~

~~offenders entering the youthful offender system as habitual juvenile offenders, as defined in section 19-1-103 (61), C.R.S., including a summary of the criminal history of each offender, and update the general assembly and the joint budget committee annually on the number of habitual juvenile offenders entering the youthful offender system and on the number of offenders of all types who have completed the youthful offender system and have reoffended.~~

SECTION 4. Repeal. 16-11.7-107, Colorado Revised Statutes, is repealed as follows:

~~**16-11.7-107. Report to the general assembly.** On or before March 1, 1997, the board shall make a report to a joint meeting of the judiciary committees of the senate and the house of representatives regarding the implementation of this article, the standardized procedures developed pursuant to this article, and the results of the programs created by this article.~~

SECTION 5. Repeal. 16-13-506 (8) (b), Colorado Revised Statutes, is repealed as follows:

~~**16-13-506. Final order - disposition of property.** (8) (b) A report of any moneys received pursuant to paragraph (c) of subsection (1) of this section by a state agency shall be given to the general assembly along with an accounting of how said moneys were expended.~~

SECTION 6. 16-15-104 (2) and (4), Colorado Revised Statutes, are amended to read:

16-15-104. Reports to state court administrator and attorney general.
(2) ~~On March 1 of each year, the state court administrator, as authorized by the chief justice, shall transmit to the general assembly a statistical report covering wiretap applications and other information reported to him by courts of competent jurisdiction.~~

(4) ~~On March 1~~ OR BEFORE JANUARY 31 of each year, the attorney general shall transmit to the general assembly OR, ALTERNATIVELY, MAY PRESENT AS PART OF THE ANNUAL LEGISLATIVE BRIEFING BY THE DEPARTMENT OF LAW, a report which shall be a statistical compilation of the reports received from district attorneys, as well as similar information from ~~his~~ THE ATTORNEY GENERAL'S office.

SECTION 7. 17-1-103 (1) (g), Colorado Revised Statutes, is amended to read:

17-1-103. Duties of the executive director. (1) The duties of the executive director shall be:

(g) ~~To require of the head of each institution and agency assigned to the department an annual report containing such information and submitted at such a time as the executive director shall decide. The executive director shall prepare and transmit annually in the form and manner prescribed by the heads of the principal departments pursuant to the provisions of section 24-1-136, C.R.S., a report accounting to the governor and the general assembly for~~ TO THE GENERAL ASSEMBLY

OR, ALTERNATIVELY, TO INCORPORATE INTO THE DEPARTMENT OF CORRECTIONS YEARLY STATISTICAL REPORT, INFORMATION CONCERNING the efficient discharge of all responsibilities assigned by law or directive to the department or to the divisions thereof.

SECTION 8. 17-1-104.3 (4), Colorado Revised Statutes, is amended to read:

17-1-104.3. Correctional facilities - locations - security level. (4) ~~On or before November 1, 1995, and the first day of each November thereafter, ON OR BEFORE JANUARY 31 OF EACH YEAR, the department shall submit an annual report to the joint budget committee, the capital development committee, and the judiciary committees of each house of the general assembly~~ PREPARE AND TRANSMIT TO THE GENERAL ASSEMBLY OR, ALTERNATIVELY, MAY INCORPORATE INTO THE ANNUAL DEPARTMENT OF CORRECTIONS STATISTICAL REPORT PRESENTED TO THE HOUSE AND SENATE IN JANUARY OF EACH YEAR, A REPORT that compares the construction and operating costs of facilities with mixed custody levels to the construction and operating costs of facilities without such mixed custody levels.

SECTION 9. Repeal. 17-2-201 (13) (b), Colorado Revised Statutes, is repealed as follows:

17-2-201. State board of parole. (13) (b) ~~The board shall prepare and submit to the general assembly by November 1, 1988, and by each November 1 thereafter, a report detailing the number of appointments of counsel for parolees pursuant to this section for the prior fiscal year and the reason for each such appointment.~~

SECTION 10. 17-22.5-301 (3), Colorado Revised Statutes, is amended to read:

17-22.5-301. Good time. (3) Each person sentenced for a crime committed on or after July 1, 1985, shall be subject to all the provisions of this part 3; except that the good time authorized by this section shall not vest and may be withheld or deducted by the department. ~~The department of corrections shall report annually to the general assembly the number of good time days authorized per inmate, the number of good time days withheld or deducted per inmate, and the average length of stay per inmate during each calendar year. The report shall be submitted to the general assembly prior to each March 31 for the preceding calendar year.~~

SECTION 11. Repeal. 17-22.5-406 (4), Colorado Revised Statutes, is repealed as follows:

17-22.5-406. Applicability of part. (4) ~~The state board of parole shall make a biannual report to the general assembly on January 1 and July 1 of each year which shall include the following information:~~

- ~~(a) The number of persons released by the state board of parole pursuant to this part 4 during the preceding six months;~~
- ~~(b) The names of such persons;~~
- ~~(c) The previous records of such persons;~~

~~(d) The length of time such persons were incarcerated; and~~

~~(e) The reasons why the state board of parole determined that the release of such persons would be appropriate.~~

SECTION 12. Repeal. 17-24-106 (1) (k) (II), (1) (k) (III), and (1) (k) (IV), Colorado Revised Statutes, are repealed as follows:

17-24-106. General powers of the division. (1) In addition to any other powers granted to the division by this article, the division shall have the following powers:

~~(k) (II) Prior to the acquisition or disposal of real property by sale, purchase, lease-purchase, trade, or exchange which has a market value exceeding fifty thousand dollars but less than two hundred fifty thousand dollars, which property is to be used or has been used in support of existing correctional industry business enterprises or programs, the division shall first submit a written report pursuant to the provisions of subparagraph (IV) of this paragraph (k). The capital development committee shall review any such report and provide recommendations to the director of correctional industries regarding the proposed transaction within thirty days following the receipt of such report. The director of correctional industries shall not complete any such transaction without first considering the recommendations of the capital development committee.~~

~~(III) Prior to the acquisition or disposal of real property by sale, purchase, lease-purchase, trade, or exchange which has a market value exceeding two hundred fifty thousand dollars, or fifty thousand dollars in the case of real property to be used in support of new correctional industry business enterprises or programs, the division shall first submit a written report pursuant to the provisions of subparagraph (IV) of this paragraph (k). The capital development committee shall review any such report. No such transaction shall take place unless approved by the general assembly acting by bill.~~

~~(IV) Written reports required to be filed pursuant to this paragraph (k) shall describe the anticipated or existing use of such real property, the maintenance costs related to the property, the current value of the property, any conditions or limitations which may restrict the use of the property, and any potential liability to the state that could result from such acquisition or disposal, and shall contain a business plan outlining the financial analysis on which the proposed transaction is based.~~

SECTION 13. Repeal. 17-24-111 (2) (a), Colorado Revised Statutes, is repealed as follows:

17-24-111. Purchasing requirement. (2) (a) ~~On or before April 1 and October 1 of each year or as often within the year as may be necessary, the director shall report to the department of personnel or purchasing agency, the office of state planning and budgeting, the correctional industries advisory committee, and the joint budget committee of the general assembly all goods and services to be produced by the division during the following one-year period. The department of personnel or purchasing agency shall inform all state agencies, within thirty days, of such list. All state agencies that require such goods and services for their operation shall inform the department of personnel or purchasing agency and the office of state planning and~~

~~budgeting of the anticipated orders for such goods and services during the next one-year period. All orders for such goods and services shall be placed by the agency through the department of personnel or purchasing agency. Except as otherwise provided in subsection (1) of this section, all state agencies may be required to purchase such goods and services from the division.~~

SECTION 14. Repeal. 17-27.5-105, Colorado Revised Statutes, is repealed as follows:

~~**17-27.5-105. Duty to report.** No later than January 15, 1991, and each subsequent year thereafter, the executive director shall submit a report to the governor and to the general assembly. The report shall describe the type of intensive supervision programs established, the number of offenders assigned to those programs, progress and problems with operation of the programs, and his or her recommendations.~~

SECTION 15. Repeal. 18-12-108.5 (4), Colorado Revised Statutes, is repealed as follows:

~~**18-12-108.5. Possession of handguns by juveniles - prohibited - exceptions - penalty.** (4) For the purposes of determining the necessity of constructing additional facilities, and the necessary capacity of such facilities, the judicial department shall report to the general assembly on or before January 15, 1994, regarding the number of persons charged in juvenile court with the commission of the offense created in this section, the number of persons adjudicated a juvenile delinquent for the commission of the offense created in this section, the disposition of such cases, and any other information deemed relevant by the judicial department regarding the enforcement of this section. The judicial department shall report the same information to the general assembly on or before February 15, 1994, March 15, 1994, and on the fifteenth day of the month every three months thereafter.~~

SECTION 16. 19-1-116 (3), Colorado Revised Statutes, is amended to read:

19-1-116. Funding - alternatives to placement out of the home. (3) The department of human services shall report annually to the house and senate committees on health, environment, welfare, and institutions concerning the ~~funds reimbursed to~~ AMOUNT OF CAPPED ALLOCATIONS, AS DEFINED IN SECTION 26-5-101 (1), C.R.S., RECEIVED BY each county pursuant to this section, by line item, and each county's spending, by line item.

SECTION 17. 19-1-123 (2) (a), Colorado Revised Statutes, is amended to read:

19-1-123. Expedited procedures for permanent placement - children under the age of six years - designated counties - annual report. (2) (a) On or before December 31, 1995, and each December 31 thereafter through and including December 31, 2003, the department of human services in consultation with the judicial department shall submit a written report to the joint budget committee AND TO THE HOUSE AND SENATE COMMITTEES ON HEALTH, EDUCATION, WELFARE, AND INSTITUTIONS regarding program effectiveness and progress toward statewide implementation. Such report shall also provide an evaluation as to whether out-of-home placement costs have been avoided as a result of the program. In the

event such costs have been avoided, the department of human services shall request that any available moneys be transferred from the out-of-home placement budget category to the family issues cash fund for the purposes of statewide implementation. The implementation of expedited procedures in additional counties shall be subject to specific appropriation by the general assembly.

SECTION 18. Repeal. 19-2-203 (2) (b), Colorado Revised Statutes, is repealed as follows:

19-2-203. Division of youth corrections - created - interagency agreements.

~~(2) (b) On or before March 1, 1997, and on or before each March 1 thereafter, the division of youth corrections shall submit to the judiciary committees of the general assembly a report concerning the implementation of any interagency agreements entered into pursuant to this subsection (2). At a minimum, the report shall specify the participating judicial districts and the number of offenders involved in the programs.~~

SECTION 19. Repeal. 19-2-210 (4), Colorado Revised Statutes, is repealed as follows:

~~**19-2-210. Juvenile community review board.** (4) No later than January 30, 1988, the department of human services shall submit a report to the general assembly describing the number of juvenile community review boards that have been established, the number of residential community programs, the number of juveniles assigned to those programs, the number of juveniles that have been rejected by the boards who subsequently required secure institutional care, and the rate of recidivism of those juveniles as compared with the recidivism rates for juveniles placed into secure institutional programs.~~

SECTION 20. 19-2-212 (1) (a), Colorado Revised Statutes, is amended to read:

19-2-212. Working group for criteria for placement of juvenile offenders - establishment of formula - review of criteria. (1) The executive director of the department of human services and the state court administrator of the judicial department, or any designees of such persons, in consultation with the division of criminal justice of the department of public safety, the office of state planning and budgeting, the Colorado district attorneys council, law enforcement representatives, and representatives of local and county governments, shall form a working group that shall carry out the following duties:

(a) To establish a set of criteria for both detention and commitment for the purposes of determining which juvenile offenders are appropriate for placement in the physical or legal custody of the department of human services. Such criteria shall conform with section 19-2-508. This set of criteria, when adopted by the department of human services and the judicial department, shall be used to promote a more uniform system of determining which juveniles should be placed in the physical custody of the department of human services or in the legal-custody of the department of human services so that decisions for such placement of a juvenile are made based upon a uniform set of criteria throughout the state. In developing such set of criteria, the working group shall utilize any existing risk scale devised by the department of human services or any other measures to determine when it is appropriate to place a

juvenile in the physical custody of the department of human services or in the legal custody of the department of human services. The working group established pursuant to this subsection (1) shall hold a meeting once each year to review and propose revision to the criteria established pursuant to this paragraph (a) and the formula created pursuant to paragraph (b) of this subsection (1). ~~The working group shall report any changes made to the criteria or to the formula to the general assembly on or before December 1 of each year.~~

SECTION 21. Repeal. 19-2-309 (6), Colorado Revised Statutes, is repealed as follows:

19-2-309. Regimented juvenile training program - legislative declaration - repeal. (6) (a) ~~On or before December 1, 1996, the department of human services shall submit a report evaluating the regimented juvenile training program to the governor, the speaker of the house of representatives, the president of the senate, and the joint budget committee of the general assembly:~~

~~(b) The report shall include the following determinations:~~

~~(I) Whether the courts are sentencing juveniles to the regimented juvenile training program when such juvenile would better be committed to the department of human services for placement in a division of youth corrections facility or otherwise placed on probation; and~~

~~(II) Whether, as a result of being assigned to the regimented juvenile training program, juveniles in fact receive less serious sentences than similarly adjudicated juveniles, in terms of the type of delinquent act, juvenile history, and assessed needs, who were not assigned to such a program but were otherwise committed to the department of human services; and~~

~~(III) Whether bed savings to the department of human services are a result of the regimented juvenile training program; and~~

~~(IV) Whether juveniles placed in a regimented juvenile training program have a recidivism rate that is equal to or less than that of similar adjudicated juveniles who were not placed in such program but were otherwise committed to the department of human services.~~

SECTION 22. 19-2-309 (6.5), Colorado Revised Statutes, is amended to read:

19-2-309. Regimented juvenile training program - legislative declaration - repeal. (6.5) (a) ~~In addition to the report submitted pursuant to subsection (6) of this section, on or before January 15, 1998, and on or before January 15 of each year thereafter, the department of human services shall submit to the general assembly a report that includes, but is not limited to, the following information:~~

~~(I) A nonidentifying profile of each juvenile participating in the regimented juvenile training program during the preceding year;~~

~~(II) A description of the services provided through the regimented juvenile training program during the preceding year; and~~

~~(III) The completion rate for the regimented juvenile training program, calculated for the state as a whole and for each judicial district.~~

~~(b) On or before January 15, 1998, and on or before January 15 of each year thereafter, the judicial department shall submit to the general assembly a report that includes, but is not limited to, the following information:~~

~~(I) Descriptions of the aftercare services provided by each judicial district;~~

~~(II) The completion rate for each aftercare service or program provided; and~~

~~(III) The recidivism rate for juveniles who complete the regimented juvenile training program, calculated for the state as a whole and for each judicial district. The recidivism rate calculated pursuant to this subparagraph (III) shall include any juvenile who commits a criminal offense, either as a juvenile or as an adult, within three years after completing the regimented juvenile training program.~~

~~(c) On or before January 15, 2000; NOVEMBER 30, 1999, the department of human services shall submit to the general assembly an evaluation of the regimented juvenile training program.~~

SECTION 23. Repeal. 19-3-310.5 (10), Colorado Revised Statutes, is repealed as follows:

19-3-310.5. Mediation - pilot program - repeal. (10) ~~A county that is operating a mediation pilot program under the provisions of this section shall prepare a written report regarding the experiences of the county in using mediation services. The county shall submit the report to the house and senate judiciary committees on or before January 1, 1996. The report shall include, but is not limited to, the following:~~

~~(a) The number of families referred to mediation and the number of families who successfully reached a settlement;~~

~~(b) The types of cases that were referred to mediation by the court;~~

~~(c) In cases in which mediation was used, whether there were any cost savings and the extent of those cost savings; and~~

~~(d) The criteria used by the county in approving mediators and whether any special training or instruction was given to mediators.~~

SECTION 24. Repeal. 24-1-136 (11) (a) (II) (B), Colorado Revised Statutes, is repealed as follows:

24-1-136. "Information Coordination Act" - policy - functions of the heads of principal departments. (11) (a) (II) All requirements for reports to the general assembly by executive agencies or the judicial branch that were in existence before July 1, 1996, or that otherwise are not covered by subparagraph (I) of this paragraph (a), shall expire on the following dates:

~~(B) Requirements imposed under article 6 of title 13 to article 60 of title 22, C.R.S., July 1, 1998;~~

SECTION 25. 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.

Approved: May 18, 1998