

CHAPTER 223

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 03-286

BY SENATOR(S) Reeves, Owen, and Teck;
also REPRESENTATIVE(S) Plant, Witwer, Young, and Frangas.

AN ACT

CONCERNING A LIMITATION ON THE NUMBER OF JUVENILE DETENTION BEDS IN THE STATE OF COLORADO, AND, IN CONNECTION THEREWITH, CREATING A WORKING GROUP TO MANAGE THE USE OF JUVENILE DETENTION BEDS WITHIN THE LIMITATION AND MAKING AN APPROPRIATION.

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

SECTION 1. Article 2 of title 19, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 12
DETENTION BED MANAGEMENT

19-2-1201. Juvenile detention bed cap. FOR THE FISCAL YEAR 2003-04 AND EACH FISCAL YEAR THEREAFTER, THE NUMBER OF AVAILABLE JUVENILE DETENTION BEDS STATEWIDE SHALL BE LIMITED TO FOUR HUNDRED SEVENTY-NINE.

19-2-1202. Working group - allocation of beds. (1) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES AND THE STATE COURT ADMINISTRATOR IN THE JUDICIAL DEPARTMENT, OR A DESIGNEE OF SUCH PERSONS, IN CONSULTATION WITH THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY, THE OFFICE OF STATE PLANNING AND BUDGETING, THE COLORADO DISTRICT ATTORNEYS COUNCIL, AND LAW ENFORCEMENT REPRESENTATIVES SHALL FORM A WORKING GROUP WHICH SHALL CARRY OUT THE FOLLOWING DUTIES:

(a) THE WORKING GROUP ESTABLISHED PURSUANT TO THIS SUBSECTION (1) SHALL ANNUALLY ALLOCATE THE NUMBER OF JUVENILE DETENTION BEDS TO EACH CATCHMENT AREA IN THE STATE CREATED PURSUANT TO SECTION 19-2-402.5, BASED ON THE NUMBER OF JUVENILE BEDS ESTABLISHED PURSUANT TO SECTION 19-2-1201. ONCE THE ALLOCATION OF JUVENILE DETENTION BEDS IS MADE TO THE CATCHMENT

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

AREAS, THE WORKING GROUP SHALL ALLOCATE DETENTION BEDS WITHIN THE CATCHMENT AREAS TO THE JUDICIAL DISTRICTS WITHIN EACH CATCHMENT AREA. JUDICIAL DISTRICTS SHALL NOT EXCEED THE NUMBER OF BEDS ALLOCATED TO THEM EXCEPT FOR CIRCUMSTANCES PROVIDED FOR IN PARAGRAPH (b) OF THIS SUBSECTION (1).

(b) THE WORKING GROUP SHALL DEVELOP A MECHANISM FOR JUDICIAL DISTRICTS WITHIN THE SAME CATCHMENT AREA TO LOAN DETENTION BEDS TO OTHER JUDICIAL DISTRICTS WITHIN THE CATCHMENT AREA IN CASES OF NEED.

(c) THE WORKING GROUP SHALL DEVELOP EMERGENCY RELEASE GUIDELINES THAT SHALL BE USED BY EACH JUDICIAL DISTRICT TO PREVENT PLACEMENT OF A JUVENILE IN A JUVENILE DETENTION FACILITY IN EXCESS OF THE NUMBER OF BEDS ALLOCATED TO THE JUDICIAL DISTRICT.

(d) THE WORKING GROUP SHALL DEVELOP JUVENILE DETENTION PLACEMENT GUIDELINES FOR EACH JUDICIAL DISTRICT TO USE IN COMPLYING WITH THE NUMBER OF JUVENILE DETENTION BEDS ALLOCATED TO THE JUDICIAL DISTRICT.

19-2-1203. Judicial districts - plans for the cap. EACH JUDICIAL DISTRICT SHALL ANNUALLY DEVELOP A PLAN TO MANAGE THE LIMIT ON THE NUMBER OF JUVENILE DETENTION BEDS ALLOCATED TO THE JUDICIAL DISTRICT BY THE WORKING GROUP PURSUANT TO SECTION 19-2-1202 (1) (a). THE JUDICIAL DISTRICT SHALL CONSIDER THE EMERGENCY RELEASE GUIDELINES AND PLACEMENT GUIDELINES DEVELOPED PURSUANT TO SECTION 19-2-1202 IN ITS ANNUAL PLAN TO MANAGE THE LIMIT. THE ANNUAL PLAN DEVELOPED BY THE JUDICIAL DISTRICT SHALL ENSURE THE JUDICIAL DISTRICT DOES NOT EXCEED THE NUMBER OF JUVENILE DETENTION BEDS ALLOCATED TO IT PURSUANT TO SECTION 19-2-1202.

19-2-1204. Use of juvenile detention beds. A JUVENILE COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO ARTICLE 3 OF THIS TITLE SHALL NOT BE PLACED IN A JUVENILE DETENTION BED UNLESS THE JUVENILE IS SUBJECT TO AN ACTION PROCEEDING UNDER THIS ARTICLE.

SECTION 2. Appropriation - adjustments to the 2003 long bill. For the implementation of this act, the general fund appropriation made in the annual general appropriation act, to the department of human services, division of youth corrections, community programs, for the purchase of contract placements, for the fiscal year beginning July 1, 2003, shall be decreased by one million six hundred seventy thousand three hundred forty-three dollars (\$1,670,343).

SECTION 3. 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 1, 2003