

## CHAPTER 384

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**MILITARY AND VETERANS**

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**HOUSE BILL 09-1280**

BY REPRESENTATIVE(S) Looper, Kefalas, Kerr J., Labuda, Roberts, Ryden, Schafer S., Solano, Summers, Todd, Gerou, Nikkel, Priola, Swalm, Vigil;  
also SENATOR(S) Tapia and Williams, Gibbs, Groff, Hodge, King K., Morse, Newell, Schwartz, Shaffer B., Spence, Tochtrop.

**AN ACT****CONCERNING THE ADOPTION OF A YOUTH CHALLENGE CORPS PROGRAM IN COLORADO.**

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

**SECTION 1.** Article 3 of title 28, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 17  
YOUTH CHALLENGE CORPS PROGRAM

**28-3-1701. Short title.** THIS PART 17 SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO YOUTH CHALLENGE CORPS PROGRAM ACT".

**28-3-1702. Legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) THE NEED FOR EDUCATING AT-RISK OR DISRUPTIVE YOUTH IS WELL ESTABLISHED;

(b) RECOGNIZING THE NEED FOR SPECIAL PROGRAMS TO ADDRESS POSITIVE YOUTH DEVELOPMENT, THE UNITED STATES CONGRESS AUTHORIZED AND APPROPRIATED MONEYS FOR THE USE OF NATIONAL GUARD OR OTHER FACILITIES AND EQUIPMENT FOR THE PROVISION OF A PROGRAM DESIGNED TO IMPROVE THE EMPLOYMENT POTENTIAL AND LIFE SKILLS OF ELIGIBLE YOUTH THROUGH NATIONAL GUARD YOUTH CHALLENGE CORPS PROGRAMS; AND

(c) AN EVALUATION OF SIMILAR PROGRAMS FOR ELIGIBLE YOUTH OPERATING IN OTHER STATES INDICATES THAT:

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

(I) EIGHTY PERCENT OF THE STUDENTS ACCEPTED INTO THE THESE PROGRAMS WENT ON TO GRADUATE FROM THE PROGRAMS;

(II) EIGHTY PERCENT OF THE STUDENTS IN THESE PROGRAMS WERE PLACED IN SCHOOLS OR EMPLOYED AT THE TIME OF GRADUATION FROM THE PROGRAMS;

(III) EIGHTY PERCENT OF THE STUDENTS IN THESE PROGRAMS OBTAINED A GED EITHER DURING THE TIME IN WHICH THEY WERE PARTICIPATING IN THE PROGRAMS OR WITHIN ONE YEAR AFTER GRADUATING FROM THE PROGRAMS; AND

(IV) LESS THAN ONE PERCENT OF THE STUDENTS WHO PARTICIPATED IN THESE PROGRAMS WERE INCARCERATED WITHIN ONE YEAR AFTER GRADUATING FROM THE PROGRAMS.

(2) THEREFORE, THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT IT WOULD BE IN THE BEST INTEREST OF THE PEOPLE OF THE STATE OF COLORADO TO AUTHORIZE THE DEPARTMENT TO OPERATE A YOUTH CHALLENGE CORPS PROGRAM AND TO TAKE ADVANTAGE OF THE OPPORTUNITY TO USE NATIONAL GUARD OR OTHER FACILITIES AND EQUIPMENT AND ANY FEDERAL FUNDING THAT MAY BE AVAILABLE FOR SUCH A PROGRAM AS AUTHORIZED BY FEDERAL LAW.

**28-3-1703. Definitions.** AS USED IN THIS PART 17, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ELIGIBLE YOUTH" MEANS A PERSON WHO HAS VOLUNTARILY CONSENTED, WITH THE WRITTEN PERMISSION OF HIS OR HER PARENT OR GUARDIAN IF THE PERSON IS A MINOR, TO PARTICIPATE IN THE NATIONAL GUARD YOUTH CHALLENGE CORPS PROGRAM AND THE UNITED STATES CONGRESSIONAL YOUTH AWARDS PROGRAM AND TO ACT IN ACCORDANCE WITH PROGRAM REQUIREMENTS. ADDITIONALLY, AN ELIGIBLE YOUTH SHALL BE:

(a) AT LEAST SIXTEEN YEARS OF AGE BUT LESS THAN NINETEEN YEARS OF AGE;

(b) A HIGH SCHOOL DROPOUT, SUSPENDED OR EXPELLED FROM SCHOOL, HABITUALLY TRUANT, OR OTHERWISE HABITUALLY DISRUPTIVE IN SCHOOL;

(c) ECONOMICALLY AND EDUCATIONALLY DISADVANTAGED;

(d) UNEMPLOYED;

(e) DRUG-FREE;

(f) FREE OF FELONY CONVICTIONS OR CAPITAL OFFENSES, NOT INDICTED OR CHARGED WITH A CRIME, AND NOT ON PAROLE OR PROBATION FOR ANYTHING OTHER THAN JUVENILE STATUS OFFENSES; AND

(g) PHYSICALLY AND MENTALLY CAPABLE OF PARTICIPATING IN THE PROGRAM WITH REASONABLE ACCOMMODATIONS FOR PHYSICAL OR OTHER DISABILITIES.

(2) "GED" MEANS A CERTIFICATE THAT DEMONSTRATES THAT A PERSON HAS

PASSED THE BATTERY OF TESTS GIVEN AT A TESTING CENTER AUTHORIZED BY THE COMMISSIONER OF EDUCATION THAT ARE DESIGNED TO MEASURE THE MAJOR OUTCOMES AND CONCEPTS GENERALLY ASSOCIATED WITH FOUR YEARS OF HIGH SCHOOL EDUCATION.

(3) "PROGRAM" MEANS THE YOUTH CHALLENGE CORPS PROGRAM AUTHORIZED AND DESCRIBED IN SECTION 28-3-1704.

**28-3-1704. Youth challenge corps program - authority - youth challenge corps program fund - creation.** (1) THE DEPARTMENT IS HEREBY AUTHORIZED TO OPERATE A YOUTH CHALLENGE CORPS PROGRAM THROUGH THE USE OF NATIONAL GUARD OR OTHER FACILITIES AND EQUIPMENT FOR THE PURPOSE OF PROVIDING ELIGIBLE YOUTH WITH A PROGRAM TO HELP THEM OBTAIN HIGH SCHOOL DIPLOMAS OR GEDS, INCREASE THEIR EMPLOYMENT POTENTIAL, AND ENHANCE THEIR EDUCATION AND LIFE SKILLS. THE PROGRAM SHALL BE STRUCTURED AS A FIVE-AND-ONE-HALF-MONTH RESIDENTIAL PHASE THAT FOCUSES ON EDUCATION AND PRACTICAL LIFE SKILLS, FOLLOWED BY A TWELVE-MONTH, POST-RESIDENTIAL PHASE THAT INVOLVES SKILLED AND TRAINED MENTORS WHO SUPPORT THE PROGRAM GRADUATES. THE DEPARTMENT SHALL NOT BE OBLIGATED TO IMPLEMENT THE PROGRAM IF ADEQUATE APPROPRIATIONS OR FEDERAL OR OTHER MONEYS ARE NOT AVAILABLE.

(2) THE PROGRAM SHALL COMPLY WITH THE CRITERIA AND CONDITIONS SPECIFIED IN A COOPERATIVE AGREEMENT ENTERED INTO BETWEEN THE CHIEF OF THE FEDERAL NATIONAL GUARD BUREAU AND THE STATE OF COLORADO.

(3) THE PROGRAM SHALL COMPLY WITH ANY APPLICABLE STATE LICENSING REQUIREMENTS AND SHALL ESTABLISH A COLLABORATIVE PARTNERSHIP COMPOSED OF A REPRESENTATIVE FROM, AT A MINIMUM, THE FOLLOWING:

(a) THE STATE DEPARTMENTS OF EDUCATION, PUBLIC HEALTH AND ENVIRONMENT, LABOR, JUDICIAL, PUBLIC SAFETY, AND HUMAN SERVICES;

(b) A COUNTY DEPARTMENT OF HUMAN SERVICES DIRECTOR;

(c) A SCHOOL DISTRICT;

(d) A SHERIFF OR POLICE DEPARTMENT; AND

(e) A COMMUNITY AGENCY THAT SERVES YOUTH AND THREE APPOINTED ADVISORY YOUTH MEMBERS FROM THE AGENCY'S SERVICE POPULATION.

(4) THE ADJUTANT GENERAL OF THE DEPARTMENT, OR THE ADJUTANT GENERAL'S DESIGNEE, IS DIRECTED TO APPLY FOR ANY FEDERAL MONEYS THAT MAY BE AVAILABLE TO THE STATE FOR THE IMPLEMENTATION AND OPERATION OF THE PROGRAM.

(5) (a) THE ADJUTANT GENERAL OF THE DEPARTMENT, OR THE ADJUTANT GENERAL'S DESIGNEE, IS AUTHORIZED TO ACCEPT ON BEHALF OF THE STATE ANY GIFTS, GRANTS, OR DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE FOR THE PURPOSE OF IMPLEMENTING THIS PART 17; EXCEPT THAT THE DEPARTMENT SHALL

NOT ACCEPT A GIFT, GRANT, OR DONATION IF IT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS PART 17 OR ANY OTHER LAW OF THE STATE.

(b) ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE YOUTH CHALLENGE CORPS PROGRAM FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS PART 17 AS THE "FUND". THE MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION AND ADMINISTRATION OF THIS PART 17. ALL INVESTMENT EARNINGS DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY MONEYS NOT APPROPRIATED SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND AT THE END OF ANY FISCAL YEAR.

**SECTION 2. Federal funds.** The general assembly anticipates that, for the fiscal year beginning October 1, 2010, the department of military and veterans affairs will request federal funds for the implementation of this act. Although these funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds.

**SECTION 3. Act subject to petition - effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 2, 2009