

## CHAPTER 15

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**CRIMINAL LAW AND PROCEDURE**


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**HOUSE BILL 26-1064**

BY REPRESENTATIVE(S) Jackson and Rydin, Bacon, Brown, Clifford, English, Froelich, Gilchrist, Lindsay, Mabrey, Martinez, Mauro, McCormick, Nguyen, Phillips, Story, Espenoza;  
 also SENATOR(S) Amabile, Ball, Cutter, Daugherty, Exum, Gonzales J., Hinrichsen, Jodeh, Kipp, Kolker, Lindstedt, Marchman, Wallace, Weissman, Coleman.

**AN ACT****CONCERNING MODIFICATIONS TO THE YOUTHFUL OFFENDER SYSTEM.**

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

**SECTION 1.** In Colorado Revised Statutes, 16-11-102, **amend** (1.8) as follows:

**16-11-102. Presentence or probation investigation.**

(1.8) At the request of either the prosecution or the defense, each presentence report prepared regarding a ~~youthful offender~~ JUVENILE OR YOUNG ADULT, as defined in ~~section 18-1.3-407~~ SECTION 18-1.3-407 (1.3), who is eligible for sentencing to the youthful offender system pursuant to section 18-1.3-407.5, 19-2.5-801 (5), or 19-2.5-802 (1)(d)(I)(B) must include a determination by the warden of the youthful offender system whether the ~~youthful offender~~ JUVENILE OR YOUNG ADULT is acceptable for sentencing to the youthful offender system. When making a determination, the warden shall consider the nature and circumstances of the crime, the circumstances and criminal history of the ~~youthful offender~~ JUVENILE OR YOUNG ADULT, the available bed space in the youthful offender system, and any other appropriate considerations.

**SECTION 2.** In Colorado Revised Statutes, 16-11-102.4, **amend** (1) introductory portion, (1)(g) introductory portion, and (1)(g)(IV); and **repeal** (1)(f) as follows:

**16-11-102.4. Genetic testing of convicted offenders.**

(1) ~~Beginning July 1, 2007,~~ Each of the following convicted offenders ~~shall~~ **MUST**

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

submit to and pay for collection and a chemical testing of the offender's biological substance sample to determine the genetic markers thereof, unless the offender has already provided a biological substance sample for ~~such~~ THE testing pursuant to a statute of this state:

(f) ~~Every offender who, on or after July 1, 2007, is in the custody of the youthful offender system based on a sentence imposed before that date, including an offender on community supervision. The department of corrections shall collect the sample at least thirty-five days prior to the offender's discharge or release from custody or release to community supervision.~~

(g) Every offender sentenced on or after July 1, 2007, for a felony conviction; except that this ~~paragraph (g) shall~~ SUBSECTION (1)(g) DOES not apply to an offender granted a deferred judgment and sentencing as authorized in section 18-1.3-102, C.R.S., unless otherwise required to submit to a sample pursuant to this section, or unless the deferred judgment and sentencing is revoked and a sentence is imposed. The sample ~~shall~~ MUST be collected:

(IV) ~~From an offender~~ A JUVENILE OR YOUNG ADULT sentenced to the youthful offender system, by the department of corrections within thirty-five days after the ~~offender~~ JUVENILE OR YOUNG ADULT is received at the youthful offender system; and

**SECTION 3.** In Colorado Revised Statutes, 17-27-105.5, **amend** (1)(b) as follows:

**17-27-105.5. Community parole officers - duties - arrest powers - definitions.**

(1) For purposes of this section:

(b) "Offender" means an inmate assigned to residential and nonresidential community corrections programs as those programs are set forth in articles 27, 27.5, and 27.7 of this ~~title~~ TITLE 17 and ~~an offender~~ A YOUTHFUL OFFENDER SYSTEM PARTICIPANT who is in phase III of the youthful offender system as set forth in section 18-1.3-407. C.R.S.

**SECTION 4.** In Colorado Revised Statutes, 18-1.3-401, **amend** (14) as follows:

**18-1.3-401. Felonies classified - presumptive penalties.**

(14) The court may sentence a defendant to the youthful offender system created in section 18-1.3-407 if the defendant is an eligible young adult ~~offender~~ pursuant to section 18-1.3-407.5.

**SECTION 5.** In Colorado Revised Statutes, 18-1.3-407, **amend** (1), (2)(a), (2)(b), (3), (3.3), (3.4), (3.5), (4), (4.3), (4.5), (5), (6), (11.5)(a)(I), and (12); **add** (15); and **add with amended and relocated provisions** (1.3) and (1.5) as follows:

**18-1.3-407. Sentences - powers and duties of district court - authorization for youthful offender system - system participants - powers and duties of**

**department of corrections - youthful offender system study - report - legislative intent - definitions.**

(1) (a) It is the intent of the general assembly that the youthful offender system established pursuant to this section ~~shall benefit the state by: providing as a sentencing option for certain youthful offenders a controlled and regimented environment that affirms dignity of self and others, promotes the value of work and self-discipline, and develops useful skills and abilities through enriched programming.~~

(I) PROVIDING A SENTENCING OPTION IN A SECURE AND TRAUMA-INFORMED ENVIRONMENT THAT AFFIRMS DIGNITY OF SELF AND OTHERS FOR CERTAIN JUVENILES AND YOUNG ADULTS WHO HAVE BEEN CONVICTED OF A CRIME;

(II) INCREASING PUBLIC SAFETY BY PROVIDING EVIDENCE-INFORMED REHABILITATIVE TREATMENT TO HELP JUVENILES AND YOUNG ADULTS IN THE YOUTHFUL OFFENDER SYSTEM'S CARE MAKE LASTING BEHAVIORAL CHANGES TO PREPARE THEMSELVES FOR A SUCCESSFUL TRANSITION BACK TO THE COMMUNITY;

(III) PROMOTING THE PHYSICAL SAFETY OF JUVENILES, YOUNG ADULTS, AND STAFF WITHIN THE YOUTHFUL OFFENDER SYSTEM;

(IV) PROMOTING A SEAMLESS CONTINUUM OF CARE FROM THE TIME OF INCARCERATION TO RELEASE FROM CONFINEMENT, IN WHICH SYSTEM PARTICIPANTS' NEEDS ARE MET IN A SAFE, STRUCTURED ENVIRONMENT WITH WELL-TRAINED, CARING STAFF WHO HELP SYSTEM PARTICIPANTS IDENTIFY AND ADDRESS CRIMINOGENIC RISK FACTORS, BE ACCOUNTABLE, AND ACCEPT RESPONSIBILITY FOR THE PARTICIPANTS' ACTIONS;

(V) ENABLING PARTICIPANTS TO DEVELOP HEALTHY, SUPPORTIVE RELATIONSHIPS WITH PEERS, ADULTS, FAMILY, AND NEIGHBORHOOD AND COMMUNITY MEMBERS; AND

(VI) PROVIDING PARTICIPANTS WITH THE TOOLS NECESSARY TO BECOME LAW-ABIDING, CONTRIBUTING MEMBERS OF THE COMMUNITY UPON RELEASE.

(b) (I) It is the further intent of the general assembly in enacting this section that ~~female and male offenders~~ ALL JUVENILES AND YOUNG ADULTS who are eligible for sentencing to the youthful offender system pursuant to section 18-1.3-407.5, ~~or section 19-2.5-801 (5), or 19-2.5-802 (1)(d)(I)(B)~~ receive equitable treatment, REGARDLESS OF GENDER, in sentencing, particularly in regard to the option of being sentenced to the youthful offender system. Accordingly, it is the general assembly's intent that the department of corrections ~~take necessary measures to~~ establish separate housing for female and male offenders. JUVENILES AND YOUNG ADULTS who are sentenced to the youthful offender system without compromising the equitable treatment. ~~of either.~~

(II) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT JUVENILES AND YOUNG ADULTS WITH PHYSICAL, INTELLECTUAL, DEVELOPMENTAL, MENTAL, OR BEHAVIORAL HEALTH DISABILITIES OR CONDITIONS WHO ARE ELIGIBLE FOR SENTENCING TO THE YOUTHFUL OFFENDER SYSTEM PURSUANT TO SECTION

18-1.3-407.5, 19-2.5-801 (5), OR 19-2.5-802 (1)(d)(I)(B) RECEIVE EQUITABLE TREATMENT IN SENTENCING, PARTICULARLY IN REGARD TO THE OPTION OF BEING SENTENCED TO THE YOUTHFUL OFFENDER SYSTEM. ACCORDINGLY, IT IS THE GENERAL ASSEMBLY'S INTENT THAT THE DEPARTMENT TAKE ALL REASONABLE MEASURES TO ACCOMMODATE AND PROMOTE EFFECTIVE COMMUNICATION WITH JUVENILES AND YOUNG ADULTS WITH PHYSICAL, INTELLECTUAL, DEVELOPMENTAL, MENTAL, OR BEHAVIORAL HEALTH DISABILITIES OR CONDITIONS WHO ARE SENTENCED TO THE YOUTHFUL OFFENDER SYSTEM.

(III) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT JUVENILES AND YOUNG ADULTS SENTENCED TO THE YOUTHFUL OFFENDER SYSTEM BE SENTENCED AS ADULTS AND BE SUBJECT TO ALL LAWS AND DEPARTMENT RULES, REGULATIONS, AND STANDARDS PERTAINING TO ADULT INMATES, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION.

(c) (F) It is the intent of the general assembly that ~~offenders~~ PARTICIPANTS sentenced to the youthful offender system be housed and serve their sentences in a facility specifically designed and programmed for the youthful offender system and that ~~offenders~~ PARTICIPANTS so sentenced be housed ~~separate~~ SEPARATELY from and not brought into daily physical contact with inmates twenty-five years of age or older WHO ARE sentenced to the department of ~~corrections~~ AND who have not been sentenced to the youthful offender system, except as specifically provided ~~under~~ PURSUANT TO subsection (5) of this section.

(H) ~~For the purposes of public safety, academic achievement, rehabilitation, the development of pro-social behavior, or reentry planning for youthful offenders, the executive director or his or her designee may transfer any offender age twenty-four years or younger and sentenced to the department of corrections into and out of the youthful offender system at his or her discretion.~~

(HH) ~~The facility that houses offenders sentenced to the youthful offender system shall be limited to two hundred fifty-six beds.~~

(IV)(A) ~~The department of corrections shall develop policies and procedures for decision-making regarding the transfer of any offender not sentenced to the youthful offender system into the youthful offender system in order to ensure that the goals of the youthful offender system, as described in this section; the operations of the rehabilitative program within the youthful offender system; and the delivery of services to those offenders directly sentenced to the youthful offender system are not compromised in any way by the comingled population.~~

(B) ~~The department of corrections shall include in its annual report to the judiciary committees of the house of representatives and senate, or to any successor committees, pursuant to section 2-7-203, C.R.S., and in any annual youthful offender system report produced by the department, information regarding the policies and procedures developed by the department pursuant to sub-subparagraph (A) of this subparagraph (IV), the characteristics of the population of youthful offenders transferred pursuant to this paragraph (c), and the impact, if any, of transferred inmates on any youthful offender system programming or department of corrections programming.~~

~~(C) Notwithstanding any provisions of this section to the contrary, the department of corrections shall not initiate any transfers of inmates to the youthful offender system until the department has developed the policies and procedures described in sub-subparagraph (A) of this subparagraph (IV).~~

~~(d) It is the intent of the general assembly that offenders sentenced to the youthful offender system be sentenced as adults and be subject to all laws and department of corrections rules, regulations, and standards pertaining to adult inmates, except as otherwise provided in this section.~~

(1.3) (a) **[Formerly 18-1.3-407 (2)(a)(III) introductory portion]** For the purposes of this section, unless the context otherwise requires:

(I) "DEPARTMENT" MEANS THE DEPARTMENT OF CORRECTIONS.

(II) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS.

(III) **[Formerly 18-1.3-407 (2)(a)(III)(A)]** "Juvenile" means a person who is under eighteen years of age when the crime is committed and under twenty-one years of age at the time of sentencing pursuant to this section.

(IV) "SYSTEM PARTICIPANT" OR "PARTICIPANT" MEANS A JUVENILE OR A YOUNG ADULT WHO HAS BEEN SENTENCED TO THE YOUTHFUL OFFENDER SYSTEM.

(V) "TRAUMA-INFORMED" MEANS AN APPROACH THAT INVOLVES AN UNDERSTANDING OF ADVERSE CHILDHOOD EXPERIENCES AND THAT RESPONDS TO SYMPTOMS OF CHRONIC INTERPERSONAL TRAUMA AND TRAUMATIC STRESS ACROSS THE LIFESPAN OF AN INDIVIDUAL.

(VI) **[Formerly 18-1.3-407 (2)(a)(III)(B)]** "Young adult" ~~offender~~ means a person who is at least eighteen years of age but under twenty years of age when the crime is committed and under twenty-one years of age at the time of sentencing pursuant to this section.

(b) **[Formerly 18-1.3-407 (2)(a)(IV)]** As used in this section, "community supervision" ~~shall not be construed to~~ DOES NOT mean a community corrections program, as defined in section 17-27-102. ~~C.R.S.~~

(1.5) (a) (I) **[Formerly 18-1.3-407 (1)(c)(II)]** For the purposes of public safety, academic achievement, rehabilitation, the development of prosocial behavior, or reentry planning for ~~youthful offenders~~ JUVENILES AND YOUNG ADULTS, the executive director or ~~his or her~~ THE EXECUTIVE DIRECTOR'S designee may ~~transfer any offender age~~ EXERCISE DISCRETION IN THE TRANSFER OF A JUVENILE OR YOUNG ADULT ~~twenty-four years of age or younger and sentenced to the department of corrections~~ into and out of the youthful offender system. ~~at his or her discretion.~~

(II) **[Formerly 18-1.3-407 (1)(c)(IV)(A)]** The department ~~of corrections~~ shall develop policies and procedures for decision-making regarding the transfer of ~~any offender~~ A JUVENILE OR YOUNG ADULT WHO IS not sentenced to the youthful offender system into the youthful offender system ~~in order~~ to ensure that the goals

of the youthful offender system, as described in this section; the operations of the rehabilitative program within the youthful offender system; and the delivery of services to those ~~offenders~~ JUVENILES AND YOUNG ADULTS directly sentenced to the youthful offender system are not compromised in any way by the ~~commingled~~ COMMINGLED population.

(III) ~~[Formerly 18-1.3-407 (1)(c)(IV)(C)]~~ Notwithstanding any provisions of this section to the contrary, the department of ~~corrections~~ shall not initiate any transfers of ~~inmates~~ JUVENILES OR YOUNG ADULTS to the youthful offender system until the department has developed the policies and procedures described in ~~sub-subparagraph (A) of this subparagraph (IV)~~ SUBSECTION (1.5)(a)(II) OF THIS SECTION.

(b) ~~[Formerly 18-1.3-407 (1)(c)(III)]~~ The facility that houses ~~offenders~~ PARTICIPANTS sentenced to the youthful offender system ~~shall be~~ is limited to two hundred fifty-six beds.

(c) ~~[Formerly 18-1.3-407 (1)(c)(IV)(B)]~~ The department of ~~corrections~~ shall include in its annual report to the judiciary committees of the house of representatives and senate, or to any successor committees, pursuant to section 2-7-203, ~~C.R.S.~~, and in any annual youthful offender system report produced by the department, information regarding the policies and procedures developed by the department pursuant to ~~sub-subparagraph (A) of this subparagraph (IV)~~ SUBSECTION (1.5)(a)(II) OF THIS SECTION, the characteristics of the population of ~~youthful offenders~~ JUVENILES AND YOUNG ADULTS transferred pursuant to this ~~paragraph (c)~~ SUBSECTION (1.5), and the impact, if any, of transferred inmates on any youthful offender system programming or department of ~~corrections~~ programming. BEGINNING IN JANUARY 2027, AND IN JANUARY EVERY YEAR THEREAFTER, THE DEPARTMENT SHALL INCLUDE, AS PART OF ITS PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY SECTION 2-7-203, INFORMATION CONCERNING HOW MANY JUVENILES AND YOUNG ADULTS COMPLETED A COMMITMENT TO THE DIVISION OF YOUTH SERVICES PRIOR TO A COMMITMENT TO THE YOUTHFUL OFFENDER SYSTEM, HOW MANY JUVENILES AND YOUNG ADULTS SUCCESSFULLY COMPLETE THEIR SENTENCE TO THE YOUTHFUL OFFENDER SYSTEM, AND HOW MANY JUVENILES AND YOUNG ADULTS FAIL TO COMPLETE A SENTENCE TO THE YOUTHFUL OFFENDER SYSTEM PROGRAM DUE TO THE FILING OF NEW CRIMINAL CHARGES.

(2) (a) (I) A juvenile may be sentenced to the youthful offender system created pursuant to this section under the circumstances set forth in section 19-2.5-801 (5)(a)(II) or 19-2.5-802 (1)(d)(I)(B). A young adult ~~offender~~ may be sentenced to the youthful offender system created pursuant to this section under the circumstances set forth in section 18-1.3-407.5. In order to sentence a juvenile or young adult ~~offender~~ to the youthful offender system, the court shall first impose upon ~~such person~~ THE JUVENILE OR YOUNG ADULT a sentence to the department of ~~corrections~~ in accordance with section 18-1.3-401. The court shall thereafter suspend ~~such~~ THE sentence conditioned on completion of a sentence to the youthful offender system, including a period of community supervision. The court shall impose ~~any such~~ A sentence to the youthful offender system for a determinate period of not fewer than two years nor more than six years; except that a juvenile or young adult ~~offender~~ convicted of a class 2 felony may be sentenced for a determinate period of up to seven years. In imposing the sentence, the court shall grant authority

to the department of corrections to place the offender JUVENILE OR YOUNG ADULT under a period of community supervision for a period of not fewer than six months and up to twelve months any time after the date on which the offender JUVENILE OR YOUNG ADULT has twelve months remaining to complete the determinate sentence. The court may award an offender A JUVENILE OR YOUNG ADULT sentenced to the youthful offender system credit for presentence confinement; except that such credit shall DOES not reduce the offender's JUVENILE'S OR YOUNG ADULT'S actual time served in the youthful offender system to fewer than two years. The court shall have ORDER a presentence investigation conducted before sentencing a juvenile or young adult offender pursuant to this section. Upon the request of either the prosecution or the defense, the presentence report must include a determination by the warden of the youthful offender system whether the offender JUVENILE OR YOUNG ADULT is acceptable for sentencing to the youthful offender system. When making a determination, the warden shall consider the nature and circumstances of the crime; the age, circumstances, RISK FACTORS AND PROTECTIVE FACTORS, TREATMENT NEEDS, and criminal history of the offender JUVENILE OR YOUNG ADULT; the available bed space in the youthful offender system; and any other appropriate considerations.

(II) Upon the successful completion of the determinate sentence to the youthful offender system, including the mandatory period of community supervision, the suspended sentence pursuant to section 18-1.3-401 shall have been IS completed. Whenever an offender A JUVENILE OR YOUNG ADULT is returned to the district court for revocation pursuant to subsection (5) of this section, the court shall impose the original sentence following the revocation of the sentence to the youthful offender system, except as otherwise provided in paragraph (b) of subsection (5) SUBSECTION (5)(b) of this section.

~~(III) For the purposes of this section, unless the context otherwise requires:~~

~~(A) "Juvenile" means a person who is under eighteen years of age when the crime is committed and under twenty-one years of age at the time of sentencing pursuant to this section.~~

~~(B) "Young adult offender" means a person who is at least eighteen years of age but under twenty years of age when the crime is committed and under twenty-one years of age at the time of sentencing pursuant to this section.~~

~~(C) "Youthful offender" or "offender" means a juvenile or a young adult offender who has been sentenced to the youthful offender system or who is eligible for sentencing to the youthful offender system.~~

~~(IV) As used in this section, "community supervision" shall not be construed to mean a community corrections program, as defined in section 17-27-102. C.R.S.~~

(b) Article 22.5 of title 17, concerning time credits, applies to any person sentenced to the youthful offender system; except that an offender A SYSTEM PARTICIPANT whose sentence to the youthful offender system is revoked pursuant to subsection (5) of this section may receive one day of credit against the suspended sentence imposed by the court following revocation of the sentence to the youthful offender system for each day the offender PARTICIPANT served in the youthful

offender system, excluding any period of time during which the offender was under community supervision but including credit for presentence confinement authorized pursuant to section 18-1.3-405.

(3) The department of ~~corrections~~ shall develop and implement a youthful offender system for ~~offenders~~ JUVENILES AND YOUNG ADULTS sentenced in accordance with subsection (2) of this section. The youthful offender system ~~shall be~~ is under the direction and control of the executive director. ~~of the department of corrections~~. The youthful offender system ~~shall be~~ is based on the following principles:

(a) The system ~~should provide for teaching offenders~~ MUST TEACH PARTICIPANTS self-discipline by providing clear APPROPRIATE consequences for DESIGNATED inappropriate behavior, WHICH MAY INCLUDE INTERMEDIATE SANCTIONS IMPOSED BY THE DEPARTMENT;

(a.5) THE SYSTEM MUST PROVIDE EVIDENCE-INFORMED REHABILITATIVE TREATMENT, AS INDICATED THROUGH ASSESSMENT, TO HELP PARTICIPANTS MAKE LASTING BEHAVIORAL CHANGES TO PREPARE THEMSELVES FOR SUCCESSFUL TRANSITION BACK INTO THE COMMUNITY;

(b) The system ~~should~~ MUST include a daily regimen that involves ~~offenders in physical training~~ PARTICIPANTS IN ACTIVITIES DESIGNED TO MEET THEIR INDIVIDUAL NEEDS, WHICH MAY INCLUDE THERAPY, FAMILY THERAPY, OR SUBSTANCE USE DISORDER TREATMENT; self-discipline exercises; educational and work programs; and meaningful interaction, with a component for a tiered system for ~~swift and strict discipline for noncompliance~~ POSITIVE SKILL DEVELOPMENT, INCLUDING LIFE SKILLS PROGRAMMING;

(c) The system ~~should~~ MUST use staff models and mentors to promote within an ~~offender~~ A PARTICIPANT the development of socially accepted attitudes and behaviors;

(d) The system ~~should~~ MUST provide ~~offenders~~ PARTICIPANTS with instruction on problem-solving skills and ~~should~~ incorporate methods to reinforce the use of cognitive behavior strategies that change ~~offenders'~~ PARTICIPANTS' orientation toward criminal thinking and behavior;

(e) The system ~~should~~ MUST promote among ~~offenders~~ PARTICIPANTS the creation and development of new group cultures ~~which~~ THAT result in a transition to prosocial behavior; and

(f) The system ~~should~~ MUST provide ~~offenders~~ PARTICIPANTS the opportunity to gradually reenter the community. ~~while demonstrating the capacity for self-discipline and the attainment of respect for the community.~~

(3.3) The youthful offender system consists of the following components, and the department of ~~corrections~~ has the authority described in this subsection (3.3) ~~in connection with the administration of~~ TO ADMINISTER the components:

(a) An intake, diagnostic, and orientation phase. DURING THE INTAKE,

DIAGNOSTIC, AND ORIENTATION PHASE, THE DEPARTMENT SHALL FACILITATE AN EVALUATION PROCESS THAT INCLUDES AN EVALUATION OF EACH PARTICIPANT FOR CRIMINOGENIC RISKS OR NEEDS AND AN EVALUATION OF POSSIBLE PHYSICAL, INTELLECTUAL, DEVELOPMENTAL, AND MENTAL AND BEHAVIORAL HEALTH NEEDS. EVALUATORS MUST BE TRAINED TO CONDUCT ASSESSMENTS OF JUVENILES AND YOUNG ADULTS AND TO IDENTIFY NEEDS AND TARGETED GOALS FOR TREATMENT. THE EVALUATOR SHALL COMPLETE A WRITTEN REPORT DOCUMENTING RECOMMENDATIONS. AFTER RECEIVING THE EVALUATOR'S WRITTEN REPORT, THE DEPARTMENT SHALL CREATE A PLAN THAT MUST ADDRESS CRIMINOGENIC RISK OR NEEDS, THERAPEUTIC NEEDS, EDUCATION, VOCATIONAL SKILLS, LIFE SKILLS, AND REENTRY INTO THE COMMUNITY. THE PLAN MUST BE CONSISTENT WITH A PARTICIPANT'S INDIVIDUALIZED EDUCATION PROGRAM DEVELOPED PURSUANT TO SECTION 22-20-108 OR PLAN DEVELOPED PURSUANT TO SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701 ET SEQ., IF SUCH A PLAN EXISTS. THE DEPARTMENT SHALL ASSIGN A CASE MANAGER TO THE PARTICIPANT. THE CASE MANAGER SHALL MEET MONTHLY WITH THE PARTICIPANT, ENSURE THAT THE PARTICIPANT RECEIVES THE TREATMENT OR SERVICES NECESSARY TO IMPLEMENT THE PARTICIPANT'S PLAN, AND RECORD THE PARTICIPANT'S PROGRESS THROUGHOUT THE YOUTHFUL OFFENDER SYSTEM PROGRAM.

(b) Phase I, during which time a range of core programs, supplementary activities, and educational and prevocational programs and services are provided to ~~offenders~~ EACH PARTICIPANT. A PARTICIPANT'S PLAN MUST BE REVIEWED WITH THE PARTICIPANT AND A MULTIDISCIPLINARY TEAM ON A MONTHLY BASIS. IF THE DEPARTMENT DETERMINES THAT MODIFICATIONS TO THE PLAN FOR TREATMENT OR SERVICES ARE NECESSARY FOR THE PARTICIPANT'S SUCCESSFUL REHABILITATION, THEN THE DEPARTMENT SHALL MODIFY THE PARTICIPANT'S PLAN ACCORDINGLY.

(c) (I) Phase II, which may be administered during the last three to six months of the period of institutional confinement and during which time the department of ~~corrections~~ is authorized to transfer ~~an offender~~ A PARTICIPANT to a twenty-four-hour custody residential program that serves ~~youthful offenders~~ PARTICIPANTS.

(II) In connection with the component described in ~~subparagraph (I) of this paragraph (c)~~ SUBSECTION (3.3)(c)(I) OF THIS SECTION, the department of ~~corrections~~ is authorized to operate or to contract with a prerelease residential program for ~~those sentenced as youthful offenders~~ PARTICIPANTS. The department of ~~corrections~~ or the contract provider shall provide for twenty-four-hour custody of ~~offenders~~ A PARTICIPANT in phase II.

(d) (I) Phase III, which is to be administered for the period of community supervision that remains after the completion of phase II and during which the ~~offender~~ PARTICIPANT is monitored during reintegration into society.

(II) After the department determines appropriate phase III placement, the department shall notify, no later than thirty days prior to placement, the local law enforcement agency for the jurisdiction in which the ~~offender shall be~~ PARTICIPANT IS BEING placed for phase III. The notice ~~shall~~ MUST include the ~~offender's~~ PARTICIPANT'S name, ~~the crime committed by the offender, the disposition of the offender's case~~ CRIME COMMITTED, CASE DISPOSITION, and the basis for the

placement. IF THE PLACEMENT IS IN A JURISDICTION OTHER THAN THE JURISDICTION WHERE THE PARTICIPANT WAS CONVICTED, the local law enforcement agency may appeal the placement ~~if the placement is in a jurisdiction other than the jurisdiction where the offender was convicted, it may appeal~~ to the executive director of the department at least fifteen days prior to the placement; except that the local law enforcement agency may not appeal if the placement is in the jurisdiction where the offender PARTICIPANT was residing at the time the offense was committed. If there is an appeal, after considering the department's basis for placement and the local law enforcement's basis for appeal, the executive director shall make the final determination of the placement.

(3.4) In addition to the powers granted to the department ~~of corrections~~ in subsection (3.3) of this section, the department ~~of corrections~~ may:

(a) Transfer a ~~youthful offender~~ SYSTEM PARTICIPANT to an appropriate facility ~~for the purpose of accomplishing the offender's redirection~~ TO FURTHER THE PARTICIPANT'S IDENTIFIED TREATMENT, REHABILITATION, OR REENTRY goals, as long as the transfer does not jeopardize the safety and welfare of ~~the offender~~ THE PARTICIPANT OR ISOLATE THE PARTICIPANT BECAUSE OF THE PARTICIPANT'S DISABILITY NEEDS;

(b) Operate an emancipation program and provide ~~other~~ ADDITIONAL support or monitoring services and residential placement for ~~offenders participating~~ A PARTICIPANT in phase II and phase III under the youthful offender system for whom family reintegration poses difficulties. The department ~~of corrections~~ shall provide reintegration support services ~~to an offender placed in an emancipation house~~ AT A LEVEL AND OF A TYPE CONSISTENT WITH THE PARTICIPANT'S NEEDS.

(c) Contract with any public or private entity, including, but not limited to, a school district, for provision or certification of educational services ~~Offenders~~ INCLUDING, BUT NOT LIMITED TO, A GENERAL EDUCATIONAL DEVELOPMENT PROGRAM OR A HIGH SCHOOL DIPLOMA PATHWAY. THE DEPARTMENT OR THE CONTRACTED ENTITY SHALL DETERMINE THE NUMBER AND TYPE OF EDUCATIONAL CREDITS A PARTICIPANT HAD EARNED PRIOR TO ENTERING THE YOUTHFUL OFFENDER SYSTEM. A PARTICIPANT receiving educational services or diplomas from a school district under an agreement entered into pursuant to this ~~paragraph (c) shall not be~~ SUBSECTION (3.4)(c) IS NOT included in computing the school district's student performance on statewide assessments pursuant to section 22-7-1006.3, ~~C.R.S.~~; or the school district's levels of attainment of the performance indicators pursuant to article 11 of title 22. ~~C.R.S.~~

(3.5) (a) The executive director ~~of the department of corrections~~ or the executive director's designee has final approval on the hiring and transferring of staff for the youthful offender system. In staffing the youthful offender system, the executive director or the executive director's designee shall select persons who ~~are trained in the treatment of youthful offenders~~ POSSESS KNOWLEDGE, EXPERIENCE, AND A PASSION FOR THE TREATMENT OF JUVENILES AND YOUNG ADULTS or will be trained in the treatment of ~~youthful offenders~~ JUVENILES AND YOUNG ADULTS; are trained to act as role models and mentors pursuant to subsection (3)(c) of this section; and are best equipped to enable the youthful offender system to meet the principles specified in subsection (3) of this section. All staff members must be trained in the

treatment of ~~youthful offenders~~ JUVENILES AND YOUNG ADULTS within forty-five days after their first day at the youthful offender system. Prior to receiving this training, a staff member shall not work directly with juveniles and must be supervised by a trained staff member when working with ~~any young adult offenders~~ at a PARTICIPANT IN the youthful offender system. The executive director or the executive director's designee shall make a recommendation to the department of personnel regarding the classification of positions with the youthful offender system, taking into account the level of education and training required for ~~such~~ THE positions.

(b) TO SUPPORT YOUTHFUL OFFENDER SYSTEM BEHAVIORAL HEALTH STAFFING, THE DIRECTOR OF CLINICAL SERVICES AT THE DEPARTMENT MAY, WITH THE FINAL APPROVAL OF THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S DESIGNEE, HIRE UNLICENSED BEHAVIORAL HEALTH PROFESSIONALS OR PARAPROFESSIONALS TO SUPPLEMENT, AS APPROPRIATE, THE WORK OF LICENSED BEHAVIORAL HEALTH PROVIDERS AUTHORIZED TO PROVIDE SUPERVISION WITHIN THE LICENSED BEHAVIORAL HEALTH PROVIDERS' SCOPE OF PRACTICE.

(4) The youthful offender system ~~shall~~ MUST provide for community supervision ~~which shall consist~~ THAT CONSISTS OF highly structured ~~surveillance and monitoring~~ and SUPERVISION, educational PROGRAMS, and EVIDENCE-INFORMED treatment programs THAT ARE INDIVIDUALLY TAILORED TO MEET THE SYSTEM PARTICIPANTS' NEEDS AND GOALS. Community supervision ~~shall~~ MUST be administered by the department, ~~of corrections~~, and revocation of ~~the inmate's supervision status shall~~ be A PARTICIPANT'S SUPERVISION STATUS IS subject to the provisions of subsections (2) and (5) of this section.

(4.3) The youthful offender system ~~shall~~ MUST provide sex offender treatment services for ~~an offender~~ A PARTICIPANT who is sentenced to the youthful offender system and who has a history of committing a sex offense, as defined in section 16-11.7-102 (3), ~~C.R.S.~~; or who has a history of committing any other offense, the underlying factual basis of which includes a sex offense. ~~Prior to July 1, 2002, the sex offender treatment services provided pursuant to this subsection (4.3) shall comply with any existing national standards for juvenile sex offender treatment. On and after July 1, 2002, The sex offender treatment services provided pursuant to this subsection (4.3) shall~~ MUST comply with the sex offender treatment standards adopted by the sex offender management board pursuant to section 16-11.7-103. ~~C.R.S.~~

(4.5) The consent of the parent, parents, or legal guardian of ~~an offender under the age of eighteen years~~ A JUVENILE PARTICIPANT who has been sentenced to the youthful offender system pursuant to this section is not necessary in order to authorize hospital, medical, mental health, SUBSTANCE USE, dental, emergency health, or emergency surgical care. In addition, neither the department nor any hospital, physician, surgeon, mental OR BEHAVIORAL health-care provider, dentist, trained emergency health-care provider, or agent or employee thereof who, in good faith, relies on ~~such a minor offender's~~ A JUVENILE PARTICIPANT'S consent is liable for civil damages for failure to secure the consent of ~~such an offender's~~ THE PARTICIPANT'S parent, parents, or legal guardian prior to rendering ~~such~~ THE care. The parent, parents, or legal guardian of a ~~minor offender~~ JUVENILE PARTICIPANT

described in this subsection (4.5) is not liable to pay the charges for the care provided the ~~minor on said minor's~~ PARTICIPANT BASED ON THE PARTICIPANT'S consent.

(5) (a) Except as otherwise provided by ~~paragraph (b) of this subsection (5)~~ SUBSECTION (5)(b) OF THIS SECTION, the department of corrections shall implement a procedure for the transfer of ~~an offender~~ A SYSTEM PARTICIPANT to another facility when ~~an offender in the system~~ THE SYSTEM PARTICIPANT poses a danger to ~~himself or herself~~ THEMSELF or others. The executive director of ~~the department of corrections~~ shall review any transfer determination by the department prior to the actual transfer of ~~an inmate~~ A PARTICIPANT, including a transfer back to the district court for revocation of the sentence to the youthful offender system. A transfer pursuant to this ~~paragraph (a) shall be~~ SUBSECTION (5)(a) IS LIMITED to a period not to exceed sixty days, at which time the ~~offender~~ PARTICIPANT shall be returned to the youthful offender facility to complete ~~his or her~~ THE sentence or returned to the district court for revocation of the sentence to the youthful offender system. In no case shall ~~an offender~~ A PARTICIPANT initially sentenced to the youthful offender system be held in isolation or segregation or in an adult facility for longer than sixty consecutive days without action by the sentencing court.

(b) (I) ~~An offender~~ A PARTICIPANT who is ~~thought~~ DETERMINED BY A MENTAL HEALTH CLINICIAN to have a behavioral or mental health ~~disorder~~ CONDITION or an intellectual and developmental disability, ~~by a mental health clinician,~~ as defined by regulation of the department, ~~of corrections,~~ may be transferred to another facility for a period not to exceed sixty days for diagnostic validation of ~~said disorder~~ THE CONDITION or disability. At the conclusion of the sixty-day period, the ~~psychiatrists or other appropriate professionals conducting~~ MAKING the diagnosis shall forward to the executive director of ~~the department of corrections~~ their findings, ~~which at a minimum must include a statement of whether the offender has the ability to withstand the rigors of~~ INCLUDING INFORMATION ABOUT HOW THE PARTICIPANT'S CONDITION OR DISABILITY CAN BE ACCOMMODATED IN the youthful offender system. If the diagnosis determines that the ~~offender~~ PARTICIPANT is incapable of completing ~~his or her~~ THE sentence to the youthful offender system due to a behavioral or mental health ~~disorder~~ CONDITION or an intellectual and developmental disability, the executive director shall forward ~~such~~ THE determination to the sentencing court. Based on the determination, the sentencing court shall review the ~~offender's~~ PARTICIPANT'S sentence to the youthful offender system and may

~~(A) Impose the offender's original sentence to the department of corrections; or~~

~~(B) reconsider and reduce the offender's~~ PARTICIPANT'S sentence to the department of ~~corrections~~ in consideration of the ~~offender's~~ behavioral or mental health ~~disorder~~ CONDITION or intellectual and developmental disability.

(II) ~~An offender~~ A JUVENILE OR YOUNG ADULT who is resentenced pursuant to this subsection (5)(b) shall continue to be treated as an adult for purposes of sentencing and shall not be sentenced pursuant to article 2.5 of title 19.

(III) In no event shall the sentencing court, after reviewing the ~~offender's~~ JUVENILE'S OR YOUNG ADULT'S sentence to the youthful offender system pursuant

to this subsection (5)(b), increase the ~~offender's~~ sentence to the department of ~~corrections~~ due to the ~~offender's~~ diagnosis of a behavioral or mental health ~~disorder~~ CONDITION or determination of an intellectual and developmental disability.

(IV) ~~Any offender~~ A PARTICIPANT who is diagnosed as having a behavioral or mental health ~~disorder~~ CONDITION or determined to have an intellectual and developmental disability and is therefore incapable of completing ~~his or her~~ THEIR sentence to the youthful offender system may be housed in any department of ~~corrections~~ facility deemed appropriate by the executive director or transferred in accordance with procedures set forth in section 17-23-101 pending action by the sentencing court with regard to the ~~offender's~~ sentence.

(c) The department of ~~corrections~~ shall implement a procedure for A returning ~~offenders~~ JUVENILE OR YOUNG ADULT who cannot successfully complete the sentence to the youthful offender system, or who ~~fail~~ FAILS to comply with the terms or conditions of the youthful offender system, to the district court. ~~An offender~~ A JUVENILE OR YOUNG ADULT returned to the district court pursuant to subsection (5)(a) of this section or because ~~he or she~~ THE JUVENILE OR YOUNG ADULT cannot successfully complete the sentence to the youthful offender system for reasons other than a behavioral or mental health ~~disorder~~ CONDITION or an intellectual and developmental disability, or because ~~he or she~~ THE JUVENILE OR YOUNG ADULT fails to comply with the terms or conditions of the youthful offender system, ~~shall~~ MUST receive imposition of the original sentence to the department. ~~of corrections.~~ THE DEPARTMENT MUST FIRST MAKE A DETERMINATION THAT THE FAILURE TO COMPLY WITH THE TERMS OR CONDITIONS OF THE YOUTHFUL OFFENDER SYSTEM DID NOT RESULT FROM A MENTAL OR BEHAVIORAL HEALTH CONDITION OR AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY OR THE DEPARTMENT'S FAILURE TO PROVIDE REASONABLE ACCOMMODATIONS FOR A MENTAL OR BEHAVIORAL HEALTH CONDITION OR AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY. After the executive director ~~of the department~~ upholds the department's TRANSFER decision, the ~~offender~~ PARTICIPANT may be held in any correctional facility deemed appropriate by the executive director; except that ~~an offender~~ A PARTICIPANT who cannot successfully complete the sentence to the youthful offender system for reasons other than a behavioral or mental health ~~disorder~~ CONDITION or an intellectual and developmental disability, or because ~~he or she fails~~ OF A FAILURE to comply with the terms or conditions of the youthful offender system, shall be transferred, within thirty-five days after the executive director upholds the department's decision, to a county jail for holding prior to resentencing. The department shall notify the district attorney of record, and the district attorney of record ~~shall be~~ IS responsible for seeking the revocation or review of the ~~offender's~~ PARTICIPANT'S sentence and the imposition of the original sentence or modification of the original sentence pursuant to ~~subsection (5)(b)(I)(B)~~ SUBSECTION (5)(b)(I) of this section. The district court shall review the ~~offender's~~ PARTICIPANT'S sentence within one hundred twenty-six days after notification to the district attorney of record by the department of ~~corrections~~ that the ~~offender~~ PARTICIPANT is not able to complete the sentence to the youthful offender system or fails to comply with the terms or conditions of the youthful offender system.

(d) (I) Except as provided in subsection (5)(d)(II) of this section, the department of ~~corrections~~ may house ~~an offender~~ A SYSTEM PARTICIPANT in a youthful offender facility that also houses inmates twenty-five years of age or older sentenced to the

department of corrections who are of a lower than close custody level if such THE inmates are housed in the youthful offender facility for the purpose of participating in a program to mentor youthful offenders SYSTEM PARTICIPANTS that is authorized by the executive director. of the department of corrections.

(II) The department of corrections shall not house an offender A PARTICIPANT in a youthful offender facility that also houses any inmates twenty-five years of age or older sentenced to the department of corrections who have been convicted of a sex offense, as described in section 16-11.7-102 (3).

(6) The department of corrections shall establish and enforce standards for the youthful offender system Offenders CONSISTENT WITH THE GOALS STATED IN SUBSECTION (1) OF THIS SECTION. A PARTICIPANT in the youthful offender system, including those A PARTICIPANT under community supervision, shall be considered inmates AN INMATE for the purposes of section 17-1-111. C.R.S.

(11.5) (a) (I) An offender A JUVENILE OR YOUNG ADULT who is sentenced to the youthful offender system shall MUST submit to collection and a chemical testing of a biological substance sample from the offender JUVENILE OR YOUNG ADULT to determine the genetic markers thereof.

(12) The general assembly recognizes that the increased number of violent crimes committed by juveniles and young adults is a problem faced by all the states of this nation. By creating the youthful offender system, Colorado stands at the forefront of the states in creating a new approach to addressing this problem. The general assembly also declares that the cost of implementing and operating the youthful offender system will create CREATES a burden on the state's limited resources. Accordingly HOWEVER, THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE DEPARTMENT SUFFICIENT FUNDS TO MANAGE THE YOUTHFUL OFFENDER SYSTEM IN A MANNER CONSISTENT WITH THE REQUIREMENTS AND PRINCIPLES CONTAINED IN THIS SECTION, INCLUDING THE REQUIREMENTS AND PRINCIPLES RELATED TO THE TREATMENT OF MENTAL AND BEHAVIORAL HEALTH CONDITIONS OR INTELLECTUAL AND DEVELOPMENTAL DISABILITIES. TO SUPPLEMENT THE APPROPRIATION, the general assembly directs the department of corrections to seek out and accept available federal, state, and local public funds, including project demonstration funds, and private moneys MONEY and private systems for the purpose of conducting the youthful offender system.

(15) (a) THE DEPARTMENT SHALL CONSULT A DIVERSE GROUP OF RELEVANT EXPERTS TO FORMULATE RECOMMENDATIONS FOR INTEGRATING A TRAUMA-INFORMED STANDARD OF CARE WITH CURRENT PRACTICES TO PROMOTE THE HEALTH AND SAFETY OF PARTICIPANTS IN THE YOUTHFUL OFFENDER SYSTEM. THE RELEVANT EXPERTS' VIEWS MUST GUIDE THE RECOMMENDATIONS ON APPROPRIATE PROGRAMMING AND THERAPEUTIC INTERVENTIONS TO ADDRESS SYMPTOMS OF TRAUMA THAT SYSTEM PARTICIPANTS EXHIBIT. THE RECOMMENDATIONS MUST INCLUDE, BUT ARE NOT LIMITED TO, NECESSARY MODIFICATIONS TO YOUTHFUL OFFENDER SYSTEM PROGRAMMING AND PROCEDURES, PARTICIPANT TREATMENT, PARTICIPANT HOUSING ARRANGEMENTS, AND STAFF TRAINING TO REFLECT A TRAUMA-INFORMED APPROACH TO CARE. IMPLEMENTATION OF THE RECOMMENDATIONS IS SUBJECT TO AVAILABLE APPROPRIATIONS, DEPARTMENT CAPACITY, FACILITY INFRASTRUCTURE, AND AVAILABLE STAFFING.

(b) IN JANUARY 2028, THE DEPARTMENT SHALL INCLUDE, AS PART OF ITS PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY SECTION 2-7-203, INFORMATION CONCERNING THE RECOMMENDATIONS DEVELOPED PURSUANT TO SUBSECTION (15)(a) OF THIS SECTION. THE DEPARTMENT SHALL PUBLISH THE RECOMMENDATIONS ON THE DEPARTMENT'S WEBSITE.

**SECTION 6.** In Colorado Revised Statutes, **amend** 18-1.3-407.5 as follows:

**18-1.3-407.5. Sentences - young adults - youthful offender system - definitions.**

(1)(a) A young adult ~~offender~~ may be sentenced to the youthful offender system in the department of corrections in accordance with section 18-1.3-407, in the following circumstances:

(I) The young adult ~~offender~~ is convicted of a felony enumerated as a crime of violence pursuant to section 18-1.3-406;

(II) The young adult ~~offender~~ is convicted of a felony offense described in part 1 of article 12 of this ~~title~~ TITLE 18;

(III) The young adult ~~offender~~ used, or possessed and threatened the use of, a deadly weapon during the commission of a felony offense against a person, as set forth in article 3 of this ~~title~~ TITLE 18;

(IV) The young adult ~~offender~~ is convicted of vehicular homicide, as described in section 18-3-106; vehicular assault, as described in section 18-3-205; or felonious arson, as described in part 1 of article 4 of this ~~title~~ TITLE 18;

(V) The young adult ~~offender~~ is convicted of a felony offense described in section 18-1.3-401 as a class 3 felony, other than the felonies described in section 18-3-402 (1)(d) and section 18-3-403 (1)(e), as it existed prior to July 1, 2000, and has, within the two previous years, been adjudicated a juvenile delinquent for a delinquent act that would constitute a felony if committed by an adult; or

(VI) The young adult ~~offender~~ is convicted of a felony offense and is determined to have been a "repeat juvenile offender", as described in section 19-2.5-1125.

(b) The offenses described in ~~paragraph (a) of this subsection (1) shall~~ SUBSECTION (1)(a) OF THIS SECTION include the attempt, conspiracy, or solicitation to commit ~~such~~ THE offenses.

(2) (a) Notwithstanding the circumstances described in subsection (1) of this section, a young adult ~~offender shall be~~ is ineligible for sentencing to the youthful offender system if the young adult ~~offender~~ is convicted of any of the following:

(I) A class 1 or class 2 felony;

(II) A sexual offense described in section 18-6-301, section 18-6-302, or part 4 of article 3 of this ~~title~~ TITLE 18; or

(III) Any offense, if the young adult offender has received a sentence to the youthful offender system for any A prior conviction.

(b) Notwithstanding subsection (2)(a) of this section, a young adult offender who is charged with first degree murder as described in section 18-3-102 (1)(b), as it existed prior to September 15, 2021, or murder in the second degree, as described in section 18-3-103 (1)(b), and pleads guilty to a class 2 felony as a result of a plea agreement is eligible for sentencing to the youthful offender system if the young adult offender would be eligible for sentencing to the youthful offender system for a conviction of the felony underlying the charge of first degree murder as described in section 18-3-102 (1)(b), as it existed prior to September 15, 2021, or murder in the second degree, as described in section 18-3-103 (1)(b).

(3) As used in this section, unless the context otherwise requires, a "young adult offender" means a person who is at least eighteen years of age but under twenty years of age at the time the crime is committed and under twenty-one years of age at the time of sentencing pursuant to this section.

**SECTION 7.** In Colorado Revised Statutes, 18-1.3-704, **amend** (1) as follows:

**18-1.3-704. Outstanding balances owed by juveniles - report.**

(1) On and after July 6, 2021, the balance of any court-assessed or court-ordered costs imposed pursuant to section 16-11-101.6 (1), 18-1.3-407 (4.5) or (11.5), 18-1.3-507 (6)(a), 18-1.3-701 (1) or (2)(m), 18-21-103 (1.5), 18-25-101 (1), 21-1-103 (3), 24-4.1-119 (1)(a) or (1)(d), 24-4.2-104 (1)(a)(I), or 42-4-1307 (10) against a juvenile, as defined in ~~section 18-1.3-407 (2)(a)(III)(A)~~ SECTION 18-1.3-407 (1.3); the parent, guardian, or legal custodian of a juvenile; or other person who is liable for the support of a juvenile are unenforceable and not collectable.

**SECTION 8.** In Colorado Revised Statutes, 18-22-103, **amend** (3) as follows:

**18-22-103. Source of revenues - allocation of money - surcharge fund - transfer - repeal.**

(3) There is hereby created in the state treasury a youthful offender system surcharge fund which shall consist THAT CONSISTS OF moneys MONEY received by the state treasurer pursuant to ~~paragraph (b) of subsection (2)~~ SUBSECTION (2)(b) of this section. In accordance with section 24-36-114, C.R.S., all interest derived from the deposit and investment of this fund shall be IS credited to the general fund. Any moneys MONEY not appropriated by the general assembly shall remain REMAINS in the youthful offender system surcharge fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year. All moneys MONEY in the fund shall be IS subject to annual appropriation by the general assembly to the department of corrections to cover the direct and indirect costs associated with the rehabilitation, education, and treatment of youthful offenders JUVENILES AND YOUNG ADULTS sentenced to a THE youthful offender system.

**SECTION 9. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final

adjournment of the general assembly (August 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 26, 2026