

CHAPTER 102

CRIMINAL LAW AND PROCEDURE

SENATE BILL 21-192

BY SENATOR(S) Gonzales, Buckner, Danielson, Donovan, Moreno, Pettersen, Story, Winter, Garcia;
also REPRESENTATIVE(S) Amabile, Bacon, Benavidez, Bennett, Bird, Caraveo, Exum, Gonzales-Gutierrez, Herod, Hooton,
Jackson, Kennedy, Lontine, McCluskie, McCormick, Michaelson Jenet, Ortiz, Ricks, Snyder, Titone, Weissman, Woodrow,
Young, Garnett.

AN ACT

**CONCERNING PERMITTING YOUTHFUL OFFENDERS TO BE HOUSED IN THE SAME FACILITY AS
INMATES WHO MENTOR YOUTHFUL OFFENDERS.**

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

SECTION 1. In Colorado Revised Statutes, 18-1.3-407, **amend** (1)(c)(I); and **add** (5)(d) as follows:

18-1.3-407. Sentences - youthful offenders - powers and duties of district court - authorization for youthful offender system - powers and duties of department of corrections - legislative declaration - definitions. (1) (c) (I) It is the intent of the general assembly that offenders 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 so sentenced be housed separate from and not brought into daily physical contact with inmates ~~older than twenty-four years~~ TWENTY-FIVE YEARS OF AGE OR OLDER sentenced to the department of corrections who have not been sentenced to the youthful offender system, except as specifically provided under subsection (5) of this section.

(5) (d) (I) EXCEPT AS PROVIDED IN SUBSECTION (5)(d)(II) OF THIS SECTION, THE DEPARTMENT OF CORRECTIONS MAY HOUSE AN OFFENDER 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 INMATES ARE HOUSED IN THE YOUTHFUL OFFENDER FACILITY FOR THE PURPOSE OF PARTICIPATING IN A PROGRAM TO MENTOR YOUTHFUL OFFENDERS THAT IS AUTHORIZED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS.

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.

(II) THE DEPARTMENT OF CORRECTIONS SHALL NOT HOUSE AN OFFENDER 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).

SECTION 2. 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; 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 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 6, 2021