

CHAPTER 2

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 93S-9

BY SENATORS Wham, Johnson, Owens, Ruddick, Bishop, Blickensderfer, Cassidy, Feeley, Gallagher, Groff, Lacy, Mares, Meiklejohn, Mutzebaugh, Norton, Pastore, R. Powers, Rizzuto, Tebedo, Thiebaut, Traylor, Wattenberg, and Wells; also REPRESENTATIVES Berry, Allen, Armstrong, Friednash, Grampas, Greenwood, Hagedorn, R. Hernandez, June, Kaufman, Keller, Kerns, Lawrence, Mattingly, Moellenberg, Owen, Pierson, and Reeser.

AN ACT

CONCERNING JUVENILES AGAINST WHOM CRIMINAL CHARGES ARE FILED DIRECTLY IN DISTRICT COURT, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 19-2-805 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-2-805. Direct filing. (1) (a) A juvenile may be charged by the direct filing of an information in the district court or by indictment only when:

~~(a)~~ (I) The juvenile is fourteen years of age or older and is alleged to have committed a class 1 OR CLASS 2 felony; or

~~(a.5)~~ (II) The juvenile is ~~sixteen~~ FOURTEEN years of age or older and:

(A) Is alleged to have committed a ~~class 2 or 3~~ felony enumerated as a crime of violence pursuant to section 16-11-309, C.R.S.; OR

(B) IS ALLEGED TO HAVE COMMITTED A FELONY OFFENSE DESCRIBED IN ARTICLE 12 OF TITLE 18, C.R.S., EXCEPT FOR THE POSSESSION OF A HANDGUN BY A JUVENILE, AS SET FORTH IN SECTION 18-12-108.5, C.R.S., AS CREATED BY HOUSE BILL 93S-1001; OR

(C) IS ALLEGED TO HAVE USED, OR POSSESSED AND THREATENED THE USE OF, A DEADLY WEAPON DURING THE COMMISSION OF FELONY OFFENSES AGAINST

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

THE PERSON, WHICH ARE SET FORTH IN ARTICLE 3 OF TITLE 18, C.R.S.; or

(b) (III) The juvenile has, within the two previous years, been adjudicated a juvenile delinquent for a delinquent act that constitutes a felony, is sixteen years of age or older, and allegedly has committed a crime defined by section 18-1-105, C.R.S., as a class 2 or class 3 felony, except felonies defined by section 18-3-403 (1) (e), C.R.S.; or

(c) (IV) The juvenile is fourteen years of age or older, has allegedly committed a delinquent act that constitutes a felony, and has previously been subject to proceedings in district court as a result of a direct filing pursuant to this section or a transfer pursuant to section 19-2-806; except that, if a juvenile is found not guilty in the district court of the prior felony or any lesser included offense, the subsequent charge shall be remanded back to the juvenile court.

(b) THE OFFENSES DESCRIBED IN SUBPARAGRAPHS (I) TO (IV) OF PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL INCLUDE THE ATTEMPT, CONSPIRACY, SOLICITATION, OR COMPLICITY TO COMMIT SUCH OFFENSES.

SECTION 2. 19-2-805 (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

19-2-805. Direct filing. (2) (a) WHENEVER CRIMINAL CHARGES ARE FILED BY INFORMATION OR INDICTMENT IN THE DISTRICT COURT PURSUANT TO THIS SECTION, THE DISTRICT JUDGE SHALL SENTENCE THE JUVENILE AS FOLLOWS:

(I) AS AN ADULT; OR

(II) (A) TO THE YOUTHFUL OFFENDER SYSTEM IN THE DEPARTMENT OF CORRECTIONS IN ACCORDANCE WITH SECTION 16-11-311, C.R.S., IF THE JUVENILE IS CONVICTED OF AN OFFENSE DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION; EXCEPT THAT IF A PERSON IS CONVICTED OF A CLASS 1 OR CLASS 2 FELONY, ANY SEXUAL OFFENSE DESCRIBED IN PART 4 OF ARTICLE 3 OF TITLE 18, C.R.S., OR A SECOND OR SUBSEQUENT OFFENSE DESCRIBED IN SAID SUBPARAGRAPH (II) FOR WHICH SUCH PERSON RECEIVED A SENTENCE TO THE DEPARTMENT OF CORRECTIONS OR TO THE YOUTHFUL OFFENDER SYSTEM, SUCH PERSON SHALL BE INELIGIBLE FOR SENTENCING TO THE YOUTHFUL OFFENDER SYSTEM.

(B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JUNE 30, 1999.

(III) PURSUANT TO THE PROVISIONS OF THIS ARTICLE, IF THE JUVENILE IS LESS THAN SIXTEEN YEARS OF AGE AND IS CONVICTED OF AN OFFENSE OTHER THAN A CLASS 1 OR CLASS 2 FELONY OR A CRIME OF VIOLENCE AS DEFINED UNDER SECTION 16-11-309, C.R.S.

SECTION 3. 19-2-806 (1) (d), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-2-806. Transfer proceedings. (1) (d) Whenever criminal charges are

transferred to ~~or filed directly in~~ the district court pursuant to the provisions of this article, the judge of the district court shall have the power to make any disposition of the case that any juvenile court would have or to remand the case to the juvenile court for disposition at its discretion; except that a juvenile who is convicted of a class 1 felony, or whose case was transferred to ~~or filed directly in~~ the district court and who is convicted of a crime of violence, as defined in section 16-11-309, C.R.S., or who has been previously adjudicated a mandatory sentence offender, a violent juvenile offender, or an aggravated juvenile offender shall be sentenced pursuant to section 18-1-105, C.R.S.

SECTION 4. 16-11-101 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

16-11-101. Alternatives in sentencing. (1) Within the limitations of the penalties provided by the classification of the offense of which a person is found guilty, and subject to the provisions of this title, the trial court has the following alternatives in entering judgment imposing a sentence:

(i) (I) IF THE DEFENDANT IS ELIGIBLE PURSUANT TO SECTION 19-2-805 (2) (a), C.R.S., THE DEFENDANT MAY BE SENTENCED TO THE YOUTHFUL OFFENDER SYSTEM IN ACCORDANCE WITH SECTION 16-11-311.

(II) THIS PARAGRAPH (i) IS REPEALED, EFFECTIVE JUNE 30, 1999.

SECTION 5. Part 3 of article 11 of title 16, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION 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. (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.

(b) IT IS THE FURTHER INTENT OF THE GENERAL ASSEMBLY IN ENACTING THIS SECTION THAT FEMALE AND MALE OFFENDERS FOR WHOM CHARGES HAVE BEEN DIRECTLY FILED IN THE DISTRICT COURT AND WHO HAVE BEEN CONVICTED IN THE DISTRICT COURT RECEIVE EQUITABLE TREATMENT IN SENTENCING, PARTICULARLY IN REGARD TO THE OPTION OF BEING SENTENCED TO THE YOUTHFUL OFFENDER SYSTEM PURSUANT TO SECTION 19-2-805 (2), C.R.S. ACCORDINGLY, IT IS THE GENERAL ASSEMBLY'S INTENT THAT NECESSARY MEASURES BE TAKEN BY THE DEPARTMENT OF CORRECTIONS TO ESTABLISH SEPARATE HOUSING FOR FEMALE AND MALE OFFENDERS WHO ARE SENTENCED TO THE YOUTHFUL OFFENDER SYSTEM WITHOUT COMPROMISING THE EQUITABLE TREATMENT OF EITHER.

(2) (a) A JUVENILE MAY BE SENTENCED TO THE YOUTHFUL OFFENDER SYSTEM

CREATED PURSUANT TO THIS SECTION UNDER THE CIRCUMSTANCES SET FORTH IN SECTION 19-2-805 (2) (a) (II), C.R.S. IN ORDER TO SENTENCE A PERSON TO THE YOUTHFUL OFFENDER SYSTEM, THE COURT SHALL FIRST IMPOSE UPON SUCH PERSON A SENTENCE TO THE DEPARTMENT OF CORRECTIONS IN ACCORDANCE WITH SECTION 18-1-105, C.R.S. THE COURT SHALL THEREAFTER SUSPEND SUCH SENTENCE CONDITIONED ON COMPLETION OF A SENTENCE TO THE YOUTHFUL OFFENDER SYSTEM, INCLUDING A PERIOD OF PAROLE SUPERVISION. THE COURT SHALL IMPOSE ANY SUCH SENTENCE TO THE YOUTHFUL OFFENDER SYSTEM FOR A DETERMINATE PERIOD OF NOT LESS THAN ONE YEAR NOR MORE THAN FIVE YEARS AND A MANDATORY PERIOD OF PAROLE SUPERVISION FOR A PERIOD OF ONE YEAR. UPON THE SUCCESSFUL COMPLETION OF THE PROGRAMS IN THE YOUTHFUL OFFENDER SYSTEM, INCLUDING THE MANDATORY PERIOD OF SUPERVISION, THE SENTENCE TO THE DEPARTMENT OF CORRECTIONS SHALL HAVE BEEN COMPLETED. WHENEVER A PERSON 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. SUCH REVOCATION SHALL BE IN ACCORDANCE WITH SECTION 16-11-206.

(a.5) DURING ANY PERIOD OF INCARCERATION UNDER THE YOUTHFUL OFFENDER SYSTEM, PRIVILEGES INCLUDING, BUT NOT LIMITED TO, TELEVISIONS, RADIOS, ENTERTAINMENT SYSTEMS, CIGARETTES, AND ACCESS TO SNACKS SHALL NOT BE AVAILABLE FOR A YOUTHFUL OFFENDER UNLESS SUCH PRIVILEGES HAVE BEEN EARNED UNDER A MERIT SYSTEM.

(b) ARTICLE 22.5 OF TITLE 17, C.R.S., CONCERNING TIME CREDITS, SHALL NOT APPLY TO ANY PERSON SENTENCED TO THE YOUTHFUL OFFENDER SYSTEM.

(3) THE DEPARTMENT OF CORRECTIONS SHALL DEVELOP AND IMPLEMENT A YOUTHFUL OFFENDER SYSTEM FOR OFFENDERS SENTENCED IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION. THE YOUTHFUL OFFENDER SYSTEM SHALL BE UNDER THE DIRECTION AND CONTROL OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS. THE YOUTHFUL OFFENDER SYSTEM SHALL BE BASED ON THE FOLLOWING PRINCIPLES:

(a) THE SYSTEM SHOULD PROVIDE FOR TEACHING OFFENDERS SELF-DISCIPLINE BY PROVIDING CLEAR CONSEQUENCES FOR INAPPROPRIATE BEHAVIOR;

(b) THE SYSTEM SHOULD INCLUDE A DAILY REGIMEN THAT INVOLVES OFFENDERS IN PHYSICAL TRAINING, SELF-DISCIPLINE EXERCISES, EDUCATIONAL AND WORK PROGRAMS, AND MEANINGFUL INTERACTION, WITH A COMPONENT FOR A TIERED SYSTEM FOR SWIFT AND STRICT DISCIPLINE FOR NONCOMPLIANCE;

(c) THE SYSTEM SHOULD USE STAFF MODELS AND MENTORS TO PROMOTE WITHIN AN OFFENDER THE DEVELOPMENT OF SOCIALLY ACCEPTED ATTITUDES AND BEHAVIORS;

(d) THE SYSTEM SHOULD PROVIDE OFFENDERS WITH INSTRUCTION ON PROBLEM-SOLVING SKILLS AND SHOULD INCORPORATE METHODS TO REINFORCE THE USE OF COGNITIVE BEHAVIOR STRATEGIES THAT CHANGE OFFENDERS' ORIENTATION TOWARD CRIMINAL THINKING AND BEHAVIOR;

(e) THE SYSTEM SHOULD PROMOTE AMONG OFFENDERS THE CREATION AND DEVELOPMENT OF NEW GROUP CULTURES WHICH RESULT IN THE APPLICATION OF POSITIVE PEER INFLUENCE WHICH PROMOTES BEHAVIORAL CHANGE; AND

(f) THE SYSTEM SHOULD PROVIDE OFFENDERS THE OPPORTUNITY TO GRADUALLY REENTER THE COMMUNITY WHILE DEMONSTRATING THE CAPACITY FOR SELF-DISCIPLINE AND THE ATTAINMENT OF RESPECT FOR THE COMMUNITY.

(3.5) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS SHALL HAVE FINAL APPROVAL ON THE HIRING AND TRANSFERRING OF STAFF FOR THE YOUTHFUL OFFENDER SYSTEM. IN STAFFING THE YOUTHFUL OFFENDER SYSTEM, THE EXECUTIVE DIRECTOR SHALL SELECT PERSONS WHO ARE TRAINED IN THE TREATMENT OF JUVENILES OR WILL BE TRAINED IN THE TREATMENT OF JUVENILES PRIOR TO WORKING WITH SUCH JUVENILES, ARE TRAINED TO ACT AS ROLE MODELS AND MENTORS PURSUANT TO PARAGRAPH (c) OF SUBSECTION (3) OF THIS SECTION, AND ARE BEST EQUIPPED TO ENABLE THE YOUTHFUL OFFENDER SYSTEM TO MEET THE PRINCIPLES SPECIFIED IN SUBSECTION (3) OF THIS SECTION. THE EXECUTIVE DIRECTOR 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 POSITIONS.

(4) THE YOUTHFUL OFFENDER SYSTEM SHALL PROVIDE FOR PAROLE SUPERVISION WHICH SHALL CONSIST OF HIGHLY STRUCTURED SURVEILLANCE AND MONITORING AND EDUCATIONAL AND TREATMENT PROGRAMS. PAROLE SUPERVISION SHALL BE ADMINISTERED BY THE DEPARTMENT'S ADULT PAROLE SUPERVISION STAFF IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 2 OF TITLE 17, C.R.S. HOWEVER, REVOCATION OF PAROLE SHALL BE SUBJECT TO THE PROVISIONS OF SUBSECTIONS (2) AND (5) OF THIS SECTION.

(5) (a) THE DEPARTMENT OF CORRECTIONS SHALL IMPLEMENT A PROCEDURE FOR THE TRANSFER OF AN OFFENDER TO ANOTHER FACILITY FOR VOCATIONAL OR TRAINING SERVICES OR WHEN AN OFFENDER IN THE SYSTEM POSES A DANGER TO HIMSELF OR HERSELF OR OTHERS AND HAS BEEN CONVICTED OF A CLASS 3 FELONY AND HAS ATTAINED THE AGE OF EIGHTEEN YEARS. EXCEPT AS OTHERWISE PROVIDED BY PARAGRAPH (c) OF THIS SUBSECTION (5), THE BOARD OF PAROLE SHALL REVIEW ANY TRANSFER DETERMINATION BY THE DEPARTMENT PRIOR TO THE ACTUAL TRANSFER OF AN INMATE.

(b) AN OFFENDER WHO IS MENTALLY ILL OR DEVELOPMENTALLY DISABLED MAY BE TRANSFERRED TO ANOTHER FACILITY. HOWEVER, SUCH TRANSFER SHALL BE IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN SECTION 17-23-101, C.R.S.

(c) THE DEPARTMENT OF CORRECTIONS SHALL IMPLEMENT A PROCEDURE FOR RETURNING OFFENDERS WHO CANNOT SUCCESSFULLY COMPLETE THE SENTENCE TO THE YOUTHFUL OFFENDER SYSTEM TO THE DISTRICT COURT FOR THE IMPOSITION OF THE ORIGINAL SENTENCE.

(6) THE DEPARTMENT OF CORRECTIONS SHALL ESTABLISH AND ENFORCE STANDARDS FOR THE YOUTHFUL OFFENDER SYSTEM. OFFENDERS IN THE

YOUTHFUL OFFENDER SYSTEM, INCLUDING THOSE UNDER SUPERVISION, SHALL BE CONSIDERED INMATES FOR THE PURPOSES OF SECTION 17-1-111, C.R.S.

(7) THE NUMBER OF OFFENDERS IN ANY PROGRAM ELEMENT UNDER THE YOUTHFUL OFFENDER SYSTEM SHALL BE DETERMINED BY THE DEPARTMENT WITHIN AVAILABLE APPROPRIATIONS.

(8) THE DEPARTMENT OF CORRECTIONS MAY AND IS ENCOURAGED TO CONTRACT WITH ANY PRIVATE OR PUBLIC ENTITY FOR THE PROVISION OF SERVICES AND FACILITIES UNDER THE YOUTHFUL OFFENDER SYSTEM. THE CONTRACTING FOR SUCH FACILITIES SHALL NOT DELAY THE AVAILABILITY OF NECESSARY REQUIRED SPACE.

(9) ON OR BEFORE NOVEMBER 1, 1993, THE DEPARTMENT, IN CONJUNCTION WITH THE DIVISION OF CRIMINAL JUSTICE, SHALL DEVELOP AND THE DEPARTMENT SHALL IMPLEMENT A PROCESS FOR MONITORING AND EVALUATING THE YOUTHFUL OFFENDER SYSTEM. IN IMPLEMENTING SUCH SYSTEM, THE DEPARTMENT MAY CONTRACT WITH A PRIVATE AGENCY FOR ASSISTANCE.

(10)(a) ON OR BEFORE JANUARY 30, 1994, THE DEPARTMENT OF CORRECTIONS SHALL SUBMIT A REPORT TO THE CAPITAL DEVELOPMENT COMMITTEE AND THE JOINT BUDGET COMMITTEE CONCERNING THE YOUTHFUL OFFENDER SYSTEM THAT INCLUDES BUT IS NOT NECESSARILY LIMITED TO THE FOLLOWING:

(I) 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;

(II) THE PROCESS USED FOR TRANSITION TO PAROLE SUPERVISION, WHETHER OFFENDERS MAY BE RETURNED TO THEIR ORIGINAL ENVIRONMENT FOR THE PAROLE PERIOD, THE SPECIFIC MEANS OF PAROLE SUPERVISION, AND THE SPECIFIC EDUCATIONAL AND TREATMENT PROGRAMS PROVIDED TO OFFENDERS DURING THEIR PAROLE PERIOD;

(III) 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 PAROLE.

(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.

(c) THE DIVISION OF CRIMINAL JUSTICE SHALL INDEPENDENTLY MONITOR AND EVALUATE THE YOUTHFUL OFFENDER SYSTEM ADDRESSING THE CRITERIA DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (10).

(11) ANY DISTRICT ATTORNEY IN THE STATE SHALL MAINTAIN RECORDS REGARDING JUVENILES WHO ARE SENTENCED TO THE YOUTHFUL OFFENDER SYSTEM AND SUCH RECORDS SHALL INDICATE WHICH JUVENILES HAVE BEEN FILED ON AS ADULTS OR ARE SENTENCED TO THE SYSTEM AND THE OFFENSES COMMITTED BY SUCH JUVENILES.

(12) THE GENERAL ASSEMBLY RECOGNIZES THAT THE INCREASED NUMBER OF VIOLENT JUVENILE CRIMES 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 SOLVING THE PROBLEM OF VIOLENT JUVENILE OFFENDERS. THE GENERAL ASSEMBLY ALSO DECLARES THAT THE COST OF IMPLEMENTING AND OPERATING THE YOUTHFUL OFFENDER SYSTEM WILL CREATE A BURDEN ON THE STATE'S LIMITED RESOURCES. ACCORDINGLY, 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 AND PRIVATE SYSTEMS FOR THE PURPOSE OF CONDUCTING THE YOUTHFUL OFFENDER SYSTEM.

(13) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 1999.

SECTION 6. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of corrections, for the fiscal year beginning July 1, 1993, the sum of one million five hundred thirty-four thousand four hundred forty-eight dollars (\$1,534,448) and 47.0 FTE, or so much thereof as may be necessary, for the operation of the youthful offender system. Such appropriation shall be budgeted separately from the appropriation for any other facility.

SECTION 7. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of corrections, for the fiscal year beginning July 1, 1993, the sum of one million two hundred fifty-seven thousand nine hundred forty-five dollars (\$1,257,945) and 23.0 FTE, or so much thereof as may be necessary, for the addition of one hundred twenty-eight minimum restricted beds at the Colorado mental health institute at Pueblo.

SECTION 8. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of corrections, for the fiscal year beginning July 1, 1993, the sum of four hundred two thousand dollars (\$402,000), or so much thereof as may be necessary, for additional county jail backup expenses.

SECTION 9. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of institutions for allocation to the division of mental health, for the fiscal year beginning July 1, 1993, the sum of one hundred sixty-three thousand one hundred six dollars (\$163,106) and 3.2 FTE, or so much thereof as may be necessary, for services provided to the department of corrections under the provisions of this act. Such sum shall be from general fund moneys transferred from the department of corrections.

SECTION 10. Renovation of facilities at the Colorado mental health institute at Pueblo. (1) The department of institutions shall make necessary renovations to facilities at the Colorado mental health institute at Pueblo and relocate the residents of buildings 7, 8, and 10 of the institute at Pueblo to such renovated facilities in order to facilitate the renovation of buildings 7, 8, and 10.

(2) The department of corrections shall undertake and complete renovations of buildings 7, 8, and 10 at the Colorado mental health institute at Pueblo sufficient to utilize said buildings as a minimum restricted security facility, as defined in section 17-25-101 (2), Colorado Revised Statutes.

(3) The department of corrections shall relocate the adult inmates housed in the correctional institution at the Denver reception and diagnostic center to buildings 7, 8, and 10 of the Colorado mental health institute at Pueblo as soon as practicable after completion of the renovations of said buildings.

SECTION 11. Appropriation. (1) In addition to any other appropriation heretofore made for the current fiscal year, there is hereby appropriated, out of any moneys in the capital construction fund not otherwise appropriated, to the department of institutions, the sum of seven hundred six thousand dollars (\$706,000), or so much thereof as may be necessary, for the purpose of renovating facilities at the Colorado mental health institute at Pueblo and for the purpose of relocating the residents of buildings 7, 8, and 10 to such facilities.

(2) In addition to any other appropriation heretofore made for the current fiscal year, there is hereby appropriated, out of any moneys in the capital construction fund not otherwise appropriated, to the department of corrections, the sum of two million one hundred thousand dollars (\$2,100,000), or so much thereof as may be necessary, for the purpose of establishing a minimum restricted security facility as defined in section 17-25-101 (2), Colorado Revised Statutes, by renovating buildings 7, 8, and 10 at the Colorado mental health institute at Pueblo and installing a security fence.

SECTION 12. Appropriation. In addition to any other appropriation heretofore made for the current fiscal year, there is hereby appropriated, out of any moneys in the capital construction fund not otherwise appropriated, to the department of corrections, the sum of one million two hundred thirty thousand dollars (\$1,230,000), or so much thereof as may be necessary, for the purpose of renovating the Denver reception and diagnostic center to provide a correctional institution for juveniles. Of such amount, seven hundred forty-two thousand dollars (\$742,000) shall be expended for the purpose of securing a certain building known as "cell house three" and for the further purposes of ensuring the separation of juveniles from the adult population, expanding

program space attached directly to "cell house three", and for purchasing equipment and furnishings. The remaining four hundred eighty-eight thousand dollars (\$488,000) shall be expended for the purchase of modular units to house program space for the youthful offender system and for the construction of a fence to separate the modular units from the adult population.

SECTION 13. 24-75-302(2)(f), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-75-302. Capital construction fund - capital assessment fees - calculation. (2) As of July 1, 1988, and July 1 of each year thereafter through July 1, 1995, a sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount which shall accrue pursuant to this subsection (2) shall be as follows:

(f) On July 1, 1993, twenty-five million dollars PLUS EIGHT MILLION FIVE HUNDRED FORTY-EIGHT THOUSAND DOLLARS PURSUANT TO S.B. 93S-009, ENACTED AT THE FIRST EXTRAORDINARY SESSION OF THE FIFTY-NINTH GENERAL ASSEMBLY;

SECTION 14. Effective date - applicability. This act shall take effect upon passage and shall apply to offenses committed on or after said date.

SECTION 15. 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: September 13, 1993