

CHAPTER 193

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 96-137

BY SENATORS Coffman, Dennis, Norton, R. Powers, Schaffer, Schroeder, and Tebedo;
also REPRESENTATIVES Epps, Martin, and Sullivant.**AN ACT****CONCERNING THE REGIMENTED JUVENILE TRAINING PROGRAM.***Be it enacted by the General Assembly of the State of Colorado:*

SECTION 1. 19-2-703 (1) (a), (1) (e) (II), and (1) (h) (II), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended, and the said 19-2-703 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

19-2-703. Juvenile delinquent - sentencing - disposition - restitution - parental liability. (1) (a) The court may impose any sentence, or combination of sentences when appropriate, provided under this subsection (1) or subsection (3) of this section; except that any juvenile delinquent committed to the department of human services may be placed in the Lookout Mountain school, the Mount View school, or any other training school or facility, or any other disposition may be made ~~which~~ THAT the department may determine as provided by law. No juvenile under the age of twelve years shall be committed to the department of human services. ~~Notwithstanding any other provision of this section, when a juvenile is sentenced to the department of human services with a recommendation to the department that the juvenile be required to participate in the regimented juvenile training program set forth in section 19-2-708, the court shall not impose any other sentence.~~

(e) (II) The court may alternatively sentence the juvenile to ~~the department of human services, with a recommendation to the department that the juvenile be required to participate in the regimented juvenile training program set forth in section 19-2-708.~~ However, in the event the department OF HUMAN SERVICES assesses a juvenile in accordance with section 19-2-708 and determines that the juvenile's participation in the program is inappropriate, the court's order shall specify that the juvenile shall be sentenced in accordance with subparagraph (I) of this paragraph (e).

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

(h) (II) ~~The court may alternatively sentence the juvenile to the department of human services, with a recommendation to the department that the juvenile be required to participate in the regimented juvenile training program set forth in section 19-2-708. A sentence to the department OF HUMAN SERVICES pursuant to this subparagraph (II) shall be conditioned upon available space in the program and a determination by the department OF HUMAN SERVICES that the juvenile is appropriate for the program. The court's order shall specify that, in the event the department of human services does not place the juvenile in the program,~~ DETERMINES THAT THE JUVENILE'S PARTICIPATION IN THE PROGRAM IS INAPPROPRIATE, the juvenile shall be sentenced in accordance with subparagraph (I) of this paragraph (h).

(m) THE COURT MAY SENTENCE A JUVENILE TO PARTICIPATE IN THE REGIMENTED JUVENILE TRAINING PROGRAM AS SET FORTH IN SECTION 19-2-708. SUCH A SENTENCE SHALL BE A CONDITION OF PROBATION AND SHALL BE FOR JUVENILES WHO THE COURT DETERMINES SHOULD OTHERWISE BE PLACED IN DETENTION OR COMMITTED WERE IT NOT FOR THE AVAILABILITY OF THE REGIMENTED JUVENILE TRAINING PROGRAM. A SENTENCE PURSUANT TO THIS PARAGRAPH (m) SHALL BE CONDITIONED UPON A DETERMINATION BY THE DEPARTMENT OF HUMAN SERVICES THAT THE JUVENILE'S PARTICIPATION IN THE PROGRAM IS APPROPRIATE. IN THE EVENT THAT THE DEPARTMENT DETERMINES THAT A JUVENILE'S PARTICIPATION IS NOT APPROPRIATE, THE JUVENILE SHALL BE ORDERED TO RETURN TO THE SENTENCING COURT FOR ANOTHER SENTENCING HEARING. A SENTENCE PURSUANT TO THIS PARAGRAPH (m) SHALL BE AN ALTERNATIVE TO, AND SHALL NOT BE IMPOSED IN ADDITION TO, A SENTENCE TO DETENTION PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (h) OF THIS SUBSECTION (1), A SENTENCE TO DETENTION AS A CONDITION OF PROBATION PURSUANT TO SECTION 19-2-705 (1), OR A COMMITMENT TO THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (1).

SECTION 2. 19-2-708 (2) and (3) (a), the introductory portion to 19-2-708 (3) (b), and 19-2-708 (5), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

19-2-708. Regimented juvenile training program - legislative declaration - pilot program for privatization - audit - repeal. (2) (a) The department of human services, under contract with any private entity, shall establish, maintain, and operate a regimented juvenile training program. THE DEPARTMENT OF HUMAN SERVICES AND THE JUDICIAL DEPARTMENT SHALL ESTABLISH SELECTION GUIDELINES FOR JUVENILES SENTENCED TO THE REGIMENTED JUVENILE TRAINING PROGRAM. THE GUIDELINES SHALL TAKE INTO ACCOUNT THE SEVERITY AND NUMBER OF OFFENSES COMMITTED BY THE JUVENILE, AND JUVENILES WITH EXTENSIVE CRIMINAL HISTORIES SHALL NOT BE CONSIDERED AS APPROPRIATE FOR THE PROGRAM. Juveniles eligible for participation in the program shall be assessed and deemed appropriate for the program by the department of HUMAN SERVICES. THE JUDICIAL DEPARTMENT SHALL PROVIDE INFORMATION TO THE DEPARTMENT OF HUMAN SERVICES CONCERNING THE CRIMINAL HISTORY OF THE JUVENILES SENTENCED TO THE REGIMENTED JUVENILE TRAINING PROGRAM. ~~The juveniles eligible for the program shall include only juveniles sentenced to the department of human services, regardless of whether the sentence to the department is a direct sentence or as a condition of probation.~~

(b) A juvenile may be eliminated from the program upon a determination by the

department of human services that a physical or mental condition will prevent full participation in the program by such offender.

(c) THE REGIMENTED JUVENILE TRAINING PROGRAM SHALL BE ESTABLISHED FOR EIGHTY JUVENILES.

(3) The regimented juvenile training program shall consist of two phases, which shall be administered as follows:

(a) **Phase I:** SHALL CONSIST OF A SIXTY-DAY RESIDENTIAL PROGRAM, ADMINISTERED BY THE DEPARTMENT OF HUMAN SERVICES, AS a military styled intensive physical training and discipline phase in a secure facility consisting of eighty beds for a ~~period of sixty days and administered by the department of human services~~ MALE JUVENILES;

(b) **Phase II:** A community reintegration phase ~~for eighty juveniles, which~~ THAT is administered by the judicial department, as follows:

(5) The department of human services AND THE JUDICIAL DEPARTMENT shall establish ~~and enforce standards~~ GUIDELINES for the regimented juvenile training program and each of the phases thereof described in subsection (3) of this section. Supportive services deemed necessary by the department of human services AND THE JUDICIAL DEPARTMENT shall be made available under the phases of the regimented juvenile training program, as deemed appropriate by the department of human services AND THE JUDICIAL DEPARTMENT.

SECTION 3. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 4. Effective date. This act shall take effect July 1, 1996.

SECTION 5. 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 23, 1996