

CHAPTER 200

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 97-1318

BY REPRESENTATIVES Adkins, Epps, George, Hagedorn, Reeser, Schwarz, and Tool;
also SENATORS Lacy, J. Johnson, Powers, Schroeder, and Tebedo.

AN ACT

CONCERNING TREATMENT OF JUVENILES WHO ARE INVOLVED IN THE JUVENILE JUSTICE SYSTEM, AND,
IN CONNECTION THEREWITH, AUTHORIZING THE DEPARTMENT OF HUMAN SERVICES TO CONTRACT
FOR A JUVENILE FACILITY AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Part 4 of article 2 of title 19, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

19-2-411.5. Juvenile facility - contract for design, construction, and operation. (1) THE DEPARTMENT OF HUMAN SERVICES IS HEREBY AUTHORIZED TO CONTRACT WITH A SINGLE PRIVATE ENTITY FOR THE DESIGN, CONSTRUCTION, AND OPERATION OF A FIVE-HUNDRED-BED RESIDENTIAL JUVENILE FACILITY TO HOUSE JUVENILES WHO ARE IN THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES. THE JUVENILE FACILITY SHALL FOLLOW AN ACADEMIC CORRECTIONAL MODEL, PROVIDING EDUCATIONAL, VOCATIONAL, AND POSITIVE DEVELOPMENTAL PROGRAMMING. THE JUVENILE FACILITY SHALL BE CONSTRUCTED IN A CAMPUS-STYLE DESIGN AND LOCATED ON THE PARCEL OF REAL PROPERTY FORMERLY KNOWN AS THE LOWRY BOMBING RANGE. THE STATE SHALL RETAIN OWNERSHIP OF THE JUVENILE FACILITY CONSTRUCTED AND OPERATED PURSUANT TO THIS SECTION. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS REQUIRING THAT THE PARCEL OF REAL PROPERTY FORMERLY KNOWN AS THE LOWRY BOMBING RANGE BE USED EXCLUSIVELY FOR THE JUVENILE FACILITY CONSTRUCTED PURSUANT TO THIS SECTION.

(2) ON OR BEFORE JANUARY 31, 1998, THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS FOR THE DESIGN, CONSTRUCTION, AND OPERATION OF THE JUVENILE

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

FACILITY. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES SHALL ESTABLISH THE TIME AND MANNER FOR SUBMITTING PROPOSALS AND SHALL SELECT A CONTRACTOR ON OR BEFORE JUNE 1, 1998. IN CHOOSING A CONTRACTOR, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES SHALL ENSURE THAT THE CONTRACTOR AND THE CONTRACT MEET THE FOLLOWING REQUIREMENTS:

(a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES SHALL SELECT THE LOWEST RESPONSIBLE BID BY THE CONTRACTOR MOST QUALIFIED TO OPERATE THE JUVENILE FACILITY ON AN ACADEMIC CORRECTIONAL MODEL, SUBJECT TO AVAILABLE APPROPRIATIONS. PRIOR TO FINAL SELECTION, THE EXECUTIVE DIRECTOR SHALL CONFIRM THAT THE CONTRACTOR HAS THE QUALIFICATIONS, EXPERIENCE, AND MANAGEMENT PERSONNEL NECESSARY TO CARRY OUT THE TERMS OF THE CONTRACT.

(b) THE CONTRACTOR SHALL AGREE TO INDEMNIFY THE STATE AND THE DEPARTMENT OF HUMAN SERVICES, INCLUDING THEIR OFFICIALS AND AGENTS, AGAINST ANY AND ALL LIABILITY INCLUDING BUT NOT LIMITED TO ANY CIVIL RIGHTS CLAIMS. THE DEPARTMENT OF HUMAN SERVICES SHALL REQUIRE PROOF OF SATISFACTORY INSURANCE, THE AMOUNT OF WHICH SHALL BE DETERMINED BY THE DEPARTMENT OF HUMAN SERVICES FOLLOWING CONSULTATION WITH THE DIVISION OF INSURANCE IN THE DEPARTMENT OF REGULATORY AGENCIES.

(c) THE PROPOSED JUVENILE FACILITY AND THE MANAGEMENT PLAN FOR JUVENILES HOUSED AT THE FACILITY SHALL MEET THE REQUIREMENTS OF APPLICABLE COURT ORDERS AND STATE LAW.

(d) THE CONTRACTOR SHALL BE RESPONSIBLE FOR A RANGE OF DENTAL, MEDICAL, AND PSYCHOLOGICAL SERVICES AND DIET, EDUCATION, AND WORK PROGRAMS AT LEAST EQUAL TO THOSE SERVICES AND PROGRAMS PROVIDED BY THE DEPARTMENT OF HUMAN SERVICES AT COMPARABLE STATE JUVENILE FACILITIES. THE WORK AND EDUCATION PROGRAMS SHALL BE DESIGNED TO REDUCE RECIDIVISM.

(e) THE DEPARTMENT OF HUMAN SERVICES SHALL MONITOR THE JUVENILE FACILITY, AND THE CONTRACTOR SHALL BEAR THE COSTS OF MONITORING.

(3) UPON COMPLETION OF THE CONSTRUCTION OF THE JUVENILE FACILITY CONTRACTED FOR PURSUANT TO THIS SECTION, THE CONTRACT FOR OPERATION OF THE FACILITY SHALL BE SUBJECT TO ANNUAL RENEWAL. THE INITIAL CONTRACT FOR DESIGN, CONSTRUCTION, AND OPERATION OF THE JUVENILE FACILITY AND SUBSEQUENT CONTRACTS FOR OPERATION OF THE JUVENILE FACILITY ENTERED INTO PURSUANT TO THIS SECTION SHALL SPECIFY THE RESPONSIBILITIES TO BE RETAINED BY THE DEPARTMENT OF HUMAN SERVICES WITH REGARD TO JUVENILES HOUSED AT THE JUVENILE FACILITY AND THE RESPONSIBILITIES TO BE EXERCISED BY THE CONTRACTOR.

(4) THE CONTRACTOR SHALL REQUIRE APPLICANTS FOR EMPLOYMENT AT THE JUVENILE FACILITY TO SUBMIT A SET OF FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR A CRIMINAL BACKGROUND CHECK, AND THE COLORADO BUREAU OF INVESTIGATION MAY ACCEPT SUCH FINGERPRINTS. FOR THE PURPOSE OF CONDUCTING BACKGROUND CHECKS, TO THE EXTENT AUTHORIZED BY FEDERAL LAW, THE COLORADO BUREAU OF INVESTIGATION MAY EXCHANGE WITH THE DEPARTMENT

ANY STATE, MULTISTATE, AND FEDERAL CRIMINAL HISTORY RECORDS OF INDIVIDUALS WHO APPLY FOR EMPLOYMENT AT THE JUVENILE FACILITY.

(5) BEGINNING TWELVE MONTHS AFTER THE JUVENILE FACILITY CONSTRUCTED PURSUANT TO THIS SECTION BEGINS OPERATIONS, AND ANNUALLY THEREAFTER, THE DIVISION OF YOUTH CORRECTIONS SHALL CALCULATE THE RECIDIVISM RATE FOR JUVENILES WHO COMPLETE THE PROGRAM OFFERED BY THE JUVENILE FACILITY. IN CALCULATING THE RECIDIVISM RATE, THE DIVISION SHALL INCLUDE ANY JUVENILE WHO COMMITS A CRIMINAL OFFENSE, EITHER AS A JUVENILE OR AS AN ADULT, WITHIN THREE YEARS AFTER LEAVING THE FACILITY. THE DIVISION SHALL REPORT THE RECIDIVISM RATE TO THE GENERAL ASSEMBLY.

SECTION 2. 24-75-302 (2) (j), 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, 1998, 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:

(j) On July 1, 1997, fifty million dollars PLUS TWO MILLION SEVEN HUNDRED THIRTY-SIX THOUSAND TWO HUNDRED FIFTY DOLLARS PURSUANT TO H.B. 97-1318, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-FIRST GENERAL ASSEMBLY; and

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the capital construction fund created in section 24-75-302, Colorado Revised Statutes, not otherwise appropriated, to the department of human services for allocation to the division of youth corrections, for the fiscal year beginning July 1, 1997, the sum of two million seven hundred thirty-six thousand two hundred fifty dollars (\$2,736,250), or so much thereof as may be necessary, for the implementation of this act. The appropriation made by this section shall become available to the department upon passage of this act and, if any project is initiated within the fiscal year, the appropriation shall remain available until completion of all the projects or for a period of three years, whichever comes first, at which time the unexpended and unencumbered balance shall revert to the capital construction fund.

SECTION 4. 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 27, 1997