

CHAPTER 28

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 99-1156

BY REPRESENTATIVES Lee, Paschall, Hagedorn, Alexander, Bacon, Clarke, Coleman, Fairbank, Gagliardi, Gordon, Grossman, Larson, Lawrence, Leyba, McKay, Miller, Pfiffner, Plant, Saliman, Scott, Swenson, Tapia, Veiga, Vigil, S. Williams, Witwer, Young, and Zimmerman;
also SENATORS Andrews, Phillips, Reeves, Rupert, Sullivant, Tebedo, and Weddig.

AN ACT

CONCERNING A RESTORATIVE JUSTICE PROGRAM IN THE JUVENILE JUSTICE SYSTEM.

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

SECTION 1. 19-2-102, Colorado Revised Statutes, is amended to read:

19-2-102. Legislative declaration. (1) The general assembly hereby finds that the intent of this article is to protect, RESTORE, and improve the public safety by creating a system of juvenile justice that will appropriately sanction juveniles who violate the law AND, IN CERTAIN CASES, WILL ALSO PROVIDE THE OPPORTUNITY TO BRING TOGETHER AFFECTED VICTIMS, THE COMMUNITY, AND JUVENILE OFFENDERS FOR RESTORATIVE PURPOSES. The general assembly further finds that, while holding paramount the public safety, the juvenile justice system shall take into consideration the best interests of the juvenile, THE VICTIM, AND THE COMMUNITY in providing appropriate treatment to reduce the rate of recidivism in the juvenile justice system and to assist the juvenile in becoming a productive member of society.

(2) THE GENERAL ASSEMBLY HEREBY FINDS THAT THE PUBLIC HAS THE RIGHT TO SAFE AND SECURE HOMES AND COMMUNITIES AND THAT WHEN A DELINQUENT ACT OCCURS SUCH SAFETY AND SECURITY IS COMPROMISED; AND THE RESULT IS HARM TO THE VICTIM, THE COMMUNITY, AND THE JUVENILE OFFENDER. THE GENERAL ASSEMBLY FINDS THAT THE JUVENILE JUSTICE SYSTEM SHOULD SEEK TO REPAIR SUCH HARM AND THAT VICTIMS AND COMMUNITIES SHOULD BE PROVIDED WITH THE OPPORTUNITY TO ELECT TO PARTICIPATE ACTIVELY IN A RESTORATIVE PROCESS THAT WOULD HOLD THE JUVENILE OFFENDER ACCOUNTABLE FOR HIS OR HER OFFENSE.

SECTION 2. 19-2-303, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

19-2-303. Juvenile diversion program - authorized. (7) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY IS AUTHORIZED TO ACCEPT AND EXPEND ON BEHALF OF THE STATE ANY FUNDS, GRANTS, GIFTS, OR DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE FOR THE PURPOSE OF PROVIDING RESTORATIVE JUSTICE PROGRAMS; EXCEPT THAT NO GIFT, GRANT, OR DONATION SHALL BE ACCEPTED IF THE CONDITIONS ATTACHED TO IT REQUIRE THE EXPENDITURE THEREOF IN A MANNER CONTRARY TO LAW.

SECTION 3. 24-32-2801, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-32-2801. Youth crime prevention and intervention program - creation - standards - applications. (8) NONSTATE ENTITIES SEEKING TO PROVIDE RESTORATIVE JUSTICE SERVICES ARE ENCOURAGED TO SUBMIT AN APPLICATION TO THE BOARD FOR GRANTS DIRECTLY FROM THE YOUTH CRIME PREVENTION AND INTERVENTION PROGRAM, IN ADDITION TO ANY FUNDING THE ENTITIES MAY BE SEEKING FROM ANY OTHER SOURCE.

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 17, 1999