

CHAPTER 213

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 01-1357

BY REPRESENTATIVE(S) Lawrence, Berry, Saliman, Young, Boyd, Clapp, Coleman, Groff, Jahn, Lee, Mace, Madden, Marshall, Plant, Romanoff, Stafford, Weddig, and Williams S.;
also SENATOR(S) Epps, and Linkhart.

AN ACT

CONCERNING CREATION OF THE COMMUNITY ACCOUNTABILITY PROGRAM FOR ADJUDICATED JUVENILES,
AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. Part 3 of article 2 of title 19, Colorado Revised Statutes, is amended
BY THE ADDITION OF A NEW SECTION to read:

19-2-309.5. Community accountability program - legislative declaration - creation - advisory board - repeal. (1) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE PROGRAM ESTABLISHED PURSUANT TO THIS SECTION BENEFIT THE STATE BY PROVIDING A STRUCTURED PROGRAM COMBINING RESIDENTIAL AND COMMUNITY REINTEGRATION COMPONENTS UNDER WHICH CERTAIN ADJUDICATED JUVENILES ARE SUBJECT TO AN ORDERED ENVIRONMENT AFFIRMING THE DIGNITY OF SELF AND OTHERS; PROMOTING THE VALUE OF EDUCATION, WORK, AND ACCOUNTABILITY; ADHERING TO THE PRINCIPALS OF RESTORATIVE JUSTICE; AND DEVELOPING USEFUL SKILLS THAT CAN BE APPLIED WHEN THE JUVENILE IS REINTEGRATED INTO THE COMMUNITY.

(2) (a) ON OR BEFORE JANUARY 1, 2002, THE DIVISION OF YOUTH CORRECTIONS, PURSUANT TO A CONTRACT WITH ONE OR MORE PRIVATE ENTITIES, SHALL ESTABLISH, MAINTAIN, AND OPERATE A COMMUNITY ACCOUNTABILITY PROGRAM, REFERRED TO IN THIS SECTION AS THE "PROGRAM".

(b) THE PROGRAM SHALL PROVIDE A SENTENCING OPTION FOR ADJUDICATED JUVENILES WHO ARE AT LEAST FOURTEEN YEARS OF AGE BUT YOUNGER THAN EIGHTEEN YEARS OF AGE. AN ADJUDICATED JUVENILE MAY BE SENTENCED TO PARTICIPATE IN THE PROGRAM ONLY AS A CONDITION OF PROBATION. A SENTENCE TO

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 PROGRAM MAY BE IN ADDITION TO, BUT SHALL NOT BE IN LIEU OF, A MANDATORY SENTENCE REQUIRED BY SECTION 19-2-911 (2). THE JUVENILE COURT SHALL CONSIDER THE PROGRAM AS A SENTENCING OPTION FOR HIGHER RISK JUVENILES WHO WOULD HAVE OTHERWISE BEEN SENTENCED TO DETENTION OR OUT-OF-HOME PLACEMENT OR COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES.

(c) A SENTENCE IMPOSED PURSUANT TO THIS SECTION SHALL BE CONDITIONED ON THE AVAILABILITY OF SPACE IN THE PROGRAM AND THE DIVISION OF YOUTH CORRECTIONS' DETERMINATION OF WHETHER THE JUVENILE'S PARTICIPATION IN THE PROGRAM IS APPROPRIATE. A JUVENILE MAY BE DENIED PARTICIPATION IN THE PROGRAM UPON A DETERMINATION BY THE DIVISION THAT A PHYSICAL OR MENTAL CONDITION, INCLUDING SEVERE SUBSTANCE ABUSE, WILL PREVENT THE JUVENILE'S FULL PARTICIPATION IN THE PROGRAM. ANY JUVENILE DENIED PARTICIPATION IN THE PROGRAM SHALL BE RETURNED TO THE JUVENILE COURT FOR RESENTENCING.

(d) THE JUDICIAL DEPARTMENT SHALL PROVIDE INFORMATION TO THE DIVISION OF YOUTH CORRECTIONS CONCERNING SENTENCING OF THE JUVENILE, INCLUDING BUT NOT LIMITED TO THE JUVENILE'S CRIMINAL HISTORY, THE PRESENTENCE INVESTIGATION REPORT, THE RISK-NEED ASSESSMENT, AND DEMOGRAPHICS PERTAINING TO THE JUVENILE.

(e) THE PROGRAM SHALL BE ESTABLISHED FOR UP TO EIGHTY BEDS. UNDER THE CONTRACT ENTERED INTO PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), THE DIVISION OF YOUTH CORRECTIONS SHALL PAY ONLY FOR THE ACTUAL NUMBER OF JUVENILES PLACED IN THE PROGRAM.

(3) IF FEASIBLE, THE PROGRAM MAY BE ESTABLISHED REGIONALLY, ONE IN EACH OF THE DIVISION OF YOUTH CORRECTIONS' REGIONS. THE DIVISION, THROUGH A COMPETITIVE BID PROCESS, SHALL SELECT ONE OR MORE PRIVATE ENTITIES TO OPERATE THE PROGRAM.

(4) (a) THE PROGRAM SHALL CONSIST OF TWO INTEGRATED COMPONENTS. EACH SELECTED ENTITY SHALL PROVIDE BOTH COMPONENTS WITHIN THE CONTRACTED REGION AS FOLLOWS:

(I) **Component I.** COMPONENT I SHALL CONSIST OF A SIXTY-DAY RESIDENTIAL PROGRAM, WHICH MAY CONTAIN, BUT NEED NOT BE LIMITED TO, THE FOLLOWING PROGRAM ELEMENTS:

(A) ASSESSMENT AND TREATMENT PLANNING;

(B) BEHAVIORALLY BASED PROGRAMMING WITH APPROPRIATE SANCTIONS AND REINFORCEMENTS;

(C) LIFE AND COGNITIVE SKILL DEVELOPMENT;

(D) TREATMENT INTERVENTIONS;

(E) EDUCATIONAL AND VOCATIONAL TRAINING;

(F) COMPETENCY DEVELOPMENT;

- (G) VICTIM AWARENESS AND EMPATHY;
- (H) GENDER-SPECIFIC PROGRAMMING; AND
- (I) RESTORATIVE JUSTICE PROGRAMMING.

(II) **Component II.** COMPONENT II SHALL BE ADMINISTERED BY THE DIVISION OF YOUTH CORRECTIONS AND SHALL CONSIST OF A COMMUNITY REINTEGRATION PHASE. EACH JUVENILE ENTERING COMPONENT II SHALL HAVE A REINTEGRATION PLAN JOINTLY ESTABLISHED BY THE DIVISION OF YOUTH CORRECTIONS AND THE LOCAL PROBATION DEPARTMENT. COMPONENT II MAY CONTAIN, BUT NEED NOT BE LIMITED TO, THE FOLLOWING PROGRAM ELEMENTS:

- (A) MULTI-SYSTEMIC THERAPY;
- (B) FUNCTIONAL FAMILY THERAPY;
- (C) AGGRESSION REPLACEMENT TRAINING;
- (D) LIFE SKILLS;
- (E) SKILLS DEVELOPMENT;
- (F) BEHAVIORALLY BASED PROGRAMMING WITH APPROPRIATE SANCTIONS AND REINFORCEMENTS;
- (G) EDUCATION AND VOCATIONAL TRAINING;
- (H) WORK EXPERIENCE;
- (I) VICTIM EMPATHY;
- (J) VICTIM-OFFENDER MEDIATION;
- (K) GENDER-SPECIFIC PROGRAMMING; AND
- (L) RESTORATIVE JUSTICE PROGRAMMING.

(b) THE PROGRAM MAY BE HOUSED IN A PRIVATELY OWNED AND OPERATED FACILITY OR IN A STATE-OWNED AND PRIVATELY OPERATED FACILITY. THE DEPARTMENTS AND ANY PRIVATE CONTRACTORS IN EACH REGION SHALL INVOLVE LOCAL GOVERNMENTS IN IDENTIFYING LOCATIONS FOR RESIDENTIAL FACILITIES.

(c) THE DIVISION SHALL INCLUDE A COMMUNITY INVOLVEMENT COMPONENT IN THE DEVELOPMENT OF REINTEGRATION PLANS, WHICH MAY INCLUDE THE CREATION OF COMMUNITY ADVISORY BOARDS.

(5) IF A JUVENILE IN THE FIRST COMPONENT OF THE PROGRAM WOULD SUBSTANTIALLY BENEFIT, THE DIVISION OF YOUTH CORRECTIONS SHALL NOTIFY THE LOCAL DEPARTMENT OF PROBATION WHO MAY PETITION THE COURT FOR AN EXTENSION OF UP TO FIFTEEN DAYS IN ADDITION TO THE INITIAL SIXTY-DAY PERIOD

FOR THE FIRST COMPONENT OF THE PROGRAM. THE PERIOD OF TIME A JUVENILE SPENDS IN THE SECOND COMPONENT OF THE PROGRAM SHALL NOT EXCEED ONE HUNDRED TWENTY DAYS. THE ENTIRE PERIOD OF A JUVENILE'S PARTICIPATION IN THE PROGRAM SHALL NOT EXCEED THE LENGTH OF THE JUVENILE'S PROBATION SENTENCE. WHENEVER A JUVENILE FAILS TO PROGRESS THROUGH OR COMPLETE THE FIRST OR SECOND COMPONENT OF THE PROGRAM, THE JUVENILE SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 19-2-925 (4) FOR VIOLATING A CONDITION OF PROBATION.

(6) THE DIVISION OF YOUTH CORRECTIONS AND THE JUDICIAL DEPARTMENT SHALL JOINTLY ESTABLISH GUIDELINES FOR THE PROGRAM AND EACH OF THE COMPONENTS THEREOF DESCRIBED IN SUBSECTION (4) OF THIS SECTION. NECESSARY SUPPORT SERVICES FOR THE JUVENILE AND THE JUVENILE'S FAMILY SHALL BE MADE AVAILABLE UNDER BOTH COMPONENTS OF THE PROGRAM, AS DEEMED APPROPRIATE BY THE DIVISION OF YOUTH CORRECTIONS.

(7) (a) A COMMUNITY ACCOUNTABILITY PROGRAM ADVISORY BOARD, REFERRED TO IN THIS SECTION AS THE "ADVISORY BOARD", IS HEREBY CREATED IN THE DEPARTMENT OF HUMAN SERVICES. THE ADVISORY BOARD SHALL CONSIST OF THIRTEEN MEMBERS, JOINTLY APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES AND THE STATE COURT ADMINISTRATOR, WHO SHALL SERVE THREE-YEAR TERMS; EXCEPT THAT, OF THE MEMBERS INITIALLY APPOINTED, FIVE MEMBERS SHALL SERVE THREE-YEAR TERMS, FOUR MEMBERS SHALL SERVE TWO-YEAR TERMS, AND FOUR MEMBERS SHALL SERVE ONE-YEAR TERMS, AS DESIGNATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES AND THE STATE COURT ADMINISTRATOR. AT LEAST ONE MEMBER OF THE ADVISORY BOARD SHALL BE APPOINTED FROM EACH REGION WHERE THE PROGRAM IS LOCATED.

(b) THE ADVISORY BOARD SHALL:

(I) ESTABLISH AND IMPLEMENT STATEWIDE SELECTION CRITERIA FOR JUVENILES SENTENCED TO THE PROGRAM;

(II) OVERSEE THE ONGOING EVALUATION OF THE PROGRAM AS A SENTENCING OPTION;

(III) REPORT POTENTIAL POLICY ISSUES TO THE GENERAL ASSEMBLY;

(IV) MAKE RECOMMENDATIONS FOR SUPPORT SERVICES DEEMED NECESSARY BY THE DIVISION OF YOUTH CORRECTIONS.

(c) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2011. PRIOR TO SUCH REPEAL, THE ADVISORY BOARD SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 2-3-1203, C.R.S.

(8) THE DIVISION OF YOUTH CORRECTIONS SHALL CONDUCT AN ONGOING EVALUATION OF THE PROGRAM. ON OR BEFORE JANUARY 15, 2003, AND ON OR BEFORE JANUARY 15 EACH YEAR THEREAFTER, THE DIVISION OF YOUTH CORRECTIONS SHALL SUBMIT A REPORT OF THE EVALUATION RESULTS TO THE GENERAL ASSEMBLY. THE DIVISION MAY CONTRACT FOR THE SERVICES AND LABOR NECESSARY TO PERFORM THE ONGOING EVALUATION.

SECTION 2. 19-2-907 (1) (f), Colorado Revised Statutes, is amended to read:

19-2-907. Sentencing schedule - options. (1) Upon completion of the sentencing hearing, pursuant to section 19-2-906, the court shall enter a decree of sentence or commitment imposing any of the following sentences or combination of sentences, as appropriate:

(f) ~~Commitment to the regimented juvenile training program, as provided in section 19-2-914~~ COMMITMENT TO THE COMMUNITY ACCOUNTABILITY PROGRAM, AS PROVIDED IN SECTION 19-2-914;

SECTION 3. 19-2-914, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

19-2-914. Sentencing - community accountability program. EXCEPT AS OTHERWISE PROVIDED IN SECTION 19-2-601, THE COURT MAY SENTENCE THE JUVENILE TO PARTICIPATE IN THE COMMUNITY ACCOUNTABILITY PROGRAM AS SET FORTH IN SECTION 19-2-309.5. SUCH A SENTENCE SHALL BE A CONDITION OF PROBATION AND SHALL BE FOR HIGHER RISK JUVENILES WHO WOULD HAVE OTHERWISE BEEN SENTENCED TO DETENTION OR OUT-OF-HOME PLACEMENT OR COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES. A SENTENCE PURSUANT TO THIS SECTION SHALL BE CONDITIONED ON THE AVAILABILITY OF SPACE IN THE COMMUNITY ACCOUNTABILITY PROGRAM AND ON A DETERMINATION BY THE DIVISION OF YOUTH CORRECTIONS THAT THE JUVENILE'S PARTICIPATION IN THE PROGRAM IS APPROPRIATE. IN THE EVENT THAT THE DIVISION OF YOUTH CORRECTIONS DETERMINES THE PROGRAM IS AT MAXIMUM CAPACITY OR THAT A JUVENILE'S PARTICIPATION IS NOT APPROPRIATE, THE JUVENILE SHALL BE ORDERED TO RETURN TO THE SENTENCING COURT FOR ANOTHER SENTENCING HEARING.

SECTION 4. 2-3-1203 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(x) JULY 1, 2011: THE COMMUNITY ACCOUNTABILITY PROGRAM ADVISORY BOARD, APPOINTED PURSUANT TO SECTION 19-2-309.5 (7), C.R.S.

SECTION 5. Appropriation - adjustments to the 2001 long bill. (1) 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 human services, division of youth corrections, for the community accountability program, for the fiscal year beginning July 1, 2001, the sum of two million one hundred twenty-nine thousand twenty dollars (\$2,129,020), or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2001, shall be adjusted as follows:

(a) The general fund appropriation to the department of human services, office of operations, is decreased by seven thousand five hundred forty dollars (\$7,540).

(b) The appropriation to the department of human services, division of youth corrections, is decreased by two million two hundred forty-three thousand nine hundred seventy-eight dollars (\$2,243,978) and 0.7 FTE. Of said sum, two million forty-eight thousand nine hundred eighty-two dollars (\$2,048,982) shall be from the general fund and one hundred ninety-four thousand nine hundred ninety-six dollars (\$194,996) shall be from medicaid cash funds transferred from the department of health care policy and financing.

(c) The appropriation to the department of health care policy and financing, department of human services medicaid-funded programs, division of youth corrections - medicaid funding, is decreased by one hundred ninety-four thousand nine hundred ninety-six dollars (\$194,996). Of said sum, ninety-seven thousand four hundred ninety-eight dollars (\$97,498) shall be from the general fund and ninety-seven thousand four hundred ninety-eight dollars (\$97,498) shall be from federal funds.

SECTION 6. 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 31, 2001