

## CHAPTER 309

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**CRIMINAL LAW AND PROCEDURE**

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**SENATE BILL 06-122**

BY SENATOR(S) Traylor, Boyd, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Isgar, Jones, Keller, Kester, Sandoval, Shaffer, Spence, Teck, Tochtrop, Tupa, Veiga, and Windels;  
also REPRESENTATIVE(S) Weissmann, Berens, Butcher, Carroll M., Carroll T., Frangas, Gallegos, Green, Hodge, Kerr A., Kerr J., Larson, Liston, Madden, May M., McCluskey, McFadyen, McGihon, Merrifield, Paccione, Riesberg, Romanoff, Solano, Stafford, Todd, Vigil, and Witwer.

**AN ACT**

**CONCERNING CREATION OF THE ADOLESCENT SUBSTANCE ABUSE PREVENTION AND TREATMENT FUND,  
AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

**SECTION 1.** 18-13-122, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**18-13-122. Illegal possession or consumption of ethyl alcohol by an underage person - adolescent substance abuse prevention and treatment fund - legislative declaration.** (16) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(I) THERE ARE MANY CHILDREN IN COLORADO WHO STRUGGLE WITH SUBSTANCE ABUSE, AND THEIR SUBSTANCE ABUSE PROBLEMS HAVE A DIRECT SOCIAL AND ECONOMIC IMPACT ON THE STATE;

(II) IT IS ESTIMATED THAT IN COLORADO THERE ARE THIRTY THOUSAND CHILDREN AND YOUTH BETWEEN THE AGES OF TWELVE AND SEVENTEEN WITH A SUBSTANCE ABUSE PROBLEM THAT OFTEN CONTINUES INTO YOUNG ADULTHOOD;

(III) AT ANY ONE TIME, SIXTY TO EIGHTY PERCENT OF THE YOUTH IN THE JUVENILE JUSTICE SYSTEM HAVE A SUBSTANCE ABUSE PROBLEM, AND THIRTY PERCENT OF THE REFERRALS FOR SUBSTANCE ABUSE PROBLEMS IN THE JUVENILE JUSTICE SYSTEM HAVE CO-OCCURRING DISORDERS;

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

(IV) COLORADO DOES NOT HAVE THE CAPACITY TO PROVIDE SUBSTANCE ABUSE TREATMENT FOR ALL CHILDREN WHO NEED THE TREATMENT. IN FISCAL YEAR 2004, ONLY FOUR THOUSAND THREE HUNDRED EIGHTY CHILDREN RECEIVED PUBLICLY FUNDED SUBSTANCE ABUSE TREATMENT, REPRESENTING ONLY FIFTEEN PERCENT OF THE CHILDREN IN THE STATE WHO NEEDED SUBSTANCE ABUSE TREATMENT.

(V) IT IS NECESSARY FOR THE STATE OF COLORADO TO PROVIDE MORE ADOLESCENT SUBSTANCE ABUSE TREATMENT IN A DEVELOPMENTALLY, INTELLECTUALLY, AND SOCIALLY APPROPRIATE MANNER AND THEREFORE IT IS NECESSARY TO CREATE THE ADOLESCENT SUBSTANCE ABUSE PREVENTION AND TREATMENT FUND FOR THAT PURPOSE.

(b) THE SURCHARGE COLLECTED PURSUANT TO SUBPARAGRAPH (IV) OF PARAGRAPH (b) OF SECTION (2) OF THIS SECTION SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE ADOLESCENT SUBSTANCE ABUSE PREVENTION AND TREATMENT FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS SECTION AS THE "FUND". THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DIVISION OF ALCOHOL AND DRUG ABUSE IN THE DEPARTMENT OF HUMAN SERVICES, ESTABLISHED IN PART 2 OF ARTICLE 1 OF TITLE 25, C.R.S., FOR ADOLESCENT SUBSTANCE ABUSE PREVENTION AND TREATMENT PROGRAMS. THE DIVISION OF ALCOHOL AND DRUG ABUSE IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION. ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND. ANY UNEXPENDED MONEYS IN THE FUND MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

**SECTION 2.** 18-13-122 (2) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

**18-13-122. Illegal possession or consumption of ethyl alcohol by an underage person.** (2) (b) (IV) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO AN ADDITIONAL PENALTY SURCHARGE OF TWENTY-FIVE DOLLARS THAT SHALL BE ADMINISTERED TO THE ADOLESCENT SUBSTANCE ABUSE PREVENTION AND TREATMENT FUND.

**SECTION 3. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the adolescent substance abuse prevention and treatment fund created in section 18-13-122 (16) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of human services, mental health and alcohol and drug abuse services, alcohol and drug abuse division, for the fiscal year beginning July 1, 2006, the sum of fifty-five thousand nine hundred seventy-eight dollars (\$55,978), or so much thereof as may be necessary, for the implementation of this act.

**SECTION 4. Effective date - applicability.** This act shall take effect July 1,

2006, and shall apply to offenses committed on or after said date.

**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: June 1, 2006