

CHAPTER 146

CORRECTIONS

SENATE BILL 15-182

BY SENATOR(S) Garcia and Crowder, Aguilar, Cooke, Grantham, Guzman, Heath, Jahn, Johnston, Jones, Lambert, Martinez Humenik, Merrifield, Newell, Roberts, Todd;
also REPRESENTATIVE(S) Navarro and Esgar, Becker K., Duran, Garnett, Ginal, McCann, Melton, Moreno, Pettersen, Primavera, Rosenthal, Roupe, Ryden, Vigil, Wilson, Young.

AN ACT

CONCERNING ALLOWING THE DEPARTMENT OF CORRECTIONS TO TRANSFER CERTAIN OFFENDERS TO THE YOUTHFUL OFFENDER SYSTEM TO PARTICIPATE IN AGE-APPROPRIATE PROGRAMS.

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

SECTION 1. In Colorado Revised Statutes, 18-1.3-407, **amend** (1) (c) as follows:

18-1.3-407. Sentences - youthful offenders - legislative declaration - powers and duties of district court - authorization for youthful offender system - powers and duties of department of corrections - definitions. (1) (c) (I) It is the intent of the general assembly that offenders sentenced to the youthful offender system be housed and serve their sentences in a facility specifically designed and programmed for the youthful offender system and that offenders so sentenced be housed separate from and not brought into daily physical contact with inmates OLDER THAN TWENTY-FOUR YEARS sentenced to the department of corrections who have not been sentenced to the youthful offender system, except as specifically provided under subsection (5) of this section.

(II) FOR THE PURPOSES OF PUBLIC SAFETY, ACADEMIC ACHIEVEMENT, REHABILITATION, THE DEVELOPMENT OF PRO-SOCIAL BEHAVIOR, OR REENTRY PLANNING FOR YOUTHFUL OFFENDERS, THE EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE MAY TRANSFER ANY OFFENDER AGE TWENTY-FOUR YEARS OR YOUNGER AND SENTENCED TO THE DEPARTMENT OF CORRECTIONS INTO AND OUT OF THE YOUTHFUL OFFENDER SYSTEM AT HIS OR HER DISCRETION.

(III) The facility that houses offenders sentenced to the youthful offender system

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

shall be limited to two hundred fifty-six beds.

(IV) (A) THE DEPARTMENT OF CORRECTIONS SHALL DEVELOP POLICIES AND PROCEDURES FOR DECISION-MAKING REGARDING THE TRANSFER OF ANY OFFENDER NOT SENTENCED TO THE YOUTHFUL OFFENDER SYSTEM INTO THE YOUTHFUL OFFENDER SYSTEM IN ORDER TO ENSURE THAT THE GOALS OF THE YOUTHFUL OFFENDER SYSTEM, AS DESCRIBED IN THIS SECTION; THE OPERATIONS OF THE REHABILITATIVE PROGRAM WITHIN THE YOUTHFUL OFFENDER SYSTEM; AND THE DELIVERY OF SERVICES TO THOSE OFFENDERS DIRECTLY SENTENCED TO THE YOUTHFUL OFFENDER SYSTEM ARE NOT COMPROMISED IN ANY WAY BY THE COMINGLED POPULATION.

(B) THE DEPARTMENT OF CORRECTIONS SHALL INCLUDE IN ITS ANNUAL REPORT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR TO ANY SUCCESSOR COMMITTEES, PURSUANT TO SECTION 2-7-203, C.R.S., AND IN ANY ANNUAL YOUTHFUL OFFENDER SYSTEM REPORT PRODUCED BY THE DEPARTMENT, INFORMATION REGARDING THE POLICIES AND PROCEDURES DEVELOPED BY THE DEPARTMENT PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (IV), THE CHARACTERISTICS OF THE POPULATION OF YOUTHFUL OFFENDERS TRANSFERRED PURSUANT TO THIS PARAGRAPH (c), AND THE IMPACT, IF ANY, OF TRANSFERRED INMATES ON ANY YOUTHFUL OFFENDER SYSTEM PROGRAMMING OR DEPARTMENT OF CORRECTIONS PROGRAMMING.

(C) NOTWITHSTANDING ANY PROVISIONS OF THIS SECTION TO THE CONTRARY, THE DEPARTMENT OF CORRECTIONS SHALL NOT INITIATE ANY TRANSFERS OF INMATES TO THE YOUTHFUL OFFENDER SYSTEM UNTIL THE DEPARTMENT HAS DEVELOPED THE POLICIES AND PROCEDURES DESCRIBED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (IV).

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 1, 2015