

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0120.01 Anna Petrini x5497

HOUSE BILL 26-1064

HOUSE SPONSORSHIP

Jackson and Rydin,

SENATE SPONSORSHIP

Amabile and Michaelson Jenet,

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MODIFICATIONS TO THE YOUTHFUL OFFENDER SYSTEM.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Legislative Oversight Committee Concerning the Treatment of Persons with Behavioral Health Disorders in the Criminal and Juvenile Justice Systems. Current law establishes the youthful offender system (system) in the department of corrections (department) as a sentencing option that provides a continuum of services. The bill:

- Updates references to the juveniles and young adults who are eligible for or participating in the system;
- Revises certain legislative intent provisions to emphasize

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

lasting behavioral changes in preparation for reentry, trauma-informed care, addressing criminogenic risk, accountability, healthy relationship building, and system participant and staff safety;

- Expresses the general assembly's intent that juveniles and young adults with physical, intellectual, mental, or behavioral health disabilities or conditions, receive equitable treatment in sentencing to the system and reasonable accommodations once in the system;
- Adds certain data related to system completion rates to an existing annual reporting requirement for the department;
- Adds requirements for evidence-informed rehabilitative treatment and life skills programming and for individual therapy, family therapy, or substance use disorder treatment;
- Establishes requirements for system participant evaluations, plans for addressing participants' needs and skills, and case manager duties;
- Requires the department, in consultation with relevant experts, to make and publish on its website recommendations for integrating a trauma-informed standard of care with current system practices to promote the health and safety of system participants; and
- Expands certain procedural protections for system participants with mental or behavioral health conditions or intellectual and developmental disabilities.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-11-102, **amend**
3 (1.8) as follows:

4 **16-11-102. Presentence or probation investigation.**

5 (1.8) At the request of either the prosecution or the defense, each
6 presentence report prepared regarding a ~~youthful offender~~ JUVENILE OR
7 YOUNG ADULT, as defined in ~~section 18-1.3-407~~ SECTION 18-1.3-407
8 (1.3), who is eligible for sentencing to the youthful offender system
9 pursuant to section 18-1.3-407.5, 19-2.5-801 (5), or 19-2.5-802
10 (1)(d)(I)(B) must include a determination by the warden of the youthful

1 offender system whether the ~~youthful offender~~ JUVENILE OR YOUNG
2 ADULT is acceptable for sentencing to the youthful offender system. When
3 making a determination, the warden shall consider the nature and
4 circumstances of the crime, the circumstances and criminal history of the
5 ~~youthful offender~~ JUVENILE OR YOUNG ADULT, the available bed space in
6 the youthful offender system, and any other appropriate considerations.

7 **SECTION 2.** In Colorado Revised Statutes, 16-11-102.4, **amend**
8 (1) introductory portion, (1)(g) introductory portion, and (1)(g)(IV); and
9 **repeal** (1)(f) as follows:

10 **16-11-102.4. Genetic testing of convicted offenders.**

11 (1) ~~Beginning July 1, 2007,~~ Each of the following convicted
12 offenders ~~shall~~ MUST submit to and pay for collection and a chemical
13 testing of the offender's biological substance sample to determine the
14 genetic markers thereof, unless the offender has already provided a
15 biological substance sample for ~~such~~ THE testing pursuant to a statute of
16 this state:

17 (f) ~~Every offender who, on or after July 1, 2007, is in the custody~~
18 ~~of the youthful offender system based on a sentence imposed before that~~
19 ~~date, including an offender on community supervision. The department~~
20 ~~of corrections shall collect the sample at least thirty-five days prior to the~~
21 ~~offender's discharge or release from custody or release to community~~
22 ~~supervision.~~

23 (g) Every offender sentenced on or after July 1, 2007, for a felony
24 conviction; except that this ~~paragraph (g) shall~~ SUBSECTION (1)(g) DOES
25 not apply to an offender granted a deferred judgment and sentencing as
26 authorized in section 18-1.3-102, ~~C.R.S.~~, unless otherwise required to
27 submit to a sample pursuant to this section, or unless the deferred

1 judgment and sentencing is revoked and a sentence is imposed. The
2 sample ~~shall~~ MUST be collected:

3 (IV) From ~~an offender~~ A JUVENILE OR YOUNG ADULT sentenced to
4 the youthful offender system, by the department of corrections within
5 thirty-five days after the ~~offender~~ JUVENILE OR YOUNG ADULT is received
6 at the youthful offender system; and

7 **SECTION 3.** In Colorado Revised Statutes, 17-27-105.5, **amend**
8 (1)(b) as follows:

9 **17-27-105.5. Community parole officers - duties - arrest**
10 **powers - definitions.**

11 (1) For purposes of this section:

12 (b) "Offender" means an inmate assigned to residential and
13 nonresidential community corrections programs as those programs are set
14 forth in articles 27, 27.5, and 27.7 of this ~~title~~ TITLE 17 and ~~an offender~~ A
15 YOUTHFUL OFFENDER SYSTEM PARTICIPANT who is in phase III of the
16 youthful offender system as set forth in section 18-1.3-407. ~~C.R.S.~~

17 **SECTION 4.** In Colorado Revised Statutes, 18-1.3-401, **amend**
18 (14) as follows:

19 **18-1.3-401. Felonies classified - presumptive penalties.**

20 (14) The court may sentence a defendant to the youthful offender
21 system created in section 18-1.3-407 if the defendant is an eligible young
22 adult ~~offender~~ pursuant to section 18-1.3-407.5.

23 **SECTION 5.** In Colorado Revised Statutes, 18-1.3-407, **amend**
24 (1), (2)(a), (2)(b), (3), (3.3), (3.4), (3.5), (4), (4.3), (4.5), (5), (6),
25 (11.5)(a)(I), and (12); **add** (15); and **add with amended and relocated**
26 **provisions** (1.3) and (1.5) as follows:

27 **18-1.3-407. Sentences - powers and duties of district court -**

1 **authorization for youthful offender system - system participants -**
2 **powers and duties of department of corrections - youthful offender**
3 **system study - report - legislative intent - definitions.**

4 (1) (a) It is the intent of the general assembly that the youthful
5 offender system established pursuant to this section ~~shall~~ benefit the state
6 by: ~~providing as a sentencing option for certain youthful offenders a~~
7 ~~controlled and regimented environment that affirms dignity of self and~~
8 ~~others, promotes the value of work and self-discipline, and develops~~
9 ~~useful skills and abilities through enriched programming.~~

10 (I) PROVIDING A SENTENCING OPTION IN A SECURE AND
11 TRAUMA-INFORMED ENVIRONMENT THAT AFFIRMS DIGNITY OF SELF AND
12 OTHERS FOR CERTAIN JUVENILES AND YOUNG ADULTS WHO HAVE BEEN
13 CONVICTED OF A CRIME;

14 (II) INCREASING PUBLIC SAFETY BY PROVIDING
15 EVIDENCE-INFORMED REHABILITATIVE TREATMENT TO HELP JUVENILES
16 AND YOUNG ADULTS IN THE YOUTHFUL OFFENDER SYSTEM'S CARE MAKE
17 LASTING BEHAVIORAL CHANGES TO PREPARE THEMSELVES FOR A
18 SUCCESSFUL TRANSITION BACK TO THE COMMUNITY;

19 (III) PROMOTING THE PHYSICAL SAFETY OF JUVENILES, YOUNG
20 ADULTS, AND STAFF WITHIN THE YOUTHFUL OFFENDER SYSTEM;

21 (IV) PROMOTING A SEAMLESS CONTINUUM OF CARE FROM THE
22 TIME OF INCARCERATION TO RELEASE FROM CONFINEMENT, IN WHICH
23 SYSTEM PARTICIPANTS' NEEDS ARE MET IN A SAFE, STRUCTURED
24 ENVIRONMENT WITH WELL-TRAINED, CARING STAFF WHO HELP SYSTEM
25 PARTICIPANTS IDENTIFY AND ADDRESS CRIMINOGENIC RISK FACTORS, BE
26 ACCOUNTABLE, AND ACCEPT RESPONSIBILITY FOR THE PARTICIPANTS'
27 ACTIONS;

1 (V) ENABLING PARTICIPANTS TO DEVELOP HEALTHY, SUPPORTIVE
2 RELATIONSHIPS WITH PEERS, ADULTS, FAMILY, AND NEIGHBORHOOD AND
3 COMMUNITY MEMBERS; AND

4 (VI) PROVIDING PARTICIPANTS WITH THE TOOLS NECESSARY TO
5 BECOME LAW-ABIDING, CONTRIBUTING MEMBERS OF THE COMMUNITY
6 UPON RELEASE.

7 (b) (I) It is the further intent of the general assembly in enacting
8 this section that ~~female and male offenders~~ ALL JUVENILES AND YOUNG
9 ADULTS who are eligible for sentencing to the youthful offender system
10 pursuant to section 18-1.3-407.5, ~~or section~~ 19-2.5-801 (5), or 19-2.5-802
11 (1)(d)(I)(B) receive equitable treatment, REGARDLESS OF GENDER, in
12 sentencing, particularly in regard to the option of being sentenced to the
13 youthful offender system. Accordingly, it is the general assembly's intent
14 that the department ~~of corrections take necessary measures to~~ establish
15 separate housing for female and male ~~offenders~~ JUVENILES AND YOUNG
16 ADULTS who are sentenced to the youthful offender system without
17 compromising ~~the~~ equitable treatment. ~~of either.~~

18 (II) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT JUVENILES
19 AND YOUNG ADULTS WITH PHYSICAL, INTELLECTUAL, DEVELOPMENTAL,
20 MENTAL, OR BEHAVIORAL HEALTH DISABILITIES OR CONDITIONS WHO ARE
21 ELIGIBLE FOR SENTENCING TO THE YOUTHFUL OFFENDER SYSTEM
22 PURSUANT TO SECTION 18-1.3-407.5, 19-2.5-801 (5), OR 19-2.5-802
23 (1)(d)(I)(B) RECEIVE EQUITABLE TREATMENT IN SENTENCING,
24 PARTICULARLY IN REGARD TO THE OPTION OF BEING SENTENCED TO THE
25 YOUTHFUL OFFENDER SYSTEM. ACCORDINGLY, IT IS THE GENERAL
26 ASSEMBLY'S INTENT THAT THE DEPARTMENT TAKE ALL REASONABLE
27 MEASURES TO ACCOMMODATE JUVENILES AND YOUNG ADULTS WITH

1 PHYSICAL, INTELLECTUAL, DEVELOPMENTAL, MENTAL, OR BEHAVIORAL
2 HEALTH DISABILITIES OR CONDITIONS WHO ARE SENTENCED TO THE
3 YOUTHFUL OFFENDER SYSTEM.

4 (III) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT JUVENILES
5 AND YOUNG ADULTS SENTENCED TO THE YOUTHFUL OFFENDER SYSTEM BE
6 SENTENCED AS ADULTS AND BE SUBJECT TO ALL LAWS AND DEPARTMENT
7 RULES, REGULATIONS, AND STANDARDS PERTAINING TO ADULT INMATES,
8 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION.

9 (c) ~~(f)~~ It is the intent of the general assembly that ~~offenders~~
10 PARTICIPANTS sentenced to the youthful offender system be housed and
11 serve their sentences in a facility specifically designed and programmed
12 for the youthful offender system and that ~~offenders~~ PARTICIPANTS so
13 sentenced be housed ~~separate~~ SEPARATELY from and not brought into
14 daily physical contact with inmates twenty-five years of age or older WHO
15 ARE sentenced to the department ~~of corrections~~ AND who have not been
16 sentenced to the youthful offender system, except as specifically provided
17 ~~under~~ PURSUANT TO subsection (5) of this section.

18 ~~(H) For the purposes of public safety, academic achievement,~~
19 ~~rehabilitation, the development of pro-social behavior, or reentry planning~~
20 ~~for youthful offenders, the executive director or his or her designee may~~
21 ~~transfer any offender age twenty-four years or younger and sentenced to~~
22 ~~the department of corrections into and out of the youthful offender system~~
23 ~~at his or her discretion.~~

24 ~~(H) The facility that houses offenders sentenced to the youthful~~
25 ~~offender system shall be limited to two hundred fifty-six beds.~~

26 ~~(IV) (A) The department of corrections shall develop policies and~~
27 ~~procedures for decision-making regarding the transfer of any offender not~~

1 sentenced to the youthful offender system into the youthful offender
2 system in order to ensure that the goals of the youthful offender system,
3 as described in this section; the operations of the rehabilitative program
4 within the youthful offender system; and the delivery of services to those
5 offenders directly sentenced to the youthful offender system are not
6 compromised in any way by the comingled population.

7 (B) The department of corrections shall include in its annual
8 report to the judiciary committees of the house of representatives and
9 senate, or to any successor committees, pursuant to section 2-7-203,
10 C.R.S., and in any annual youthful offender system report produced by
11 the department, information regarding the policies and procedures
12 developed by the department pursuant to sub-subparagraph (A) of this
13 subparagraph (IV), the characteristics of the population of youthful
14 offenders transferred pursuant to this paragraph (c), and the impact, if
15 any, of transferred inmates on any youthful offender system programming
16 or department of corrections programming.

17 (C) Notwithstanding any provisions of this section to the contrary,
18 the department of corrections shall not initiate any transfers of inmates to
19 the youthful offender system until the department has developed the
20 policies and procedures described in sub-subparagraph (A) of this
21 subparagraph (IV).

22 (d) It is the intent of the general assembly that offenders sentenced
23 to the youthful offender system be sentenced as adults and be subject to
24 all laws and department of corrections rules, regulations, and standards
25 pertaining to adult inmates, except as otherwise provided in this section.

26 (1.3) (a) [Formerly 18-1.3-407 (2)(a)(III) introductory portion]

27 For the purposes of this section, unless the context otherwise requires:

1 (I) "DEPARTMENT" MEANS THE DEPARTMENT OF CORRECTIONS.

2 (II) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
3 THE DEPARTMENT OF CORRECTIONS.

4 (III) [Formerly 18-1.3-407 (2)(a)(III)(A)] "Juvenile" means a
5 person who is under eighteen years of age when the crime is committed
6 and under twenty-one years of age at the time of sentencing pursuant to
7 this section.

8 (IV) "SYSTEM PARTICIPANT" OR "PARTICIPANT" MEANS A JUVENILE
9 OR A YOUNG ADULT WHO HAS BEEN SENTENCED TO THE YOUTHFUL
10 OFFENDER SYSTEM.

11 (V) "TRAUMA-INFORMED" MEANS AN APPROACH THAT INVOLVES
12 AN UNDERSTANDING OF ADVERSE CHILDHOOD EXPERIENCES AND THAT
13 RESPONDS TO SYMPTOMS OF CHRONIC INTERPERSONAL TRAUMA AND
14 TRAUMATIC STRESS ACROSS THE LIFESPAN OF AN INDIVIDUAL.

15 (VI) [Formerly 18-1.3-407 (2)(a)(III)(B)] "Young adult"
16 ~~offender~~ means a person who is at least eighteen years of age but under
17 twenty years of age when the crime is committed and under twenty-one
18 years of age at the time of sentencing pursuant to this section.

19 (b) [Formerly 18-1.3-407 (2)(a)(IV)] As used in this section,
20 "community supervision" ~~shall not be construed to~~ DOES NOT mean a
21 community corrections program, as defined in section 17-27-102. ~~C.R.S.~~

22 (1.5) (a) (I) [Formerly 18-1.3-407 (1)(c)(II)] For the purposes of
23 public safety, academic achievement, rehabilitation, the development of
24 prosocial behavior, or reentry planning for youthful offenders JUVENILES
25 AND YOUNG ADULTS, the executive director or ~~his or her~~ THE EXECUTIVE
26 DIRECTOR'S designee may ~~transfer any offender age~~ EXERCISE DISCRETION
27 IN THE TRANSFER OF A JUVENILE OR YOUNG ADULT twenty-four years OF

1 AGE or younger and sentenced to the department of ~~corrections~~ into and
2 out of the youthful offender system. ~~at his or her discretion.~~

3 (II) [Formerly 18-1.3-407 (1)(c)(IV)(A)] The department of
4 ~~corrections~~ shall develop policies and procedures for decision-making
5 regarding the transfer of ~~any offender~~ A JUVENILE OR YOUNG ADULT WHO
6 IS not sentenced to the youthful offender system into the youthful
7 offender system ~~in order~~ to ensure that the goals of the youthful offender
8 system, as described in this section; the operations of the rehabilitative
9 program within the youthful offender system; and the delivery of services
10 to those ~~offenders~~ JUVENILES AND YOUNG ADULTS directly sentenced to
11 the youthful offender system are not compromised in any way by the
12 ~~comingled~~ COMMINGLED population.

13 (III) [Formerly 18-1.3-407 (1)(c)(IV)(C)] Notwithstanding any
14 provisions of this section to the contrary, the department of ~~corrections~~
15 shall not initiate any transfers of ~~inmates~~ JUVENILES OR YOUNG ADULTS
16 to the youthful offender system until the department has developed the
17 policies and procedures described in ~~sub-subparagraph (A) of this~~
18 ~~subparagraph (IV)~~ SUBSECTION (1.5)(a)(II) OF THIS SECTION.

19 (b) [Formerly 18-1.3-407 (1)(c)(III)] The facility that houses
20 ~~offenders~~ PARTICIPANTS sentenced to the youthful offender system ~~shall~~
21 ~~be~~ IS limited to two hundred fifty-six beds.

22 (c) [Formerly 18-1.3-407 (1)(c)(IV)(B)] The department of
23 ~~corrections~~ shall include in its annual report to the judiciary committees
24 of the house of representatives and senate, or to any successor
25 committees, pursuant to section 2-7-203, ~~C.R.S.~~, and in any annual
26 youthful offender system report produced by the department, information
27 regarding the policies and procedures developed by the department

1 pursuant to ~~sub-subparagraph (A) of this subparagraph (IV)~~ SUBSECTION
2 (1.5)(a)(II) OF THIS SECTION, the characteristics of the population of
3 ~~youthful offenders~~ JUVENILES AND YOUNG ADULTS transferred pursuant
4 to this ~~paragraph (c)~~ SUBSECTION (1.5), and the impact, if any, of
5 transferred inmates on ~~any~~ youthful offender system programming or
6 department of ~~corrections~~ programming. BEGINNING IN JANUARY 2027,
7 AND IN JANUARY EVERY YEAR THEREAFTER, THE DEPARTMENT SHALL
8 INCLUDE, AS PART OF ITS PRESENTATION DURING ITS "SMART ACT"
9 HEARING REQUIRED BY SECTION 2-7-203, INFORMATION CONCERNING HOW
10 MANY JUVENILES AND YOUNG ADULTS COMPLETED A COMMITMENT TO THE
11 DIVISION OF YOUTH SERVICES PRIOR TO A COMMITMENT TO THE YOUTHFUL
12 OFFENDER SYSTEM, HOW MANY JUVENILES AND YOUNG ADULTS
13 SUCCESSFULLY COMPLETE THEIR SENTENCE TO THE YOUTHFUL OFFENDER
14 SYSTEM, AND HOW MANY JUVENILES AND YOUNG ADULTS FAIL TO
15 COMPLETE A SENTENCE TO THE YOUTHFUL OFFENDER SYSTEM PROGRAM
16 DUE TO THE FILING OF NEW CRIMINAL CHARGES.

17 (2) (a) (I) A juvenile may be sentenced to the youthful offender
18 system created pursuant to this section under the circumstances set forth
19 in section 19-2.5-801 (5)(a)(II) or 19-2.5-802 (1)(d)(I)(B). A young adult
20 ~~offender~~ may be sentenced to the youthful offender system created
21 pursuant to this section under the circumstances set forth in section
22 18-1.3-407.5. In order to sentence a juvenile or young adult ~~offender~~ to
23 the youthful offender system, the court shall first impose upon ~~such~~
24 ~~person~~ THE JUVENILE OR YOUNG ADULT a sentence to the department of
25 ~~corrections~~ in accordance with section 18-1.3-401. The court shall
26 thereafter suspend ~~such~~ THE sentence conditioned on completion of a
27 sentence to the youthful offender system, including a period of

1 community supervision. The court shall impose ~~any such~~ A sentence to
2 the youthful offender system for a determinate period of not fewer than
3 two years nor more than six years; except that a juvenile or young adult
4 ~~offender~~ convicted of a class 2 felony may be sentenced for a determinate
5 period of up to seven years. In imposing the sentence, the court shall grant
6 authority to the department of corrections to place the ~~offender~~ JUVENILE
7 OR YOUNG ADULT under a period of community supervision for a period
8 of not fewer than six months and up to twelve months any time after the
9 date on which the ~~offender~~ JUVENILE OR YOUNG ADULT has twelve months
10 remaining to complete the determinate sentence. The court may award ~~an~~
11 ~~offender~~ A JUVENILE OR YOUNG ADULT sentenced to the youthful offender
12 system credit for presentence confinement; except that such credit ~~shall~~
13 DOES not reduce the ~~offender's~~ JUVENILE'S OR YOUNG ADULT'S actual time
14 served in the youthful offender system to fewer than two years. The court
15 shall ~~have~~ ORDER a presentence investigation conducted before
16 sentencing a juvenile or young adult ~~offender~~ pursuant to this section.
17 Upon the request of either the prosecution or the defense, the presentence
18 report must include a determination by the warden of the youthful
19 offender system whether the ~~offender~~ JUVENILE OR YOUNG ADULT is
20 acceptable for sentencing to the youthful offender system. When making
21 a determination, the warden shall consider the nature and circumstances
22 of the crime; the age, circumstances, RISK FACTORS AND PROTECTIVE
23 FACTORS, TREATMENT NEEDS, and criminal history of the ~~offender~~
24 JUVENILE OR YOUNG ADULT; the available bed space in the youthful
25 offender system; and any other appropriate considerations.

26 (II) Upon the successful completion of the determinate sentence
27 to the youthful offender system, including the mandatory period of

1 community supervision, the suspended sentence pursuant to section
2 18-1.3-401 ~~shall have been~~ IS completed. Whenever ~~an offender~~ A
3 JUVENILE OR YOUNG ADULT is returned to the district court for revocation
4 pursuant to subsection (5) of this section, the court shall impose the
5 original sentence following the revocation of the sentence to the youthful
6 offender system, except as otherwise provided in ~~paragraph (b) of~~
7 ~~subsection (5)~~ SUBSECTION (5)(b) of this section.

8 (HH) ~~For the purposes of this section, unless the context otherwise~~
9 ~~requires:~~

10 (A) ~~"Juvenile" means a person who is under eighteen years of age~~
11 ~~when the crime is committed and under twenty-one years of age at the~~
12 ~~time of sentencing pursuant to this section.~~

13 (B) ~~"Young adult offender" means a person who is at least~~
14 ~~eighteen years of age but under twenty years of age when the crime is~~
15 ~~committed and under twenty-one years of age at the time of sentencing~~
16 ~~pursuant to this section.~~

17 (C) ~~"Youthful offender" or "offender" means a juvenile or a young~~
18 ~~adult offender who has been sentenced to the youthful offender system or~~
19 ~~who is eligible for sentencing to the youthful offender system.~~

20 (IV) ~~As used in this section, "community supervision" shall not be~~
21 ~~construed to mean a community corrections program, as defined in~~
22 ~~section 17-27-102. C.R.S.~~

23 (b) Article 22.5 of title 17, concerning time credits, applies to any
24 person sentenced to the youthful offender system; except that ~~an offender~~
25 A SYSTEM PARTICIPANT whose sentence to the youthful offender system
26 is revoked pursuant to subsection (5) of this section may receive one day
27 of credit against the suspended sentence imposed by the court following

1 revocation of the sentence to the youthful offender system for each day
2 the ~~offender~~ PARTICIPANT served in the youthful offender system,
3 excluding any period of time during which the offender was under
4 community supervision but including credit for presentence confinement
5 authorized pursuant to section 18-1.3-405.

6 (3) The department ~~of corrections~~ shall develop and implement a
7 youthful offender system for ~~offenders~~ JUVENILES AND YOUNG ADULTS
8 sentenced in accordance with subsection (2) of this section. The youthful
9 offender system ~~shall be~~ IS under the direction and control of the
10 executive director. ~~of the department of corrections.~~ The youthful
11 offender system ~~shall be~~ IS based on the following principles:

12 (a) The system ~~should provide for teaching offenders~~ MUST TEACH
13 PARTICIPANTS self-discipline by providing clear APPROPRIATE
14 consequences for DESIGNATED inappropriate behavior, WHICH MAY
15 INCLUDE INTERMEDIATE SANCTIONS IMPOSED BY THE DEPARTMENT;

16 (a.5) THE SYSTEM MUST PROVIDE EVIDENCE-INFORMED
17 REHABILITATIVE TREATMENT, AS INDICATED THROUGH ASSESSMENT, TO
18 HELP PARTICIPANTS MAKE LASTING BEHAVIORAL CHANGES TO PREPARE
19 THEMSELVES FOR SUCCESSFUL TRANSITION BACK INTO THE COMMUNITY;

20 (b) The system ~~should~~ MUST include a daily regimen that involves
21 ~~offenders in physical training~~ PARTICIPANTS IN ACTIVITIES DESIGNED TO
22 MEET THEIR INDIVIDUAL NEEDS, WHICH MAY INCLUDE THERAPY, FAMILY
23 THERAPY, OR SUBSTANCE USE DISORDER TREATMENT; self-discipline
24 exercises; educational and work programs; and meaningful interaction,
25 with a component for a tiered system for ~~swift and strict discipline for~~
26 ~~noncompliance~~ POSITIVE SKILL DEVELOPMENT, INCLUDING LIFE SKILLS
27 PROGRAMMING;

1 (c) The system ~~should~~ MUST use staff models and mentors to
2 promote within ~~an offender~~ A PARTICIPANT the development of socially
3 accepted attitudes and behaviors;

4 (d) The system ~~should~~ MUST provide ~~offenders~~ PARTICIPANTS with
5 instruction on problem-solving skills and ~~should~~ incorporate methods to
6 reinforce the use of cognitive behavior strategies that change ~~offenders'~~
7 PARTICIPANTS' orientation toward criminal thinking and behavior;

8 (e) The system ~~should~~ MUST promote among ~~offenders~~
9 PARTICIPANTS the creation and development of new group cultures ~~which~~
10 THAT result in a transition to prosocial behavior; and

11 (f) The system ~~should~~ MUST provide ~~offenders~~ PARTICIPANTS the
12 opportunity to gradually reenter the community. ~~while demonstrating the~~
13 ~~capacity for self-discipline and the attainment of respect for the~~
14 ~~community.~~

15 (3.3) The youthful offender system consists of the following
16 components, and the department ~~of corrections~~ has the authority
17 described in this subsection (3.3) ~~in connection with the administration~~
18 ~~of~~ TO ADMINISTER the components:

19 (a) An intake, diagnostic, and orientation phase. DURING THE
20 INTAKE, DIAGNOSTIC, AND ORIENTATION PHASE, THE DEPARTMENT SHALL
21 FACILITATE AN EVALUATION PROCESS THAT INCLUDES AN EVALUATION OF
22 EACH PARTICIPANT FOR CRIMINOGENIC RISKS OR NEEDS AND AN
23 EVALUATION OF POSSIBLE PHYSICAL, INTELLECTUAL, DEVELOPMENTAL,
24 AND MENTAL AND BEHAVIORAL HEALTH NEEDS. EVALUATORS MUST BE
25 TRAINED TO CONDUCT ASSESSMENTS OF JUVENILES AND YOUNG ADULTS
26 AND TO IDENTIFY NEEDS AND TARGETED GOALS FOR TREATMENT. THE
27 EVALUATOR SHALL COMPLETE A WRITTEN REPORT DOCUMENTING

1 RECOMMENDATIONS. AFTER RECEIVING THE EVALUATOR'S WRITTEN
2 REPORT, THE DEPARTMENT SHALL CREATE A PLAN THAT MUST ADDRESS
3 CRIMINOGENIC RISK OR NEEDS, THERAPEUTIC NEEDS, EDUCATION,
4 VOCATIONAL SKILLS, LIFE SKILLS, AND REENTRY INTO THE COMMUNITY.
5 THE PLAN MUST BE CONSISTENT WITH A PARTICIPANT'S INDIVIDUALIZED
6 EDUCATION PROGRAM DEVELOPED PURSUANT TO SECTION 22-20-108 OR
7 PLAN DEVELOPED PURSUANT TO SECTION 504 OF THE FEDERAL
8 "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701 ET SEQ., IF SUCH A
9 PLAN EXISTS. THE DEPARTMENT SHALL ASSIGN A CASE MANAGER TO THE
10 PARTICIPANT. THE CASE MANAGER SHALL MEET MONTHLY WITH THE
11 PARTICIPANT, ENSURE THAT THE PARTICIPANT RECEIVES THE TREATMENT
12 OR SERVICES NECESSARY TO IMPLEMENT THE PARTICIPANT'S PLAN, AND
13 RECORD THE PARTICIPANT'S PROGRESS THROUGHOUT THE YOUTHFUL
14 OFFENDER SYSTEM PROGRAM.

15 (b) Phase I, during which time a range of core programs,
16 supplementary activities, and educational and prevocational programs and
17 services are provided to ~~offenders~~ EACH PARTICIPANT. A PARTICIPANT'S
18 PLAN MUST BE REVIEWED WITH THE PARTICIPANT AND A
19 MULTIDISCIPLINARY TEAM ON A MONTHLY BASIS. IF THE DEPARTMENT
20 DETERMINES THAT MODIFICATIONS TO THE PLAN FOR TREATMENT OR
21 SERVICES ARE NECESSARY FOR THE PARTICIPANT'S SUCCESSFUL
22 REHABILITATION, THEN THE DEPARTMENT SHALL MODIFY THE
23 PARTICIPANT'S PLAN ACCORDINGLY.

24 (c) (I) Phase II, which may be administered during the last three
25 to six months of the period of institutional confinement and during which
26 time the department of ~~corrections~~ is authorized to transfer an ~~offender~~ A
27 PARTICIPANT to a twenty-four-hour custody residential program that

1 serves ~~youthful offenders~~ PARTICIPANTS.

2 (II) In connection with the component described in ~~subparagraph~~
3 ~~(I) of this paragraph (c)~~ SUBSECTION (3.3)(c)(I) OF THIS SECTION, the
4 department of ~~corrections~~ is authorized to operate or to contract with a
5 prerelease residential program for ~~those sentenced as youthful offenders~~
6 PARTICIPANTS. The department of ~~corrections~~ or the contract provider
7 shall provide for twenty-four-hour custody of ~~offenders~~ A PARTICIPANT
8 in phase II.

9 (d) (I) Phase III, which is to be administered for the period of
10 community supervision that remains after the completion of phase II and
11 during which the ~~offender~~ PARTICIPANT is monitored during reintegration
12 into society.

13 (II) After the department determines appropriate phase III
14 placement, the department shall notify, no later than thirty days prior to
15 placement, the local law enforcement agency for the jurisdiction in which
16 the ~~offender shall be~~ PARTICIPANT IS BEING placed for phase III. The
17 notice ~~shall~~ MUST include the ~~offender's~~ PARTICIPANT'S name, ~~the crime~~
18 ~~committed by the offender, the disposition of the offender's case~~ CRIME
19 COMMITTED, CASE DISPOSITION, and the basis for the placement. IF THE
20 PLACEMENT IS IN A JURISDICTION OTHER THAN THE JURISDICTION WHERE
21 THE PARTICIPANT WAS CONVICTED, the local law enforcement agency may
22 appeal the placement ~~if the placement is in a jurisdiction other than the~~
23 ~~jurisdiction where the offender was convicted, it may appeal~~ to the
24 executive director ~~of the department~~ at least fifteen days prior to the
25 placement; except that the local law enforcement agency may not appeal
26 if the placement is in the jurisdiction where the ~~offender~~ PARTICIPANT was
27 residing at the time the offense was committed. If there is an appeal, after

1 considering the department's basis for placement and the local law
2 enforcement's basis for appeal, the executive director shall make the final
3 determination of the placement.

4 (3.4) In addition to the powers granted to the department of
5 ~~corrections~~ in subsection (3.3) of this section, the department of
6 ~~corrections~~ may:

7 (a) Transfer a ~~youthful offender~~ SYSTEM PARTICIPANT to an
8 appropriate facility ~~for the purpose of accomplishing the offender's~~
9 ~~redirection~~ TO FURTHER THE PARTICIPANT'S IDENTIFIED TREATMENT,
10 REHABILITATION, OR REENTRY goals, as long as the transfer does not
11 jeopardize the safety and welfare of ~~the offender~~ THE PARTICIPANT OR
12 ISOLATE THE PARTICIPANT BECAUSE OF THE PARTICIPANT'S DISABILITY
13 NEEDS;

14 (b) Operate an emancipation program and provide ~~other~~
15 ADDITIONAL support or monitoring services and residential placement for
16 ~~offenders participating~~ A PARTICIPANT in phase II and phase III under the
17 youthful offender system for whom family reintegration poses difficulties.
18 The department of ~~corrections~~ shall provide reintegration support services
19 ~~to an offender placed in an emancipation house~~ AT A LEVEL AND OF A
20 TYPE CONSISTENT WITH THE PARTICIPANT'S NEEDS.

21 (c) Contract with any public or private entity, including, but not
22 limited to, a school district, for provision or certification of educational
23 services ~~Offenders~~ INCLUDING, BUT NOT LIMITED TO, A GENERAL
24 EDUCATIONAL DEVELOPMENT PROGRAM OR A HIGH SCHOOL DIPLOMA
25 PATHWAY. THE DEPARTMENT OR THE CONTRACTED ENTITY SHALL
26 DETERMINE THE NUMBER AND TYPE OF EDUCATIONAL CREDITS A
27 PARTICIPANT HAD EARNED PRIOR TO ENTERING THE YOUTHFUL OFFENDER

1 SYSTEM. A PARTICIPANT receiving educational services or diplomas from
2 a school district under an agreement entered into pursuant to this
3 ~~paragraph (c) shall not be~~ SUBSECTION (3.4)(c) IS NOT included in
4 computing the school district's student performance on statewide
5 assessments pursuant to section 22-7-1006.3, ~~Č.R.S.~~, or the school
6 district's levels of attainment of the performance indicators pursuant to
7 article 11 of title 22. ~~Č.R.S.~~

8 (3.5) (a) The executive director ~~of the department of corrections~~
9 or the executive director's designee has final approval on the hiring and
10 transferring of staff for the youthful offender system. In staffing the
11 youthful offender system, the executive director or the executive
12 director's designee shall select persons who ~~are trained in the treatment~~
13 ~~of youthful offenders~~ POSSESS KNOWLEDGE, EXPERIENCE, AND A PASSION
14 FOR THE TREATMENT OF JUVENILES AND YOUNG ADULTS or will be trained
15 in the treatment of ~~youthful offenders~~ JUVENILES AND YOUNG ADULTS; are
16 trained to act as role models and mentors pursuant to subsection (3)(c) of
17 this section; and are best equipped to enable the youthful offender system
18 to meet the principles specified in subsection (3) of this section. All staff
19 members must be trained in the treatment of ~~youthful offenders~~
20 JUVENILES AND YOUNG ADULTS within forty-five days after their first day
21 at the youthful offender system. Prior to receiving this training, a staff
22 member shall not work directly with juveniles and must be supervised by
23 a trained staff member when working with ~~any young adult offenders at~~
24 A PARTICIPANT IN the youthful offender system. The executive director or
25 the executive director's designee shall make a recommendation to the
26 department of personnel regarding the classification of positions with the
27 youthful offender system, taking into account the level of education and

1 training required for ~~such~~ THE positions.

2 (b) TO SUPPORT YOUTHFUL OFFENDER SYSTEM BEHAVIORAL
3 HEALTH STAFFING, THE DIRECTOR OF CLINICAL SERVICES AT THE
4 DEPARTMENT MAY, WITH THE FINAL APPROVAL OF THE EXECUTIVE
5 DIRECTOR OR THE EXECUTIVE DIRECTOR'S DESIGNEE, HIRE UNLICENSED
6 BEHAVIORAL HEALTH PROFESSIONALS OR PARAPROFESSIONALS TO
7 SUPPLEMENT, AS APPROPRIATE, THE WORK OF LICENSED BEHAVIORAL
8 HEALTH PROVIDERS AUTHORIZED TO PROVIDE SUPERVISION WITHIN THE
9 LICENSED BEHAVIORAL HEALTH PROVIDERS' SCOPE OF PRACTICE.

10 (4) The youthful offender system ~~shall~~ MUST provide for
11 community supervision ~~which shall consist~~ THAT CONSISTS of highly
12 structured ~~surveillance and monitoring and~~ SUPERVISION, educational
13 PROGRAMS, and EVIDENCE-INFORMED treatment programs THAT ARE
14 INDIVIDUALLY TAILORED TO MEET THE SYSTEM PARTICIPANTS' NEEDS AND
15 GOALS. Community supervision ~~shall~~ MUST be administered by the
16 department, ~~of corrections~~, and revocation of ~~the inmate's supervision~~
17 ~~status shall be~~ A PARTICIPANT'S SUPERVISION STATUS IS subject to the
18 provisions of subsections (2) and (5) of this section.

19 (4.3) The youthful offender system ~~shall~~ MUST provide sex
20 offender treatment services for ~~an offender~~ A PARTICIPANT who is
21 sentenced to the youthful offender system and who has a history of
22 committing a sex offense, as defined in section 16-11.7-102 (3), ~~C.R.S.~~,
23 or who has a history of committing any other offense, the underlying
24 factual basis of which includes a sex offense. ~~Prior to July 1, 2002, the~~
25 ~~sex offender treatment services provided pursuant to this subsection (4.3)~~
26 ~~shall comply with any existing national standards for juvenile sex~~
27 ~~offender treatment. On and after July 1, 2002, The sex offender treatment~~

1 services provided pursuant to this subsection (4.3) ~~shall~~ MUST comply
2 with the sex offender treatment standards adopted by the sex offender
3 management board pursuant to section 16-11.7-103. ~~C.R.S.~~

4 (4.5) The consent of the parent, parents, or legal guardian of ~~an~~
5 ~~offender under the age of eighteen years~~ A JUVENILE PARTICIPANT who
6 has been sentenced to the youthful offender system pursuant to this
7 section is not necessary in order to authorize hospital, medical, mental
8 health, SUBSTANCE USE, dental, emergency health, or emergency surgical
9 care. In addition, neither the department nor any hospital, physician,
10 surgeon, mental OR BEHAVIORAL health-care provider, dentist, trained
11 emergency health-care provider, or agent or employee thereof who, in
12 good faith, relies on ~~such a minor offender's~~ A JUVENILE PARTICIPANT'S
13 consent is liable for civil damages for failure to secure the consent of ~~such~~
14 ~~an offender's~~ THE PARTICIPANT'S parent, parents, or legal guardian prior
15 to rendering ~~such~~ THE care. The parent, parents, or legal guardian of a
16 ~~minor offender~~ JUVENILE PARTICIPANT described in this subsection (4.5)
17 is not liable to pay the charges for the care provided the ~~minor on said~~
18 ~~minor's~~ PARTICIPANT BASED ON THE PARTICIPANT'S consent.

19 (5) (a) Except as otherwise provided by ~~paragraph (b) of this~~
20 ~~subsection (5)~~ SUBSECTION (5)(b) OF THIS SECTION, the department of
21 ~~corrections~~ shall implement a procedure for the transfer of ~~an offender~~ A
22 SYSTEM PARTICIPANT to another facility when ~~an offender in the system~~
23 THE SYSTEM PARTICIPANT poses a danger to ~~himself or herself~~ THEMSELF
24 or others. The executive director of ~~the department of corrections~~ shall
25 review any transfer determination by the department prior to the actual
26 transfer of ~~an inmate~~ A PARTICIPANT, including a transfer back to the
27 district court for revocation of the sentence to the youthful offender

1 system. A transfer pursuant to this ~~paragraph (a) shall be~~ SUBSECTION
2 (5)(a) IS limited to a period not to exceed sixty days, at which time the
3 ~~offender~~ PARTICIPANT shall be returned to the youthful offender facility
4 to complete ~~his or her~~ THE sentence or returned to the district court for
5 revocation of the sentence to the youthful offender system. In no case
6 shall ~~an offender~~ A PARTICIPANT initially sentenced to the youthful
7 offender system be held in isolation or segregation or in an adult facility
8 for longer than sixty consecutive days without action by the sentencing
9 court.

10 (b) (I) ~~An offender~~ A PARTICIPANT who is ~~thought~~ DETERMINED
11 BY A MENTAL HEALTH CLINICIAN to have a behavioral or mental health
12 ~~disorder~~ CONDITION or an intellectual and developmental disability, ~~by a~~
13 ~~mental health clinician~~, as defined by regulation of the department, ~~of~~
14 ~~corrections~~, may be transferred to another facility for a period not to
15 exceed sixty days for diagnostic validation of ~~said disorder~~ THE
16 CONDITION or disability. At the conclusion of the sixty-day period, the
17 ~~psychiatrists or other~~ appropriate professionals ~~conducting~~ MAKING the
18 diagnosis shall forward to the executive director ~~of the department of~~
19 ~~corrections~~ their findings, ~~which at a minimum must include a statement~~
20 ~~of whether the offender has the ability to withstand the rigors of~~
21 INCLUDING INFORMATION ABOUT HOW THE PARTICIPANT'S CONDITION OR
22 DISABILITY CAN BE ACCOMMODATED IN the youthful offender system. If
23 the diagnosis determines that the ~~offender~~ PARTICIPANT is incapable of
24 completing ~~his or her~~ THE sentence to the youthful offender system due
25 to a behavioral or mental health ~~disorder~~ CONDITION or an intellectual and
26 developmental disability, the executive director shall forward ~~such~~ THE
27 determination to the sentencing court. Based on the determination, the

1 sentencing court shall review the offender's PARTICIPANT'S sentence to the
2 youthful offender system and may

3 ~~(A) Impose the offender's original sentence to the department of~~
4 ~~corrections; or~~

5 ~~(B)~~ reconsider and reduce the offender's PARTICIPANT'S sentence
6 to the department of ~~corrections~~ in consideration of the offender's
7 behavioral or mental health ~~disorder~~ CONDITION or intellectual and
8 developmental disability.

9 (II) ~~An offender~~ A JUVENILE OR YOUNG ADULT who is resentenced
10 pursuant to this subsection (5)(b) shall continue to be treated as an adult
11 for purposes of sentencing and shall not be sentenced pursuant to article
12 2.5 of title 19.

13 (III) In no event shall the sentencing court, after reviewing the
14 offender's JUVENILE'S OR YOUNG ADULT'S sentence to the youthful
15 offender system pursuant to this subsection (5)(b), increase the offender's
16 sentence to the department of ~~corrections~~ due to the offender's diagnosis
17 of a behavioral or mental health ~~disorder~~ CONDITION or determination of
18 an intellectual and developmental disability.

19 (IV) ~~Any offender~~ A PARTICIPANT who is diagnosed as having a
20 behavioral or mental health ~~disorder~~ CONDITION or determined to have an
21 intellectual and developmental disability and is therefore incapable of
22 completing ~~his or her~~ THEIR sentence to the youthful offender system may
23 be housed in any department of ~~corrections~~ facility deemed appropriate
24 by the executive director or transferred in accordance with procedures set
25 forth in section 17-23-101 pending action by the sentencing court with
26 regard to the offender's sentence.

27 (c) The department of ~~corrections~~ shall implement a procedure for

1 A returning ~~offenders~~ JUVENILE OR YOUNG ADULT who cannot
2 successfully complete the sentence to the youthful offender system, or
3 who ~~fail~~ FAILS to comply with the terms or conditions of the youthful
4 offender system, to the district court. ~~An offender~~ A JUVENILE OR YOUNG
5 ADULT returned to the district court pursuant to subsection (5)(a) of this
6 section or because ~~he or she~~ THE JUVENILE OR YOUNG ADULT cannot
7 successfully complete the sentence to the youthful offender system for
8 reasons other than a behavioral or mental health ~~disorder~~ CONDITION or
9 an intellectual and developmental disability, or because ~~he or she~~ THE
10 JUVENILE OR YOUNG ADULT fails to comply with the terms or conditions
11 of the youthful offender system, ~~shall~~ MUST receive imposition of the
12 original sentence to the department. ~~of corrections.~~ A DISTRICT COURT
13 MUST FIRST MAKE A DETERMINATION THAT THE FAILURE TO COMPLY WITH
14 THE TERMS OR CONDITIONS OF THE YOUTHFUL OFFENDER SYSTEM DID NOT
15 RESULT FROM A MENTAL OR BEHAVIORAL HEALTH CONDITION OR AN
16 INTELLECTUAL AND DEVELOPMENTAL DISABILITY OR THE DEPARTMENT'S
17 FAILURE TO PROVIDE REASONABLE ACCOMMODATIONS FOR A MENTAL OR
18 BEHAVIORAL HEALTH CONDITION OR AN INTELLECTUAL AND
19 DEVELOPMENTAL DISABILITY. After the executive director ~~of the~~
20 ~~department~~ upholds the department's TRANSFER decision, the ~~offender~~
21 PARTICIPANT may be held in any correctional facility deemed appropriate
22 by the executive director; except that ~~an offender~~ A PARTICIPANT who
23 cannot successfully complete the sentence to the youthful offender system
24 for reasons other than a behavioral or mental health ~~disorder~~ CONDITION
25 or an intellectual and developmental disability, or because ~~he or she fails~~
26 OF A FAILURE to comply with the terms or conditions of the youthful
27 offender system, shall be transferred, within thirty-five days after the

1 executive director upholds the department's decision, to a county jail for
2 holding prior to resentencing. The department shall notify the district
3 attorney of record, and the district attorney of record ~~shall be~~ IS
4 responsible for seeking the revocation or review of the ~~offender's~~
5 PARTICIPANT'S sentence and the imposition of the original sentence or
6 modification of the original sentence pursuant to ~~subsection (5)(b)(I)(B)~~
7 SUBSECTION (5)(b)(I) of this section. The district court shall review the
8 ~~offender's~~ PARTICIPANT'S sentence within one hundred twenty-six days
9 after notification to the district attorney of record by the department of
10 ~~corrections~~ that the ~~offender~~ PARTICIPANT is not able to complete the
11 sentence to the youthful offender system or fails to comply with the terms
12 or conditions of the youthful offender system.

13 (d) (I) Except as provided in subsection (5)(d)(II) of this section,
14 the department ~~of corrections~~ may house ~~an offender~~ A SYSTEM
15 PARTICIPANT in a youthful offender facility that also houses inmates
16 twenty-five years of age or older sentenced to the department of
17 ~~corrections~~ who are of a lower than close custody level if ~~such~~ THE
18 inmates are housed in the youthful offender facility for the purpose of
19 participating in a program to mentor ~~youthful offenders~~ SYSTEM
20 PARTICIPANTS that is authorized by the executive director. ~~of the~~
21 ~~department of corrections.~~

22 (II) The department ~~of corrections~~ shall not house ~~an offender~~ A
23 PARTICIPANT in a youthful offender facility that also houses any inmates
24 twenty-five years of age or older sentenced to the department of
25 ~~corrections~~ who have been convicted of a sex offense, as described in
26 section 16-11.7-102 (3).

27 (6) The department ~~of corrections~~ shall establish and enforce

1 standards for the youthful offender system ~~Offenders~~ CONSISTENT WITH
2 THE GOALS STATED IN SUBSECTION (1) OF THIS SECTION. A PARTICIPANT
3 in the youthful offender system, including ~~those~~ A PARTICIPANT under
4 community supervision, ~~shall be~~ IS considered ~~inmates~~ AN INMATE for the
5 purposes of section 17-1-111. ~~C.R.S.~~

6 (11.5) (a) (I) ~~An offender~~ A JUVENILE OR YOUNG ADULT who is
7 sentenced to the youthful offender system ~~shall~~ MUST submit to collection
8 and a chemical testing of a biological substance sample from the ~~offender~~
9 JUVENILE OR YOUNG ADULT to determine the genetic markers thereof.

10 (12) The general assembly recognizes that the ~~increased~~ number
11 of violent crimes committed by juveniles and young adults is a problem
12 faced by all the states of this nation. By creating the youthful offender
13 system, Colorado stands at the forefront of the states in creating a new
14 approach to addressing this problem. The general assembly also declares
15 that the cost of implementing and operating the youthful offender system
16 ~~will create~~ CREATES a burden on the state's limited resources. ~~Accordingly~~
17 HOWEVER, THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE
18 DEPARTMENT SUFFICIENT FUNDS TO MANAGE THE YOUTHFUL OFFENDER
19 SYSTEM IN A MANNER CONSISTENT WITH THE REQUIREMENTS AND
20 PRINCIPLES CONTAINED IN THIS SECTION, INCLUDING THE REQUIREMENTS
21 AND PRINCIPLES RELATED TO THE TREATMENT OF MENTAL AND
22 BEHAVIORAL HEALTH CONDITIONS OR INTELLECTUAL AND
23 DEVELOPMENTAL DISABILITIES. TO SUPPLEMENT THE APPROPRIATION, the
24 general assembly directs the department ~~of corrections~~ to seek out and
25 accept available federal, state, and local public funds, including project
26 demonstration funds, and private ~~moneys~~ MONEY and private systems for
27 the purpose of conducting the youthful offender system.

1 (15) (a) THE DEPARTMENT SHALL CONSULT A DIVERSE GROUP OF
2 RELEVANT EXPERTS TO FORMULATE RECOMMENDATIONS FOR
3 INTEGRATING A TRAUMA-INFORMED STANDARD OF CARE WITH CURRENT
4 PRACTICES TO PROMOTE THE HEALTH AND SAFETY OF PARTICIPANTS IN THE
5 YOUTHFUL OFFENDER SYSTEM. THE RELEVANT EXPERTS' VIEWS MUST
6 GUIDE THE RECOMMENDATIONS ON APPROPRIATE PROGRAMMING AND
7 THERAPEUTIC INTERVENTIONS TO ADDRESS SYMPTOMS OF TRAUMA THAT
8 SYSTEM PARTICIPANTS EXHIBIT. THE RECOMMENDATIONS MUST INCLUDE,
9 BUT ARE NOT LIMITED TO, NECESSARY MODIFICATIONS TO YOUTHFUL
10 OFFENDER SYSTEM PROGRAMMING AND PROCEDURES, PARTICIPANT
11 TREATMENT, PARTICIPANT HOUSING ARRANGEMENTS, AND STAFF
12 TRAINING TO REFLECT A TRAUMA-INFORMED APPROACH TO CARE.

13 (b) IN JANUARY 2028, THE DEPARTMENT SHALL INCLUDE, AS PART
14 OF ITS PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY
15 SECTION 2-7-203, INFORMATION CONCERNING THE RECOMMENDATIONS
16 DEVELOPED PURSUANT TO SUBSECTION (15)(a) OF THIS SECTION. THE
17 DEPARTMENT SHALL PUBLISH THE RECOMMENDATIONS ON THE
18 DEPARTMENT'S WEBSITE.

19 **SECTION 6.** In Colorado Revised Statutes, **amend** 18-1.3-407.5
20 as follows:

21 **18-1.3-407.5. Sentences - young adults - youthful offender**
22 **system - definitions.**

23 (1) (a) A young adult ~~offender~~ may be sentenced to the youthful
24 offender system in the department of corrections in accordance with
25 section 18-1.3-407, in the following circumstances:

26 (I) The young adult ~~offender~~ is convicted of a felony enumerated
27 as a crime of violence pursuant to section 18-1.3-406;

1 (II) The young adult ~~offender~~ is convicted of a felony offense
2 described in part 1 of article 12 of this ~~title~~ TITLE 18;

3 (III) The young adult ~~offender~~ used, or possessed and threatened
4 the use of, a deadly weapon during the commission of a felony offense
5 against a person, as set forth in article 3 of this ~~title~~ TITLE 18;

6 (IV) The young adult ~~offender~~ is convicted of vehicular homicide,
7 as described in section 18-3-106; vehicular assault, as described in section
8 18-3-205; or felonious arson, as described in part 1 of article 4 of this ~~title~~
9 TITLE 18;

10 (V) The young adult ~~offender~~ is convicted of a felony offense
11 described in section 18-1.3-401 as a class 3 felony, other than the felonies
12 described in section 18-3-402 (1)(d) and section 18-3-403 (1)(e), as it
13 existed prior to July 1, 2000, and has, within the two previous years, been
14 adjudicated a juvenile delinquent for a delinquent act that would
15 constitute a felony if committed by an adult; or

16 (VI) The young adult ~~offender~~ is convicted of a felony offense and
17 is determined to have been a "repeat juvenile offender", as described in
18 section 19-2.5-1125.

19 (b) The offenses described in ~~paragraph (a) of this subsection (1)~~
20 ~~shall~~ SUBSECTION (1)(a) OF THIS SECTION include the attempt, conspiracy,
21 or solicitation to commit ~~such~~ THE offenses.

22 (2)(a) Notwithstanding the circumstances described in subsection
23 (1) of this section, a young adult ~~offender shall be~~ IS ineligible for
24 sentencing to the youthful offender system if the young adult ~~offender~~ is
25 convicted of any of the following:

26 (I) A class 1 or class 2 felony;

27 (II) A sexual offense described in section 18-6-301, section

1 18-6-302, or part 4 of article 3 of this ~~title~~ TITLE 18; or

2 (III) Any offense, if the young adult ~~offender~~ has received a
3 sentence to the youthful offender system for ~~any~~ A prior conviction.

4 (b) Notwithstanding subsection (2)(a) of this section, a young
5 adult ~~offender~~ who is charged with first degree murder as described in
6 section 18-3-102 (1)(b), as it existed prior to September 15, 2021, or
7 murder in the second degree, as described in section 18-3-103 (1)(b), and
8 pleads guilty to a class 2 felony as a result of a plea agreement is eligible
9 for sentencing to the youthful offender system if the young adult ~~offender~~
10 would be eligible for sentencing to the youthful offender system for a
11 conviction of the felony underlying the charge of first degree murder as
12 described in section 18-3-102 (1)(b), as it existed prior to September 15,
13 2021, or murder in the second degree, as described in section 18-3-103
14 (1)(b).

15 (3) As used in this section, unless the context otherwise requires,
16 a "young adult" ~~offender~~ means a person who is at least eighteen years
17 of age but under twenty years of age at the time the crime is committed
18 and under twenty-one years of age at the time of sentencing pursuant to
19 this section.

20 **SECTION 7.** In Colorado Revised Statutes, 18-1.3-704, **amend**
21 (1) as follows:

22 **18-1.3-704. Outstanding balances owed by juveniles - report.**

23 (1) On and after July 6, 2021, the balance of any court-assessed
24 or court-ordered costs imposed pursuant to section 16-11-101.6 (1),
25 18-1.3-407 (4.5) or (11.5), 18-1.3-507 (6)(a), 18-1.3-701 (1) or (2)(m),
26 18-21-103 (1.5), 18-25-101 (1), 21-1-103 (3), 24-4.1-119 (1)(a) or (1)(d),
27 24-4.2-104 (1)(a)(I), or 42-4-1307 (10) against a juvenile, as defined in

1 ~~section 18-1.3-407 (2)(a)(HH)(A)~~ SECTION 18-1.3-407 (1.3); the parent,
2 guardian, or legal custodian of a juvenile; or other person who is liable
3 for the support of a juvenile are unenforceable and not collectable.

4 **SECTION 8.** In Colorado Revised Statutes, 18-22-103, **amend**
5 (3) as follows:

6 **18-22-103. Source of revenues - allocation of money -**
7 **surcharge fund - transfer - repeal.**

8 (3) There is ~~hereby~~ created in the state treasury a youthful
9 offender system surcharge fund ~~which shall consist~~ THAT CONSISTS of
10 ~~moneys~~ MONEY received by the state treasurer pursuant to ~~paragraph (b)~~
11 ~~of subsection (2)~~ SUBSECTION (2)(b) of this section. In accordance with
12 section 24-36-114, ~~C.R.S.~~, all interest derived from the deposit and
13 investment of this fund ~~shall be~~ IS credited to the general fund. Any
14 ~~moneys~~ MONEY not appropriated by the general assembly ~~shall remain~~
15 REMAINS in the youthful offender system surcharge fund and shall not be
16 transferred or revert to the general fund of the state at the end of any
17 fiscal year. All ~~moneys~~ MONEY in the fund ~~shall be~~ IS subject to annual
18 appropriation by the general assembly to the department of corrections to
19 cover the direct and indirect costs associated with the rehabilitation,
20 education, and treatment of ~~youthful offenders~~ JUVENILES AND YOUNG
21 ADULTS sentenced to ~~a~~ THE youthful offender system.

22 **SECTION 9. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly (August
25 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
26 referendum petition is filed pursuant to section 1 (3) of article V of the
27 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part will not take effect
2 unless approved by the people at the general election to be held in
3 November 2026 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.