

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0859.01 Richard Sweetman x4333

SENATE BILL 15-182

SENATE SPONSORSHIP

Garcia and Crowder,

HOUSE SPONSORSHIP

Navarro and Esgar,

Senate Committees
Judiciary

House Committees
Judiciary

A BILL FOR AN ACT

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

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://www.leg.state.co.us/billsummaries>.)

The executive director of the department of corrections (DOC) or his or her designee may transfer any youthful offender age twenty-four years or younger and sentenced to the DOC into and out of the youthful offender system at his or her discretion.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
March 6, 2015

SENATE
2nd Reading Unamended
March 5, 2015

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

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

4 **18-1.3-407. Sentences - youthful offenders - legislative**
5 **declaration - powers and duties of district court - authorization for**
6 **youthful offender system - powers and duties of department of**
7 **corrections - definitions.** (1) (c) (I) It is the intent of the general
8 assembly that offenders sentenced to the youthful offender system be
9 housed and serve their sentences in a facility specifically designed and
10 programmed for the youthful offender system and that offenders so
11 sentenced be housed separate from and not brought into daily physical
12 contact with inmates OLDER THAN TWENTY-FOUR YEARS sentenced to the
13 department of corrections who have not been sentenced to the youthful
14 offender system, except as specifically provided under subsection (5) of
15 this section.

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

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

25 (IV) (A) THE DEPARTMENT OF CORRECTIONS SHALL DEVELOP
26 POLICIES AND PROCEDURES FOR DECISION-MAKING REGARDING THE

1 TRANSFER OF ANY OFFENDER NOT SENTENCED TO THE YOUTHFUL
2 OFFENDER SYSTEM INTO THE YOUTHFUL OFFENDER SYSTEM IN ORDER TO
3 ENSURE THAT THE GOALS OF THE YOUTHFUL OFFENDER SYSTEM, AS
4 DESCRIBED IN THIS SECTION; THE OPERATIONS OF THE REHABILITATIVE
5 PROGRAM WITHIN THE YOUTHFUL OFFENDER SYSTEM; AND THE DELIVERY
6 OF SERVICES TO THOSE OFFENDERS DIRECTLY SENTENCED TO THE
7 YOUTHFUL OFFENDER SYSTEM ARE NOT COMPROMISED IN ANY WAY BY THE
8 COMINGLED POPULATION.

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

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

26 **SECTION 2. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

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