

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 17-0554.01 Jane Ritter x4342

HOUSE BILL 17-1101

HOUSE SPONSORSHIP

Rosenthal,

SENATE SPONSORSHIP

Priola and Todd,

House Committees

Public Health Care & Human Services
Finance

Senate Committees

Judiciary

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE YOUTH CORRECTIONS MONETARY**
102 **INCENTIVES AWARD PROGRAM IN THE DIVISION OF YOUTH**
103 **CORRECTIONS.**

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>.)

The bill creates the youth corrections monetary incentives award program (program) in the division of youth corrections in the department of human services (department). The purpose of the program is to provide monetary awards and incentives for academic, social, and psychological achievement to juveniles committed to the department. The department

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
2nd Reading Unamended
March 20, 2017

HOUSE
3rd Reading Unamended
February 21, 2017

HOUSE
Amended 2nd Reading
February 16, 2017

is directed to adopt rules concerning the administration of the program, including participation criteria, guidelines, and award amounts. At a minimum, a juvenile in the program must maintain an outstanding academic record during each academic term and make continual progress in therapeutic or other programs he or she is assigned to. Rules for the program must state that the incentive money may only be used for educational purposes, independent living expenses, restitution expenses, or other expenses approved as necessary and valid by the juvenile's case manager.

The department shall credit and hold in trust any incentive money awarded to a juvenile to that juvenile's account, if he or she has one established. If the juvenile does not have an account established, the department shall establish an account for a juvenile at such time as he or she begins to earn incentive awards through the program.

The department is authorized to accept gifts, grants, and donations for the purposes of the program.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 19-2-312 as
3 follows:

4 **19-2-312. Youth corrections monetary incentives award**
5 **program - designated monetary custodian.** (1) THE DIVISION OF YOUTH
6 CORRECTIONS IN THE DEPARTMENT OF HUMAN SERVICES IS AUTHORIZED
7 TO ESTABLISH, AT ITS DISCRETION, A YOUTH CORRECTIONS MONETARY
8 INCENTIVES AWARD PROGRAM, REFERRED TO IN THIS SECTION AS THE
9 "PROGRAM". THE PURPOSE OF THE PROGRAM IS TO PROVIDE MONETARY
10 AWARDS AND INCENTIVES FOR ACADEMIC, SOCIAL, AND PSYCHOLOGICAL
11 ACHIEVEMENT TO JUVENILES WHO WERE FORMERLY COMMITTED TO THE
12 DIVISION OF YOUTH CORRECTIONS WHO ARE ON PAROLE, IN COMMUNITY
13 CORRECTIONS, OR NOW OFF OF PAROLE.

14 (2) IF THE DIVISION OF YOUTH CORRECTIONS ESTABLISHES A
15 PROGRAM, IT SHALL DEVISE, IN COLLABORATION WITH THE NONPROFIT
16 ORGANIZATION DESIGNATED PURSUANT TO SUBSECTION (3) OF THIS

1 SECTION, APPROPRIATE PARTICIPATION CRITERIA, APPLICATION
2 PROCEDURES, ANY NECESSARY ORGANIZATIONAL STRUCTURE, AND
3 CRITERIA FOR AWARDING INDIVIDUAL SCHOLARSHIPS. CRITERIA MAY, BUT
4 ARE NOT REQUIRED TO, INCLUDE THAT THE JUVENILE:

5 (a) MAINTAINS THE HIGHEST GRADES POSSIBLE EACH ACADEMIC
6 TERM;

7 (b) MAKES CONSISTENT PROGRESS IN HIS OR HER THERAPY OR
8 OTHER ASSIGNED PROGRAM, IF APPLICABLE, DURING EACH ACADEMIC
9 TERM, AS DETERMINED BY THE TEAM OF PROFESSIONALS WHO WORKED
10 WITH THE JUVENILE WHILE COMMITTED TO THE DIVISION OF YOUTH
11 CORRECTIONS; AND

12 (c) USE THE MONEY EARNED ONLY FOR EXPENSES APPROVED AS
13 NECESSARY AND VALID BY THE DIVISION OF YOUTH CORRECTIONS AND THE
14 NONPROFIT ORGANIZATION DESIGNATED PURSUANT TO SUBSECTION (3) OF
15 THIS SECTION.

16 (3) IF THE DIVISION OF YOUTH CORRECTIONS ESTABLISHES A
17 PROGRAM, IT SHALL, IN CONJUNCTION WITH THE DIRECTOR OF THE
18 LEGISLATIVE COUNCIL, USE A REQUEST FOR PROPOSAL PROCESS TO
19 CONTRACT WITH AND DESIGNATE A NONPROFIT ORGANIZATION, REFERRED
20 TO IN THIS SECTION AS THE "DESIGNATED NONPROFIT", TO SERVE AS THE
21 CUSTODIAN OF MONEY DONATED TO THE PROGRAM THROUGH THE
22 DESIGNATED NONPROFIT. THE DESIGNATED NONPROFIT SHALL WORK WITH
23 THE DIVISION OF YOUTH CORRECTIONS FOR THE PURPOSE OF DESIGNING
24 THE PROGRAM CRITERIA, ACCEPTING FUNDS FOR PROGRAM SCHOLARSHIPS,
25 AND PROVIDING A DISTRIBUTION MECHANISM FOR SUCH SCHOLARSHIPS.

26 (4) (a) THE DESIGNATED NONPROFIT AND THE DIVISION OF YOUTH
27 CORRECTIONS ARE AUTHORIZED TO SOLICIT, ACCEPT, AND EXPEND

1 MONETARY AND IN-KIND GIFTS, GRANTS, AND DONATIONS ON BEHALF OF
2 THE PROGRAM AND FOR PAYMENT OF SCHOLARSHIPS TO JUVENILES IN THE
3 PROGRAM. ANY SUCH MONEY DONATED OR AWARDED TO THE DESIGNATED
4 NONPROFIT FOR THE BENEFIT OF THE PROGRAM IS NOT SUBJECT TO
5 APPROPRIATION BY THE GENERAL ASSEMBLY. THE DESIGNATED NONPROFIT
6 MUST NOT BE THE CUSTODIAN OF ANY MONEY APPROPRIATED BY THE
7 STATE, WHICH MUST BE ANNUALLY APPROPRIATED BY THE GENERAL
8 ASSEMBLY TO THE DIVISION OF YOUTH CORRECTIONS IN THE DEPARTMENT
9 OF HUMAN SERVICES. ANY MONEY OBTAINED BY THE DIVISION OF YOUTH
10 CORRECTIONS OR THE DESIGNATED NONPROFIT THAT IS UNEXPENDED AND
11 UNENCUMBERED AT SUCH TIME THE PROGRAM IS DISSOLVED MUST BE
12 DISTRIBUTED ACCORDING TO APPROPRIATE FEDERAL AND STATE LAWS
13 GOVERNING NONPROFIT ORGANIZATIONS.

14 (b) IF A DIFFERENT NONPROFIT OR PRIVATE ORGANIZATION IS
15 SUBSEQUENTLY DESIGNATED AS THE CUSTODIAN OF DONATED MONEY IN
16 ACCORDANCE WITH THIS SUBSECTION (4), THE FORMER DESIGNATED
17 NONPROFIT SHALL PROMPTLY TRANSFER TO THE NEWLY DESIGNATED
18 NONPROFIT OR PRIVATE ORGANIZATION ANY MONEY THAT IS UNEXPENDED
19 AND UNENCUMBERED AT THE TIME OF THE CHANGE IN DESIGNATION.

20 **SECTION 2. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2018 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.