

CHAPTER 95

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 17-1101

BY REPRESENTATIVE(S) Rosenthal, Arndt, Becker K., Esgar, Exum, Hamner, Lee, Lontine, Melton, Michaelson Jenet, Pettersen, Singer, Young, Duran;
also SENATOR(S) Priola and Todd, Court, Guzman, Kagan, Kerr, Merrifield, Moreno, Tate.

AN ACT**CONCERNING THE CREATION OF THE YOUTH CORRECTIONS MONETARY INCENTIVES AWARD PROGRAM IN THE DIVISION OF YOUTH CORRECTIONS.**

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

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

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

(2) IF THE DIVISION OF YOUTH CORRECTIONS ESTABLISHES A PROGRAM, IT SHALL DEVISE, IN COLLABORATION WITH THE NONPROFIT ORGANIZATION DESIGNATED PURSUANT TO SUBSECTION (3) OF THIS SECTION, APPROPRIATE PARTICIPATION CRITERIA, APPLICATION PROCEDURES, ANY NECESSARY ORGANIZATIONAL STRUCTURE, AND CRITERIA FOR AWARDING INDIVIDUAL SCHOLARSHIPS. CRITERIA MAY, BUT ARE NOT REQUIRED TO, INCLUDE THAT THE JUVENILE:

- (a) MAINTAINS THE HIGHEST GRADES POSSIBLE EACH ACADEMIC TERM;
- (b) MAKES CONSISTENT PROGRESS IN HIS OR HER THERAPY OR OTHER ASSIGNED PROGRAM, IF APPLICABLE, DURING EACH ACADEMIC TERM, AS DETERMINED BY THE

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

TEAM OF PROFESSIONALS WHO WORKED WITH THE JUVENILE WHILE COMMITTED TO THE DIVISION OF YOUTH CORRECTIONS; AND

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

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

(4)(a) THE DESIGNATED NONPROFIT AND THE DIVISION OF YOUTH CORRECTIONS ARE AUTHORIZED TO SOLICIT, ACCEPT, AND EXPEND MONETARY AND IN-KIND GIFTS, GRANTS, AND DONATIONS ON BEHALF OF THE PROGRAM AND FOR PAYMENT OF SCHOLARSHIPS TO JUVENILES IN THE PROGRAM. ANY SUCH MONEY DONATED OR AWARDED TO THE DESIGNATED NONPROFIT FOR THE BENEFIT OF THE PROGRAM IS NOT SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY. THE DESIGNATED NONPROFIT MUST NOT BE THE CUSTODIAN OF ANY MONEY APPROPRIATED BY THE STATE, WHICH MUST BE ANNUALLY APPROPRIATED BY THE GENERAL ASSEMBLY TO THE DIVISION OF YOUTH CORRECTIONS IN THE DEPARTMENT OF HUMAN SERVICES. ANY MONEY OBTAINED BY THE DIVISION OF YOUTH CORRECTIONS OR THE DESIGNATED NONPROFIT THAT IS UNEXPENDED AND UNENCUMBERED AT SUCH TIME THE PROGRAM IS DISSOLVED MUST BE DISTRIBUTED ACCORDING TO APPROPRIATE FEDERAL AND STATE LAWS GOVERNING NONPROFIT ORGANIZATIONS.

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

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 9, 2017, if adjournment sine die is on May 10, 2017); 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 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 4, 2017