

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 7, 2017
Date

Committee on Public Health Care & Human Services.

After consideration on the merits, the Committee recommends the following:

HB17-1101 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

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

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

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

22 (a) MAINTAINS THE HIGHEST GRADES POSSIBLE EACH ACADEMIC
23 TERM;

24 (b) MAKES CONSISTENT PROGRESS IN HIS OR HER THERAPY OR

1 OTHER ASSIGNED PROGRAM, IF APPLICABLE, DURING EACH ACADEMIC
2 TERM, AS DETERMINED BY THE TEAM OF PROFESSIONALS WHO WORKED
3 WITH THE JUVENILE WHILE COMMITTED TO THE DIVISION OF YOUTH
4 CORRECTIONS; AND

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

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

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

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

40 **SECTION 2. Act subject to petition - effective date.** This act
41 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 9, 2017, if adjournment sine die is on May 10, 2017); 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 2018 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor."

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