

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

REVISED

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

LLS NO. 21-0856.01 Jacob Baus x2173

SENATE BILL 21-192

SENATE SPONSORSHIP

Gonzales, Buckner, Danielson, Donovan, Garcia, Moreno, Pettersen, Story, Winter

HOUSE SPONSORSHIP

Amabile,

Senate Committees
Judiciary

House Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING PERMITTING YOUTHFUL OFFENDERS TO BE HOUSED IN**
102 **THE SAME FACILITY AS INMATES WHO MENTOR YOUTHFUL**
103 **OFFENDERS.**

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>.)

Under existing law, offenders sentenced to the youthful offender system are housed and serve their sentences in a facility separate from, and are not brought into daily physical contact with, inmates 25 years of age or older who are sentenced to the department of corrections who have not been sentenced to the youthful offender system. The bill adds an

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

HOUSE
2nd Reading Unamended
April 23, 2021

SENATE
3rd Reading Unamended
April 5, 2021

SENATE
2nd Reading Unamended
April 1, 2021

exemption that permits youthful offenders to be housed in a youthful offender facility with inmates who are participating in a mentoring program; except that the department of corrections shall not house youthful offenders with inmates who have been convicted of a sex offense.

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)(I); and **add** (5)(d) as follows:

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

16 (5) (d) (I) EXCEPT AS PROVIDED IN SUBSECTION (5)(d)(II) OF THIS
17 SECTION, THE DEPARTMENT OF CORRECTIONS MAY HOUSE AN OFFENDER
18 IN A YOUTHFUL OFFENDER FACILITY THAT ALSO HOUSES INMATES
19 TWENTY-FIVE YEARS OF AGE OR OLDER SENTENCED TO THE DEPARTMENT
20 OF CORRECTIONS WHO ARE OF A LOWER THAN CLOSE CUSTODY LEVEL IF
21 SUCH INMATES ARE HOUSED IN THE YOUTHFUL OFFENDER FACILITY FOR
22 THE PURPOSE OF PARTICIPATING IN A PROGRAM TO MENTOR YOUTHFUL
23 OFFENDERS THAT IS AUTHORIZED BY THE EXECUTIVE DIRECTOR OF THE

1 DEPARTMENT OF CORRECTIONS.

2 (II) THE DEPARTMENT OF CORRECTIONS SHALL NOT HOUSE AN
3 OFFENDER IN A YOUTHFUL OFFENDER FACILITY THAT ALSO HOUSES ANY
4 INMATES TWENTY-FIVE YEARS OF AGE OR OLDER SENTENCED TO THE
5 DEPARTMENT OF CORRECTIONS WHO HAVE BEEN CONVICTED OF A SEX
6 OFFENSE, AS DESCRIBED IN SECTION 16-11.7-102 (3).

7 **SECTION 2. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly; except
10 that, if a referendum petition is filed pursuant to section 1 (3) of article V
11 of the state constitution against this act or an item, section, or part of this
12 act within such period, then the act, item, section, or part will not take
13 effect unless approved by the people at the general election to be held in
14 November 2022 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.