



**FY2020 RECOMMENDATION/FY20-AD02 Revise Youthful Offender System Statutes  
[Statutory]**

**Status:** Implementation Complete

**Actions/Updates**

**2021 UPDATE (JULY)**

Senate Bill 2021-146 (Concerning measures to improve prison release outcomes) was passed by the General Assembly 6/18/2021 and was signed by the Governor 7/6/2021. Although not initiated by CCJJ, the bill addresses the elements of FY20-AD #02.

With the passage and signing of this bill, this recommendation is considered complete.

**2021 UPDATE (MARCH)**

Senate Bill 2021-146, introduced on March 1, 2021, includes elements related to FY20-AD #02. The bill was scheduled for an initial hearing in April 2021.

**2020 UPDATE**

This recommendation, approved by the Commission on July 10, 2020, is dependent on legislative action. This recommendation was derived from the work on the CCJJ mandates included in House Bill 2019-1149. The report in response to this mandate is available on the CCJJ Reports webpage (see the "Age of Delinquency Report" [Aug. 2020] at, [ccjj.colorado.gov/ccjj-reports](http://ccjj.colorado.gov/ccjj-reports)).

**Description**

Expand the operational flexibility of the Youthful Offender System (YOS) program in the Department of Corrections; clarify the time credits that are awarded in YOS cases when a revocation occurs; address issues regarding payment of certain fees in YOS cases; and modify training requirements for DOC staff who work with inmates that are placed in YOS facilities.

Specifically, modify the following provisions in statute:

- 1) Delete in 18-1.3-407 (2)(a)(IV)(a.5) the prescriptive programming language;
- 2) Amend "may" to "shall" in 18-1.3-407 (2)(a)(IV)(b) regarding time credit;
- 3) Amend 18-1.3-407 (3.3)(c)(I) regarding placement in YOS Phase II;
- 4) Add "OR DESIGNEE" in 18-1.3-407 (3.5) regarding staff transfers to reflect current practice;
- 5) Amend 18-1.3-407 (3.5) to allow flexibility regarding staff training requirements;
- 6) Delete 18-1.3-407 (11) regarding district attorney data collection; and
- 7) Amend 18-1.3-407 (11.5)(a)(I) and (c) to clarify court cost payments.

[See the "Recommendation Text" for the specific Proposed Statutory Revisions.]

## **Agencies Responsible**

Colorado General Assembly and the Youthful Offender System

## **Discussion**

The Department of Correction's Youthful Offender System (YOS) was designed during a special session of the General Assembly in 1994. YOS became a sentencing option for juveniles who were prosecuted, convicted, and sentenced as adults on or after June 3, 1994 for offenses committed on or after September 13, 1993. In 1998, YOS moved from Denver to Pueblo, and in 2006 it moved to its current location on the grounds of the Colorado Mental Health Institute. YOS operates in a separate facility in Pueblo and houses approximately 180 -200 inmates who have agreed to participate in intense programming while their (typically lengthy) DOC sentence is suspended.

The statute describing YOS specifies that the state must provide a sentencing option for "certain youthful offenders" who would serve up to seven years day-for-day (meaning no good/earned time would apply) while a lengthier sentence to DOC would be suspended for the duration of the YOS sentence. According to statute, YOS offenders are to serve time in a "controlled and regimented environment that affirms dignity of self and others, promotes the value of work and self-discipline, and develops useful skills and abilities through enriched programming." [Footnote 1] The statute directs DOC to develop a program that provides "separate housing for female and male offenders who are sentenced to [YOS] without compromising the equitable treatment of either." [Footnote 2] The statute mandates that program participants "be housed separate from and not brought into daily physical contact with inmates older than twenty-four years sentenced to the department of corrections who have not been sentenced to the youthful offender system,..." and that these offenders "be subject to all laws and department of corrections rules, regulations, and standards pertaining to adult inmates...." [Footnote 3]

The statutorily-defined eligibility criteria have changed many times, but the original statutes that define the program have remained mostly consistent over the years. Given the significant increase in knowledge regarding this young offender population, many aspects of the prescriptive nature of the YOS enabling statutes require updating and modification. Further, some mandates are confusing and have been interpreted differently by judges and district attorneys. Finally, there is considerable confusion regarding time credits for pretrial confinement and in cases of revocation. For these reasons, this recommendation seeks to clarify and amend certain components of the YOS statute.

## **Footnotes**

[1] C.R.S. 18-1.3-407(1)(a).

[2] C.R.S. 18-1.3-407(1)(b).

[3] C.R.S. 18-1.3-407(1) (c) and (d). For additional information on the Youthful Offender System see, [cdpsdocs.state.co.us/ors/Docs/Reports/2018\\_YOSRpt.pdf](https://cdpsdocs.state.co.us/ors/Docs/Reports/2018_YOSRpt.pdf)