

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0761.01 Jane Ritter x4342

HOUSE BILL 23-1145

HOUSE SPONSORSHIP

Sharbini and English,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING JUVENILES ORDERED BY A COURT TO BE DETAINED IN AN**
102 **ADULT FACILITY WHILE AWAITING TRIAL.**

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 aligns the timelines for hearings in Colorado law for a juvenile already ordered to be held in an adult facility while awaiting trial with the timelines in the federal "Juvenile Justice and Delinquency Prevention Act".

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

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-2.5-305, **amend**
3 **(3)(c)(VI); and add (3)(c)(VII) and (3)(c)(VIII) as follows:**

4 **19-2.5-305. Detention and shelter - hearing - time limits -**
5 **findings - review - confinement with adult offenders - restrictions.**

6 (3) (c) (VI) If, AFTER THE INITIAL HEARING, the district court determines
7 that an adult jail is the appropriate place of confinement for the juvenile,
8 the juvenile may petition the court for a review hearing. The juvenile may
9 ~~not~~ petition for a review hearing within ~~thirty-five~~ THIRTY days after the
10 initial confinement decision or within ~~thirty-five~~ THIRTY days after any
11 subsequent review hearing. Upon receipt of the petition, the court may set
12 the matter for a hearing if the juvenile has alleged facts or circumstances
13 that, if true, would warrant reconsideration of the juvenile's placement in
14 an adult jail based upon the factors set forth in subsection (3)(c)(III) of
15 this section and the factors previously relied upon by the court. THE
16 COURT SHALL, UPON PETITION OF THE JUVENILE, HOLD A HEARING TO
17 REVIEW WHETHER CONTINUING TO PERMIT THE JUVENILE TO BE HELD IN AN
18 ADULT JAIL OR TO HAVE SIGHT OR SOUND RESTRICTION SERVES THE
19 INTEREST OF JUSTICE. THE JUVENILE SHALL NOT BE HELD IN ANY ADULT
20 JAIL OR LOCKUP, OR BE PERMITTED TO HAVE SIGHT OR SOUND CONTACT
21 WITH ADULT INMATES, FOR MORE THAN ONE HUNDRED EIGHTY
22 CONSECUTIVE DAYS, UNLESS THE COURT, IN WRITING, DETERMINES THERE
23 IS GOOD CAUSE FOR AN EXTENSION OR THE JUVENILE EXPRESSLY WAIVES
24 THIS LIMITATION.

25 (VII) IF THE COURT MUST DETERMINE THAT IT IS IN THE INTEREST
26 OF JUSTICE TO DETAIN A JUVENILE PURSUANT TO THE FACTORS SET FORTH
27 IN SUBSECTION (3)(c)(III) OF THIS SECTION, THE COURT SHALL HOLD A

1 HEARING AT LEAST EVERY THIRTY DAYS, OR AT LEAST EVERY FORTY-FIVE
2 DAYS IN A RURAL JURISDICTION, TO REVIEW WHETHER IT IS STILL IN THE
3 INTEREST OF JUSTICE TO CONTINUE TO DETAIN THE JUVENILE IN AN ADULT
4 JAIL. THE REVIEW HEARINGS MAY OCCUR BY PAPER IF THE JUVENILE DOES
5 NOT PETITION THE COURT FOR A REVIEW HEARING.

6 (VIII) THE MAXIMUM AMOUNT OF TIME THAT A JUVENILE
7 CHARGED AS AN ADULT MAY BE DETAINED IN AN ADULT JAIL IS ONE
8 HUNDRED EIGHTY DAYS, UNLESS THE COURT DETERMINES, IN WRITING,
9 THAT THERE IS GOOD CAUSE FOR AN EXTENSION, OR THE JUVENILE
10 EXPRESSLY WAIVES THE ONE-HUNDRED-EIGHTY-DAY LIMIT. IF THE COURT
11 HOLDS A GOOD CAUSE HEARING TO ESTABLISH THE JUVENILE'S CONTINUED
12 DETENTION IN THE ADULT JAIL, THE COURT SHALL PROCEED WITH HOLDING
13 THIRTY- AND FORTY-FIVE-DAY REVIEW HEARINGS AS REQUIRED BY
14 SUBSECTION (3)(c)(VII) OF THIS SECTION.

15 **SECTION 2. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, or safety.