

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

February 27, 2019

Committee on Judiciary.

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

SB19-108 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 3, line 18, after "JUDGE" insert "OR
- 2 MAGISTRATE".
- 3 Page 3, line 19, after "JUDGE" insert "OR MAGISTRATE".
- 4 Page 4, line 2, strike "FOURTEEN" and substitute "TWELVE".
- 5 Page 4, line 4, strike "ATTORNEYS;" and substitute "ATTORNEYS WHO
- 6 REGULARLY APPEAR IN JUVENILE COURT MATTERS;".
- 7 Page 4, strike lines 5 and 6 and substitute:
- 8 "(B) A REPRESENTATIVE OF THE OFFICE OF THE STATE PUBLIC
- 9 DEFENDER AND A REPRESENTATIVE OF THE OFFICE OF THE ALTERNATE
- 10 DEFENSE COUNSEL, BOTH OF WHOM SPECIALIZE IN JUVENILE DEFENSE;".
- 11 Page 4, strike line 7.
- 12 Reletter succeeding sub-subparagraphs accordingly.
- 13 Page 4, line 15, strike "AND".
- 14 Page 4, strike line 16 and substitute:
- 15 "(G) ONE JUVENILE OR FORMER JUVENILE WHO WAS CHARGED
- 16 WITH A DELINQUENT ACT; AND".

- 1 Page 4, after line 16, insert:
2 "(H) A REPRESENTATIVE OF THE OFFICE OF COLORADO'S CHILD
3 PROTECTION OMBUDSMAN.
4 (IX) THREE PERSONS WHO OVERSEE JUVENILE PROBATION
5 APPOINTED BY THE CHIEF JUSTICE."
- 6 Page 4, line 20, strike "COMMITTEE" and substitute "GOVERNOR".
- 7 Page 4, line 22, strike "AUGUST 31, 2019." and substitute "MAY 31,
8 2019."
- 9 Page 4, line 23, strike "OCTOBER 30, 2019," and substitute "JUNE 30,
10 2019,".
- 11 Page 5, line 4, after "SUBCOMMITTEES" insert "THAT MAY INCLUDE
12 INDIVIDUALS OTHER THAN MEMBERS OF THE COMMITTEE".
- 13 Page 5, line 10, strike "ASSESSMENT" and substitute "ASSESSMENT. THE
14 COMMITTEE SHALL DETERMINE IF ONE TOOL MUST BE USED BY THE ENTIRE
15 JUVENILE JUSTICE SYSTEM OR IF THE JUDICIAL DEPARTMENT OR DIVISION
16 OF YOUTH SERVICES MAY USE DIFFERENT VALIDATED TOOLS. THE TOOL OR
17 TOOLS MUST BE USED".
- 18 Page 5, line 20, after "ASSESSMENT" insert "TOOL OR TOOLS".
- 19 Page 5, line 22, strike "ORGANIZATIONS" and substitute "ORGANIZATIONS,
20 CONSULT WITH THE DELIVERY OF CHILD WELFARE SERVICES TASK FORCE
21 CREATED IN SECTION 26-5-105.8,".
- 22 Page 5, line 23, strike "JURISDICTIONS." and substitute "JURISDICTIONS
23 AND MAY CONSIDER A VALIDATED TOOL OR TOOLS ALREADY BEING USED
24 IN THE STATE."
- 25 Page 5, strike line 26 and substitute "TOOLS; EXCEPT THAT THE
26 COMMITTEE SHALL SELECT THE TOOL OR TOOLS BY SEPTEMBER 1, 2019."
- 27 Page 6, line 1, strike "CONDUCTED;" and substitute "CONDUCTED PRIOR TO
28 DISPOSITION, WHILE IN THE CUSTODY OF THE DIVISION OF YOUTH
29 SERVICES, OR UNDER JUVENILE PROBATION SUPERVISION;".

- 1 Page 6, line 18, strike "AND".
- 2 Page 6, line 20, strike "ASSESSMENTS" and substitute "ASSESSMENTS;".
- 3 Page 6, strike lines 21 and 22 and substitute:
4 "(H) CALCULATE THE FISCAL COST OF COLLECTING AND
5 REPORTING THE DATA REQUIRED BY SUBSECTION (1)(a)(II)(G) OF THIS
6 SECTION AND REPORT THE COST TO THE OFFICE OF STATE PLANNING AND
7 BUDGETING."
- 8 Page 6, line 24, after "TO" insert "BE USED TO".
- 9 Page 6, strike line 26 and 27 and substitute "DISPOSITION. THE TOOL OR
10 TOOLS MAY BE A VALIDATED TOOL OR TOOLS ALREADY BEING USED IN THE
11 STATE."
- 12 Page 7, strike lines 1 through 10.
- 13 Page 7, line 19, after "TOOL" insert "OR TOOLS".
- 14 Page 7, line 20, after "TOOL" insert "OR TOOLS".
- 15 Page 7, line 23, strike "INCLUDE, WITHOUT LIMITATION," and substitute
16 "INCLUDE".
- 17 Page 7, line 27, strike "IDENTIFY" and substitute "IN COLLABORATION
18 WITH THE DELIVERY OF CHILD WELFARE SERVICES TASK FORCE CREATED
19 IN SECTION 26-5-105.8, IDENTIFY".
- 20 Page 8, strike lines 6 through 8 and substitute "PART OF THE
21 CONTRACTING REQUIREMENTS;".
- 22 Page 8, line 26, after "STATUTES," insert "APPROPRIATIONS;".
- 23 Page 9, after line 1, insert:
24 "**24-20-603. Repeal.** THIS PART 6 IS REPEALED, EFFECTIVE
25 SEPTEMBER 1, 2022. BEFORE ITS REPEAL, THIS PART 6 IS SCHEDULED FOR
26 REVIEW IN ACCORDANCE WITH SECTION 2-3-1203."
- 27 Page 9, line 3, strike "(45.5)" and substitute "(106.5)".

1 Page 9, line 10, strike "services, by a specific program." and substitute
2 "services, by a specific program OR ACTIVITY,".

3 Page 9, strike lines 11 and 12 and substitute "PROVIDED BY DISTRICT
4 ATTORNEY'S OFFICES, GOVERNMENTAL UNITS, OR NONGOVERNMENTAL
5 UNITS. The goal of diversion is to prevent".

6 Page 9, strike lines 25 through 27 and page 10, strike line 1 and substitute
7 "defined in section 18-1-901 (3)(o.5). C.R.S., and as deemed suitable by
8 the probation department or a designated restorative justice practices
9 facilitator. Restorative justice practices shall be conducted by facilitators
10 recommended by the district attorney."

11 Page 10, strike lines 2 through 7 and substitute:
12 "(106.5) "TEMPORARY SHELTER" MEANS THE TEMPORARY
13 PLACEMENT OF A CHILD WITH KIN, AS DEFINED IN SUBSECTION (71.3) OF
14 THIS SECTION; WITH AN ADULT WITH A SIGNIFICANT RELATIONSHIP WITH
15 THE CHILD; OR IN A LICENSED AND CERTIFIED TWENTY-FOUR-HOUR CARE
16 FACILITY."

17 Page 11, line 7, strike "HOME" and substitute "HOME, FAMILY, OR OTHER
18 RESPONSIBLE ADULT".

19 Page 11, line 8, after "IN" insert "ADOPTING SECTION 19-2-507.5 AND".

20 Page 11, line 9, strike "19-2-212" and substitute "19-2-212, 19-2-507,".

21 Page 11, line 16, after "(1)" insert "(a)".

22 Page 11, strike lines 18 through 24 and substitute "such persons, in
23 ~~consultation with~~ SHALL FORM A WORKING GROUP THAT MUST INCLUDE
24 REPRESENTATIVES FROM:

25 (I) The division of criminal justice of the department of public
26 safety;

27 (II) The office of state planning and budgeting;

28 (III) The Colorado district attorneys council;

29 (IV) Law enforcement; ~~representatives~~;

30 (V) THE PUBLIC DEFENDER'S OFFICE AND THE OFFICE OF
31 ALTERNATE DEFENSE COUNSEL;

32 (VI) THE OFFICE OF THE CHILD REPRESENTATIVE;

33 (VII) JUVENILE PROBATION;

- 1 (VIII) JUVENILE COURT JUDGES AND MAGISTRATES; and
 2 ~~representatives of~~
- 3 (IX) Local and county governments, INCLUDING COUNTY
 4 DEPARTMENTS OF HUMAN OR SOCIAL SERVICES. ~~shall form a~~
 5 (b) THE working group ~~that~~ shall carry out the following duties:".
- 6 Page 11, line 25, strike "(a)" and substitute "(a) (I)".
- 7 Reletter succeeding paragraphs and sub-subparagraphs and renumber
 8 succeeding subparagraphs accordingly.
- 9 Page 12, line 21, after "ADOPT" insert "BY A MAJORITY VOTE OF THE
 10 WORKING GROUP".
- 11 Page 13, line 2, after "ON" insert "DISABILITY,".
- 12 Page 13, line 13, strike "TO" and substitute "BEFORE JANUARY 1, 2021,
 13 TO".
- 14 Page 13, line 17, strike "TO" and substitute "BEFORE JANUARY 1, 2021,
 15 TO".
- 16 Page 14, line 16, strike "To" and substitute "BEFORE JANUARY 1, 2021,
 17 TO".
- 18 Page 14, strike line 25 and substitute "JUVENILE IS ELIGIBLE FOR
 19 DETENTION.".
- 20 Page 15, line 5, strike "To" and substitute "BEFORE JANUARY 1, 2021, TO"
 21 and strike "FORM AFFIDAVIT" and substitute "INFORMATION FORM".
- 22 Page 15, lines 6 and 7, strike "FORM AFFIDAVIT" and substitute
 23 "INFORMATION FORM".
- 24 Page 15, line 9, strike "FORM AFFIDAVIT" and substitute "INFORMATION
 25 FORM".
- 26 Page 15, strike line 13 and substitute "COMPLETELY; AND".
- 27 Page 16, line 15, strike "AND" and substitute "OR".

- 1 Page 16, line 17, strike "AFFIDAVIT" and substitute "INFORMATION FORM"
2 and strike "(1)(h)" and substitute "(1)(a)(VII)".
- 3 Page 16, line 19, after "FIRST." insert "IF AVAILABLE, THE SCREENING
4 TEAM OR PREADJUDICATION SERVICE PROGRAM SHALL FILE THE ORIGINAL
5 COMPLETED INFORMATION FORM WITH THE COURT. IF THE INFORMATION
6 FORM HAS NOT BEEN COMPLETED AT THE TIME OF THE DETENTION
7 HEARING, THE COURT SHALL DIRECT THE PARENT OR LEGAL GUARDIAN TO
8 IMMEDIATELY COMPLETE THE FORM AND FILE IT WITH THE COURT. THE
9 SCREENING TEAM, PREADJUDICATION SERVICE PROGRAM, OR THE COURT
10 SHALL DELIVER A COPY OF THE INFORMATION REPORT TO THE DIVISION OF
11 YOUTH SERVICES; THE GUARDIAN AD LITEM, IF ANY; AND THE COUNTY
12 DEPARTMENT OF HUMAN OR SOCIAL SERVICES NO LATER THAN FIVE
13 BUSINESS DAYS AFTER THE DATE OF THE DETENTION HEARING."
- 14 Page 17, line 6, after "WITHOUT" insert "FORMAL".
- 15 Page 17, line 14, after "NO" insert "FORMAL".
- 16 Page 19, line 20, strike "FUNDS" and substitute "MONEY" and strike
17 "THAT" and substitute "AND".
- 18 Page 19, line 22, after "AGENCIES" insert "TO SERVE EACH JUDICIAL
19 DISTRICT" and after "provide" insert "REASONABLE AND NECESSARY".
- 20 Page 20, line 8, after "OFFICES" insert "OR THEIR DESIGNEES".
- 21 Page 20, line 11, strike "CONDUCT" and substitute "ON AND AFTER THIRTY
22 DAYS AFTER THE TOOL IS SELECTED, CONDUCT".
- 23 Page 20, line 13, strike "24-20-602" and substitute "24-20-602 (1)(c)".
- 24 Page 20, line 14, strike "19-2-510." and substitute "19-2-510 UNLESS A
25 DETERMINATION HAS ALREADY BEEN MADE TO DIVERT THE JUVENILE."
- 26 Page 20, line 19, after "OFFICE." insert "THE ENTITY CONDUCTING THE
27 SCREENING SHALL MAKE THE RESULTS OF THE RISK SCREENING AVAILABLE
28 TO THE YOUTH AND FAMILY."
- 29 Page 20, strike lines 21 through 27 and substitute "THE TOOL. THE RISK
30 SCREENING TOOL IS TO BE USED TO INFORM ABOUT DECISIONS ABOUT

1 DIVERSION. THE RISK SCREENING TOOL AND ANY INFORMATION OBTAINED
2 FROM A JUVENILE IN THE COURSE OF ANY SCREENING, INCLUDING ANY
3 ADMISSION, CONFESSION, OR INCRIMINATING EVIDENCE, OBTAINED FROM
4 A JUVENILE IN THE COURSE OF ANY SCREENING OR ASSESSMENT IN
5 CONJUNCTION WITH PROCEEDINGS UNDER THIS SECTION OR MADE IN
6 ORDER TO PARTICIPATE IN A DIVERSION OR RESTORATIVE JUSTICE
7 PROGRAM IS NOT ADMISSIBLE INTO EVIDENCE IN ANY ADJUDICATORY
8 HEARING IN WHICH THE JUVENILE IS ACCUSED AND IS NOT SUBJECT TO
9 SUBPOENA OR ANY OTHER COURT PROCESS FOR USE IN ANY OTHER
10 PROCEEDING OR FOR ANY OTHER PURPOSE."

11 Page 21, strike lines 1 and 2.

12 Page 21, strike lines 11 through 13 and substitute:

13 "(IV) WHAT SERVICES, IF ANY, MAY BE OFFERED TO THE JUVENILE.
14 PROFESSIONALS INVOLVED WITH THE JUVENILE'S NEEDS, TREATMENT, AND
15 SERVICE PLANNING, INCLUDING DISTRICT ATTORNEYS,".

16 Page 21, line 15, strike "DEPARTMENT OF HUMAN SERVICES," and
17 substitute "DEPARTMENTS OF HUMAN OR SOCIAL SERVICES,".

18 Page 21, line 16, strike "TREATMENT AND".

19 Page 21, lines 24 and 25, strike "DEPARTMENT OF HUMAN SERVICES;" and
20 substitute "DEPARTMENTS OF HUMAN OR SOCIAL SERVICES;".

21 Page 22, line 14, strike "JUSTICE" and substitute "JUSTICE, IN
22 COLLABORATION WITH DISTRICT ATTORNEYS OR DIVERSION PROGRAM
23 DIRECTORS WHO ACCEPT FORMULA MONEY AND PROGRAMS PROVIDING
24 JUVENILE DIVERSION SERVICES,".

25 Page 22, line 27, strike "AND".

26 Page 22, after line 27, insert:

27 "(h) CHILD WELFARE INVOLVEMENT; AND".

28 Reletter succeeding paragraph accordingly.

29 Page 23, line 10, strike "PROVIDE" and substitute "OFFER".

30 Page 25, line 7, strike "19-2-506.5" and substitute "19-2-507.5".

- 1 Page 25, strike lines 9 through 12 and substitute:
2 "19-2-507.5. Limitations on detention. DETENTION IS NOT
3 PERMITTED FOR THE FOLLOWING:".
- 4 Page 25, strike lines 20 through 23.
- 5 Reletter succeeding paragraphs accordingly.
- 6 Page 26, line 5, strike "CONDITION." and substitute "CONDITION OR AN
7 INTELLECTUAL AND DEVELOPMENTAL DISABILITY.".
- 8 Page 30, line 18, strike "FORM AFFIDAVIT" and substitute "INFORMATION
9 FORM".
- 10 Page 31, line 5, before "**shelter**" insert "**temporary**".
- 11 Page 31, line 12, strike "19-2-506.5," and substitute "19-2-507.5,".
- 12 Page 34, line 7, strike "THE" and substitute "ON AND AFTER THIRTY DAYS
13 AFTER THE SCREENING INSTRUMENT HAS BEEN DEVELOPED OR ADOPTED
14 PURSUANT TO SECTION 19-2-212, CONDUCT".
- 15 Page 47, line 16, strike "19-2-506.5 (2)," and substitute "19-2-507.5 (2),".
- 16 Page 49, line 24, strike "AND" and substitute "OR".
- 17 Page 49, line 26, strike "FORM AFFIDAVIT" and substitute "INFORMATION
18 FORM" and strike "(1)(h)" and substitute "(1)(a)(VII)".
- 19 Page 50, line 3, strike "(2)" and substitute "(2), (6),".
- 20 Page 50, strike lines 7 through 9 and substitute "health services, the court
21 shall immediately order a mental health screening of the juvenile pursuant
22 to section 16-11.9-102 ~~C.R.S.~~ USING".
- 23 Page 50, line 14, after "months." insert "BEFORE SENTENCING A JUVENILE,
24 THE COURT SHALL ORDER A MENTAL HEALTH SCREENING, USING THE
25 MENTAL HEALTH SCREENING TOOL SELECTED PURSUANT TO SECTION
26 24-20-602 (1)(b), OR MAKE A FINDING THAT THE SCREENING WOULD NOT
27 PROVIDE INFORMATION THAT WOULD BE HELPFUL IN SENTENCING THE
28 JUVENILE.".

1 Page 50, after line 18, insert:
2 "(6) Evidence or treatment obtained as a result of a mental health
3 screening or assessment ordered pursuant to this section, INCLUDING ANY
4 INFORMATION OBTAINED FROM THE JUVENILE IN THE COURSE OF A MENTAL
5 HEALTH SCREENING OR ASSESSMENT, shall BE USED ONLY TO DETERMINE
6 WHAT MENTAL HEALTH TREATMENT, IF ANY, TO PROVIDE TO THE
7 JUVENILE, AND WHETHER THE JUVENILE JUSTICE OR ANOTHER SERVICE
8 SYSTEM IS MOST APPROPRIATE TO PROVIDE THIS TREATMENT, AND MUST
9 NOT BE USED FOR ANY OTHER PURPOSE. THE MENTAL HEALTH SCREENING
10 OR ASSESSMENT AND ANY INFORMATION OBTAINED IN THE COURSE OF THE
11 MENTAL HEALTH SCREENING OR ASSESSMENT IS NOT SUBJECT TO
12 SUBPOENA OR ANY OTHER COURT PROCESS FOR USE IN ANY OTHER COURT
13 PROCEEDING AND IS not be admissible on the issues raised by a plea of not
14 guilty unless the juvenile places his or her mental health at issue. If the
15 juvenile places his or her mental health at issue, then either party may
16 introduce evidence obtained as a result of a mental health screening or
17 assessment. THE COURT SHALL KEEP ANY MENTAL HEALTH SCREENING OR
18 ASSESSMENT IN THE COURT FILE UNDER SEAL."

19 Page 50, line 22, strike "APPROPRIATE" and substitute "THE LEAST
20 RESTRICTIVE AND MOST APPROPRIATE".

21 Page 51, strike line 13 and substitute "NEEDS ADOPTED BY THE JUVENILE
22 JUSTICE REFORM COMMITTEE PURSUANT TO SECTION 24-20-602 (1)(b)".

23 Page 55, line 18, after "ASSESSMENT" insert "ADOPTED BY THE JUVENILE
24 JUSTICE REFORM COMMITTEE PURSUANT TO SECTION 24-20-602 (1)(b)"
25 and strike "IDENTIFY" and substitute "INFORM THE COURT OF".

26 Page 57, strike lines 11 through 20 and substitute:
27 "(5) WHENEVER A PROBATION OFFICE HAS REASONABLE CAUSE TO
28 BELIEVE THAT A JUVENILE HAS COMMITTED A VIOLATION OF THE TERMS
29 AND CONDITIONS OF PROBATION AND THAT GRADUATED RESPONSES
30 DEVELOPED PURSUANT TO SUBSECTION (4) OF THIS SECTION HAVE
31 PREVIOUSLY BEEN APPLIED OR WHEN THE NATURE OF THE VIOLATION
32 POSES A SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS, THE PROBATION
33 OFFICER, FOLLOWING THE APPROVAL OF HIS OR HER CHIEF PROBATION
34 OFFICER OR THE CHIEF'S DESIGNEE, SHALL PETITION THE COURT FOR
35 REVOCATION AND SHALL FILE WRITTEN INFORMATION WITH THE COURT
36 CONCERNING THE JUVENILE'S VIOLATION BEHAVIOR HISTORY AND THE
37 RESPONSES APPLIED PURSUANT TO THE GRADUATED RESPONSE SYSTEM

1 PURSUANT TO SUBSECTION (4) OF THIS SECTION."

2 Page 58, line 26, strike "**19-2-506.5**, 19-2-507," and substitute "19-2-507,
3 **19-2-507.5**".

4 Page 60, line 2, after "COUNSEL," insert "THE DELIVERY OF THE CHILD
5 WELFARE SERVICES TASK FORCE CREATED IN SECTION 26-5-105.8,".

6 Page 62, line 10, strike "WITHOUT LIMITATION".

7 Page 63, line 10, strike "19-2-506.5, 19-2-507," and substitute "19-2-507,
8 19-2-507.5,".

9 Page 68, after line 21, insert:
10 "SECTION 31. In Colorado Revised Statutes, 2-3-1203, add
11 (13)(a)(V) as follows:
12 **2-3-1203. Sunset review of advisory committees - legislative**
13 **declaration - definition - repeal.** (13)(a) The following statutory
14 authorizations for the designated advisory committees are scheduled for
15 repeal on September 1, 2022:
16 (V) THE JUVENILE JUSTICE REFORM COMMITTEE CREATED
17 PURSUANT TO SECTION 24-20-601."

18 **SECTION 32. Effective date.** This act takes effect July 1, 2019;
19 except that sections 9, 10, and 11 of this act take effect July 1, 2020."

20 Renumber succeeding section accordingly.

21 Before "SHELTER" insert "TEMPORARY" on: **Page 26**, line 20; and **Page**
22 **29**, line 17.

23 Before "shelter" insert "TEMPORARY" on: **Page 30**, line 27; **Page 31**, line
24 13; **Page 32**, line 27; **Page 36**, line 11; **Page 37**, line 14; **Page 38**, line 18;
25 **Page 38**, line 22; and **Page 39**, line 25."

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