

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

February 7, 2023
Date

Committee on Judiciary.

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

HB23-1145 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, strike line 3 and substitute "(3)(c)(VI); and
2 **add** (3)(c)(VII) and (3)(c)(VIII) as follows:".

3 Page 2, strike lines 8 through 15 and substitute "the juvenile may petition
4 the court for a review hearing. The juvenile may **not** petition for a review
5 hearing within ~~thirty-five~~ THIRTY days after the initial confinement
6 decision or within ~~thirty-five~~ THIRTY days after any subsequent review
7 hearing. Upon receipt of the petition, the court may set the matter for a
8 hearing if the juvenile has alleged facts or circumstances that, if true,
9 would warrant reconsideration of the juvenile's placement in an adult jail
10 based upon the factors set forth in subsection (3)(c)(III) of this section
11 and the factors previously relied upon by the court. THE COURT SHALL,".

12 Page 2, after line 23 insert:

13 "(VII) IF THE COURT MUST DETERMINE THAT IT IS IN THE INTEREST
14 OF JUSTICE TO DETAIN A JUVENILE PURSUANT TO THE FACTORS SET FORTH
15 IN SUBSECTION (3)(c)(III) OF THIS SECTION, THE COURT SHALL HOLD A
16 HEARING AT LEAST EVERY THIRTY DAYS, OR AT LEAST EVERY FORTY-FIVE
17 DAYS IN A RURAL JURISDICTION, TO REVIEW WHETHER IT IS STILL IN THE
18 INTEREST OF JUSTICE TO CONTINUE TO DETAIN THE JUVENILE IN AN ADULT
19 JAIL. THE REVIEW HEARINGS MAY OCCUR BY PAPER IF THE JUVENILE DOES
20 NOT PETITION THE COURT FOR A REVIEW HEARING.

21 (VIII) THE MAXIMUM AMOUNT OF TIME THAT A JUVENILE
22 CHARGED AS AN ADULT MAY BE DETAINED IN AN ADULT JAIL IS ONE
23 HUNDRED EIGHTY DAYS, UNLESS THE COURT DETERMINES, IN WRITING,
24 THAT THERE IS GOOD CAUSE FOR AN EXTENSION, OR THE JUVENILE
25 EXPRESSLY WAIVES THE ONE-HUNDRED-EIGHTY-DAY LIMIT. IF THE COURT
26 HOLDS A GOOD CAUSE HEARING TO ESTABLISH THE JUVENILE'S CONTINUED

1 DETENTION IN THE ADULT JAIL, THE COURT SHALL PROCEED WITH HOLDING
2 THIRTY- AND FORTY-FIVE-DAY REVIEW HEARINGS AS REQUIRED BY
3 SUBSECTION (3)(c)(VII) OF THIS SECTION."

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