

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

April 25, 2023  
Date

Committee on Public & Behavioral Health & Human Services.

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

HB23-1307 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 5, line 8, after "WHO" insert "ARE DETAINED OR".
- 2 Page 7, line 8, after "COURT" insert "NO LATER THAN THE NEXT BUSINESS
- 3 DAY AFTER THE JUVENILE IS DETAINED".
- 4 Page 7, line 9, strike "CATCHMENT AREA" and substitute "JUDICIAL
- 5 DISTRICT".
- 6 Page 7, strike line 10 and substitute "FOR THE PERIOD OF TIME BEFORE THE
- 7 DETENTION HEARING FOR THE JUVENILE WHO WOULD UTILIZE THE
- 8 REQUESTED TEMPORARY EMERGENCY DETENTION BED, IF:".
- 9 Page 7, line 13, strike "OCCUPIED," and substitute "FULLY UTILIZED,".
- 10 Page 7, after line 16, insert:
- 11 "(B) EACH BED LOANED BY THE JUDICIAL DISTRICT TO ANOTHER
- 12 JUDICIAL DISTRICT, AS DESCRIBED IN SECTION 19-2.5-1405 (1)(b), HAS
- 13 BEEN RELINQUISHED TO THE LOANING JUDICIAL DISTRICT;".
- 14 Reletter succeeding sub-subparagraphs accordingly.
- 15 Page 7, line 23, strike "CATCHMENT AREA" and substitute "JUDICIAL
- 16 DISTRICT".
- 17 Page 7, line 26, after "AREA" insert "UP TO THE NUMBER OF TEMPORARY
- 18 EMERGENCY DETENTION BEDS ALLOCATED TO THE CATCHMENT AREA BY
- 19 THE DEPARTMENT".

1 Page 8, line 4, strike "CATCHMENT AREA," and substitute "JUDICIAL  
2 DISTRICT,".

3 Page 8, line 10, strike "CATCHMENT AREA" and substitute "JUDICIAL  
4 DISTRICT".

5 Page 8, strike line 14 and substitute "INCOMING JUVENILE ARE NOT  
6 SUFFICIENT TO MITIGATE THE SUBSTANTIAL RISK OF SERIOUS HARM TO  
7 OTHERS PRESENTED BY THE JUVENILE OR THE JUVENILE'S RISK OF FLIGHT  
8 FROM PROSECUTION.

9 (III) IF A DETENTION BED WITHIN THE JUDICIAL DISTRICT'S  
10 ALLOCATION THAT IS UNDER THE STATEWIDE DETENTION BED CAP  
11 BECOMES AVAILABLE, THE JUVENILE UTILIZING A TEMPORARY EMERGENCY  
12 DETENTION BED SHALL REVERT TO THE NONEMERGENCY DETENTION BED  
13 AND THE REQUIREMENTS IN THIS SUBSECTION (4) NO LONGER APPLY. IF A  
14 DETENTION BED BECOMES AVAILABLE WITHIN THE JUDICIAL DISTRICT'S  
15 CATCHMENT AREA BUT AT A DIFFERENT FACILITY, THE JUVENILE MAY, AT  
16 THE DISCRETION OF THE JUDICIAL DISTRICT, REMAIN IN THE TEMPORARY  
17 EMERGENCY DETENTION BED IN LIEU OF TRANSFERRING TO THE  
18 NONEMERGENCY DETENTION BED IN A DIFFERENT FACILITY."

19 Renumber succeeding subparagraph accordingly.

20 Page 8, lines 18 and 19, strike "FOR WHOM THE TEMPORARY EMERGENCY  
21 DETENTION BED IS AVAILABLE REMAINS DETAINED," and substitute  
22 "REMAINS DETAINED IN THE TEMPORARY EMERGENCY DETENTION BED,".

23 Page 8, line 23, strike "DETAINED." and substitute "DETAINED IN THE  
24 TEMPORARY EMERGENCY DETENTION BED.".

25 Page 9, line 13, strike "SHALL IMMEDIATELY" and substitute "SHALL, AT  
26 THE JUVENILE'S DETENTION HEARING,".

27 Page 9, line 15, after the period add "AN APPOINTMENT MADE PURSUANT  
28 TO THIS SUBSECTION (2.5) TERMINATES UPON THE RELEASE OF THE  
29 JUVENILE FROM DETENTION UNLESS THE COURT ALSO FINDS A BASIS FOR  
30 THE APPOINTMENT PURSUANT TO SECTION 19-1-111 (2)(a).".

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