

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0492.01 Jacob Baus x2173

SENATE BILL 21-071

SENATE SPONSORSHIP

Buckner,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO LIMIT THE DETENTION OF JUVENILES.**

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 prohibits the imposition of secured monetary or property conditions on a bond for juveniles charged with or accused of committing a delinquent act.

The bill reduces the juvenile detention bed cap from 327 beds to 188 beds beginning in fiscal year 2021-22.

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

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-2-503, **amend** (3)
3 as follows:

4 **19-2-503. Issuance of a lawful warrant taking a juvenile into**
5 **custody.** (3) A warrant for the arrest of a juvenile for violation of the
6 conditions of probation or of a ~~bail~~ bond may be issued by any judge of
7 a court of record or juvenile magistrate upon the report of a juvenile
8 probation officer or upon the verified complaint of any person,
9 establishing to the satisfaction of the judge or juvenile magistrate
10 probable cause to believe that a condition of probation or of a ~~bail~~ bond
11 has been violated and that the arrest of the juvenile is reasonably
12 necessary. The warrant may be executed by any juvenile probation officer
13 or by a peace officer authorized to execute warrants in the county in
14 which the juvenile is found. If the warrant is for a juvenile found in
15 contempt of court in a truancy proceeding, the court shall follow the
16 procedures set forth in section 22-33-108 (7).

17 **SECTION 2.** In Colorado Revised Statutes, 19-2-508, **amend** (3)
18 (a)(VII) introductory portion, (3)(a)(VII)(C), (4)(e)(I), and (5) as follows:

19 **19-2-508. Detention and temporary shelter - hearing - time**
20 **limits - findings - review - confinement with adult offenders -**
21 **restrictions.** (3) (a) (VII) Except as provided in subsection (3)(a)(IX) of
22 this section, at the conclusion of the hearing, the court shall enter one of
23 the following orders, while ensuring efforts are made to keep the juvenile
24 with ~~his or her~~ THE JUVENILE'S parent, guardian, or legal custodian:

25 (C) That ~~bail~~ AN UNSECURED PERSONAL RECOGNIZANCE BOND be
26 set and that the juvenile be released ACCORDINGLY; ~~upon the posting of~~
27 ~~that bail;~~

1 (4) (e) (I) Any juvenile arrested and detained for an alleged
2 violation of any article of title 42, or for any alleged violation of a
3 municipal or county ordinance, and not released on bond, must be taken
4 before a judge with jurisdiction of such violation within forty-eight hours
5 for the fixing of ~~bail~~ BOND and conditions of bond pursuant to subsection
6 (3)(a)(VII) of this section. A juvenile may be detained in a jail, lockup,
7 or other place used for the confinement of adult offenders only for
8 processing for no longer than six hours and during such time must be
9 placed in a setting that is physically segregated by sight and sound from
10 the adult offenders, and in no case may the juvenile be detained in such
11 place overnight. After six hours, the juvenile may be further detained only
12 in a juvenile detention facility operated by or under contract with the
13 department of human services. In calculating time pursuant to this
14 subsection (4), Saturdays, Sundays, and legal holidays are included.

15 (5) A juvenile has the right to ~~bail~~ BOND as limited by the
16 provisions of this section.

17 **SECTION 3.** In Colorado Revised Statutes, 19-2-509, **amend** (1)
18 introductory portion, (2), (3), (4), (6), and (8); **repeal** (5) and (7); and **add**
19 (10) as follows:

20 **19-2-509. Personal recognizance bond.** (1) Unless the district
21 attorney consents, ~~no~~ A juvenile charged or accused of having committed
22 a delinquent act that constitutes a felony or a class 1 misdemeanor shall
23 NOT be released without ~~a bond or on a~~ AN UNSECURED personal
24 recognizance bond, if:

25 (2) In lieu of ~~a~~ AN UNSECURED PERSONAL RECOGNIZANCE bond,
26 a juvenile who the court determines poses a substantial risk of serious
27 harm to others may be placed in a preadjudication service program

1 established pursuant to section 19-2-302.

2 (3) Any application for the revocation or modification of the
3 ~~amount, type, or conditions of bail~~ AN UNSECURED PERSONAL
4 RECOGNIZANCE BOND must be made in accordance with section 16-4-109;
5 except that the presumption described in section 19-2-508 (3)(a)(IV) must
6 continue to apply for the purposes of this section.

7 (4) (a) In determining the ~~type of bond and~~ conditions of release
8 for the juvenile, the judge or magistrate fixing the same shall consider the
9 criteria set forth in section 16-4-103. ~~C.R.S.~~

10 (b) In setting, modifying, or continuing ~~any bail~~ AN UNSECURED
11 PERSONAL RECOGNIZANCE bond, it must be a condition that the released
12 juvenile appear at any place and upon any date to which the proceeding
13 is transferred or continued. Further conditions of ~~every bail~~ THE
14 UNSECURED PERSONAL RECOGNIZANCE bond must be that the released
15 juvenile not commit any delinquent acts or harass, intimidate, or threaten
16 any potential witnesses. EXCEPT AS DESCRIBED IN SUBSECTION (10) OF
17 THIS SECTION, the judge or magistrate may set any other conditions or
18 limitations on the release of the juvenile as are reasonably necessary for
19 the protection of the community. Any juvenile who is held ~~without bail~~
20 ~~or whose bail or bail bond is revoked or increased under an order entered~~
21 ~~at any time after the initial detention hearing pursuant to subsection (3)~~
22 ~~of this section and who~~ OR remains in custody or detention must be tried
23 on the charges ~~on which the bail is denied or the bail or bail bond is~~
24 ~~revoked or increased~~ within sixty days after the entry of such order or
25 within sixty days after the juvenile's entry of a plea, whichever date is
26 earlier; except that, if the juvenile requests a jury trial pursuant to section
27 19-2-107, ~~the provisions of section 19-2-107 (4) apply~~ APPLIES.

1 (5) ~~A surety or security on a bail bond may be subject to forfeiture~~
2 ~~only if the juvenile fails to appear for any scheduled court proceedings,~~
3 ~~of which the juvenile received proper notice.~~

4 (6) The court ~~may~~ SHALL NOT order that any personal
5 recognizance bond be secured by ~~the personal obligation~~ MONETARY OR
6 PROPERTY CONDITIONS of the juvenile, ~~and his or her~~ THE JUVENILE'S
7 ~~parents~~ PARENT, guardian, legal custodian, or other responsible adult.

8 (7) ~~The parent, guardian, or legal custodian for any juvenile~~
9 ~~released on bond pursuant to this section or any other responsible adult~~
10 ~~who secures a personal recognizance bond for a juvenile pursuant to~~
11 ~~subsection (6) of this section may petition the court, prior to forfeiture or~~
12 ~~exoneration of the bond, to revoke the bond and remand the juvenile into~~
13 ~~custody if the parent, guardian, legal custodian, or other responsible adult~~
14 ~~determines that he or she is unable to control the juvenile. The court shall~~
15 ~~apply the presumption specified in section 19-2-508 (3)(a)(IV) in~~
16 ~~determining whether to revoke the bond.~~

17 (8) A juvenile may be released on AN UNSECURED PERSONAL
18 RECOGNIZANCE bond, or as otherwise provided in this section regardless
19 of whether the juvenile appears in court pursuant to a summons or a
20 warrant.

21 (10) A JUDGE OR MAGISTRATE MAY ONLY IMPOSE AN UNSECURED
22 PERSONAL RECOGNIZANCE BOND WITHOUT MONETARY OR PROPERTY
23 CONDITIONS TO SECURE THE JUVENILE'S FUTURE APPEARANCE. A JUDGE OR
24 MAGISTRATE SHALL NOT IMPOSE A BOND WITH SECURED MONETARY OR
25 PROPERTY CONDITIONS FOR A JUVENILE.

26 **SECTION 4.** In Colorado Revised Statutes, 19-2-1201, **amend**
27 **(4); and add (5) as follows:**

1 **19-2-1201. Juvenile detention bed cap.** (4) For the fiscal year
2 ~~2019-20 and each fiscal year thereafter~~ YEARS 2019-20 AND 2020-21, the
3 number of available juvenile detention beds statewide is limited to three
4 hundred twenty-seven.

5 (5) FOR THE FISCAL YEAR 2021-22 AND EACH FISCAL YEAR
6 THEREAFTER, THE NUMBER OF AVAILABLE JUVENILE DETENTION BEDS
7 STATEWIDE IS LIMITED TO ONE HUNDRED EIGHTY-EIGHT.

8 **SECTION 5.** In Colorado Revised Statutes, 19-2-1303, **amend**
9 (4) as follows:

10 **19-2-1303. Procedure after determination of competency or**
11 **incompetency.** (4) A determination under subsection (2) of this section
12 that a juvenile is incompetent to proceed ~~shall~~ MUST not preclude the
13 court from considering the release of the juvenile on ~~bail~~ BOND upon
14 compliance with the standards and procedures for such release prescribed
15 by statute. At any hearing to determine eligibility for release on ~~bail~~
16 BOND, the court may consider any effect the juvenile's incompetency may
17 have on the juvenile's ability to insure his or her presence for trial.

18 **SECTION 6. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, or safety.