

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 22-0331.01 Michael Dohr x4347

HOUSE BILL 22-1211

HOUSE SPONSORSHIP

Soper and Gonzales-Gutierrez,

SENATE SPONSORSHIP

Lee and Gardner,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE COMMITTEE ON JUVENILE**
102 **JUSTICE REFORM, AND, IN CONNECTION THEREWITH,**
103 **IMPLEMENTING THE RECOMMENDATION CONTAINED IN THE**
104 **2021 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY**
105 **AGENCIES TO SUNSET THE COMMITTEE ON JUVENILE JUSTICE**
106 **REFORM.**

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/>.)

Sunset Process - House Judiciary Committee. The bill

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.

HOUSE
Amended 2nd Reading
March 2, 2022

implements the recommendation of the department of regulatory agencies' sunset review and report concerning the committee on juvenile justice reform by repealing the committee.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-33.5-2402, **add**
3 (1.5) as follows:

4 **24-33.5-2402. Juvenile justice reform committee - duties.**

5 (1.5) THE COMMITTEE SHALL COMPLETE THE TASKS IDENTIFIED IN
6 SUBSECTIONS (1)(a)(II)(B), (1)(a)(II)(C), (1)(a)(II)(D), AND (1)(e)(III) OF
7 THIS SECTION BEFORE THE REPEAL OF THE COMMITTEE.

8 **SECTION 2.** In Colorado Revised Statutes, **repeal** part 24 of
9 article 33.5 of title 24.

10 **SECTION 3.** In Colorado Revised Statutes, 2-3-1203, **repeal**
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 pursuant to~~
17 ~~section 24-33.5-2401;~~

18 **SECTION 4.** In Colorado Revised Statutes, 19-2.5-402, **amend**
19 (4)(a) and (8)(a) as follows:

20 **19-2.5-402. Juvenile diversion program - authorized - report**
21 **- allocation of money - legislative declaration - definitions.** (4) District
22 attorneys' offices or the office's designees shall:

23 (a) On and after January 1, 2021, conduct a risk screening using
24 a risk screening tool selected pursuant to section 24-33.5-2402 (1)(c), AS

1 IT EXISTED PRIOR TO ITS REPEAL IN 2022, for all juveniles referred to the
2 district attorney pursuant to section 19-2.5-201, unless the juvenile is
3 currently committed or on parole, a determination has already been made
4 to divert the juvenile, OR the district attorney declines to file charges,
5 dismisses the case, or charges the juvenile with a class 1 or class 2 felony.
6 The district attorney's office shall conduct the risk screening or contract
7 with an alternative agency that has been formally designated by the
8 district attorney's office to conduct the screening, in which case the results
9 of the screening must be made available to the district attorney's office.
10 The entity conducting the screening shall make the results of the risk
11 screening available to the juvenile and the juvenile's family. All
12 individuals using the risk screening tool must receive training on the
13 appropriate use of the tool. The risk screening tool is for informing
14 decisions about diversion. The risk screening tool and any information
15 obtained from a juvenile in the course of any screening, including any
16 admission, confession, or incriminating evidence, obtained from a
17 juvenile in the course of any screening or assessment in conjunction with
18 proceedings pursuant to this section or made in order to participate in a
19 diversion or restorative justice program is not admissible into evidence in
20 any adjudicatory hearing in which the juvenile is accused and is not
21 subject to subpoena or any other court process for use in any other
22 proceeding or for any other purpose.

23 (8) (a) The director may implement a behavioral or mental health
24 screening program to screen juveniles who participate in the juvenile
25 diversion program. If the director chooses to implement a behavioral or
26 mental health screening program, the director shall use the mental health
27 screening tool selected pursuant to section 24-33.5-2402 (1)(b), AS IT

1 EXISTED PRIOR TO ITS REPEAL IN 2022, and conduct the screening in
2 accordance with procedures established pursuant to that section.

3 **SECTION 5.** In Colorado Revised Statutes, 19-2.5-612, **amend**
4 (2) and (7)(c) as follows:

5 **19-2.5-612. Mental health services for juvenile - how and when**
6 **issue raised - procedure - definitions.** (2) After the party advises the
7 court of the party's belief that the juvenile could benefit from mental
8 health services, the court shall immediately order a mental health
9 screening of the juvenile pursuant to section 16-11.9-102 using the mental
10 health screening tool selected pursuant to section 24-33.5-2402 (1)(b), AS
11 IT EXISTED PRIOR TO ITS REPEAL IN 2022, unless the court already has
12 sufficient information to determine whether the juvenile could benefit
13 from mental health services or unless a mental health screening of the
14 juvenile has been completed within the last three months. Before
15 sentencing a juvenile, the court shall order a mental health screening
16 using the mental health screening tool selected pursuant to section
17 24-33.5-2402 (1)(b), AS IT EXISTED PRIOR TO ITS REPEAL IN 2022, or make
18 a finding that the screening would not provide information that would be
19 helpful in sentencing the juvenile. The court shall not stay or suspend
20 delinquency proceedings pending the results of the mental health
21 screening ordered pursuant this section. However, the court may continue
22 the dispositional and sentencing hearing to await the results of the mental
23 health screening.

24 (7) For purposes of this section:

25 (c) "Screening" means a short validated mental health screening
26 adopted by the COMMITTEE ON juvenile justice reform ~~committee~~ pursuant
27 to section 24-33.5-2402 (1)(b), AS IT EXISTED PRIOR TO ITS REPEAL IN

1 2022, to identify juveniles who may have mental health needs.

2 **SECTION 6.** In Colorado Revised Statutes, 19-2.5-1108, **amend**
3 (2)(a) introductory portion and (2)(b) as follows:

4 **19-2.5-1108. Probation - terms - release - revocation -**
5 **graduated responses system - rules - report - definition.**

6 (2) (a) Conditions of probation must be customized to each juvenile
7 based on the guidelines developed by the committee on juvenile justice
8 reform pursuant to section 24-33.5-2402, AS IT EXISTED PRIOR TO ITS
9 REPEAL IN 2022. The court shall, as minimum conditions of probation,
10 order that the juvenile:

11 (b) The court shall use the results from a validated risk and needs
12 assessment adopted by the COMMITTEE ON juvenile justice reform
13 ~~committee~~ pursuant to section 24-33.5-2402, AS IT EXISTED PRIOR TO ITS
14 REPEAL IN 2022, to inform the court of additional conditions of probation,
15 as necessary.

16 **SECTION 7.** In Colorado Revised Statutes, 19-2.5-1109, **amend**
17 (1) introductory portion and (1)(e) as follows:

18 **19-2.5-1109. Juvenile probation standards - development.**

19 (1) Before July 1, 2021, the state court administrator, in consultation with
20 judges, the judicial branch, district attorneys, defense counsel, the
21 delivery of child welfare services task force created in section 26-5-105.8,
22 and other interested parties shall establish statewide standards for juvenile
23 probation supervision and services that are aligned with research-based
24 practices and based on the juvenile's risk of reoffending, as determined
25 by a validated risk and needs assessment tool adopted pursuant to section
26 24-33.5-2402, AS IT EXISTED PRIOR TO ITS REPEAL IN 2022. The state court
27 administrator shall at least annually provide training to juvenile probation

1 on the adoption and implementation of these standards. Juvenile standards
2 must include, but need not be limited to:

3 (e) Common criteria for when juvenile probation officers may
4 recommend the use of out-of-home placements and commitment to the
5 division of youth services. The court shall consider the results of a
6 validated risk and needs assessment, a validated mental health screening,
7 and, if applicable, a full mental health assessment ~~conducted pursuant to~~
8 ~~section 24-33.5-2402~~ to make decisions concerning the juvenile's
9 placement.

10 **SECTION 8.** In Colorado Revised Statutes, 19-2.5-1117, **amend**
11 (7)(a) introductory portion, (7)(a)(I), and (7)(a)(IV) as follows:

12 **19-2.5-1117. Sentencing - commitment to the department of**
13 **human services - definitions.** (7) (a) On or before January 1, 2021, the
14 department of human services, in consultation with the COMMITTEE ON
15 juvenile justice reform ~~committee~~ established pursuant to section
16 24-33.5-2401, AS IT EXISTED PRIOR TO ITS REPEAL IN 2022, shall develop
17 a length of stay matrix and establish criteria to guide the release of
18 juveniles from a state facility that are based on:

19 (I) A juvenile's risk of reoffending, as determined by the results
20 of a validated risk and needs assessment adopted pursuant to section
21 24-33.5-2402 (1)(a), AS IT EXISTED PRIOR TO ITS REPEAL IN 2022;

22 (IV) Other criteria as determined by the department. ~~and the~~
23 ~~juvenile justice reform committee.~~

24 **SECTION 9.** In Colorado Revised Statutes, 19-2.5-1402, **amend**
25 (4)(b) as follows:

26 **19-2.5-1402. Juvenile community review board.** (4) (b) The
27 board shall review the juvenile's case file and make a decision regarding

1 residential community placement, taking into consideration the results of
2 a validated risk and needs assessment adopted pursuant to section
3 24-33.5-2402 (1), AS IT EXISTED PRIOR TO ITS REPEAL IN 2022, by the
4 department of human services, the criteria established by the juvenile
5 community review board based on the interests of the community, and
6 guidance established by the department of human services in consultation
7 with the COMMITTEE ON juvenile justice reform ~~committee~~ established
8 pursuant to section 24-33.5-2401, AS IT EXISTED PRIOR TO ITS REPEAL IN
9 2022. The criteria must be based upon researched factors that have been
10 demonstrated to be correlative to risk to the community.

11 **SECTION 10. Act subject to petition - effective date.** Section
12 1 and this section of this act take effect upon passage, and the remainder
13 of this act takes effect on December 31, 2022; except that if a referendum
14 petition is filed pursuant to section 1 (3) of article V of the state
15 constitution against this act or an item, section, or part of this act within
16 the ninety-day period after final adjournment of the general assembly,
17 then the act, item, section, or part will not take effect unless approved by
18 the people at the general election to be held in November 2022 and, in
19 such case, section 1 and this section of this act will take effect on the date
20 of the official declaration of the vote thereon by the governor and the
21 remaining sections will take effect December 31, 2022.