

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0634.01 Chelsea Princell x4335

HOUSE BILL 23-1249

HOUSE SPONSORSHIP

Armagost and Gonzales-Gutierrez, Amabile, Bacon, Boesenecker, Bradfield, deGruy
Kennedy, Duran, Epps, Garcia, Jodeh, Joseph, Lindstedt, Mabrey, Marshall, Martinez, Ortiz,
Sharbini, Velasco, Vigil, Woodrow

SENATE SPONSORSHIP

Simpson and Coleman, Gonzales, Hinrichsen, Moreno

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO IMPROVE OUTCOMES FOR YOUNG**
102 **CHILDREN BY REPLACING JUSTICE INVOLVEMENT WITH**
103 **COMMUNITY-BASED SERVICES.**

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>.)

Under current law, counties are permitted to form a local collaborative management program to provide services to youth. The bill requires every county to participate in a local collaborative management program and requires the local collaborative management program to serve children 10 to 12 years of age and to form a service and support

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

team to create service and support plans for children 10 to 12 years of age.

The bill provides an appropriation for local collaborative management programs and requires the department of human services to provide technical assistance to the programs.

The bill changes the minimum age of a child who is subject to the juvenile court's jurisdiction. Under current law, children who are 10 years of age or older can be prosecuted in juvenile court. The bill removes children who are 10 to 12 years of age from the juvenile court's jurisdiction and increases the age for prosecution in juvenile court to 13 years of age; except in the case of a homicide, then the juvenile court's jurisdiction extends to children who are 10 to 12 years of age.

The bill clarifies that children who are 10 to 12 years of age may be taken into temporary custody by law enforcement for safety.

The bill provides that when children who are 10 to 12 years of age have contact with law enforcement, law enforcement will complete a form to refer the child to the local collaborative management program. The local collaborative management program's individualized service and support team is required to complete an initial plan for every child who is referred, which may find that no services are needed, that one or more specific services are needed and can be provided without an individualized service and support team meeting, or that an individualized service and support team meeting is required to develop a service and support plan for the child and family. Victims have the right to be informed and provide input to the plan.

The individualized service and support team is required to hold a meeting and develop an individualized service and support plan for every child who is 10 to 12 years of age who allegedly engaged in behavior that would constitute a crime of violence or felony sex offense. The county department of human or social services is required to attend the meeting if the behavior would constitute a felony sex offense. The county department of human or social services is required to make a determination as to whether the department of human services will provide prevention and intervention services or conduct a formal assessment, investigate, provide services, or open a case.

The bill clarifies that victims of actions by children who are 10 to 12 years of age are still able to access existing victim services and compensation. The bill provides that victims shall receive a free copy of the form completed by law enforcement, which can be used to request victim's compensation.

The bill provides that a minor child, or a parent or guardian seeking relief on behalf of a minor child, shall not pay a fee to seek a protection order. Courts that issue protection orders shall provide assistance to individuals in completing judicial forms to obtain a protection order. The bill changes the minimum age that a person can be

held in custody for contempt of court for failing to comply with a protection order to a person who is 13 years of age. A child who is 10 to 12 years of age who fails to comply with a protection order may be court ordered to participate in a collaborative management program.

The bill changes the minimum age of a county court's concurrent original jurisdiction with the district court in criminal actions that constitute misdemeanors or petty offenses to 13 years of age.

The bill changes the minimum age to be charged by a municipal court for a municipal offense to 13 years of age.

Under current law, a juvenile court may transfer a child to district court for adult criminal proceedings under certain conditions. The bill eliminates the ability for the juvenile court to transfer children who are 12 or 13 years of age to the district court. For a child who is 14 years of age or older, the bill changes the current authority of the juvenile court to transfer the child's case for any delinquent act that constitutes any felony to only any delinquent act that constitutes a class 1 or class 2 felony or a crime of violence.

The bill extends certain sentencing protections that are currently provided to children who are 10 or 11 years of age to children who are 13 or 14 years of age.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Providing developmentally appropriate services to young
5 children to address the underlying causes of problematic behaviors
6 prevents future youth misbehavior, thereby reducing recidivism in both
7 adolescence and adulthood, which leads to safer communities;

8 (b) Behavioral health programs, schools, child welfare services,
9 and other community-based programs and services are better equipped
10 than the juvenile justice system to identify and address the needs of young
11 children and to provide developmentally appropriate services to improve
12 community safety and reduce the risk that young children commit future
13 crimes as adults;

14 (c) Ensuring that young children are served outside of the juvenile

1 justice system reduces the negative impacts for young children and their
2 communities. Young children who are charged with crimes and placed in
3 the juvenile justice system, as compared to similarly situated young
4 children who are served outside of the juvenile justice system, are more
5 likely to enter the criminal justice system as adults, present a future threat
6 to community safety, face mental health challenges, and are less likely to
7 graduate from high school.

8 (d) Colorado has an existing system of local collaborative
9 management programs that can be improved to ensure young children
10 receive appropriate services outside of the juvenile justice system, which
11 will improve outcomes for young children and make communities safer;

12 (e) Serving young children through local collaborative
13 management programs reduces future victimization. Young children in
14 the juvenile justice system are at a higher risk of becoming victims of
15 violence within the justice system.

16 (f) A community-based alternative to serve young children is more
17 equitable. Young children of color are more likely to be referred to the
18 juvenile justice system and detained in juvenile justice facilities than
19 White young children.

20 (g) Victims and survivors of criminal behavior must be able to
21 access services, compensation, and information to gain a new sense of
22 safety. In serving young children through more effective
23 community-based solutions, victim services must remain available to
24 meet these needs.

25 (h) Victims and survivors have the right to be treated with dignity
26 and respect and to be heard and kept informed, regardless of whether the
27 act committed against them was committed by a young child. These rights

1 must remain intact through more effective community-based solutions.

2 (2) (a) Therefore, the general assembly declares its intent to
3 empower community-based responses in the health, education, and child
4 welfare systems to serve children who are under thirteen years of age,
5 instead of the juvenile justice system.

6 (b) The general assembly further supports victims being heard,
7 informed, and supported through the community-based system.

8 (c) The general assembly further declares the prosecution of
9 children under the age of thirteen in municipal courts is a matter of
10 statewide concern because there is need for statewide uniformity in the
11 prosecution and treatment of young children, a municipal regulation that
12 allowed such prosecution would have a negative impact on children and
13 families living outside the municipality, and uniformity fulfills the state's
14 statutory obligation to serve children according to the Colorado children's
15 code.

16 **SECTION 2.** In Colorado Revised Statutes, 17-1-103, **repeal**
17 (1)(n) as follows:

18 **17-1-103. Duties of the executive director.** (1) The duties of the
19 executive director are:

20 (n) ~~To contract with the department of human services to house~~
21 ~~in a facility operated by the department of human services any juvenile~~
22 ~~under the age of fourteen years who is sentenced as an adult to the~~
23 ~~department of corrections and to provide services for the juvenile~~
24 ~~pursuant to section 19-2.5-802 (1)(c);~~

25 **SECTION 3.** In Colorado Revised Statutes, 13-6-106, **amend** (1)
26 introductory portion and (1)(a) as follows:

27 **13-6-106. Original criminal jurisdiction.** (1) The county court

1 ~~shall have~~ HAS concurrent original jurisdiction with the district court in
2 the following criminal matters:

3 (a) Criminal actions AGAINST A PERSON THIRTEEN YEARS OF AGE
4 OR OLDER for the violation of state laws which constitute misdemeanors
5 or petty offenses, except those actions involving children over which the
6 juvenile court of the city and county of Denver or the district courts of the
7 state, other than in Denver, have exclusive jurisdiction;

8 **SECTION 4.** In Colorado Revised Statutes, **amend** 13-10-103 as
9 follows:

10 **13-10-103. Applicability.** This article 10 applies to and governs
11 the operation of municipal courts in the cities and towns of this state.
12 Except for the provisions relating to the method of salary payment for
13 municipal judges, the incarceration of children pursuant to sections
14 19-2.5-305 and 19-2.5-1511, THE PROHIBITION OF THE PROSECUTION OF
15 A CHILD UNDER THIRTEEN YEARS OF AGE, the appearance of the parent,
16 guardian, or lawful custodian of ~~any~~ A child THIRTEEN YEARS OF AGE OR
17 OLDER BUT under eighteen years of age who is charged with a municipal
18 offense as required by section 13-10-111, the right to a trial by jury for
19 petty offenses pursuant to section 16-10-109, relief from improperly
20 entered guilty pleas pursuant to section 18-1-410.6, rules of procedure
21 promulgated by the supreme court, and appellate procedure, this article
22 10 may be superseded by charter or ordinance enacted by a home rule
23 city.

24 **SECTION 5.** In Colorado Revised Statutes, **amend** 13-10-104 as
25 follows:

26 **13-10-104. Municipal court created - jurisdiction.** The
27 municipal governing body of each city or town shall create a municipal

1 court to hear and try all alleged violations of ordinance provisions of such
2 city or town AGAINST A PERSON WHO IS THIRTEEN YEARS OF AGE OR
3 OLDER.

4 **SECTION 6.** In Colorado Revised Statutes, 13-10-111, **amend**
5 (5) as follows:

6 **13-10-111. Commencement of actions - process.** (5) Upon the
7 request of the municipal court, the prosecuting municipality, or the
8 defendant, the clerk of the municipal court shall issue a subpoena for the
9 appearance, at any and all stages of the court's proceedings, of the parent,
10 guardian, or lawful custodian of any child THIRTEEN YEARS OF AGE OR
11 OLDER BUT under eighteen years of age who is charged with a municipal
12 offense. Whenever a person who is issued a subpoena pursuant to this
13 subsection (5) fails, without good cause, to appear, the court may issue an
14 order for the person to show cause to the court as to why the person
15 should not be held in contempt. Following a show cause hearing, the
16 court may make findings of fact and conclusions of law and may enter an
17 appropriate order, which may include finding the person in contempt.

18 **SECTION 7.** In Colorado Revised Statutes, 13-10-113, **amend**
19 (4) and (5) as follows:

20 **13-10-113. Fines and penalties.** (4) Notwithstanding any
21 provision of law to the contrary, a municipal court has the authority to
22 order a child THIRTEEN YEARS OF AGE OR OLDER BUT under eighteen years
23 of age confined in a juvenile detention facility operated or contracted by
24 the department of human services or a temporary holding facility operated
25 by or under contract with a municipal government for failure to comply
26 with a lawful order of the court, including an order to pay a fine. Any
27 confinement of a child for contempt of municipal court ~~shall~~ MUST not

1 exceed forty-eight hours.

2 (5) Notwithstanding any other provision of law, ~~a juvenile, as~~
3 ~~defined in section 19-2.5-102~~ A CHILD THIRTEEN YEARS OF AGE OR OLDER
4 BUT UNDER EIGHTEEN YEARS OF AGE WHO IS arrested for an alleged
5 violation of a municipal ordinance, convicted of violating a municipal
6 ordinance or probation conditions imposed by a municipal court, or found
7 in contempt of court in connection with a violation or alleged violation of
8 a municipal ordinance ~~must~~ SHALL not be confined in a jail, lockup, or
9 other place used for the confinement of adult offenders but may be held
10 in a juvenile detention facility operated by or under contract with the
11 department of human services or a temporary holding facility operated by
12 or under contract with a municipal government that ~~shall receive and~~
13 ~~provide~~ RECEIVES AND PROVIDES care for the ~~juvenile~~ CHILD THIRTEEN
14 YEARS OF AGE OR OLDER BUT UNDER EIGHTEEN YEARS OF AGE. A
15 municipal court imposing penalties for violation of probation conditions
16 imposed by such court or for contempt of court in connection with a
17 violation or alleged violation of a municipal ordinance may confine a
18 ~~juvenile~~ CHILD THIRTEEN YEARS OF AGE OR OLDER BUT UNDER EIGHTEEN
19 YEARS OF AGE pursuant to section 19-2.5-305 for up to forty-eight hours
20 in a juvenile detention facility operated by or under contract with the
21 department of human services. ~~In imposing any jail sentence upon a~~
22 ~~juvenile for violating any municipal ordinance when the municipal court~~
23 ~~has jurisdiction over the juvenile pursuant to section 19-2.5-103 (1)(a)(II);~~
24 A municipal court does not have the authority to order a ~~juvenile~~ CHILD
25 under eighteen years of age to a juvenile detention facility operated or
26 contracted by the department of human services.

27 **SECTION 8.** In Colorado Revised Statutes, 13-14-105, **add** (3)

1 as follows:

2 **13-14-105. Provisions relating to civil protection orders.** (3) A
3 MUNICIPAL COURT OF RECORD THAT IS AUTHORIZED BY ITS MUNICIPAL
4 GOVERNING BODY TO ISSUE PROTECTION ORDERS AND ANY COUNTY COURT
5 OR DISTRICT COURT THAT ISSUES PROTECTION ORDERS SHALL PROVIDE:

6 (a) IN-PERSON ASSISTANCE THAT IS AVAILABLE AT LEAST ONE TIME
7 PER WEEK TO ASSIST PETITIONERS COMPLETING JUDICIAL FORMS TO
8 OBTAIN A PROTECTION ORDER; OR

9 (b) AN ONLINE TUTORIAL TO ASSIST PETITIONERS COMPLETING
10 JUDICIAL FORMS TO OBTAIN A PROTECTION ORDER THAT IS ACCESSIBLE TO
11 THE PUBLIC AND CONTAINS LINKS TO THE FORMS AND INFORMATION
12 ABOUT WHERE A PETITIONER CAN GO TO COMPLETE JUDICIAL FORMS AND
13 REQUEST A PROTECTION ORDER.

14 **SECTION 9.** In Colorado Revised Statutes, 13-14-107, **amend**
15 (1); and **add** (4) as follows:

16 **13-14-107. Enforcement of protection order - duties of peace**
17 **officer.** (1) A person ~~failing~~ THIRTEEN YEARS OF AGE OR OLDER WHO
18 FAILS to comply with any order of the court issued pursuant to this ~~article~~
19 ARTICLE 14 is in contempt of court or may be prosecuted for violation of
20 a civil protection order pursuant to section 18-6-803.5; ~~C.R.S.~~

21 (4) (a) IF A CHILD TEN YEARS OF AGE OR OLDER BUT UNDER
22 THIRTEEN YEARS OF AGE FAILS TO COMPLY WITH ANY ORDER OF THE
23 COURT ISSUED PURSUANT TO THIS ARTICLE 14, THE COURT MAY ORDER THE
24 LOCAL COLLABORATIVE MANAGEMENT PROGRAM CREATED PURSUANT TO
25 SECTION 24-1.9-102 TO HOLD AN INDIVIDUALIZED SERVICE AND SUPPORT
26 TEAM MEETING.

27 (b) IF THE VIOLATION OF THE COURT ORDER DESCRIBED IN

1 SUBSECTION (4)(a) OF THIS SECTION OCCURRED AT A SCHOOL IN WHICH
2 THE CHILD IS ENROLLED, A REPRESENTATIVE FROM THE SCHOOL SHALL
3 ATTEND THE INDIVIDUALIZED SERVICE AND SUPPORT TEAM MEETING, AND
4 THE TEAM SHALL INCLUDE IN THE SERVICE AND SUPPORT PLAN A PLAN TO
5 PREVENT FUTURE VIOLATIONS OF THE ORDER.

6 (c) IF THE VIOLATION OF THE COURT ORDER DESCRIBED IN
7 SUBSECTION (4)(a) OF THIS SECTION DID NOT OCCUR AT A SCHOOL IN
8 WHICH THE CHILD IS ENROLLED, A REPRESENTATIVE OF THE LOCAL
9 COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES SHALL ATTEND THE
10 MEETING, AND THE TEAM SHALL INCLUDE IN THE SERVICE AND SUPPORT
11 PLAN A PLAN TO PREVENT FUTURE VIOLATIONS OF THE ORDER. THE
12 COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES SHALL MAKE A
13 DETERMINATION FOLLOWING THE MEETING AS TO WHETHER THE COUNTY
14 DEPARTMENT OF HUMAN OR SOCIAL SERVICES WILL PROVIDE PREVENTION
15 AND INTERVENTION SERVICES, IN ACCORDANCE WITH RULES ADOPTED BY
16 THE STATE BOARD OF HUMAN SERVICES, OR WHETHER THE COUNTY
17 DEPARTMENT OF HUMAN OR SOCIAL SERVICES WILL CONDUCT AN
18 ASSESSMENT OR INVESTIGATION PURSUANT TO SECTIONS 19-3-308,
19 19-3-308.3, AND 19-3-308.5 AND THE RULES ADOPTED BY THE STATE
20 BOARD OF HUMAN SERVICES. THE DETERMINATION MUST BE INCLUDED AS
21 A WRITTEN UPDATE TO THE CHILD'S SERVICE AND SUPPORT PLAN. IN
22 DETERMINING WHETHER TO CONDUCT AN ASSESSMENT, THE COUNTY
23 DEPARTMENT OF HUMAN OR SOCIAL SERVICES SHALL CONSIDER:

24 (I) THE VULNERABILITY OF THE REFERRED CHILD WHO IS OVER TEN
25 YEARS OF AGE BUT UNDER THIRTEEN YEARS OF AGE, AND ANY CHILD
26 IDENTIFIED AS A VICTIM OF THE REFERRED CHILD'S CONDUCT;

27 (II) ANY INFORMATION IN THE CHILD WELFARE INFORMATION

1 SYSTEM AND ANY AVAILABLE COUNTY DEPARTMENT FILES;

2 (III) ANY ALLEGATION OF KNOWN OR SUSPECTED CHILD ABUSE OR
3 NEGLECT AS DESCRIBED IN SECTION 19-3-102, INCLUDING ALLEGATIONS
4 THAT THE CHILD:

5 (A) LACKS PROPER PARENTAL CARE OR SUPERVISION PURSUANT TO
6 SECTION 19-3-102; OR

7 (B) IS BEYOND THE CONTROL OF THE CHILD'S PARENT, GUARDIAN,
8 OR LEGAL CUSTODIAN PURSUANT TO SECTION 19-3-102; AND

9 (IV) WHETHER AN ASSESSMENT IS APPROPRIATE FOR ANY
10 PROGRAM AREAS IDENTIFIED IN THE RULES ADOPTED BY THE STATE BOARD
11 OF HUMAN SERVICES, INCLUDING ANY EXISTING PROGRAM AREAS CREATED
12 TO PROVIDE:

13 (A) PREVENTION AND INTERVENTION SERVICES TO CHILDREN,
14 YOUTH, AND FAMILIES AT RISK OF INVOLVEMENT WITH THE CHILD
15 WELFARE SYSTEM;

16 (B) SERVICES TO YOUTH IN CONFLICT WITH THEIR FAMILY
17 MEMBERS OR THE COMMUNITY;

18 (C) SERVICES TO CHILDREN IN NEED OF PROTECTION, INCLUDING
19 CHILDREN WHOSE PHYSICAL, MENTAL, OR EMOTIONAL WELL-BEING IS
20 THREATENED OR HARMED DUE TO ABUSE OR NEGLECT AS DESCRIBED IN
21 SECTION 19-3-102;

22 (D) SERVICES FOR CHILDREN AND FAMILIES IN NEED OF
23 SPECIALIZED SERVICES; AND

24 (E) SERVICES RELATED TO RESOURCE DEVELOPMENT.

25 (d) IF A CHILD ALLEGEDLY VIOLATES A PROTECTION ORDER THREE
26 OR MORE TIMES, TWO CERTIFIED CHILD WELFARE STAFF FROM THE SAME
27 COUNTY OR IN CONJUNCTION WITH ANOTHER COUNTY SHALL MAKE THE

1 DECISION TO REJECT A REFERRAL.

2 **SECTION 10.** In Colorado Revised Statutes, 13-14-109, **amend**
3 (1) and (2) as follows:

4 **13-14-109. Fees and costs.** (1) The court may assess a filing fee
5 against a petitioner seeking relief ~~under~~ PURSUANT TO this article 14;
6 except that the court may not assess a filing fee against a petitioner if THE
7 PETITIONER IS A MINOR CHILD OR A PARENT OR GUARDIAN SEEKING RELIEF
8 ON BEHALF OF A MINOR CHILD, OR the court determines the petitioner is
9 seeking the protection order as a victim of domestic abuse, domestic
10 violence as defined in section 18-6-800.3, ~~(1), C.R.S.~~, stalking, or sexual
11 assault or abuse. The court shall provide the necessary number of certified
12 copies at no cost to petitioners.

13 (2) A state or public agency may not assess fees for service of
14 process against a petitioner seeking relief ~~under~~ PURSUANT TO this ~~article~~
15 ARTICLE 14 AS A MINOR CHILD OR PARENT OR GUARDIAN SEEKING RELIEF
16 ON BEHALF OF A MINOR CHILD, OR as a victim of conduct consistent with
17 the following: Domestic abuse, domestic violence as defined in section
18 18-6-800.3, ~~(1), C.R.S.~~, stalking, or sexual assault or abuse.

19 **SECTION 11.** In Colorado Revised Statutes, 16-11.7-103, **add**
20 (4)(m) as follows:

21 **16-11.7-103. Sex offender management board - creation -**
22 **duties - repeal.** (4) **Duties of the board.** The board shall carry out the
23 following duties:

24 (m) **Education and training regarding young children.** THE
25 BOARD MAY DEVELOP AND REVISE, AS APPROPRIATE, EDUCATIONAL
26 MATERIALS AND TRAINING REGARDING BEST PRACTICES TO PROVIDE
27 DEVELOPMENTALLY APPROPRIATE THERAPY TO CHILDREN TEN YEARS OF

1 AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE WHEN THOSE
2 CHILDREN HAVE ENGAGED IN PROBLEMATIC SEXUAL BEHAVIOR THAT
3 WOULD CONSTITUTE A SEXUAL OFFENSE IF COMMITTED BY AN ADULT. THE
4 BOARD SHALL PROVIDE THE MATERIALS AND TRAINING TO THE
5 DEPARTMENT OF EDUCATION, AND THE DEPARTMENT OF EDUCATION SHALL
6 MAKE THE MATERIALS AND TRAINING AVAILABLE TO SCHOOLS IN THE
7 STATE.

8 **SECTION 12.** In Colorado Revised Statutes, 19-2.5-103, **amend**
9 (1)(a) introductory portion and (5); and **add** (1)(c) as follows:

10 **19-2.5-103. Jurisdiction.** (1) Except as otherwise provided by
11 law, the juvenile court has exclusive original jurisdiction in proceedings:

12 (a) Concerning ~~any~~ A juvenile ~~ten~~ THIRTEEN years of age or older
13 who ~~has violated~~ IS ACCUSED OF VIOLATING:

14 (c) CONCERNING A JUVENILE TEN YEARS OF AGE OR OLDER WHO IS
15 ACCUSED OF VIOLATING AN OFFENSE PURSUANT TO PART 1 OF ARTICLE 3
16 OF TITLE 18.

17 (5) Notwithstanding any other provision of this section to the
18 contrary, the juvenile court and the county court have concurrent
19 jurisdiction over a juvenile ~~who is~~ THIRTEEN YEARS OF AGE OR OLDER BUT
20 under eighteen years of age and who is charged with a violation of section
21 18-13-122, 18-18-406 (5)(b)(I) and (5)(b)(II), 18-18-428, 18-18-429,
22 18-18-430, or 42-4-1301; except that, if the juvenile court accepts
23 jurisdiction over such a juvenile, the county court jurisdiction terminates.

24 **SECTION 13.** In Colorado Revised Statutes, 19-2.5-208, **amend**
25 (1)(a) introductory portion as follows:

26 **19-2.5-208. Petty tickets - summons - contracts - data.**

27 (1) (a) If a law enforcement officer contacts a juvenile ~~ten~~ THIRTEEN

1 years of age or older for a delinquent act that would be a petty offense if
2 committed by an adult or a municipal ordinance violation, the officer may
3 issue the juvenile a petty ticket that requires the juvenile to go through an
4 assessment process or procedure as designated by the municipal, county,
5 or district court, including assessment by a law enforcement officer,
6 assessment officer, or a screening team, referred to in this section as the
7 "screening entity". When a petty ticket is issued, an assessment officer or
8 screening team officer shall offer a petty offense contract to the juvenile
9 and the juvenile's parent or legal guardian if:

10 **SECTION 14.** In Colorado Revised Statutes, 19-2.5-302, **amend**
11 (1) as follows:

12 **19-2.5-302. Local juvenile services planning committee -**
13 **creation - duties - identification and notification of dually identified**
14 **crossover youth.** (1) If all of the boards of commissioners of each
15 county or the city council of each city and county in a judicial district
16 agree, there may be created in the judicial district a local juvenile services
17 planning committee that is appointed by the chief judge of the judicial
18 district or, for the second judicial district, the presiding judge of the
19 Denver juvenile court, from persons recommended by the boards of
20 commissioners of each county or the city council of each city and county
21 within the judicial district. The committee, if practicable, must include,
22 but need not be limited to, a representative from a county department of
23 human or social services, a local school district, a local law enforcement
24 agency, a local probation department, the division of youth services,
25 private citizens, the district attorney's office, the public defender's office,
26 a community mental health representative, and a representative of the
27 concerns of municipalities. The committee, if created, shall meet as

1 necessary to develop a plan for the allocation of resources for local
2 juvenile services within the judicial district for the fiscal year. The
3 committee is strongly encouraged to consider programs with restorative
4 justice components when developing the plan. THE COMMITTEE IS
5 STRONGLY ENCOURAGED TO INCLUDE IN THE PLAN SERVICES FOR
6 CHILDREN WHO ARE TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN
7 YEARS OF AGE AND WHO COME INTO CONTACT WITH LAW ENFORCEMENT
8 IF A LAW ENFORCEMENT OFFICER DETERMINES THERE IS PROBABLE CAUSE
9 TO BELIEVE THAT THE CHILD COMMITTED AN ACT THAT WOULD BE A
10 MISDEMEANOR OR FELONY IF COMMITTED BY AN ADULT. The state
11 department of human services shall approve the plan. A local juvenile
12 services planning committee may be consolidated with other local
13 advisory boards pursuant to section 24-1.7-103.

14 **SECTION 15.** In Colorado Revised Statutes, 19-2.5-303, **amend**
15 (1); and **add** (6) as follows:

16 **19-2.5-303. Duty of officer - screening teams - notification -**
17 **release or detention.** (1) When a juvenile OVER WHOM THE JUVENILE
18 COURT HAS JURISDICTION PURSUANT TO SECTION 19-2.5-103 is taken into
19 temporary custody and not released pending charges, the officer shall
20 notify the screening team for the judicial district in which the juvenile is
21 taken into custody. The screening team shall notify the juvenile's parent,
22 guardian, or legal custodian without unnecessary delay and inform the
23 juvenile's parent, guardian, or legal custodian that, if the juvenile is
24 placed in detention or a temporary holding facility, all parties have a right
25 to a prompt hearing to determine whether the juvenile is to be detained
26 further. Such notification may be made to a person with whom the
27 juvenile is residing if a parent, guardian, or legal custodian cannot be

1 located. If the screening team is unable to make such notification, the
2 notification may be made by any law enforcement officer, juvenile
3 probation officer, detention center counselor, or detention facility staff in
4 whose physical custody the juvenile is placed.

5 (6) (a) NOTHING IN THIS SECTION PROHIBITS A LAW ENFORCEMENT
6 OFFICER FROM REQUESTING AN EMERGENCY PROTECTION ORDER FOR A
7 CHILD UNDER THIRTEEN YEARS OF AGE PURSUANT TO SECTION 19-3-405
8 OR 13-14-103, FROM TAKING A CHILD WHO IS UNDER THIRTEEN YEARS OF
9 AGE INTO TEMPORARY CUSTODY PURSUANT TO SECTION 19-3-401, OR
10 FROM PLACING A CHILD WHO IS UNDER THIRTEEN YEARS OF AGE OUT OF
11 THE HOME PURSUANT TO SECTION 19-3-402.

12 (b) WHEN A LAW ENFORCEMENT OFFICER HAS CONTACT WITH A
13 CHILD WHO IS TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS
14 OF AGE AND DETERMINES THERE IS PROBABLE CAUSE TO BELIEVE THE
15 CHILD COMMITTED AN ACT THAT WOULD BE A MISDEMEANOR OR FELONY
16 ACT IF THE CHILD WAS THIRTEEN YEARS OF AGE OR OLDER, THE LAW
17 ENFORCEMENT OFFICER SHALL:

18 (I) COMPLETE THE INFORMATION FORM FOR CHILDREN UNDER THE
19 AGE OF THIRTEEN CREATED PURSUANT TO SECTION 24-1.9-102.7;

20 (II) REQUEST THAT A PARENT, GUARDIAN, LEGAL CUSTODIAN, OR
21 ADULT WHO RESIDES WITH THE CHILD SIGN THE ATTESTATION ON THE
22 INFORMATION FORM FOR CHILDREN UNDER THIRTEEN YEARS OF AGE, OR IF
23 LAW ENFORCEMENT IS UNABLE TO OBTAIN A SIGNATURE, LAW
24 ENFORCEMENT MUST DOCUMENT THE REASON ON THE INFORMATION FORM
25 FOR CHILDREN UNDER THIRTEEN YEARS OF AGE;

26 (III) PROVIDE A COPY OF THE INFORMATION FORM FOR CHILDREN
27 UNDER THIRTEEN YEARS OF AGE TO THE CHILD; THE PARENT, GUARDIAN,

1 LEGAL CUSTODIAN, OR ADULT WHO RESIDES WITH THE CHILD; AND THE
2 LOCAL COLLABORATIVE MANAGEMENT PROGRAM CREATED PURSUANT TO
3 SECTION 24-1.9-102; AND

4 (IV) IF THE INCIDENT INVOLVES A VICTIM, PROVIDE A COPY OF THE
5 INFORMATION FORM FOR CHILDREN UNDER THIRTEEN YEARS OF AGE TO
6 THE VICTIM, IF A VICTIM IS PRESENT, OR THE VICTIM'S DESIGNEE, OR AT
7 ANY TIME UPON REQUEST OF THE VICTIM OR THE VICTIM'S DESIGNEE, AND
8 INFORM EACH VICTIM AS TO THE AVAILABILITY OF APPLICABLE SERVICES
9 AND INFORMATION AS DESCRIBED IN SECTIONS 24-4.1-303 (9) AND (10).

10 (c) COPIES OF THE INFORMATION FORM PURSUANT TO SUBSECTION
11 (6)(b) OF THIS SECTION MUST BE PROVIDED AT NO COST.

12 **SECTION 16.** In Colorado Revised Statutes, 19-2.5-304, **repeal**
13 (2) as follows:

14 **19-2.5-304. Limitations on detention.** (2) ~~A juvenile court shall~~
15 ~~not order a juvenile who is ten years of age and older but less than~~
16 ~~thirteen years of age to detention unless the juvenile has been arrested for~~
17 ~~a felony or weapons charge pursuant to section 18-12-102, 18-12-105,~~
18 ~~18-12-106, or 18-12-108.5. A preadjudication service program created~~
19 ~~pursuant to section 19-2.5-606 shall evaluate a juvenile described in this~~
20 ~~subsection (2). The evaluation may result in the juvenile:~~

- 21 (a) ~~Remaining in the custody of a parent or legal guardian;~~
- 22 (b) ~~Being placed in the temporary legal custody of kin, for~~
23 ~~purposes of a kinship foster care home or noncertified kinship care~~
24 ~~placement, as defined in section 19-1-103, or other suitable person under~~
25 ~~such conditions as the court may impose;~~
- 26 (c) ~~Being placed in a temporary shelter facility; or~~
- 27 (d) ~~Being referred to a local county department of human or social~~

1 ~~services for assessment for placement.~~

2 **SECTION 17.** In Colorado Revised Statutes, 19-2.5-305, **amend**
3 (3)(a)(V) introductory portion and (6) as follows:

4 **19-2.5-305. Detention and shelter - hearing - time limits -**
5 **findings - review - confinement with adult offenders - restrictions.**

6 ~~(3) (a) (V) A court shall not order further detention for a juvenile who is~~
7 ~~ten years of age and older but less than thirteen years of age unless the~~
8 ~~juvenile has been arrested or adjudicated for a felony or weapons charge~~
9 ~~pursuant to section 18-12-102, 18-12-105, 18-12-106, or 18-12-108.5.~~

10 The court shall receive any information having probative value regardless
11 of its admissibility under the rules of evidence. In determining whether
12 a juvenile requires detention, the court shall consider the results of the
13 detention screening instrument. There is a rebuttable presumption that a
14 juvenile poses a substantial risk of serious harm to others if:

15 ~~(6) Except for a juvenile described in section 19-2.5-304 (2),~~ The
16 court may ~~also~~ issue A temporary ~~orders~~ ORDER for legal custody pursuant
17 to section 19-1-115.

18 **SECTION 18.** In Colorado Revised Statutes, 19-2.5-802, **amend**
19 (1)(a)(I); and **repeal** (1)(e) as follows:

20 **19-2.5-802. Transfers.** (1) (a) The juvenile court may enter an
21 order certifying a juvenile to be held for criminal proceedings in the
22 district court if:

23 (I) A petition filed in juvenile court alleges the juvenile is:

24 (A) ~~Twelve or thirteen years of age at the time of the commission~~
25 ~~of the alleged offense and is a juvenile delinquent by virtue of having~~
26 ~~committed a delinquent act that constitutes a class 1 or class 2 felony or~~
27 ~~a crime of violence, as defined in section 18-1.3-406; or~~

1 (B) Fourteen years of age or older at the time of the commission
2 of the alleged offense and is a juvenile delinquent by virtue of having
3 committed a delinquent act that constitutes a CLASS 1 OR CLASS 2 felony
4 OR A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406; and

5 (e) ~~Whenever a juvenile under the age of fourteen years is~~
6 ~~sentenced pursuant to section 18-1.3-401 as provided in subsection (1)(d)~~
7 ~~of this section, the department of corrections shall contract with the~~
8 ~~department of human services to house and provide services to the~~
9 ~~juvenile in a facility operated by the department of human services until~~
10 ~~the juvenile reaches the age of fourteen years. On reaching the age of~~
11 ~~fourteen years, the juvenile must be transferred to an appropriate facility~~
12 ~~operated by the department of corrections for the completion of the~~
13 ~~juvenile's sentence.~~

14 **SECTION 19.** In Colorado Revised Statutes, 19-2.5-1126,
15 **amend** (1)(c)(I)(A) as follows:

16 **19-2.5-1126. Sentencing - special offenders.** (1) The court shall
17 sentence a juvenile adjudicated as a special offender as follows:

18 (c) **Violent juvenile offender.** (I) (A) Upon adjudication as a
19 violent juvenile offender, as described in section 19-2.5-1125 (3), the
20 juvenile must be placed or committed out of the home for not less than
21 one year; except that this subsection (1)(c) does not apply to a juvenile
22 who is **ten** years of age or older, but ~~less than twelve~~ UNDER FIFTEEN years
23 of age, when the court finds that an alternative sentence or a commitment
24 of less than one year out of the home would be more appropriate.

25 **SECTION 20.** In Colorado Revised Statutes, 19-2.5-1511,
26 **amend** (1)(a); and **repeal** (1)(c) as follows:

27 **19-2.5-1511. Juvenile detention services and facilities to be**

1 **provided by department of human services - education - expenses -**
2 **definition.** (1) (a) ~~Except as set forth in subsection (1)(c) of this section,~~
3 ~~the~~ THE department of human services shall provide detention services
4 for temporary care of a juvenile, pursuant to this article 2.5. The
5 department of human services shall consult on a regular basis with the
6 court in any district where a detention facility is located concerning the
7 detention program at that facility. The department of human services may
8 use staff secure facilities to provide preadjudication and postadjudication
9 detention services.

10 (c) ~~The department of human services is not required to receive~~
11 ~~and provide care for any juvenile who is ten years of age and older but~~
12 ~~less than thirteen years of age, unless such juvenile has been arrested or~~
13 ~~adjudicated for a felony or weapons charge pursuant to section~~
14 ~~18-12-102, 18-12-105, 18-12-106, or 18-12-108.5.~~

15 **SECTION 21.** In Colorado Revised Statutes, 19-3-308, **amend**
16 (5.3)(a) as follows:

17 **19-3-308. Action upon report of intrafamilial, institutional, or**
18 **third-party abuse - investigations - child protection team - report -**
19 **rules.** (5.3) (a) Local law enforcement agencies have the responsibility
20 for the coordination and investigation of all reports of third-party abuse
21 or neglect by persons ~~ten~~ THIRTEEN years of age ~~or~~ AND older. Upon
22 receipt of a report, if the local law enforcement agency reasonably
23 believes that the protection and safety of a child is at risk due to an act or
24 omission on the part of persons responsible for the child's care, such
25 agency shall notify the county department of ~~human or social services~~ for
26 an assessment regarding neglect or dependency. In addition, the local law
27 enforcement agency shall refer to the county department of ~~human or~~

1 ~~social services~~ any report of third-party abuse or neglect in which the
2 person allegedly responsible for such abuse or neglect is under ~~age ten~~
3 THIRTEEN YEARS OF AGE. Upon the completion of an investigation, the
4 local law enforcement agency shall forward a copy of its investigative
5 report to the county department. ~~of human or social services.~~ The county
6 department shall review the law enforcement investigative report and
7 shall determine whether the report contains information that constitutes
8 a case of confirmed child abuse and requires it to be submitted to the state
9 department, which report, upon such determination, shall be submitted to
10 the state department in the manner prescribed by the state department
11 within sixty days after the receipt of the report by the county department.

12 **SECTION 22.** In Colorado Revised Statutes, 22-33-108, **amend**
13 (7)(c)(I) introductory portion as follows:

14 **22-33-108. Judicial proceedings.** (7) (c) (I) If the court finds that
15 the child or youth WHO IS THIRTEEN YEARS OF AGE OR OLDER BUT UNDER
16 SEVENTEEN YEARS OF AGE has refused to comply with the plan created for
17 the child or youth pursuant to section 22-33-107 (3), the court may
18 impose on the child or youth, as a sanction for contempt of court, a
19 sentence of detention for no more than forty-eight hours in a juvenile
20 detention facility operated by or under contract with the department of
21 human services pursuant to section 19-2.5-1511 and any rules
22 promulgated by the Colorado supreme court. The court shall not sentence
23 a child or youth WHO IS THIRTEEN YEARS OF AGE OR OLDER BUT UNDER
24 SEVENTEEN YEARS OF AGE to detention as a sanction for contempt of court
25 unless the court finds that detention is in the best interest of the child or
26 youth as well as the public. In making such a finding, the court shall
27 consider the following factors, including that:

1 **SECTION 23.** In Colorado Revised Statutes, 24-1.9-102, **amend**
2 (1)(a) introductory portion, (2)(a), (2)(c), (2)(d), and (2)(f); **repeal** (2)(i);
3 and **add** (1.3) and (2)(k) as follows:

4 **24-1.9-102. Memorandum of understanding - local-level**
5 **interagency oversight groups - individualized service and support**
6 **teams - coordination of services for children and families -**
7 **requirements - waiver.** (1) (a) Local representatives of each of the
8 agencies specified in this subsection (1)(a) and county departments of
9 human or social services ~~may~~ **SHALL** enter into memorandums of
10 understanding that are designed to promote a collaborative system of
11 local-level interagency oversight groups and individualized service and
12 support teams to coordinate and manage the provision of services to
13 children and families who would benefit from integrated multi-agency
14 services. The memorandums of understanding entered into pursuant to
15 this subsection (1) must be between interested county departments of
16 human or social services and local representatives of each of the
17 following agencies or entities:

18 (1.3) TO MEET THE REQUIREMENT IN SUBSECTION (1)(a) OF THIS
19 SECTION, A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES MAY
20 COLLABORATE WITH ONE OR MORE NEARBY COUNTY DEPARTMENTS OF
21 HUMAN OR SOCIAL SERVICES WHEN ENTERING INTO MEMORANDUMS OF
22 UNDERSTANDING TO PROVIDE A LOCAL COLLABORATIVE MANAGEMENT
23 PROGRAM. EACH COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES
24 MUST PARTICIPATE IN A LOCAL COLLABORATIVE MANAGEMENT PROGRAM.

25 (2) (a) Each memorandum of understanding entered into ~~shall~~
26 **MUST** include, but is not limited to, the requirements specified in
27 ~~paragraphs (b) to (j) of this subsection (2). On or before October 1, 2004,~~

1 ~~utilizing moneys in the performance incentive cash fund created in~~
2 ~~section 26-5-105.5 (3.2)(a), C.R.S., the state department of human~~
3 ~~services, in conjunction with the judicial department, shall develop and~~
4 ~~make available to the parties specified in paragraph (a) of subsection (1)~~
5 ~~of this section, a model memorandum of understanding based on the~~
6 ~~requirements specified in paragraphs (b) to (j) of this subsection (2)~~
7 ~~SUBSECTIONS (2)(b) TO (2)(k) OF THIS SECTION. ON OR BEFORE DECEMBER~~
8 ~~1, 2023, THE STATE DEPARTMENT OF HUMAN SERVICES, IN CONJUNCTION~~
9 ~~WITH THE JUDICIAL DEPARTMENT, SHALL DEVELOP AND MAKE AVAILABLE~~
10 ~~TO THE PARTIES SPECIFIED IN SUBSECTION (1)(a) OF THIS SECTION A MODEL~~
11 ~~MEMORANDUM OF UNDERSTANDING BASED ON THE REQUIREMENTS~~
12 ~~SPECIFIED IN SUBSECTIONS (2)(b) TO (2)(k) OF THIS SECTION.~~

13 **(c) Definition of the population to be served.** The memorandum
14 of understanding must include a functional definition of "children and
15 families who would benefit from integrated multi-agency services". The
16 LOCAL collaborative management program target population consists of
17 at-risk children and youth from birth to twenty-one years of age, or
18 families of children or youth, who would benefit from a multi-system
19 integrated service plan that may include prevention, intervention, and
20 treatment services. THE DEFINITION OF THE "POPULATION TO BE SERVED"
21 MUST INCLUDE CHILDREN TEN YEARS OF AGE OR OLDER BUT UNDER
22 THIRTEEN YEARS OF AGE WHO ARE REFERRED TO THE LOCAL
23 COLLABORATIVE MANAGEMENT PROGRAM THROUGH THE SUBMISSION OF
24 AN INFORMATION FORM FOR CHILDREN UNDER THIRTEEN YEARS OF AGE
25 PURSUANT TO SECTIONS 24-1.9-102.3 AND 19-2.5-303.

26 **(d) Creation of an oversight group.** The memorandum of
27 understanding ~~shall~~ MUST create a local-level interagency oversight group

1 and identify the oversight group's membership requirements, procedures
2 for selection of officers, procedures for resolving disputes by a majority
3 vote of those members authorized to vote, and procedures for establishing
4 any necessary subcommittees of the interagency oversight group. Each
5 interagency oversight group shall MUST include a local representative of
6 each party to the memorandum of understanding specified in paragraphs
7 (a) and (a.5) of subsection (1) SUBSECTIONS (1)(a) AND (1)(a.5) of this
8 section, each of whom shall be IS a voting member of the interagency
9 oversight group. In addition, the interagency oversight group may include,
10 but is not limited to, the following advisory nonvoting members:

11 (I) Representatives of interested local private sector entities; and

12 (II) Family members or caregivers of children who would benefit
13 from integrated multi-agency services or current or previous consumers
14 of integrated multi-agency services; AND

15 (III) REPRESENTATIVES FROM RESTORATIVE JUSTICE PROGRAMS
16 AND FROM THE COLORADO RESTORATIVE JUSTICE COUNCIL.

17 (f) **Authorization to create individualized service and support**
18 **teams.** The memorandum of understanding shall MUST include
19 authorization for the interagency oversight group to establish
20 individualized service and support teams to develop a service and support
21 plan and to provide services to children and families. ~~who would benefit~~
22 ~~from integrated multi-agency services.~~

23 (i) ~~Performance-based measures.~~ The department of human
24 services and the persons specified in section 24-1.9-103 (2)(b) shall
25 develop performance measures for the system of collaborative
26 management, which measures may be modified biennially to ensure that
27 the measures remain valid. The memorandum of understanding must

1 identify performance measures developed pursuant to this paragraph (i).
2 If the parties to the memorandum of understanding meet the identified
3 performance measures, the memorandum of understanding must require
4 the interagency oversight group to create a procedure, subject to the
5 approval of the head or director of each agency or department specified
6 in paragraphs (a) and (a.5) of subsection (1) of this section, to allow any
7 incentive moneys received by the department of human services and
8 allocated pursuant to section 24-1.9-104 to be reinvested by the parties to
9 the memorandum of understanding to provide appropriate services to
10 children and families who would benefit from integrated multi-agency
11 services, as such population is defined by the memorandum of
12 understanding pursuant to paragraph (c) of this subsection (2). The parties
13 to a memorandum of understanding shall report annually to the
14 department of human services on the performance measures identified in
15 the parties' memorandum of understanding pursuant to this paragraph (i).

16 (k) **Establishment of procedure to serve children ten years of**
17 **age or older but under thirteen years of age.** (I) THE MEMORANDUM
18 OF UNDERSTANDING MUST REQUIRE THE INTERAGENCY OVERSIGHT GROUP
19 TO ESTABLISH A WRITTEN PROCEDURE FOR THE LOCAL COLLABORATIVE
20 MANAGEMENT PROGRAM TO SERVE CHILDREN TEN YEARS OF AGE OR
21 OLDER BUT UNDER THIRTEEN YEARS OF AGE WHO HAVE CONTACT WITH
22 LAW ENFORCEMENT. THE WRITTEN PROCEDURE MUST INCLUDE:

23 (A) A PROCESS FOR DEVELOPING THE WRITTEN PROCEDURE THAT
24 ENSURES THAT SERVICE AND SUPPORT PLANS FOCUS ON THE NEEDS OF THE
25 CHILD AND FAMILY UNIT AND CONSIDER THE RECOMMENDATIONS OF THE
26 PRE-ADOLESCENT SERVICES TASK FORCE CREATED IN SECTION 19-3-304.4;

27 (B) LANGUAGE ESTABLISHING WHICH POSITION, OR POSITIONS,

1 WILL HAVE DECISION MAKING AUTHORITY OVER INITIAL PLANS.

2 (C) A PROCESS FOR HOLDING INDIVIDUALIZED SERVICE AND
3 SUPPORT TEAM MEETINGS AND DEVELOPING A SERVICE AND SUPPORT
4 PLAN, WHEN APPROPRIATE, FOR A CHILD TEN YEARS OF AGE OR OLDER BUT
5 UNDER THIRTEEN YEARS OF AGE WHO IS REFERRED TO THE LOCAL
6 COLLABORATIVE MANAGEMENT PROGRAM FOR SERVICES;

7 (D) A PROCESS TO SERVE CHILDREN WHO ARE VICTIMS IDENTIFIED
8 ON THE INFORMATION FORM CREATED IN SECTION 24-1.9-102.7 AND WHO
9 ARE REFERRED TO THE LOCAL COLLABORATIVE MANAGEMENT PROGRAM
10 FOR SERVICES; AND

11 (E) ANY OTHER MEASURE THE INTERAGENCY OVERSIGHT GROUP
12 FINDS NECESSARY TO SERVE CHILDREN TEN YEARS OF AGE OR OLDER BUT
13 UNDER THIRTEEN YEARS OF AGE INCLUDING, BUT NOT LIMITED TO,
14 MECHANISMS TO REFER THE CHILD TO BEHAVIORAL HEALTH SCREENINGS
15 AND CARE PURSUANT TO ARTICLE 67 OF TITLE 27; THE CHILD WELFARE
16 PROCESS PURSUANT TO ARTICLE 3 OF TITLE 19; OTHER COMMUNITY
17 SERVICES OR PROGRAMS, INCLUDING RESTORATIVE JUSTICE PROGRAMS,
18 WHETHER BASED IN THE LOCAL COMMUNITY OR ACCESSED THROUGH
19 COLLABORATIVE REGIONAL OR STATEWIDE REFERRAL MECHANISMS;
20 SERVICES FUNDED PURSUANT TO SECTION 19-2.5-1404; OR ASSESSMENTS
21 FACILITATED BY ASSESSMENT CENTERS PURSUANT TO SECTION 19-1-303.

22 (II) IN DEVELOPING THE WRITTEN PROCEDURE, THE INTERAGENCY
23 OVERSIGHT GROUP MUST ENSURE THAT SERVICE AND SUPPORT PLANS
24 FOCUS ON THE NEEDS OF THE CHILD AND FAMILY UNIT, AND CONSIDER THE
25 REPORT FROM THE PRE-ADOLESCENT SERVICES TASK FORCE CREATED IN
26 SECTION 19-3-304.4.

27 **SECTION 24.** In Colorado Revised Statutes, **add** 24-1.9-102.3

1 as follows:

2 **24-1.9-102.3. Duties of individualized service and support**

3 **teams.** (1) A LOCAL COLLABORATIVE MANAGEMENT PROGRAM MUST
4 CREATE ONE OR MORE INDIVIDUALIZED SERVICE AND SUPPORT TEAMS. THE
5 INDIVIDUALIZED SERVICE AND SUPPORT TEAM MAY REFER A CHILD TO
6 SERVICES AND MAY ESTABLISH A SERVICE AND SUPPORT PLAN FOR A CHILD
7 AFTER MEETING WITH THE CHILD, THE CHILD'S FAMILY, AND ANY OTHER
8 RELEVANT PARTY OR COMMUNITY PARTNERS.

9 (2) (a) AN INDIVIDUALIZED SERVICE AND SUPPORT TEAM SHALL
10 REVIEW ALL REFERRALS TO THE LOCAL COLLABORATIVE MANAGEMENT
11 PROGRAM FOR CHILDREN TEN YEARS OF AGE OR OLDER BUT UNDER
12 THIRTEEN YEARS OF AGE WHO ARE REFERRED THROUGH THE SUBMISSION
13 OF AN INFORMATION FORM FOR CHILDREN UNDER THIRTEEN YEARS OF AGE
14 CREATED IN SECTION 24-1.9-102.7.

15 (b) THE INFORMATION FORM FOR CHILDREN UNDER THIRTEEN
16 YEARS OF AGE CREATED IN SECTION 24-1.9-102.7, OR ANY OTHER FORM
17 CREATED BY THE LOCAL COLLABORATIVE MANAGEMENT PROGRAM, MAY
18 BE USED BY MULTIPLE AGENCIES TO REFER CHILDREN TEN YEARS OF AGE
19 OR OLDER BUT UNDER THIRTEEN YEARS OF AGE TO A LOCAL
20 COLLABORATIVE MANAGEMENT PROGRAM. SUCH AGENCIES INCLUDE, BUT
21 ARE NOT LIMITED TO:

22 (I) LAW ENFORCEMENT, WHICH SHALL REFER CHILDREN TEN YEARS
23 OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE TO THE LOCAL
24 COLLABORATIVE MANAGEMENT PROGRAM PURSUANT TO SECTION
25 19-2.5-303;

26 (II) A SCHOOL;

27 (III) A FAMILY RESOURCE CENTER;

- 1 (IV) A CHILD ADVOCACY CENTER;
- 2 (V) A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES; AND
- 3 (VI) A MANDATORY REPORTER.

4 (c) AGENCIES MAY USE THE INFORMATION FORM FOR CHILDREN
5 UNDER THIRTEEN YEARS OF AGE, CREATED PURSUANT TO SECTION
6 24-1.9-102.7, TO REFER A CHILD WHO IS A VICTIM OF THE ALLEGED
7 CONDUCT BY A CHILD TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN
8 YEARS OF AGE TO A LOCAL COLLABORATIVE MANAGEMENT PROGRAM. IF
9 AN ADULT VICTIM OF THE ALLEGED CONDUCT BY A CHILD TEN YEARS OF
10 AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE SEEKS SERVICES FROM
11 THE LOCAL COLLABORATIVE MANAGEMENT PROGRAM, THE LOCAL
12 COLLABORATIVE MANAGEMENT PROGRAM SHALL REFER THE ADULT TO
13 THE APPROPRIATE VICTIMS' SERVICES COORDINATOR PURSUANT TO
14 SECTION 24-31-106.

15 (3) AN INDIVIDUALIZED SERVICE AND SUPPORT TEAM SHALL
16 CREATE AN INITIAL PLAN THAT IS CHILD-CENTERED FOR EVERY CHILD WHO
17 IS TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE AND
18 IS REFERRED TO THE LOCAL COLLABORATIVE MANAGEMENT PROGRAM
19 THROUGH THE SUBMISSION OF AN INFORMATION FORM FOR CHILDREN
20 UNDER THIRTEEN YEARS OF AGE CREATED PURSUANT TO SECTION
21 24-1.9-102.7. THE INITIAL PLAN MAY INDICATE THAT NO SERVICES ARE
22 NEEDED, THAT ONE OR MORE SPECIFIC SERVICES ARE NEEDED AND CAN BE
23 PROVIDED WITHOUT A MEETING, OR THAT AN INDIVIDUALIZED SERVICE
24 AND SUPPORT TEAM MEETING MUST OCCUR TO DEVELOP A SERVICE AND
25 SUPPORT PLAN FOR THE CHILD. IF THE INFORMATION FORM FOR CHILDREN
26 UNDER THIRTEEN YEARS OF AGE INDICATES THAT A CHILD ENGAGED IN
27 EITHER BEHAVIOR THAT CONSTITUTES A CRIME OF VIOLENCE, AS DEFINED

1 IN SECTION 18-1.3-406, OR UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN
2 SECTION 16-22-102, THAT WOULD BE CONSIDERED A FELONY OFFENSE IF
3 COMMITTED BY AN ADULT, THE INDIVIDUALIZED SERVICE AND SUPPORT
4 TEAM SHALL HOLD A MEETING AND DEVELOP A SERVICE AND SUPPORT
5 PLAN, REGARDLESS OF ANY OTHER FACTORS INCLUDED ON THE
6 INFORMATION FORM FOR CHILDREN UNDER THIRTEEN YEARS OF AGE.

7 (4) IF A CHILD WHO IS TEN YEARS OF AGE OR OLDER BUT UNDER
8 THIRTEEN YEARS OF AGE IS REFERRED TO A LOCAL COLLABORATIVE
9 MANAGEMENT PROGRAM THREE OR MORE TIMES DURING A PERIOD OF
10 TWELVE MONTHS, THE INDIVIDUALIZED SERVICE AND SUPPORT TEAM
11 SHALL HOLD A MEETING AND DEVELOP A SERVICE AND SUPPORT PLAN,
12 REGARDLESS OF ANY OTHER FACTORS INCLUDED ON THE INFORMATION
13 FORM FOR CHILDREN UNDER THIRTEEN YEARS OF AGE DETAILED IN
14 SECTION 24-1.9-102.7.

15 (5) THE INDIVIDUALIZED SERVICE AND SUPPORT TEAM MAY REFER
16 A CHILD WHO IS OVER TEN YEARS OF AGE BUT UNDER THIRTEEN YEARS OF
17 AGE TO A TREATMENT PROVIDER APPROVED BY THE SEX OFFENDER
18 MANAGEMENT BOARD PURSUANT TO SECTION 16-11.7-106 (2)(b) FOR
19 DEVELOPMENTALLY APPROPRIATE THERAPY.

20 (6) IF A LAW ENFORCEMENT OFFICER INFORMS THE INDIVIDUALIZED
21 SERVICE AND SUPPORT TEAM THAT THERE IS PROBABLE CAUSE TO BELIEVE
22 THAT A CHILD WHO IS TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN
23 YEARS OF AGE COMMITTED AN ACT THAT WOULD BE FELONY SEXUAL
24 ASSAULT PURSUANT TO SECTION 18-3-402 OR FELONY UNLAWFUL SEXUAL
25 CONTACT PURSUANT TO SECTION 18-3-404 (2)(b) IF COMMITTED BY AN
26 ADULT, AND THE CHILD USED FORCE, INTIMIDATION, OR THREAT AS
27 SPECIFIED IN SECTION 18-3-402 (4)(a), (4)(b), OR (4)(c), THE

1 INDIVIDUALIZED SERVICE AND SUPPORT TEAM SHALL REFER THAT CHILD
2 FOR AN EVALUATION CONDUCTED BY A TREATMENT PROVIDER WHO
3 SPECIALIZES IN CHILDREN WHO DISPLAY PROBLEMATIC SEXUAL BEHAVIOR.

4 (7) BEFORE CREATING AN INITIAL PLAN, THE INDIVIDUALIZED
5 SERVICE AND SUPPORT TEAM SHALL:

6 (a) CONTACT ANY VICTIM, OR THE VICTIM'S DESIGNEE, IDENTIFIED
7 ON THE INFORMATION FORM FOR CHILDREN UNDER THIRTEEN YEARS OF
8 AGE CREATED PURSUANT TO THIS SECTION;

9 (b) NOTIFY THE VICTIM, OR THE VICTIM'S DESIGNEE, THAT THE
10 TEAM IS CREATING AN INITIAL PLAN; AND

11 (c) PROVIDE AN OPPORTUNITY FOR THE VICTIM, OR THE VICTIM'S
12 DESIGNEE, TO PROVIDE INPUT TO THE TEAM IN A TRAUMA-INFORMED
13 MANNER.

14 (8) AFTER CREATING AN INITIAL PLAN, THE INDIVIDUALIZED
15 SERVICE AND SUPPORT TEAM SHALL CONTACT ANY VICTIM, OR THE
16 VICTIM'S DESIGNEE, IDENTIFIED ON THE INFORMATION FORM FOR CHILDREN
17 UNDER THIRTEEN YEARS OF AGE CREATED PURSUANT TO THIS SECTION,
18 INFORM THE VICTIM, OR THE VICTIM'S DESIGNEE, THAT A PLAN HAS BEEN
19 CREATED, AND SHARE WHETHER OR NOT THE CHILD OR FAMILY HAS BEEN
20 REFERRED FOR SERVICES. THE INITIAL PLAN, THE SERVICE AND SUPPORT
21 PLAN, AND DETAILS ABOUT THE TYPES OF SERVICES THE CHILD OR FAMILY
22 WILL RECEIVE ARE CONFIDENTIAL AND MUST NOT BE SHARED WITH THE
23 VICTIM OR THE VICTIM'S DESIGNEE.

24 (9) (a) IF THE INDIVIDUALIZED SERVICE AND SUPPORT TEAM
25 DETERMINES THAT A CHILD OR FAMILY MEMBER IS NOT SUBSTANTIALLY
26 PARTICIPATING IN THE SERVICES RECOMMENDED IN THE SERVICE AND
27 SUPPORT PLAN, THE SERVICE AND SUPPORT TEAM SHALL CONSIDER

1 WHETHER PARTICIPATION IS WITHIN THE CHILD'S OR FAMILY MEMBER'S
2 CAPACITY AND PROVIDE ANY ADDITIONAL RESOURCES NECESSARY TO
3 ADDRESS BARRIERS TO PARTICIPATION.

4 (b) IF, AFTER THE SERVICE AND SUPPORT TEAM DETERMINES
5 PARTICIPATION IS WITHIN THE CHILD'S OR FAMILY MEMBER'S CAPACITY
6 AND RESOURCES PURSUANT TO SUBSECTION (9)(a) OF THIS SECTION AND
7 THE CHILD OR FAMILY MEMBER CONTINUES TO FAIL TO SUBSTANTIALLY
8 PARTICIPATE IN THE RECOMMENDED SERVICES, THE INDIVIDUALIZED
9 SERVICE AND SUPPORT TEAM SHALL HOLD A MEETING. THE COUNTY
10 DEPARTMENT OF HUMAN OR SOCIAL SERVICES SHALL PARTICIPATE IN THE
11 MEETING. THE CHILD AND THE CHILD'S FAMILY MUST BE GIVEN SUFFICIENT
12 NOTICE OF THE MEETING IN ORDER TO ATTEND THE MEETING. THE
13 MEETING MUST OCCUR EVEN IF THE CHILD OR THE CHILD'S FAMILY DOES
14 NOT ATTEND.

15 (c) DURING THE MEETING HELD PURSUANT TO SUBSECTION (9)(b)
16 OF THIS SECTION, THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL
17 SERVICES SHALL DETERMINE WHETHER TO CONTINUE PROVIDING
18 PREVENTION AND INTERVENTION SERVICES IN ACCORDANCE WITH THE
19 RULES ADOPTED BY THE STATE BOARD OF HUMAN SERVICES OR WHETHER
20 THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES SHALL
21 CONDUCT AN ASSESSMENT OR INVESTIGATION PURSUANT TO SECTIONS
22 19-3-308, 19-3-308.3, AND 19-3-308.5 AND THE RULES ADOPTED BY THE
23 STATE BOARD OF HUMAN SERVICES.

24 (d) IN DETERMINING WHETHER TO CONDUCT AN ASSESSMENT, THE
25 COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES SHALL CONSIDER
26 THE VULNERABILITY OF THE REFERRED CHILD AND ANY CHILDREN
27 IDENTIFIED AS VICTIMS OF THE REFERRED CHILD'S BEHAVIOR; ANY

1 INFORMATION IN THE CHILD WELFARE INFORMATION SYSTEM AND ANY
2 AVAILABLE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES FILES;
3 AND ANY ALLEGATIONS OF KNOWN OR SUSPECTED CHILD ABUSE OR
4 NEGLECT, AS DESCRIBED IN SECTION 19-3-102, INCLUDING ALLEGATIONS
5 THAT THE CHILD:

6 (I) LACKS PROPER PARENTAL CARE OR SUPERVISION PURSUANT TO
7 SECTION 19-3-102;

8 (II) IS BEYOND THE CONTROL OF THE CHILD'S PARENT, GUARDIAN,
9 OR LEGAL CUSTODIAN PURSUANT TO SECTION 19-3-102; OR

10 (III) IS NOT RECEIVING PROPER OR NECESSARY SUSTENANCE,
11 EDUCATION, MEDICAL CARE, OR ANY OTHER CARE NECESSARY FOR THE
12 CHILD'S HEALTH, GUIDANCE, OR WELL-BEING PURSUANT TO SECTION
13 19-3-102.

14 (e) IN DETERMINING WHETHER TO CONDUCT AN ASSESSMENT, THE
15 COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES SHALL CONSIDER
16 WHETHER AN ASSESSMENT IS APPROPRIATE FOR ANY PROGRAM AREAS
17 IDENTIFIED IN THE RULES ADOPTED BY THE STATE BOARD OF HUMAN
18 SERVICES, INCLUDING ANY EXISTING PROGRAM AREAS CREATED TO
19 PROVIDE THE FOLLOWING:

20 (I) PREVENTION AND INTERVENTION SERVICES TO CHILDREN,
21 YOUTH, AND FAMILIES AT RISK OF INVOLVEMENT WITH THE CHILD
22 WELFARE SYSTEM;

23 (II) SERVICES TO YOUTH IN CONFLICT WITH THE YOUTH'S FAMILY
24 MEMBERS OR THE COMMUNITY;

25 (III) SERVICES TO CHILDREN IN NEED OF PROTECTION, INCLUDING
26 CHILDREN WHOSE PHYSICAL, MENTAL, OR EMOTIONAL WELL-BEING IS
27 THREATENED OR HARMED DUE TO CHILD ABUSE OR NEGLECT, AS

1 DESCRIBED IN SECTION 19-3-102;

2 (IV) SERVICES FOR CHILDREN AND THE CHILDREN'S FAMILIES IN
3 NEED OF SPECIALIZED SERVICES; AND

4 (V) SERVICES RELATED TO RESOURCE DEVELOPMENT.

5 (f) IF A CHILD ALLEGEDLY ENGAGED IN UNLAWFUL SEXUAL
6 BEHAVIOR, AS DEFINED IN SECTION 16-22-102, THAT WOULD BE A FELONY
7 OFFENSE IF COMMITTED BY AN ADULT, AND THE INDIVIDUALIZED SERVICE
8 AND SUPPORT TEAM DETERMINES THAT THE CHILD OR CHILD'S FAMILY
9 MEMBERS IS NOT SUBSTANTIALLY PARTICIPATING IN THE SERVICES
10 RECOMMENDED IN THE INITIAL PLAN OR THE SERVICE AND SUPPORT PLAN
11 AND PARTICIPATION IS WITHIN THE CHILD'S OR THE CHILD'S FAMILY
12 MEMBER'S CAPACITY AND RESOURCES, AND THE DECISION BY THE COUNTY
13 DEPARTMENT OF HUMAN OR SOCIAL SERVICES IS TO DECLINE AN
14 ASSESSMENT, AT LEAST TWO CERTIFIED CHILD WELFARE STAFF MEMBERS
15 FROM THE SAME COUNTY OR IN CONJUNCTION WITH ANOTHER COUNTY
16 SHALL MAKE THE DECISION.

17 (g) THE DETERMINATIONS MADE PURSUANT TO SUBSECTIONS (9)(c)
18 TO (9)(f) OF THIS SECTION MUST BE INCLUDED IN A WRITTEN UPDATE TO
19 THE CHILD'S SERVICE AND SUPPORT PLAN.

20 (10) IF THE INDIVIDUALIZED SERVICE AND SUPPORT TEAM
21 DETERMINES THAT THE CHILD OR FAMILY MEMBER IS NOT SUBSTANTIALLY
22 PARTICIPATING IN SERVICES, THE INDIVIDUALIZED SERVICE AND SUPPORT
23 TEAM SHALL:

24 (a) CONTACT THE VICTIM, OR THE VICTIM'S DESIGNEE, IDENTIFIED
25 ON THE INFORMATION FORM FOR CHILDREN UNDER THIRTEEN YEARS OF
26 AGE PURSUANT TO SECTION 24-1.9-102.7;

27 (b) NOTIFY THE VICTIM, OR THE VICTIM'S DESIGNEE, THAT THE

1 INDIVIDUALIZED SERVICE AND SUPPORT TEAM IS MEETING TO ADDRESS THE
2 LACK OF PARTICIPATION; AND

3 (c) PROVIDE AN OPPORTUNITY FOR THE VICTIM, OR THE VICTIM'S
4 DESIGNEE, TO RESPOND TO THE INDIVIDUALIZED SERVICE AND SUPPORT
5 TEAM.

6 (11) ONLY THE FOLLOWING PERSONS OR AGENCIES HAVE ACCESS
7 TO RECORDS CREATED BY AN INDIVIDUALIZED SERVICE AND SUPPORT
8 TEAM, INCLUDING INITIAL PLANS AND SERVICE AND SUPPORT PLANS:

9 (a) THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES
10 WHEN INVESTIGATING A REPORT OF A KNOWN OR SUSPECTED INCIDENT OF
11 CHILD ABUSE OR NEGLECT OR PROVIDING SERVICES FOR A CHILD OR
12 FAMILY THAT IS THE SUBJECT OF THE REPORT;

13 (b) AN AGENCY WITH LEGAL RESPONSIBILITY OR AUTHORIZATION
14 TO CARE FOR, TREAT, OR SUPERVISE A CHILD WHO IS THE SUBJECT OF THE
15 RECORD;

16 (c) A PARENT, LEGAL GUARDIAN OR CUSTODIAN, OR OTHER PERSON
17 RESPONSIBLE FOR THE HEALTH OR WELFARE OF A CHILD NAMED IN A
18 RECORD, OR THE ASSIGNED DESIGNEE OF ANY SUCH PERSON ACTING BY
19 AND THROUGH A VALIDLY EXECUTED POWER OF ATTORNEY;

20 (d) THE CHILD NAMED IN THE RECORD AND THE CHILD'S GUARDIAN
21 AD LITEM OR COUNSEL FOR YOUTH;

22 (e) (I) A SERVICE PROVIDER WHO IS AND CONTINUES TO BE
23 OFFICIALLY AND PROFESSIONALLY INVOLVED IN THE CARE OF THE CHILD
24 WHO IS THE SUBJECT OF THE RECORD, BUT ONLY WITH REGARD TO
25 INFORMATION THAT THE SERVICE PROVIDER HAS A NEED TO KNOW IN
26 ORDER TO FULFILL THE SERVICE PROVIDER'S PROFESSIONAL, OFFICIAL, AND
27 ONGOING ROLE, INCLUDING:

- 1 (A) HOSPITAL PERSONNEL ENGAGED IN THE ADMISSION, CARE, OR
2 TREATMENT OF THE CHILD;
- 3 (B) MENTAL HEALTH PROFESSIONALS;
- 4 (C) PHYSICIANS OR SURGEONS, INCLUDING PHYSICIANS IN
5 TRAINING;
- 6 (D) REGISTERED NURSES OR LICENSED PRACTICAL NURSES;
- 7 (E) DENTISTS;
- 8 (F) PSYCHOLOGISTS LICENSED PURSUANT TO PART 3 OF ARTICLE
9 245 OF TITLE 12;
- 10 (G) UNLICENSED PSYCHOTHERAPISTS;
- 11 (H) PROFESSIONAL COUNSELORS LICENSED PURSUANT TO PART 6
12 OF ARTICLE 245 OF TITLE 12;
- 13 (I) MARRIAGE AND FAMILY THERAPISTS LICENSED PURSUANT TO
14 PART 5 OF ARTICLE 245 OF TITLE 12;
- 15 (J) PUBLIC OR PRIVATE SCHOOL OFFICIALS OR EMPLOYEES;
- 16 (K) SOCIAL WORKERS LICENSED PURSUANT TO PART 4 OF ARTICLE
17 245 OF TITLE 12 OR INDIVIDUALS EMPLOYED BY AN AGENCY THAT IS
18 LICENSED OR CERTIFIED PURSUANT TO PART 9 OF ARTICLE 6 OF TITLE 26 OR
19 PART 3 OF ARTICLE 5 OF TITLE 26.5;
- 20 (L) VICTIM'S ADVOCATES, AS DEFINED IN SECTION 13-90-107
21 (1)(k)(II);
- 22 (M) CLERGY MEMBERS, AS DEFINED IN SECTION 19-3-304
23 (2)(aa)(III); AND
- 24 (N) EDUCATORS PROVIDING SERVICES THROUGH THE FEDERAL
25 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND
26 CHILDREN, AS PROVIDED FOR IN 42 U.S.C. SEC. 1786.
- 27 (II) INFORMATION DISCLOSED TO A SERVICE PROVIDER PURSUANT

1 TO THIS SUBSECTION (11)(e) IS CONFIDENTIAL AND SHALL NOT BE
2 DISCLOSED BY THE SERVICE PROVIDER TO ANY OTHER PERSON, EXCEPT AS
3 PROVIDED BY LAW.

4 **SECTION 25.** In Colorado Revised Statutes, **amend**
5 24-1.9-102.5 as follows:

6 **24-1.9-102.5. Evaluation.** The department of human services
7 shall ensure that an annual external evaluation of the statewide program
8 and each county or regional program is conducted by an independent
9 outside entity. ~~The department may contract with the outside entity to~~
10 ~~conduct an external evaluation of those counties that opted not to~~
11 ~~participate in the collaborative management program.~~ The department of
12 human services shall utilize ~~moneys~~ MONEY in the ~~performance-based~~
13 collaborative management ~~incentive~~ cash fund created in section
14 24-1.9-104, or any general fund ~~moneys~~ MONEY appropriated for this
15 purpose, for annual external evaluations of the counties participating in
16 memorandums of understanding pursuant to section 24-1.9-102, also
17 known as the LOCAL collaborative management ~~program, as well as~~
18 ~~external evaluations as determined by the department of human services~~
19 ~~of those counties that opted to not participate in the collaborative~~
20 ~~management~~ program. The annual external evaluation must include any
21 evaluation that may be required in connection with a waiver authorized
22 pursuant to section 24-1.9-102 ~~(4)~~ and an evaluation of whether the
23 parties to a LOCAL collaborative management program have successfully
24 met or exceeded the ~~performance~~ measures identified in the parties'
25 memorandum of understanding pursuant to section 24-1.9-102. ~~(2)(i).~~
26 Each county participating in the LOCAL collaborative management
27 program shall participate fully in the annual external evaluation.

1 **SECTION 26.** In Colorado Revised Statutes, **amend**
2 24-1.9-102.7 as follows:

3 **24-1.9-102.7. Technical assistance.** (1) The department of
4 human services shall develop and implement training for counties
5 participating in ~~or interested in participating in~~ the LOCAL collaborative
6 management program. The department of human services shall utilize
7 ~~moneys~~ MONEY in the ~~performance-based~~ collaborative management
8 ~~incentive~~ cash fund created in section 24-1.9-104, or any general fund
9 ~~moneys~~ MONEY appropriated for this purpose, to develop and implement
10 training AND OVERSIGHT for counties. The training ~~shall~~ MUST identify
11 management strategies to collaborate effectively and efficiently to share
12 resources or to manage and integrate the treatment and services provided
13 to children and families receiving collaborative management services
14 pursuant to this ~~article~~ ARTICLE 1.9, AND STRATEGIES TO ADDRESS THE
15 NEEDS OF CHILDREN TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN
16 YEARS OF AGE WHO COME IN CONTACT WITH LAW ENFORCEMENT, AND THE
17 NEEDS OF CHILDREN WHO ARE VICTIMIZED, INCLUDING UNDERSTANDING
18 HARM TO A VICTIM AND EFFECTIVE TREATMENT AND SERVICES TO SUPPORT
19 A VICTIM'S SAFETY, HEALING, AND RECOVERY. IN DEVELOPING THE
20 TRAINING AND STRATEGIES TO INTEGRATE RESTORATIVE JUSTICE SERVICES
21 AND PRINCIPLES, THE DEPARTMENT OF HUMAN SERVICES SHALL CONSULT
22 WITH THE COLORADO RESTORATIVE JUSTICE COORDINATING COUNCIL,
23 CREATED IN SECTION 19-2-213. IN DEVELOPING THE TRAINING AND
24 STRATEGIES TO INTEGRATE TREATMENT AND SERVICES FOR CHILDREN WHO
25 HAVE ENGAGED IN BEHAVIOR IN WHICH THE UNDERLYING FACTUAL BASIS
26 INVOLVES UNLAWFUL SEXUAL BEHAVIOR, THE DEPARTMENT OF HUMAN
27 SERVICES SHALL CONSULT THE SEX OFFENDER MANAGEMENT BOARD

1 CREATED PURSUANT TO SECTION 16-11.7-103. IN DEVELOPING THE
2 TRAINING AND OVERSIGHT, THE DEPARTMENT OF HUMAN SERVICES SHALL
3 CONSIDER THE REPORT FROM THE PRE-ADOLESCENT SERVICES TASK FORCE
4 CREATED IN SECTION 19-3-304.4.

5 (2) ON OR BEFORE DECEMBER 1, 2023, THE DEPARTMENT OF
6 HUMAN SERVICES SHALL DEVELOP A MODEL WRITTEN PROCEDURE
7 PURSUANT TO SECTION 24-1.9-102 TO SERVE CHILDREN TEN YEARS OF AGE
8 OR OLDER BUT UNDER THIRTEEN YEARS OF AGE AND CHILDREN WHO ARE
9 VICTIMS IDENTIFIED ON THE INFORMATION FORM CREATED IN SUBSECTION
10 (3) OF THIS SECTION.

11 (3) ON OR BEFORE DECEMBER 1, 2023, THE DEPARTMENT OF
12 HUMAN SERVICES SHALL, IN CONSULTATION WITH REPRESENTATIVES FROM
13 LOCAL LAW ENFORCEMENT AGENCIES, CREATE AN INFORMATION FORM FOR
14 CHILDREN UNDER THIRTEEN YEARS OF AGE TO BE COMPLETED BY LAW
15 ENFORCEMENT AND ANY OTHER PARTY REFERRING A CHILD TO A LOCAL
16 COLLABORATIVE MANAGEMENT PROGRAM FOR ASSESSMENT AND
17 SERVICES. THE INFORMATION FORM FOR CHILDREN UNDER THIRTEEN
18 YEARS OF AGE MUST INCLUDE:

19 (a) A DESCRIPTION OF THE ALLEGED CONDUCT OF THE CHILD AND
20 THE ALLEGED VICTIM OF THE CONDUCT, IF ANY, AND THE VICTIM'S
21 DESIGNEE, IF ANY;

22 (b) INFORMATION CONCERNING THE CHILD'S POTENTIAL NEED FOR
23 SERVICES, IF KNOWN;

24 (c) CONTACT INFORMATION FOR THE CHILD'S PARENT, LEGAL
25 GUARDIAN, OR ADULT WHO RESIDES WITH THE CHILD;

26 (d) A SPACE FOR LAW ENFORCEMENT TO INDICATE WHETHER THE
27 ALLEGED CONDUCT OF THE CHILD CONSTITUTES:

1 (I) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406;

2 (II) UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION
3 16-22-102, THAT WOULD CONSTITUTE A FELONY OFFENSE IF COMMITTED
4 BY AN ADULT;

5 (III) FELONY SEXUAL ASSAULT, PURSUANT TO SECTION 18-3-402;
6 OR

7 (IV) FELONY UNLAWFUL SEXUAL CONTACT, PURSUANT TO SECTION
8 18-3-404 (2)(b), AND THE CHILD USED FORCE, INTIMIDATION, OR THREAT.

9 (e) ANY INFORMATION REQUIRED FOR A VICTIM TO REQUEST
10 SERVICES OR COMPENSATION PURSUANT TO ARTICLE 4.1 OF TITLE 24; AND

11 (f) AN ATTESTATION, TO BE SIGNED BY THE PARENT, LEGAL
12 GUARDIAN, LEGAL CUSTODIAN OF THE CHILD, OR ADULT RESIDING WITH
13 THE CHILD, AGREEING TO COOPERATE WITH THE LOCAL COLLABORATIVE
14 MANAGEMENT PROGRAM AND ATTEND ANY MEETINGS SCHEDULED BY THE
15 INDIVIDUALIZED SERVICE AND SUPPORT TEAM.

16 (4) ON OR BEFORE DECEMBER 1, 2023, THE DEPARTMENT OF
17 HUMAN SERVICES SHALL ESTABLISH A TIME FRAME FOR:

18 (a) SUBMITTING AN INFORMATION FORM FOR CHILDREN UNDER
19 THIRTEEN YEARS OF AGE TO A LOCAL COLLABORATIVE MANAGEMENT
20 PROGRAM;

21 (b) FINALIZING AN INITIAL PLAN AND SHARING THE PLAN WITH THE
22 CHILD AND THE CHILD'S FAMILY; AND

23 (c) COMPLETING AN INDIVIDUALIZED SERVICE AND SUPPORT TEAM
24 MEETING, SHOULD ONE BE NEEDED.

25 (5) THE DEPARTMENT OF HUMAN SERVICES SHALL DEVELOP A
26 SYSTEM TO REVIEW AND PROVIDE TECHNICAL ASSISTANCE FOR
27 IMPLEMENTING WRITTEN PROCEDURES TO SERVE CHILDREN TEN YEARS OF

1 AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE WHO HAVE CONTACT
2 WITH LAW ENFORCEMENT PURSUANT TO SECTION 24-1.9-102.3.
3 BEGINNING JULY 1, 2024, AND EACH JULY 1 THEREAFTER, THE
4 DEPARTMENT OF HUMAN SERVICES SHALL REVIEW ALL WRITTEN
5 PROCEDURES TO SERVE CHILDREN TEN YEARS OF AGE OR OLDER BUT
6 UNDER THIRTEEN YEARS OF AGE WHO HAVE CONTACT WITH LAW
7 ENFORCEMENT AND CHILDREN WHO ARE VICTIMS IDENTIFIED ON THE
8 INFORMATION FORM CREATED IN SUBSECTION (3) OF THIS SECTION.

9 **SECTION 27.** In Colorado Revised Statutes, 24-1.9-103, **amend**
10 (1)(a), (1)(c), (2)(b)(II), (2)(b)(III), and (2)(b)(VI); and **add** (1)(b.5) as
11 follows:

12 **24-1.9-103. Reports - executive director review.**
13 (1) Commencing January 1, 2007, and on or before each January 1
14 thereafter, each interagency oversight group shall provide a report to the
15 executive director of each department and agency that is a party to any
16 memorandum of understanding entered into that includes:

17 (a) The number of children and families served through the
18 ~~local-level~~ individualized service and support teams and the outcomes of
19 the services provided, including THE NUMBER, AGE, RACE, AND GENDER
20 OF THE CHILDREN SERVED, A DESCRIPTION OF THE OUTCOMES FOR
21 CHILDREN TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF
22 AGE WHO HAVE CONTACT WITH LAW ENFORCEMENT, A DESCRIPTION OF
23 THE OUTCOMES FOR CHILDREN WHO ARE VICTIMS IDENTIFIED ON THE
24 INFORMATION FORM CREATED IN SECTION 24-1.9-102.7, AND a description
25 of any reduction in duplication or fragmentation of services provided and
26 a description of any significant improvement in outcomes for children and
27 families;

1 (b.5) THE NUMBER OF CHILDREN AND FAMILIES THAT WERE
2 REFERRED TO A LOCAL COLLABORATIVE MANAGEMENT PROGRAM AND DID
3 NOT RECEIVE RECOMMENDED SERVICES, INCLUDING A DESCRIPTION OF THE
4 SERVICES THAT WERE RECOMMENDED BUT NOT PROVIDED, [REDACTED] A
5 DESCRIPTION OF THE BARRIERS TO PROVIDING SUCH SERVICES, AND THE
6 AGE, RACE, AND GENDER OF THE CHILDREN;

7 (c) An accounting of ~~moneys~~ MONEY that ~~were~~ WAS reinvested in
8 additional services provided to children or families who would benefit
9 from integrated multi-agency services due to cost-savings that may have
10 resulted; ~~or due to meeting or exceeding performance measures identified~~
11 ~~in the memorandum of understanding pursuant to section 24-1.9-102~~
12 ~~(2)(i);~~

13 (2) (b) The following persons or their designees shall attend the
14 annual meeting required pursuant to subsection (2)(a) of this section:

15 (II) A superintendent of a school district that has entered into a
16 memorandum of understanding, ~~and has met or exceeded the performance~~
17 ~~measures identified in the memorandum of understanding pursuant to~~
18 ~~section 24-1.9-102 (2)(i);~~ as such superintendent is selected by the
19 commissioner of education;

20 (III) A director of a county department of human or social services
21 that has entered into a memorandum of understanding, ~~and has met or~~
22 ~~exceeded the performance measures identified in the memorandum of~~
23 ~~understanding pursuant to section 24-1.9-102 (2)(i);~~ as such director is
24 selected by the executive director of the state department of human
25 services;

26 (VI) A director of a local mental health center that has entered
27 into a memorandum of understanding, ~~and has met or exceeded the~~

1 performance measures identified in the memorandum of understanding
2 pursuant to section ~~24-1.9-102 (2)(i)~~, as such director is selected by the
3 executive director of the department of human services;

4 **SECTION 28.** In Colorado Revised Statutes, **amend** 24-1.9-104
5 as follows:

6 **24-1.9-104. Cash fund - creation - grants, gifts, and donations.**

7 (1) On July 1, 2005, there shall be created in the state treasury the
8 ~~performance-based~~ collaborative management ~~incentive~~ cash fund, which
9 shall be referred to in this section as the "fund". The ~~moneys~~ MONEY in
10 the fund shall be subject to annual appropriation by the general assembly
11 to the department of human services for state fiscal year 2005-06 and
12 each fiscal year thereafter. The fund shall consist of ~~moneys~~ MONEY
13 received from docket fees in civil actions and transferred as specified in
14 section 13-32-101. ~~(5)(a)(H), C.R.S.~~

15 (1.5) ON JULY 1, 2024, AND ANNUALLY THEREAFTER, THE
16 GENERAL ASSEMBLY SHALL APPROPRIATE MONEY TO THE COLLABORATIVE
17 MANAGEMENT CASH FUND TO SERVE CHILDREN TEN YEARS OF AGE OR
18 OLDER BUT UNDER THIRTEEN YEARS OF AGE WHO HAVE HAD CONTACT
19 WITH LAW ENFORCEMENT.

20 (2) The executive director of the department of human services is
21 authorized to accept and expend on behalf of the state any grants, gifts,
22 or donations from any private or public source for the purposes of this
23 section. All private and public funds received through grants, gifts, or
24 donations shall be transmitted to the state treasurer, who shall credit the
25 same to the fund in addition to ~~moneys~~ MONEY credited pursuant to
26 subsection (1) of this section and any ~~moneys~~ MONEY that may be
27 appropriated to the fund directly by the general assembly. All investment

1 earnings derived from the deposit and investment of ~~moneys~~ MONEY in
2 the fund shall remain in the fund and shall not be transferred or revert to
3 the general fund of the state or any other fund at the end of any fiscal
4 year.

5 (2.5) Notwithstanding any provision of this section to the
6 contrary, on June 1, 2009, the state treasurer shall deduct three hundred
7 thousand dollars from the fund and transfer such sum to the general fund.

8 (3) (a) On and after July 1, 2005, the executive director of the
9 department of human services shall allocate the ~~moneys~~ MONEY in the
10 fund, and any general fund ~~moneys~~ MONEY appropriated for this purpose,
11 ~~to provide incentives~~ to parties to a memorandum of understanding who
12 have agreed to ~~performance-based~~ collaborative management pursuant to
13 section 24-1.9-102. ~~(2)(i) and who, based upon the annual report to the~~
14 ~~department of human services pursuant to section 24-1.9-102 (2)(i), have~~
15 ~~successfully met or exceeded the performance measures identified in the~~
16 ~~parties' memorandum of understanding pursuant to section 24-1.9-102~~
17 ~~(2)(i). The incentives shall be used to provide services to children and~~
18 ~~families who would benefit from integrated multi-agency services, as~~
19 ~~such population is defined by the memorandum of understanding pursuant~~
20 ~~to section 24-1.9-102 (2)(c).~~ THE EXECUTIVE DIRECTOR OF THE
21 DEPARTMENT OF HUMAN SERVICES SHALL:

22 (I) BEGINNING ON THE EFFECTIVE DATE OF THIS SUBSECTION
23 (3)(a)(I), PROVIDE AN ANNUAL SUM TO EACH LOCAL COLLABORATIVE
24 MANAGEMENT PROGRAM TO SERVE CHILDREN TEN YEARS OF AGE OR
25 OLDER BUT UNDER THIRTEEN YEARS OF AGE WHO HAVE HAD CONTACT
26 WITH LAW ENFORCEMENT. FOR THE 2023-24 STATE FISCAL YEAR, THE SUM
27 PROVIDED TO EACH LOCAL COLLABORATIVE MANAGEMENT PROGRAM

1 MUST BE USED TO SERVE CHILDREN TEN YEARS OF AGE OR OLDER BUT
2 UNDER THIRTEEN YEARS OF AGE WHO HAVE HAD CONTACT WITH LAW
3 ENFORCEMENT, INCLUDING HIRING ADDITIONAL STAFF, IF NEEDED. IN
4 SUBSEQUENT STATE FISCAL YEARS, THE AMOUNT OF THE SUM PROVIDED
5 TO EACH LOCAL COLLABORATIVE MANAGEMENT PROGRAM MUST BE
6 DETERMINED THROUGH A FUNDING FORMULA THAT CONSIDERS:

- 7 (A) THE AMOUNT OF MONEY AVAILABLE IN THE FUND;
- 8 (B) THE NEED FOR A BASE OF RESOURCES TO DIRECT A CHILD AND
9 THE CHILD'S FAMILY MEMBERS TO APPROPRIATE SERVICES; AND
- 10 (C) THE NUMBER OF CLIENTS TEN YEARS OF AGE OR OLDER BUT
11 UNDER THIRTEEN YEARS OF AGE WHO NEED TO BE SERVED IN EACH
12 COUNTY OR REGION; AND

13 (II) BEGINNING JULY 1, 2024, PROVIDE AN ANNUAL SUM TO EACH
14 LOCAL COLLABORATIVE MANAGEMENT PROGRAM TO PROVIDE SERVICES
15 TO A CHILD AND A CHILD'S FAMILY MEMBERS WHO WOULD BENEFIT FROM
16 INTEGRATED MULTI-AGENCY SERVICES, AS THE POPULATION IS DEFINED BY
17 THE MEMORANDUM OF UNDERSTANDING PURSUANT TO SECTION
18 24-1.9-102, AS DETERMINED THROUGH A FUNDING FORMULA THAT
19 CONSIDERS:

- 20 (A) THE AMOUNT OF MONEY AVAILABLE IN THE FUND;
- 21 (B) THE NEED FOR A BASE OF RESOURCES TO DIRECT A CHILD AND
22 THE CHILD'S FAMILY MEMBERS TO APPROPRIATE SERVICES; AND
- 23 (C) THE NUMBER OF CLIENTS IN THE POPULATION TO BE SERVED,
24 AS DEFINED BY THE MEMORANDUM OF UNDERSTANDING PURSUANT TO
25 SECTION 14-1.9-102, IN EACH COUNTY OR REGION.

26 (a.5) On and after July 1, 2008, the executive director of the
27 department of human services is authorized to allocate ~~moneys~~ MONEY in

1 the fund, and any general fund ~~moneys~~ MONEY appropriated for this
2 purpose, to be used to cover the direct and indirect costs of the external
3 evaluation of the ~~performance-based~~ collaborative management program
4 described in section 24-1.9-102 and the technical assistance and training
5 for counties as described in section 24-1.9-102.7.

6 (b) For purposes of allocating ~~incentive moneys~~ MONEY pursuant
7 to this subsection (3), the executive director of the department of human
8 services shall submit an accounting of ~~moneys~~ MONEY in the fund,
9 ~~available for incentives~~, and any general fund ~~moneys~~ MONEY
10 appropriated for this purpose, and a proposal for the allocation of
11 ~~incentive moneys~~ MONEY to the state board of human services for review
12 and approval prior to the allocation of the ~~moneys~~ MONEY. The state
13 board of human services shall approve the proposal not later than thirty
14 days after receipt of the proposal from the executive director of the
15 department of human services.

16 **SECTION 29.** In Colorado Revised Statutes, 24-4.1-102, **amend**
17 (1), (10)(a) introductory portion, (10)(a)(I), (10)(b), and (10)(c); and **add**
18 (3.5) as follows:

19 **24-4.1-102. Definitions.** As used in this part 1, unless the context
20 otherwise requires:

21 (1) "Applicant" means any victim of a compensable crime OR
22 COMPENSABLE ACT who applies to the fund for compensation ~~under~~
23 PURSUANT TO this part 1. In the case of such victim's death, the term
24 includes any person who was ~~his~~ THE VICTIM'S dependent at the time of
25 the death of that victim.

26 (3.5) "COMPENSABLE ACT" MEANS AN ACT COMMITTED BY A
27 JUVENILE WHO IS TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN

1 YEARS OF AGE THAT, IF COMMITTED BY A PERSON WHO IS THIRTEEN YEARS
2 OF AGE OR OLDER, IS PUNISHABLE AS A CRIME IN THIS STATE THAT IS AN
3 INTENTIONAL, KNOWING, RECKLESS, OR NEGLIGENT ACT, INCLUDING:

4 (a) AN ACT IN VIOLATION OF SECTION 42-4-1301 (1) OR (2) THAT
5 RESULTS IN RESIDENTIAL PROPERTY DAMAGE TO OR BODILY INJURY OR
6 DEATH OF ANOTHER PERSON OR RESULTS IN LOSS OF OR DAMAGE TO
7 EYEGASSES, DENTURES, HEARING AIDS, OR OTHER PROSTHETIC OR
8 MEDICAL DEVICE;

9 (b) AN ACT IN VIOLATION OF SECTION 42-4-1402 OR 42-4-1601
10 THAT RESULTS IN THE DEATH OR BODILY INJURY OF ANOTHER PERSON; OR

11 (c) A FEDERAL OFFENSE THAT IS COMPARABLE TO THOSE SPECIFIED
12 IN THIS SUBSECTION (3.5) AND IS COMMITTED IN THIS STATE.

13 (10) (a) "Victim" means any of the following persons who suffer
14 property damage, economic loss, injury, or death as a result of a
15 compensable crime OR COMPENSABLE ACT perpetrated or attempted in
16 whole or in part in this state:

17 (I) Any person against whom a compensable crime OR
18 COMPENSABLE ACT is perpetrated or attempted. Such person shall be
19 referred to as a "primary victim".

20 (b) "Victim" also means a person who suffers injury or death, the
21 proximate cause of which is a compensable crime OR COMPENSABLE ACT
22 perpetrated or attempted in the person's presence against a primary victim.

23 (c) "Victim" also means a person who is a resident of this state
24 and who is a victim of a crime that occurred outside of this state, where
25 the crime would be a compensable crime OR COMPENSABLE ACT had it
26 occurred in this state and where the state or country in which the crime
27 occurred does not have a crime victim compensation program for which

1 the person would be eligible.

2 **SECTION 30.** In Colorado Revised Statutes, 24-4.1-105, **amend**
3 (2)(b) as follows:

4 **24-4.1-105. Application for compensation.** (2) (b) In order to
5 be eligible for compensation for property damage ~~under~~ PURSUANT TO
6 this part 1, the applicant shall submit a report or case number, if
7 reasonably available, from a law enforcement agency ~~which shall set~~
8 THAT SETS forth the nature of the property damage which is the result of
9 a compensable crime OR COMPENSABLE ACT. AN INFORMATION FORM FOR
10 CHILDREN UNDER THIRTEEN YEARS OF AGE, PURSUANT TO SECTION
11 24-1.9-102.3, MAY BE SUBMITTED BY THE APPLICANT IN PLACE OF A LAW
12 ENFORCEMENT REPORT.

13 **SECTION 31.** In Colorado Revised Statutes, 24-4.1-108, **amend**
14 (1) introductory portion, (1)(a), (1.5) introductory portion, and (1.5)(a) as
15 follows:

16 **24-4.1-108. Awarding compensation.** (1) A person is entitled to
17 an award of compensation ~~under~~ PURSUANT TO this part 1 if:

18 (a) The person is a victim or a dependent of a victim or a
19 successor in interest under the "Colorado Probate Code" of a victim of a
20 compensable crime ~~which was~~ perpetrated on or after July 1, 1982, OR A
21 COMPENSABLE ACT PERPETRATED ON OR AFTER JULY 1, 2024, and ~~which~~
22 THE COMPENSABLE CRIME OR COMPENSABLE ACT resulted in a loss;

23 (1.5) A person is entitled to an award of compensation for
24 property damage ~~under~~ PURSUANT TO this part 1 if:

25 (a) The person is a victim of a compensable crime ~~which was~~
26 perpetrated on or after July 1, 1983, OR A COMPENSABLE ACT
27 PERPETRATED ON OR AFTER JULY 1, 2024, and ~~which~~ THE COMPENSABLE

1 CRIME OR COMPENSABLE ACT resulted in property damage;

2 **SECTION 32.** In Colorado Revised Statutes, 24-4.1-109, **amend**
3 (1.5)(a) introductory portion and (1.5)(a)(I)(A) as follows:

4 **24-4.1-109. Losses compensable.** (1.5) (a) Losses compensable
5 ~~under~~ PURSUANT TO this part 1 resulting from property damage include:

6 (I) (A) Repair or replacement of property damaged as a result of
7 a compensable crime OR COMPENSABLE ACT; or

8 **SECTION 33.** In Colorado Revised Statutes, 24-4.1-117, **amend**
9 (2) as follows:

10 **24-4.1-117. Fund created - control of fund.** (2) The fund
11 consists of all money paid as a cost or surcharge levied on criminal
12 actions, as provided in section 24-4.1-119; any federal money available
13 to state or local governments for victim compensation; all money received
14 from any action or suit to recover damages from an assailant for a
15 compensable crime ~~which~~ OR COMPENSABLE ACT THAT was the basis for
16 an award of, and limited to, compensation received ~~under~~ PURSUANT TO
17 this part 1; any restitution paid by an assailant to a victim for damages for
18 a compensable crime ~~which~~ OR COMPENSABLE ACT THAT was the basis for
19 an award received ~~under~~ PURSUANT TO this part 1 and for damages for
20 which the victim has received an award of, and limited to, compensation
21 received ~~under~~ PURSUANT TO this part 1; money transferred from the
22 marijuana tax cash fund pursuant to section 39-28.8-501 (4.9)(b); and any
23 other money that the general assembly may appropriate or transfer to the
24 fund.

25 **SECTION 34. Act subject to petition - effective date -**
26 **applicability.** (1) Sections 23, 26, and 34 of this act, and section
27 24-1.9-104 (3)(a) introductory portion and (3)(a)(I) in section 28 of this

1 act, take effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after adjournment of the general assembly, and the
3 remainder of this act takes effect July 1, 2024; except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within the ninety-day period after final adjournment of the general
7 assembly, then the act, item, section, or part will not take effect unless
8 approved by the people at the general election to be held in November
9 2024 and, in such case, will take effect on the date of the official
10 declaration of the vote thereon by the governor.

11 (2) This act applies to offenses committed and to confinement or
12 detention ordered on or after the applicable effective date of this act.