

CHAPTER 138

**CHILDREN AND DOMESTIC MATTERS**

HOUSE BILL 95-1334

BY REPRESENTATIVES Adkins, Friednash, George, Hagedorn, Lyle, Nichol, and Reeser;  
also SENATORS Hopper, Pascoe, and Tanner.

**AN ACT**

CONCERNING CHILDREN'S ISSUES.

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

**SECTION 1.** 14-4-101 (2), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

**14-4-101. Definitions.** As used in this article, unless the context otherwise requires:

(2) "Domestic abuse" means any act or threatened act of violence ~~which~~ THAT is committed by ~~an adult or emancipated minor~~ ANY PERSON against another ~~adult, minor child, or emancipated minor~~ PERSON with whom the actor is a current or former relation, or with whom the actor is living or has lived in the same domicile, or with whom the actor is involved or has been involved in an intimate relationship.

**SECTION 2.** 14-4-102 (14), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

**14-4-102. Restraining orders to prevent domestic abuse.** (14) This section shall not apply to any claim of domestic abuse against ~~an unemancipated minor~~ A JUVENILE. Such claims shall be addressed by the juvenile court pursuant to ~~the "Colorado Children's Code", title 19,~~ SECTION 19-2-403, C.R.S.

**SECTION 3.** 19-2-403 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**19-2-403. Restraining order against juvenile.** (1) (a) There is hereby created

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

a mandatory restraining order against any juvenile charged with the commission of a delinquent act, which order shall remain in effect from the time that the juvenile is advised of such juvenile's rights and informed of such order at such juvenile's first appearance before the court until final disposition of the action or, in the case of an appeal, until disposition of the appeal. Such order shall restrain the juvenile from harassing, molesting, intimidating, retaliating against, or tampering with any witness to or victim of the delinquent act charged.

(b) A RESTRAINING ORDER TO PREVENT DOMESTIC ABUSE, AS DEFINED IN SECTION 14-4-101 (2), C.R.S., MAY BE ISSUED PURSUANT TO THIS SECTION AGAINST ANY JUVENILE BASED UPON THE STANDARDS SET FORTH IN SECTION 14-4-102 (4), C.R.S.

(c) The restraining order issued pursuant to this section shall be on a standardized form prescribed by the judicial department, and a copy shall be provided to the protected parties.

**SECTION 4.** 19-2-203 (4), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**19-2-203. Duty of officer - notification - release or detention.** (4) As an alternative to taking a juvenile into temporary custody pursuant to subsections (1), (2), and (3) of this section, a law enforcement officer may, if authorized by the establishment of a policy ~~which~~ THAT permits such service by order of the chief judge of the judicial district or the presiding judge of the Denver juvenile court, which policy is established after consultation between such judge and the district attorney and law enforcement officials in the judicial district, serve a written promise to appear for JUVENILE PROCEEDINGS BASED ON ANY ACT THAT WOULD CONSTITUTE A FELONY, misdemeanor, ~~and~~ OR petty ~~offenses~~ OFFENSE upon the juvenile and the juvenile's parent, guardian, or legal custodian. Such promise to appear pursuant to this subsection (4) shall state any charges against the juvenile and the date, time, and place where such juvenile shall be required to answer such charges. The promise to appear shall be signed by the juvenile. The promise to appear shall be served upon the juvenile's parent, guardian, or legal custodian by personal service or by certified mail, return receipt requested. The date established for the juvenile and the juvenile's parent, guardian, or legal custodian to appear shall not be earlier than seven days after the promise to appear is served upon both the juvenile and the juvenile's parent, guardian, or legal custodian.

**SECTION 5.** 19-2-205 (3), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**19-2-205. Bail.** (3) (a) IN DETERMINING THE AMOUNT OF BAIL AND THE TYPE OF BOND TO BE FURNISHED BY THE JUVENILE, THE JUDGE OR MAGISTRATE FIXING THE SAME SHALL CONSIDER THE CRITERIA SET FORTH IN SECTION 16-4-105 (1), C.R.S.

(b) In setting, modifying, or continuing any bail bond, it shall be a condition that the released juvenile appear at any place and upon any date to which the proceeding is transferred or continued. Further conditions of every bail bond shall be that the released juvenile not commit any delinquent acts or harass, intimidate, or threaten any potential witnesses. The judge or magistrate may set any other conditions or limitations on the release of the juvenile as are reasonably necessary for the

protection of the juvenile and the community. Any juvenile who is held without bail or whose bail or bail bond is revoked or increased under an order entered pursuant to subsection (2) of this section and who remains in custody or detention must be tried on the charges on which the bail is denied or the bail or bail bond is revoked or increased within sixty days after the entry of such order or within six months after the juvenile's entry of a plea, whichever date is earlier.

**SECTION 6.** 19-2-705 (2) (i) and (2) (j), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended, and the said 19-2-705 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**19-2-705. Probation - terms - release - revocation.** (2) The court shall, as minimum conditions of probation, order that the juvenile:

(i) Make restitution as ordered by the court; ~~and~~

(j) Pay the victim compensation fee as ordered by the court; AND

(k) PAY THE SURCHARGE LEVIED PURSUANT TO SECTION 24-4.2-104 (1) (a) (I), C.R.S.

**SECTION 7.** 19-2-806 (6) (c), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is repealed as follows:

**19-2-806. Transfer proceedings.** (6) (c) ~~If an information is filed on a juvenile following an order waiving the jurisdiction of the juvenile court, the district court may order the juvenile court to hold the juvenile in custody pending proceedings in the district court.~~

**SECTION 8.** 19-2-202 (3), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**19-2-202. Issuance of a lawful warrant taking a juvenile into custody.** (3) A warrant for the arrest of a juvenile for violation of the conditions of probation OR OF A BAIL BOND may be issued by any judge of a court of record or juvenile magistrate upon the report of a juvenile probation officer or upon the verified complaint of any person, establishing to the satisfaction of the judge OR JUVENILE MAGISTRATE probable cause to believe that a condition of probation OR OF A BAIL BOND has been violated and that the arrest of the juvenile is reasonably necessary. The warrant may be executed by any juvenile probation officer or by a peace officer authorized to execute warrants in the county in which the juvenile is found.

**SECTION 9.** 19-2-102 (4.5), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**19-2-102. Jurisdiction.** (4.5) Notwithstanding any other provision of this section to the contrary, ~~the juvenile court may exercise jurisdiction over a juvenile who is under eighteen years of age and who is charged with a violation of section 18-13-122, C.R.S., if the case is transferred to the juvenile court from the county court. Such a transfer shall be subject to the approval of the juvenile court.~~ THE JUVENILE COURT AND THE COUNTY COURT SHALL HAVE CONCURRENT JURISDICTION OVER A JUVENILE

WHO IS UNDER EIGHTEEN YEARS OF AGE AND WHO IS CHARGED WITH A VIOLATION OF SECTION 18-13-122, C.R.S.; EXCEPT THAT, IF THE JUVENILE COURT ACCEPTS JURISDICTION OVER SUCH A JUVENILE, THE COUNTY COURT JURISDICTION SHALL TERMINATE.

**SECTION 10.** 19-3-310.5 (5), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**19-3-310.5. Mediation - pilot program - repeal.** (5) The parties in a case shall be charged a fee for the mediation services provided under the provisions of this section. Each county in the pilot program shall set the fee to be imposed in the county at a level that is sufficient to fund the pilot program. A county in the pilot program may establish a sliding fee scale for mediation services. If a sliding scale is established, the county shall structure the fee scale such that the total amount of fees collected from all parties obtaining mediation services in the county is sufficient to fund the pilot program. Under the pilot program, mediation services may be provided only to a person who has paid the fee established for mediation services. Mediation services are not available under the pilot program to any person who is unable to pay the fee. A COUNTY IN THE PILOT PROGRAM SHALL NOT BE REQUIRED TO PAY COSTS OF THE MEDIATION SERVICES PROVIDED UNDER THE PROVISIONS OF THIS SECTION.

**SECTION 11.** 19-2-1202 (3) (b), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**19-2-1202. Juvenile parole board - powers and duties - hearing panels.** (3) A hearing panel shall have the authority to grant, deny, defer, suspend, revoke, or specify or modify the conditions of any parole of a juvenile committed to the department of human services pursuant to section 19-2-703 as are in the best interests of the juvenile and the public; except that:

(b) The hearing panel shall not have authority to grant parole to juveniles committed as violent juvenile offenders as defined in section 19-2-803 OR AGGRAVATED JUVENILE OFFENDERS AS DEFINED IN SECTION 19-2-804. In such cases, the entire board shall conduct a hearing and make a decision by a majority vote of the board. ~~In the case of aggravated juvenile offenders as defined in section 19-2-804, the hearing panel shall conduct a hearing and make a recommendation to the entire board, which shall review the case and make a decision by a majority vote of the board.~~

**SECTION 12. Effective date.** This act shall take effect July 1, 1995.

**SECTION 13. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 16, 1995