

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB22-023 be amended as follows:

1 Amend the reengrossed bill, page 2, line 2, strike "(8)" and substitute "(8)
2 and (9)".

3 Page 2, line 4, strike "**Statements - "** and substitute "**Statements -
4 policies and procedures - "**.

5 Page 2, line 4, strike "(a)".

6 Page 2, strike lines 7 through 22 and substitute "MUST BE CONSIDERED
7 AGAINST THE UNITED STATES SUPREME COURT RECOGNIZED EMOTIONAL
8 AND DEVELOPMENTAL DIFFERENCES BETWEEN ADULTS AND JUVENILES. A
9 LAW ENFORCEMENT OFFICER SHALL TAKE SUCH DIFFERENCES INTO
10 ACCOUNT WHEN CONDUCTING AN INTERVIEW OR CUSTODIAL
11 INTERROGATION OF A JUVENILE. A LAW ENFORCEMENT OFFICER SHALL
12 FOLLOW A STANDARD INTERNAL POLICY TO OBSERVE THE LEGAL RIGHTS
13 OF A JUVENILE AND PROTECT THE JUVENILE FROM COERCION OR
14 INTIMIDATION DURING AN INTERVIEW OR CUSTODIAL INTERROGATION.

15 (9) ON OR BEFORE FEBRUARY 28, 2023, ANY COLORADO LAW
16 ENFORCEMENT AGENCY THAT EMPLOYS A PEACE OFFICER REQUIRED TO BE
17 P.O.S.T.-CERTIFIED PURSUANT TO SECTION 16-2.5-102 THAT IS CHARGED
18 WITH ENFORCING THE CRIMINAL LAWS OF COLORADO, AND THAT, AS PART
19 OF ANY CRIMINAL INVESTIGATION, USES OR MIGHT USE ANY JUVENILE
20 CUSTODIAL INTERROGATION PROCEDURE, SHALL ADOPT WRITTEN POLICIES
21 AND PROCEDURES CONCERNING THE CUSTODIAL INTERROGATION OF A
22 JUVENILE CONDUCTED BY THAT LAW ENFORCEMENT AGENCY. THE
23 POLICIES AND PROCEDURES ADOPTED AND IMPLEMENTED BY A LAW
24 ENFORCEMENT AGENCY MUST BE CONSISTENT WITH JUVENILE CUSTODIAL
25 INTERROGATION PROCEDURES OF NATIONALLY RECOGNIZED
26 PEER-REVIEWED RESEARCH AND CONSISTENT WITH THE REQUIREMENTS OF
27 SECTION 16-1-110 FOR ADMISSIBILITY OF EVIDENCE. THE POLICIES AND
28 PROCEDURES MUST INCLUDE REQUIREMENTS FOR:

29 (a) AGE-APPROPRIATE MIRANDA WARNINGS THAT SHALL BE
30 ADMINISTERED PRIOR TO A CUSTODIAL INTERROGATION OF A JUVENILE;

31 (b) ELECTRONIC RECORDING BY LAW ENFORCEMENT OF ALL
32 JUVENILE CUSTODIAL INTERROGATIONS PURSUANT TO SECTION 16-3-601
33 WITHOUT REGARD TO THE NATURE OF THE OFFENSE; AND

34 (c) LAW ENFORCEMENT OFFICIALS OR AGENTS TO TAILOR THE
35 QUESTIONS FOR A CUSTODIAL INTERROGATION OF A JUVENILE TO THE
36 JUVENILE'S AGE, SOPHISTICATION, MATURITY, LEVEL OF EDUCATION,
37 MENTAL ABILITY, AND OTHER PERTINENT INFORMATION."

38 Page 3 of the bill, strike lines 1 through 9.

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