

## SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Gardner

1 Amend the Judiciary Committee Report, dated February 10, 2022, page  
2 1, line 3, strike "**Statements -** " and substitute "**Statements - policies and**  
3 **procedures -** ".

4 Page 1 of the report, strike lines 5 through 14 and substitute:

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

15 (2) 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 12.

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