

- 1 Strike the Appropriations Committee Report, dated, April 22, 2022.
- 2 Strike the Judiciary Committee Report, dated March 9, 2022, and
- 3 substitute:

- 4 "Amend printed bill, strike everything below the enacting clause, and
- 5 substitute:

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

8 (a) Children who are charged with crimes and subjected to the
9 juvenile justice system, as compared to similarly situated children who are
10 served outside of the juvenile justice system, are more likely to enter the
11 criminal justice system as adults, more likely to present a future threat to
12 community safety, more likely to face mental health challenges, and less
13 likely to graduate from high school;

14 (b) Younger children who are in the juvenile justice system are at
15 a higher risk of becoming victims of violence within the juvenile justice
16 system;

17 (c) Children of color are more likely to be referred to the juvenile
18 justice system and detained in juvenile justice facilities than white
19 children; and

20 (d) Existing systems, including behavioral health programs,
21 schools, child welfare systems, and other local programs and services, are
22 better equipped than the juvenile justice system to address the needs of
23 young children and to provide developmentally appropriate services to
24 improve community safety by reducing the risk that these children
25 commit future crimes as adults.

26 (2) Therefore, the general assembly declares its intent to take the
27 first step toward ending the prosecution of children who are ten years of
28 age or older but under thirteen years of age, and ultimately to empower
29 community-based responses in the health, education, and child welfare
30 systems to serve children who are under thirteen years of age. The general
31 assembly supports, instead of prosecution, evidence-based and promising
32 practices and programs that improve outcomes for children and
33 community safety, and reduce and eliminate racial and ethnic disparities.

34 **SECTION 2.** In Colorado Revised Statutes, **add** 19-3-304.4 as
35 follows:

36 **19-3-304.4. Pre-adolescent services task force - duties - report**

37 - **repeal.** (1) (a) THE DEPARTMENT SHALL CREATE A PRE-ADOLESCENT
38 SERVICES TASK FORCE, REFERRED TO IN THIS SECTION AS THE "TASK

1 FORCE", TO EXAMINE GAPS IN SERVICES FOR JUVENILES WHO ARE TEN
2 YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE, IF ANY
3 WOULD BE CREATED IF THE MINIMUM AGE OF PROSECUTION OF JUVENILES
4 IS INCREASED FROM AGE TEN TO AGE THIRTEEN, AND TO MAKE
5 RECOMMENDATIONS FOR ADDRESSING THE GAPS IN SERVICES IDENTIFIED.
6 THE TASK FORCE SHALL:

7 (I) IDENTIFY THE SERVICES, IF ANY, THAT ARE CURRENTLY
8 PROVIDED THROUGH THE JUVENILE JUSTICE SYSTEM TO JUVENILES WHO
9 ARE TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE,
10 BUT WOULD NO LONGER BE AVAILABLE TO JUVENILES WHO ARE TEN YEARS
11 OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE IF THE MINIMUM
12 AGE OF PROSECUTION OF JUVENILES IS INCREASED TO THIRTEEN;

13 (II) IDENTIFY THE SERVICES, IF ANY, THAT ARE CURRENTLY
14 PROVIDED THROUGH THE JUVENILE JUSTICE SYSTEM TO CHILDREN
15 IDENTIFIED AS VICTIMS OF CRIMES COMMITTED BY JUVENILES WHO ARE
16 TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE, BUT
17 WOULD NO LONGER BE AVAILABLE TO CHILDREN IDENTIFIED AS VICTIMS
18 OF CRIMES COMMITTED BY JUVENILES WHO ARE TEN YEARS OF AGE OR
19 OLDER BUT UNDER THIRTEEN YEARS OF AGE IF THE MINIMUM AGE OF
20 PROSECUTION OF JUVENILES IS INCREASED TO THIRTEEN;

21 (III) MAKE RECOMMENDATIONS FOR HOW THE SERVICES
22 IDENTIFIED IN SUBSECTIONS (1)(a)(I) AND (1)(a)(II) OF THIS SECTION MAY
23 INSTEAD BE PROVIDED BY EXISTING AGENCIES OR ORGANIZATIONS
24 OUTSIDE OF THE JUVENILE JUSTICE SYSTEM, IF THE MINIMUM AGE OF
25 PROSECUTION OF JUVENILES IS INCREASED TO THIRTEEN; AND

26 (IV) MAKE RECOMMENDATIONS FOR HOW EXISTING OR POTENTIAL
27 FUNDING MAY BE UTILIZED TO PROVIDE SERVICES IDENTIFIED PURSUANT
28 TO SUBSECTIONS (1)(a)(I) AND (1)(a)(II) OF THIS SECTION OUTSIDE OF THE
29 JUVENILE JUSTICE SYSTEM, IF THE MINIMUM AGE OF PROSECUTION OF
30 JUVENILES IS INCREASED TO THIRTEEN.

31 (b) IN PERFORMING ITS DUTIES REQUIRED PURSUANT TO
32 SUBSECTION (1)(a) OF THIS SECTION, THE TASK FORCE SHALL CONSIDER:

33 (I) RELEVANT DATA, INCLUDING ANY AVAILABLE DATA
34 DEVELOPED PURSUANT TO SECTION 19-2.5-1404 (3), DATA FROM THE
35 DEPARTMENT OF HUMAN SERVICES RELATED TO YOUTH TEN YEARS OF AGE
36 OR OLDER BUT UNDER THIRTEEN YEARS OF AGE, AND EXPUNGED JUVENILE
37 DELINQUENT RECORDS RELATED TO YOUTH TEN YEARS OF AGE OR OLDER
38 BUT UNDER THIRTEEN YEARS OF AGE AT THE TIME THE CHARGES WERE
39 FILED;

40 (II) THE CURRENT OR POTENTIAL AVAILABILITY OF LOCAL, STATE,
41 OR FEDERAL RESOURCES TO ASSIST WITH PROVIDING SERVICES IDENTIFIED
42 PURSUANT TO SUBSECTIONS (1)(a)(I) AND (1)(a)(II) OF THIS SECTION;

43 (III) OPPORTUNITIES TO PROVIDE NECESSARY ASSESSMENTS OR

1 SERVICES TO JUVENILES WHO ARE TEN YEARS OF AGE OR OLDER BUT
2 UNDER THIRTEEN YEARS OF AGE WITHOUT ARREST OR PROSECUTION; AND

3 (IV) OPPORTUNITIES TO UTILIZE AVAILABLE COLLABORATIVE
4 MANAGEMENT PROGRAMS CREATED PURSUANT TO SECTION 24-1.9-102,
5 JUVENILE SERVICES PLANNING COMMITTEES CREATED PURSUANT TO
6 SECTION 19-2.5-302, AND ASSESSMENT CENTERS FOR CHILDREN, AS
7 DEFINED IN SECTION 19-1-103 (13).

8 (c) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE
9 AND COUNTIES ONLY PURSUE APPROPRIATE MEASURES NECESSARY TO
10 SERVE AND PROTECT A CHILD AS NEEDED, AVOID ANY UNNECESSARY
11 INTERVENTION WHENEVER POSSIBLE, AND USE THE LEAST RESTRICTIVE
12 ALTERNATIVES AND APPROPRIATELY MATCHED SERVICES.

13 (d) (I) THE TASK FORCE SHALL CONVENE ON OR BEFORE AUGUST
14 1, 2022. THE APPOINTING AUTHORITIES SHALL APPOINT PERSONS FROM
15 THROUGHOUT THE STATE, PERSONS WITH A DISABILITY, AND PERSONS WHO
16 REFLECT THE RACIAL AND ETHNIC DIVERSITY OF THE STATE. THE TASK
17 FORCE CONSISTS OF:

18 (A) FOUR MEMBERS OF THE GENERAL ASSEMBLY, WITH ONE
19 APPOINTED BY THE SENATE MAJORITY LEADER, ONE APPOINTED BY THE
20 SENATE MINORITY LEADER, ONE APPOINTED BY THE HOUSE OF
21 REPRESENTATIVES MAJORITY LEADER, AND ONE APPOINTED BY THE HOUSE
22 OF REPRESENTATIVES MINORITY LEADER;

23 (B) A REPRESENTATIVE OF THE DIVISION OF CRIMINAL JUSTICE IN
24 THE DEPARTMENT OF PUBLIC SAFETY WHO IS FAMILIAR WITH FUNDING
25 MECHANISMS FOR DIVERSION, APPOINTED BY THE DIRECTOR OF THE
26 DIVISION OF CRIMINAL JUSTICE;

27 (C) A REPRESENTATIVE OF A LAW ENFORCEMENT AGENCY,
28 APPOINTED BY A STATEWIDE ORGANIZATION OF COUNTY SHERIFFS;

29 (D) A REPRESENTATIVE FROM A DISTRICT ATTORNEY'S OFFICE
30 WITH EXPERIENCE PROVIDING DIVERSION SERVICES AND SUPERVISION TO
31 JUVENILES, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE COLORADO
32 DISTRICT ATTORNEYS' COUNCIL;

33 (E) A REPRESENTATIVE FROM THE OFFICE OF THE STATE PUBLIC
34 DEFENDER OR OFFICE OF ALTERNATIVE DEFENSE COUNSEL WITH
35 EXPERIENCE REPRESENTING JUVENILES, APPOINTED BY THE STATE PUBLIC
36 DEFENDER;

37 (F) A REPRESENTATIVE WITH EXPERIENCE PROVIDING
38 PROBATIONARY SERVICES AND SUPERVISION TO JUVENILES, APPOINTED BY
39 THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT;

40 (G) THE DIRECTOR OF THE OFFICE OF THE CHILD'S
41 REPRESENTATIVE, OR THE DIRECTOR'S DESIGNEE;

42 (H) THE DIRECTOR OF THE OFFICE OF THE RESPONDENT PARENT'S
43 COUNSEL, OR THE DIRECTOR'S DESIGNEE;

4 (J) A REPRESENTATIVE OF THE BEHAVIORAL HEALTH
5 ADMINISTRATION WITH EXPERTISE CONCERNING THE DEVELOPMENT AND
6 OPERATION OF RAPID CRISIS RESPONSE TEAMS, APPOINTED BY THE
7 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES;

8 (K) TWO REPRESENTATIVES FROM PUBLIC SCHOOLS OR SCHOOL
9 DISTRICTS, OF WHOM, ONE REPRESENTATIVE IS FROM A RURAL SCHOOL
10 DISTRICT OR SMALL RURAL SCHOOL DISTRICT AS DEFINED IN SECTION
11 22-7-1211 (4), AND ONE REPRESENTATIVE IS FROM AN URBAN SCHOOL
12 DISTRICT, APPOINTED BY THE COMMISSIONER OF EDUCATION;

13 (L) A REPRESENTATIVE FROM A LOCAL COLLABORATIVE
14 MANAGEMENT PROGRAM CREATED PURSUANT TO SECTION 24-1.9-102,
15 APPOINTED BY THE COLLABORATIVE MANAGEMENT PROGRAM STATEWIDE
16 STEERING COMMITTEE;

17 (M) A REPRESENTATIVE FROM A LOCAL JUVENILE SERVICES
18 PLANNING COMMITTEE CREATED PURSUANT TO SECTION 19-2.5-302 FROM
19 A JUDICIAL DISTRICT WITH AN ASSESSMENT CENTER FOR CHILDREN,
20 APPOINTED BY THE COLORADO YOUTH DETENTION CONTINUUM ADVISORY
21 BOARD;

22 (N) A REPRESENTATIVE FROM THE RESTORATIVE JUSTICE
23 COORDINATING COUNCIL, APPOINTED BY THE RESTORATIVE JUSTICE
24 COORDINATING COUNCIL;

25 (O) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH
26 CARE POLICY AND FINANCING, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

27 (P) TWO REPRESENTATIVES FROM COUNTY DEPARTMENTS OF
28 HUMAN SERVICES, OF WHOM, ONE REPRESENTATIVE IS FROM A RURAL
29 COUNTY DEPARTMENT OF HUMAN SERVICES AND ONE REPRESENTATIVE IS
30 FROM AN URBAN COUNTY DEPARTMENT OF HUMAN SERVICES, APPOINTED
31 BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES,
32 OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

33 (Q) A REPRESENTATIVE WITH EXPERIENCE PROVIDING TREATMENT
34 TO YOUTH WHO HAVE PARTICIPATED IN PROBLEMATIC SEXUAL BEHAVIOR,
35 APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN
36 SERVICES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

37 (R) A REPRESENTATIVE FROM A COMMUNITY-BASED
38 ORGANIZATION THAT PROVIDES VICTIM SERVICES TO CHILDREN WHO ARE
39 VICTIMS OF CRIMES, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
40 DEPARTMENT OF HUMAN SERVICES, OR THE EXECUTIVE DIRECTOR'S
41 DESIGNEE;

42 (S) A REPRESENTATIVE FROM A COMMUNITY-BASED
43 ORGANIZATION THAT SERVES VICTIMS OF SEXUAL ASSAULT, APPOINTED BY

1 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, OR
2 THE EXECUTIVE DIRECTOR'S DESIGNEE;

3 (T) A REPRESENTATIVE WITH EXPERIENCE PROVIDING PEDIATRIC
4 MENTAL AND BEHAVIORAL HEALTH SERVICES, APPOINTED BY THE
5 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, OR THE
6 EXECUTIVE DIRECTOR'S DESIGNEE;

7 (U) A PEDIATRICIAN OR PEDIATRIC CLINICIAN, APPOINTED BY THE
8 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, OR THE
9 EXECUTIVE DIRECTOR'S DESIGNEE;

10 (V) A REPRESENTATIVE OF A NONPROFIT ORGANIZATION THAT
11 PROVIDES LEGAL SERVICES TO CHILDREN WHO ARE TEN YEARS OF AGE OR
12 OLDER BUT UNDER THIRTEEN YEARS OF AGE, APPOINTED BY THE
13 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, OR THE
14 EXECUTIVE DIRECTOR'S DESIGNEE;

15 (W) TWO REPRESENTATIVES FROM COMMUNITY ORGANIZATIONS
16 OR NONPROFIT ORGANIZATIONS THAT PROVIDE EVIDENCE-BASED OR
17 PROMISING PRACTICES THAT ARE CULTURALLY-RESPONSIVE AND
18 TRAUMA-INFORMED TO JUVENILES, APPOINTED BY THE EXECUTIVE
19 DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, OR THE EXECUTIVE
20 DIRECTOR'S DESIGNEE; AND

21 (X) THREE REPRESENTATIVES WHO EXPERIENCED INCARCERATION,
22 HOMELESSNESS, OR OUT-OF-HOME PLACEMENT AS A JUVENILE, OR WHO
23 ARE THE PARENT OR LEGAL GUARDIAN OF A JUVENILE WHO IS
24 EXPERIENCING OR EXPERIENCED INCARCERATION, HOMELESSNESS, OR
25 OUT-OF-HOME PLACEMENT AS A JUVENILE, APPOINTED BY THE EXECUTIVE
26 DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, OR THE EXECUTIVE
27 DIRECTOR'S DESIGNEE.

28 (II) MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT
29 COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES; EXCEPT
30 THAT THE REPRESENTATIVES APPOINTED PURSUANT TO SUBSECTIONS
31 (1)(d)(I)(A), (1)(d)(I)(W), AND (1)(d)(I)(X) MAY RECEIVE PER DIEM
32 COMPENSATION FOR EXPENSES INCURRED IN THE PERFORMANCE OF DUTIES
33 PURSUANT TO THIS SECTION.

34 (e) THE TASK FORCE SHALL MEET AT LEAST TWICE EVERY MONTH
35 FROM AUGUST THROUGH DECEMBER OF 2022, OR MORE FREQUENTLY AS
36 NEEDED TO PERFORM ITS DUTIES REQUIRED PURSUANT TO THIS SECTION.

37 (f) AT THE FIRST TASK FORCE MEETING, THE TASK FORCE MUST
38 SELECT A CHAIR AND VICE-CHAIR, AND ESTABLISH BYLAWS THAT INCLUDE
39 ENSURING A QUORUM, AND ENSURING THAT REPRESENTATIVES APPOINTED
40 PURSUANT TO SUBSECTIONS (1)(d)(I)(W) AND (1)(d)(I)(X) ARE ABLE TO
41 REGULARLY ATTEND AND PARTICIPATE IN MEETINGS. THE TASK FORCE
42 MUST CONSIDER HOLDING MEETINGS OUTSIDE BUSINESS HOURS, VIRTUAL
43 MEETINGS, AND PROVIDING REIMBURSEMENT FOR MEETING EXPENSES AS

1 APPROPRIATE.

2 (g) THE TASK FORCE SHALL CREATE A REPORT CONTAINING THE
3 EXAMINATION AND RECOMMENDATIONS MADE BY THE TASK FORCE
4 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION BY DECEMBER 30,
5 2022, AND PROVIDE THAT REPORT TO THE JUDICIARY COMMITTEES OF THE
6 HOUSE OF REPRESENTATIVES AND THE SENATE, AND TO THE PUBLIC AND
7 BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
8 REPRESENTATIVES AND THE HEALTH AND HUMAN SERVICES COMMITTEE OF
9 THE SENATE, OR ANY SUCCESSOR COMMITTEES.

10 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2023.

11 **SECTION 3.** In Colorado Revised Statutes, 19-1-306, **add** (3)(g)
12 as follows:

13 **19-1-306. Expungement of juvenile delinquent records -**
14 **definition - repeal.** (3) (g) (I) NOTWITHSTANDING ANY ORDER FOR
15 EXPUNGEMENT ISSUED PURSUANT TO THIS SECTION, ANY RECORD THAT IS
16 ORDERED EXPUNGED IS AVAILABLE TO THE PRE-ADOLESCENT SERVICES
17 TASK FORCE CREATED PURSUANT TO SECTION 19-3-304.4 FOR THE
18 PURPOSE OF PERFORMING ITS REQUIRED DUTIES.

19 (II) THIS SUBSECTION (3)(g) IS REPEALED, EFFECTIVE JULY 1, 2023.

20 **SECTION 4. Appropriation.** For the 2022-23 state fiscal year,
21 \$91,937 is appropriated to the department of human services for use by
22 the division of child welfare. This appropriation is from the general fund
23 and is based on an assumption that the division will require an additional
24 0.9 FTE. To implement this act, the division may use this appropriation
25 for administration.

26 **SECTION 5. Safety clause.** The general assembly hereby finds,
27 determines, and declares that this act is necessary for the immediate
28 preservation of the public peace, health, or safety.".

29 Page 1 of the bill, line 103, strike "INTERVENTIONS." and substitute
30 "INTERVENTIONS AND MAKING AN APPROPRIATION.
