

## HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Gonzales-Gutierrez

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;

- 1 (I) A REPRESENTATIVE OF THE DIVISION OF CHILD WELFARE,  
2 APPOINTED BY THE DIRECTOR OF THE OFFICE OF CHILDREN, YOUTH, AND  
3 FAMILIES;
- 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.

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