SENATE COMMITTEE OF REFERENCE REPORT

February 27, 2019

Chair of Committee Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB19-108 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 3, line 18, after "JUDGE" insert "OR MAGISTRATE".

2 Page 3, line 19, after "JUDGE" insert "OR MAGISTRATE".

3 Page 4, line 2, strike "FOURTEEN" and substitute "TWELVE".

4 Page 4, line 4, strike "ATTORNEYS;" and substitute "ATTORNEYS WHO REGULARLY APPEAR IN JUVENILE COURT MATTERS;".

5 Page 4, strike lines 5 and 6 and substitute: 

(B) A REPRESENTATIVE OF THE OFFICE OF THE STATE PUBLIC DEFENDER AND A REPRESENTATIVE OF THE OFFICE OF THE ALTERNATE DEFENSE COUNSEL, BOTH OF WHOM SPECIALIZE IN JUVENILE DEFENSE;".

6 Page 4, strike line 7.

7 Reletter succeeding sub-subparagraphs accordingly.

8 Page 4, line 15, strike "AND".

9 Page 4, strike line 16 and substitute: 

(G) ONE JUVENILE OR FORMER JUVENILE WHO WAS CHARGED WITH A DELINQUENT ACT; AND".
Page 4, after line 16, insert:

"(H) A REPRESENTATIVE OF THE OFFICE OF COLORADO'S CHILD
PROTECTION OMBUDSMAN.

(IX) THREE PERSONS WHO OVERSEE JUVENILE PROBATION
APPOINTED BY THE CHIEF JUSTICE."

Page 4, line 20, strike "COMMITTEE" and substitute "GOVERNOR".

Page 4, line 22, strike "AUGUST 31, 2019," and substitute "MAY 31,
2019.".

Page 4, line 23, strike "OCTOBER 30, 2019," and substitute "JUNE 30,
2019.".

Page 5, line 4, after "SUBCOMMITTEES" insert "THAT MAY INCLUDE
INDIVIDUALS OTHER THAN MEMBERS OF THE COMMITTEE".

Page 5, line 10, strike "ASSESSMENT" and substitute "ASSESSMENT. THE
COMMITTEE SHALL DETERMINE IF ONE TOOL MUST BE USED BY THE ENTIRE
JUVENILE JUSTICE SYSTEM OR IF THE JUDICIAL DEPARTMENT OR DIVISION
OF YOUTH SERVICES MAY USE DIFFERENT VALIDATED TOOLS. THE TOOL OR
TOOLS MUST BE USED".

Page 5, line 20, after "ASSESSMENT" insert "TOOL OR TOOLS".

Page 5, line 22, strike "ORGANIZATIONS" and substitute "ORGANIZATIONS,
CONSULT WITH THE DELIVERY OF CHILD WELFARE SERVICES TASK FORCE
CREATED IN SECTION 26-5-105.8,".

Page 5, line 23, strike "JURISDICTIONS." and substitute "JURISDICTIONS
AND MAY CONSIDER A VALIDATED TOOL OR TOOLS ALREADY BEING USED
IN THE STATE.".

Page 5, strike line 26 and substitute "TOOLS; EXCEPT THAT THE
COMMITTEE SHALL SELECT THE TOOL OR TOOLS BY SEPTEMBER 1, 2019.".

Page 6, line 1, strike "CONDUCTED;" and substitute "CONDUCTED PRIOR TO
DISPOSITION, WHILE IN THE CUSTODY OF THE DIVISION OF YOUTH
SERVICES, OR UNDER JUVENILE PROBATION SUPERVISION;".
Page 9, line 10, strike "services, by a specific program." and substitute "services, by a specific program OR ACTIVITY, ".

Page 9, strike lines 11 and 12 and substitute "PROVIDED BY DISTRICT ATTORNEY'S OFFICES, GOVERNMENTAL UNITS, OR NONGOVERNMENTAL UNITS. The goal of diversion is to prevent".

Page 9, strike lines 25 through 27 and page 10, strike line 1 and substitute "defined in section 18-1-901 (3)(o.5). C.R.S., and as deemed suitable by the probation department or a designated restorative justice practices facilitator. Restorative justice practices shall be conducted by facilitators recommended by the district attorney.".

Page 10, strike lines 2 through 7 and substitute: "(106.5) "TEMPORARY SHELTER" MEANS THE TEMPORARY PLACEMENT OF A CHILD WITH KIN, AS DEFINED IN SUBSECTION (71.3) OF THIS SECTION; WITH AN ADULT WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD; OR IN A LICENSED AND CERTIFIED TWENTY-FOUR-HOUR CARE FACILITY.".

Page 11, line 7, strike "HOME" and substitute "HOME, FAMILY, OR OTHER RESPONSIBLE ADULT".

Page 11, line 8, after "IN" insert "ADOPTING SECTION 19-2-507.5 AND".

Page 11, line 9, strike "19-2-212" and substitute "19-2-212, 19-2-507, ".

Page 11, line 16, after ",(1)" insert ",(a)".

Page 11, strike lines 18 through 24 and substitute "such persons, in consultation with SHALL FORM A WORKING GROUP THAT MUST INCLUDE REPRESENTATIVES FROM:
(I) The division of criminal justice of the department of public safety;
(II) The office of state planning and budgeting;
(III) The Colorado district attorneys council;
(IV) Law enforcement; representatives;
(V) THE PUBLIC DEFENDER'S OFFICE AND THE OFFICE OF ALTERNATE DEFENSE COUNSEL;
(VI) THE OFFICE OF THE CHILD REPRESENTATIVE;
(VII) JUVENILE PROBATION;".
(VIII) JUVENILE COURT JUDGES AND MAGISTRATES; and representatives of
(IX) Local and county governments, INCLUDING COUNTY
DEPARTMENTS OF HUMAN OR SOCIAL SERVICES. shall form a
(b) THE working group that shall carry out the following duties:

Page 11, line 25, strike "(a)" and substitute "(a) (I)".

Reletter succeeding paragraphs and sub-subparagraphs and renumber succeeding subparagraphs accordingly.

Page 12, line 21, after "ADOPT" insert "BY A MAJORITY VOTE OF THE WORKING GROUP".

Page 13, line 2, after "ON" insert "DISABILITY,".

Page 13, line 13, strike "TO" and substitute "BEFORE JANUARY 1, 2021, TO".

Page 13, line 17, strike "TO" and substitute "BEFORE JANUARY 1, 2021, TO".

Page 14, line 16, strike "TO" and substitute "BEFORE JANUARY 1, 2021, TO".

Page 14, strike line 25 and substitute "JUVENILE IS ELIGIBLE FOR DETENTION.".

Page 15, line 5, strike "To" and substitute "BEFORE JANUARY 1, 2021, TO" and strike "FORM AFFIDAVIT" and substitute "INFORMATION FORM".

Page 15, lines 6 and 7, strike "FORM AFFIDAVIT" and substitute "INFORMATION FORM".

Page 15, line 9, strike "FORM AFFIDAVIT" and substitute "INFORMATION FORM".

Page 15, strike line 13 and substitute "COMPLETELY; AND".

Page 16, line 15, strike "AND" and substitute "OR".
Page 16, line 17, strike "AFFIDAVIT" and substitute "INFORMATION FORM" and strike "(1)(h)" and substitute "(1)(a)(VII)".


Page 17, line 6, after "WITHOUT" insert "FORMAL".

Page 17, line 14, after "NO" insert "FORMAL".

Page 19, line 20, strike "FUNDS" and substitute "MONEY" and strike "THAT" and substitute "AND".

Page 19, line 22, after "AGENCIES" insert "TO SERVE EACH JUDICIAL DISTRICT" and after "provide" insert "REASONABLE AND NECESSARY".

Page 20, line 8, after "OFFICES" insert "OR THEIR DESIGNEES".

Page 20, line 11, strike "CONDUCT" and substitute "ON AND AFTER THIRTY DAYS AFTER THE TOOL IS SELECTED, CONDUCT".

Page 20, line 13, strike "24-20-602" and substitute "24-20-602 (1)(c)".

Page 20, line 14, strike "19-2-510." and substitute "19-2-510 UNLESS A DETERMINATION HAS ALREADY BEEN MADE TO DIVERT THE JUVENILE.".

Page 20, line 19, after "OFFICE." insert "THE ENTITY CONDUCTING THE SCREENING SHALL MAKE THE RESULTS OF THE RISK SCREENING AVAILABLE TO THE YOUTH AND FAMILY.".

Page 20, strike lines 21 through 27 and substitute "THE TOOL. THE RISK SCREENING TOOL IS TO BE USED TO INFORM ABOUT DECISIONS ABOUT
DIVERSION. THE RISK SCREENING TOOL AND ANY INFORMATION OBTAINED FROM A JUVENILE IN THE COURSE OF ANY SCREENING, INCLUDING ANY ADMISSION, CONFESSION, OR INCriminating EVIDENCE, OBTAINED FROM A JUVENILE IN THE COURSE OF ANY SCREENING OR ASSESSMENT IN CONJUNCTION WITH PROCEEDINGS UNDER THIS SECTION OR MADE IN ORDER TO PARTICIPATE IN A DIVERSION OR RESTORATIVE JUSTICE PROGRAM IS NOT ADMISSIBLE INTO EVIDENCE IN ANY ADJUDICATORY HEARING IN WHICH THE JUVENILE IS ACCUSED AND IS NOT SUBJECT TO SUBPOENA OR ANY OTHER COURT PROCESS FOR USE IN ANY OTHER PROCEEDING OR FOR ANY OTHER PURPOSE.

Page 21, strike lines 1 and 2.

Page 21, strike lines 11 through 13 and substitute:

"(IV) WHAT SERVICES, IF ANY, MAY BE OFFERED TO THE JUVENILE. PROFESSIONALS INVOLVED WITH THE JUVENILE'S NEEDS, TREATMENT, AND SERVICE PLANNING, INCLUDING DISTRICT ATTORNEYS,".

Page 21, line 15, strike "DEPARTMENT OF HUMAN SERVICES," and substitute "DEPARTMENTS OF HUMAN OR SOCIAL SERVICES,"

Page 21, line 16, strike "TREATMENT AND".

Page 21, lines 24 and 25, strike "DEPARTMENT OF HUMAN SERVICES;" and substitute "DEPARTMENTS OF HUMAN OR SOCIAL SERVICES;"

Page 22, line 14, strike "JUSTICE" and substitute "JUSTICE, IN COLLABORATION WITH DISTRICT ATTORNEYS OR DIVERSION PROGRAM DIRECTORS WHO ACCEPT FORMULA MONEY AND PROGRAMS PROVIDING JUVENILE DIVERSION SERVICES,".

Page 22, line 27, strike "AND".

Page 22, after line 27, insert:

"(h) CHILD WELFARE INVOLVEMENT; AND".

Reletter succeeding paragraph accordingly.

Page 23, line 10, strike "PROVIDE" and substitute "OFFER".

Page 25, line 7, strike "19-2-506.5" and substitute "19-2-507.5".

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19-2-507.5. Limitations on detention. Detention is not permitted for the following:

Page 26, line 5, strike "CONDITION." and substitute "CONDITION OR AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY."

Page 30, line 18, strike "FORM AFFIDAVIT" and substitute "INFORMATION FORM".

Page 31, line 5, before "shelter" insert "temporary".

Page 31, line 12, strike "19-2-506.5," and substitute "19-2-507.5,"

Page 34, line 7, strike "THE" and substitute "ON AND AFTER THIRTY DAYS AFTER THE SCREENING INSTRUMENT HAS BEEN DEVELOPED OR ADOPTED PURSUANT TO SECTION 19-2-212, CONDUCT"

Page 47, line 16, strike "19-2-506.5 (2)," and substitute "19-2-507.5 (2),"

Page 49, line 24, strike "AND" and substitute "OR"

Page 49, line 26, strike "FORM AFFIDAVIT" and substitute "INFORMATION FORM" and strike "(1)(h)" and substitute "(1)(a)(VII)".

Page 50, line 3, strike "(2)" and substitute "(2), (6),"

Page 50, strike lines 7 through 9 and substitute "health services, the court shall immediately order a mental health screening of the juvenile pursuant to section 16-11.9-102 C.R.S. USING"

Page 50, line 14, after "months." insert "BEFORE SENTENCING A JUVENILE, THE COURT SHALL ORDER A MENTAL HEALTH SCREENING, USING THE MENTAL HEALTH SCREENING TOOL SELECTED PURSUANT TO SECTION 24-20-602 (1)(b), OR MAKE A FINDING THAT THE SCREENING WOULD NOT PROVIDE INFORMATION THAT WOULD BE HELPFUL IN SENTENCING THE JUVENILE."
Page 50, after line 18, insert:

"(6) Evidence or treatment obtained as a result of a mental health screening or assessment ordered pursuant to this section, including any information obtained from the juvenile in the course of a mental health screening or assessment, shall be used only to determine what mental health treatment, if any, to provide to the juvenile, and whether the juvenile justice or another service system is most appropriate to provide this treatment, and must not be used for any other purpose. The mental health screening or assessment and any information obtained in the course of the mental health screening or assessment is not subject to subpoena or any other court process for use in any other court proceeding and is not admissible on the issues raised by a plea of not guilty unless the juvenile places his or her mental health at issue. If the juvenile places his or her mental health at issue, then either party may introduce evidence obtained as a result of a mental health screening or assessment. The court shall keep any mental health screening or assessment in the court file under seal."

Page 50, line 22, strike "APPROPRIATE" and substitute "THE LEAST RESTRICTIVE AND MOST APPROPRIATE".

Page 51, strike line 13 and substitute "NEEDS ADOPTED BY THE JUVENILE JUSTICE REFORM COMMITTEE PURSUANT TO SECTION 24-20-602 (1)(b)."

Page 55, line 18, after "ASSESSMENT" insert "ADOPTED BY THE JUVENILE JUSTICE REFORM COMMITTEE PURSUANT TO SECTION 24-20-602 (1)(b)" and strike "IDENTIFY" and substitute "INFORM THE COURT OF".

Page 57, strike lines 11 through 20 and substitute:

"(5) Whenever a probation office has reasonable cause to believe that a juvenile has committed a violation of the terms and conditions of probation and that graduated responses developed pursuant to subsection (4) of this section have previously been applied or when the nature of the violation poses a substantial risk of serious harm to others, the probation officer, following the approval of his or her chief probation officer or the chief's designee, shall petition the court for revocation and shall file written information with the court concerning the juvenile's violation behavior history and the responses applied pursuant to the graduated response system
PURSUANT TO SUBSECTION (4) OF THIS SECTION.

Page 58, line 26, strike "19-2-506.5, 19-2-507," and substitute "19-2-507, 19-2-507.5,"

Page 60, line 2, after "COUNSEL," insert "THE DELIVERY OF THE CHILD WELFARE SERVICES TASK FORCE CREATED IN SECTION 26-5-105.8,"

Page 62, line 10, strike "WITHOUT LIMITATION".


Page 68, after line 21, insert:

"SECTION 31. In Colorado Revised Statutes, 2-3-1203, add (13)(a)(V) as follows:

2-3-1203. Sunset review of advisory committees - legislative declaration - definition - repeal. (13)(a) The following statutory authorizations for the designated advisory committees are scheduled for repeal on September 1, 2022:

(V) THE JUVENILE JUSTICE REFORM COMMITTEE CREATED PURSUANT TO SECTION 24-20-601."

SECTION 32. Effective date. This act takes effect July 1, 2019; except that sections 9, 10, and 11 of this act take effect July 1, 2020.

Renumber succeeding section accordingly.

Before "SHELTER" insert "TEMPORARY" on: Page 26, line 20; and Page 29, line 17.

Before "shelter" insert "TEMPORARY" on: Page 30, line 27; Page 31, line 13; Page 32, line 27; Page 36, line 11; Page 37, line 14; Page 38, line 18; Page 38, line 22; and Page 39, line 25."