

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

March 9, 2022

Committee on Judiciary.

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

HB22-1131 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 4, line 7, after "19-2.5-1511," insert
2 "PROHIBITING THE PROSECUTION OF A CHILD WHO IS UNDER THIRTEEN
3 YEARS OF AGE,".

4 Page 4, after line 13 insert:
5 "SECTION 4. In Colorado Revised Statutes, **amend** 13-10-104
6 as follows:
7 **13-10-104. Municipal court created - jurisdiction.** The
8 municipal governing body of each city or town shall create a municipal
9 court to hear and try all alleged violations of ordinance provisions of such
10 city or town AGAINST PERSONS WHO ARE THIRTEEN YEARS OF AGE OR
11 OLDER.".

12 Renumber succeeding sections accordingly.

13 Page 6, line 25, strike "has violated:" and substitute "~~has violated~~ IS
14 ACCUSED OF VIOLATING:".

15 Page 6, line 27, strike "HAS VIOLATED" and substitute "IS ACCUSED OF
16 VIOLATING".

17 Page 7, line 1, strike "18." and substitute "18 OR SECTION 18-3-402.".

18 Page 7, after line 21 insert:
19 "SECTION 10. In Colorado Revised Statutes, 19-2.5-302, **amend**
20 (1) as follows:
21 **19-2.5-302. Local juvenile services planning committee -**
22 **creation - duties - identification and notification of dually identified**

1 **crossover youth.** (1) If all of the boards of commissioners of each
2 county or the city council of each city and county in a judicial district
3 agree, there may be created in the judicial district a local juvenile services
4 planning committee that is appointed by the chief judge of the judicial
5 district or, for the second judicial district, the presiding judge of the
6 Denver juvenile court, from persons recommended by the boards of
7 commissioners of each county or the city council of each city and county
8 within the judicial district. The committee, if practicable, must include,
9 but need not be limited to, a representative from a county department of
10 human or social services, a local school district, a local law enforcement
11 agency, a local probation department, the division of youth services,
12 private citizens, the district attorney's office, the public defender's office,
13 a community mental health representative, and a representative of the
14 concerns of municipalities. The committee, if created, shall meet as
15 necessary to develop a plan for the allocation of resources for local
16 juvenile services within the judicial district for the fiscal year. The
17 committee is strongly encouraged to consider programs with restorative
18 justice components when developing the plan. ADDITIONALLY, THE
19 COMMITTEE IS STRONGLY ENCOURAGED TO PROVIDE SERVICES TO
20 CHILDREN WHO ARE TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN
21 YEARS OF AGE WHO ARE AT RISK OF ENTERING DETENTION AT AN OLDER
22 AGE IF THEY DO NOT RECEIVE ALTERNATIVE SERVICES AS A PART OF THE
23 PLAN. The state department of human services shall approve the plan. A
24 local juvenile services planning committee may be consolidated with
25 other local advisory boards pursuant to section 24-1.7-103."

26 Renumber succeeding sections accordingly.

27 Page 8, lines 18 and 19, strike "SECTIONS 19-3-102 AND" and substitute
28 "SECTION".

29 Page 13, strike lines 5 and 6, and substitute "**amend** (1)(b)(V) as
30 follows:".

31 Page 13, strike lines 23 through 27.

32 Page 14, strike lines 1 through 16.

33 Renumber succeeding sections accordingly.

34 Page 15, strike lines 7 through 27.

35 Page 16, strike lines 1 through 10.

1 Renumber succeeding sections accordingly.

2 Page 16, after line 10 insert:

3 "SECTION 21. In Colorado Revised Statutes, add 19-3-304.4 as
4 follows:

5 **19-3-304.4. Pre-adolescent services task force - duties - report**
6 **- repeal.** (1) (a) THE DEPARTMENT SHALL CREATE A PRE-ADOLESCENT
7 SERVICES TASK FORCE, REFERRED TO IN THIS SECTION AS THE "TASK
8 FORCE", TO EXAMINE AND MAKE RECOMMENDATIONS CONCERNING THE
9 IDENTIFICATION AND PROVISION OF NECESSARY SERVICES TO JUVENILES
10 WHO ARE TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF
11 AGE, INCLUDING:

12 (I) THE IDENTIFICATION OF THE SERVICES, IF ANY, PREVIOUSLY
13 PROVIDED THROUGH THE JUVENILE JUSTICE SYSTEM TO JUVENILES WHO
14 ARE TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE,
15 BUT ARE NO LONGER AVAILABLE TO JUVENILES WHO ARE TEN YEARS OF
16 AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE BECAUSE THE
17 MINIMUM AGE OF PROSECUTION OF JUVENILES WAS INCREASED;

18 (II) THE IDENTIFICATION OF SERVICES, IF ANY, PREVIOUSLY
19 PROVIDED TO CHILDREN IDENTIFIED AS VICTIMS OF CRIMES COMMITTED BY
20 JUVENILES WHO ARE TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN
21 YEARS OF AGE, BUT ARE NO LONGER AVAILABLE TO CHILDREN IDENTIFIED
22 AS VICTIMS OF CRIMES BECAUSE THE MINIMUM AGE OF PROSECUTION OF
23 JUVENILES WAS INCREASED;

24 (III) HOW ANY OF THE SERVICES IDENTIFIED PURSUANT TO
25 SUBSECTIONS (1)(a)(I) AND (1)(a)(II) OF THIS SECTION MAY BE PROVIDED
26 BY EXISTING AGENCIES OR ORGANIZATIONS OUTSIDE OF THE JUVENILE
27 JUSTICE SYSTEM; AND

28 (IV) HOW EXISTING OR POTENTIAL FUNDING MAY BE UTILIZED TO
29 PROVIDE ANY OF THE SERVICES IDENTIFIED PURSUANT TO SUBSECTIONS
30 (1)(a)(I) AND (1)(a)(II) OF THIS SECTION OUTSIDE OF THE JUVENILE
31 JUSTICE SYSTEM.

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

34 (I) RELEVANT DATA, INCLUDING ANY AVAILABLE DATA
35 DEVELOPED PURSUANT TO SECTION 19-2.5-1404 (3);

36 (II) THE AVAILABILITY OF STATE OR FEDERAL RESOURCES TO
37 ASSIST WITH PROVIDING SERVICES IDENTIFIED PURSUANT TO SUBSECTIONS
38 (1)(a)(I) AND (1)(a)(II) OF THIS SECTION;

39 (III) OPPORTUNITIES TO PROVIDE NECESSARY ASSESSMENTS OR
40 SERVICES TO JUVENILES WHO ARE TEN YEARS OF AGE OR OLDER BUT
41 UNDER THIRTEEN YEARS OF AGE WITHOUT ARREST OR PROSECUTION; AND

1 (IV) OPPORTUNITIES TO UTILIZE AVAILABLE COLLABORATIVE
2 MANAGEMENT PROGRAMS CREATED PURSUANT TO SECTION 24-1.9-102
3 AND ASSESSMENT CENTERS FOR CHILDREN, AS DEFINED IN SECTION
4 19-1-103 (13).

5 (c) (I) THE TASK FORCE SHALL CONVENE ON OR BEFORE JULY 1,
6 2022. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN
7 SERVICES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, SHALL APPOINT THE
8 TASK FORCE MEMBERS, AND SHALL APPOINT PERSONS FROM THROUGHOUT
9 THE STATE, PERSONS WITH A DISABILITY, AND PERSONS WHO REFLECT THE
10 ETHNIC DIVERSITY OF THE STATE. THE TASK FORCE CONSISTS OF:

11 (A) A REPRESENTATIVE OF THE DIVISION OF CRIMINAL JUSTICE OF
12 THE DEPARTMENT OF PUBLIC SAFETY;

13 (B) A REPRESENTATIVE OF A LAW ENFORCEMENT AGENCY;

14 (C) A REPRESENTATIVE WITH EXPERIENCE PROVIDING DIVERSION
15 SERVICES AND SUPERVISION TO JUVENILES;

16 (D) A REPRESENTATIVE WITH EXPERIENCE PROVIDING VICTIM
17 SERVICES TO CHILDREN WHO ARE VICTIMS OF CRIMES;

18 (E) A REPRESENTATIVE WITH EXPERIENCE PROVIDING
19 PROBATIONARY SERVICES AND SUPERVISION TO JUVENILES;

20 (F) A REPRESENTATIVE OF THE OFFICE OF THE CHILD'S
21 REPRESENTATIVE;

22 (G) A REPRESENTATIVE OF THE OFFICE OF RESPONDENT PARENT'S
23 COUNSEL;

24 (H) A REPRESENTATIVE OF THE DIVISION OF CHILD WELFARE;

25 (I) A REPRESENTATIVE OF THE OFFICE OF BEHAVIORAL HEALTH
26 WITH EXPERTISE CONCERNING THE DEVELOPMENT AND OPERATION OF
27 RAPID CRISIS RESPONSE TEAMS;

28 (J) TWO REPRESENTATIVES FROM COUNTY DEPARTMENTS OF
29 HUMAN SERVICES, OF WHOM AT LEAST ONE REPRESENTATIVE IS FROM A
30 RURAL COUNTY DEPARTMENT OF HUMAN SERVICES;

31 (K) TWO REPRESENTATIVES FROM PUBLIC SCHOOLS OR SCHOOL
32 DISTRICTS, OF WHOM AT LEAST ONE REPRESENTATIVE IS FROM A RURAL
33 SCHOOL DISTRICT OR A SMALL RURAL SCHOOL DISTRICT, AS DEFINED IN
34 SECTION 22-7-1211 (4);

35 (L) TWO REPRESENTATIVES FROM LOCAL COLLABORATIVE
36 MANAGEMENT PROGRAMS CREATED PURSUANT TO SECTION 24-1.9-102;

37 (M) TWO REPRESENTATIVES FROM LOCAL JUVENILE SERVICES
38 PLANNING COMMITTEES CREATED PURSUANT TO SECTION 19-2.5-302, OF
39 WHOM AT LEAST ONE REPRESENTATIVE IS FROM A JUDICIAL DISTRICT WITH
40 AN ASSESSMENT CENTER FOR CHILDREN;

41 (N) A REPRESENTATIVE FROM THE RESTORATIVE JUSTICE
42 COORDINATING COUNSEL CREATED PURSUANT TO SECTION 13-3-116;

43 (O) A REPRESENTATIVE WITH EXPERIENCE PROVIDING PEDIATRIC

1 MENTAL AND BEHAVIORAL HEALTH SERVICES;

2 (P) A REPRESENTATIVE WITH EXPERIENCE PROVIDING TREATMENT
3 TO YOUTH WHO HAVE PARTICIPATED IN PROBLEMATIC SEXUAL BEHAVIOR;

4 (Q) A REPRESENTATIVE FROM A STATEWIDE ORGANIZATION THAT
5 ADVOCATES FOR VICTIMS OF SEXUAL ASSAULT;

6 (R) A REPRESENTATIVE FROM A STATEWIDE ORGANIZATION THAT
7 PROVIDES LEGAL SERVICES FOR VICTIMS' RIGHTS;

8 (S) TWO REPRESENTATIVES FROM COMMUNITY ORGANIZATIONS OR
9 NONPROFIT ORGANIZATIONS THAT PROVIDE EVIDENCE-BASED OR
10 PROMISING PRACTICES THAT ARE CULTURALLY-RESPONSIVE AND
11 TRAUMA-INFORMED TO JUVENILES; AND

12 (T) FOUR REPRESENTATIVES WHO EXPERIENCED INCARCERATION,
13 HOMELESSNESS, OR PLACEMENT OUT OF HOME AS A JUVENILE OR WHO ARE
14 THE PARENT OR LEGAL GUARDIAN OF A JUVENILE WHO IS EXPERIENCING OR
15 EXPERIENCED INCARCERATION, HOMELESSNESS, OR PLACEMENT OUT OF
16 HOME AS A JUVENILE.

17 (II) MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT
18 COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

19 (d) THE TASK FORCE SHALL MEET AT LEAST EVERY MONTH FROM
20 JULY THROUGH DECEMBER OF 2022, OR MORE FREQUENTLY AS NEEDED TO
21 PERFORM ITS DUTIES REQUIRED PURSUANT TO SUBSECTIONS (1)(a) AND
22 (1)(e) OF THIS SECTION. THE TASK FORCE MEETING MUST NOT BE HELD
23 UNLESS AT LEAST A MAJORITY OF THE TOTAL NUMBER OF TASK FORCE
24 MEMBERS ARE PARTICIPATING, INCLUDING ONE REPRESENTATIVE
25 PURSUANT TO SUBSECTION (1)(c)(I)(S) OF THIS SECTION AND AT LEAST
26 TWO REPRESENTATIVES PURSUANT TO SUBSECTION (1)(c)(I)(T) OF THIS
27 SECTION.

28 (e) THE TASK FORCE SHALL CREATE A REPORT CONTAINING THE
29 EXAMINATION AND RECOMMENDATIONS MADE BY THE TASK FORCE
30 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION BY DECEMBER 30,
31 2022, AND PROVIDE THAT REPORT TO THE JUDICIARY COMMITTEES OF THE
32 HOUSE OF REPRESENTATIVES AND THE SENATE, AND TO THE PUBLIC AND
33 BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
34 REPRESENTATIVES AND THE HEALTH AND HUMAN SERVICES COMMITTEE OF
35 THE SENATE, OR ANY SUCCESSOR COMMITTEES.

36 (f) AFTER COMPLETING THE REPORT REQUIRED PURSUANT TO
37 SUBSECTION (1)(e) OF THIS SECTION, THE TASK FORCE SHALL MEET AT
38 LEAST EVERY QUARTER IN 2023 TO PROVIDE GUIDANCE AND TECHNICAL
39 ASSISTANCE TO THE DEPARTMENT OF HUMAN SERVICES AND LOCAL
40 JURISDICTIONS WITH ASSISTANCE RELATED TO IMPLEMENTING THE
41 RECOMMENDATIONS, IDENTIFIED PURSUANT TO THE REPORT. THE TASK
42 FORCE MEETING MUST NOT BE HELD UNLESS AT LEAST A MAJORITY OF THE
43 TOTAL NUMBER OF TASK FORCE MEMBERS ARE PARTICIPATING, INCLUDING

1 ONE REPRESENTATIVE PURSUANT TO SUBSECTION (1)(c)(I)(S) OF THIS
2 SECTION AND AT LEAST TWO REPRESENTATIVES PURSUANT TO SUBSECTION
3 (1)(c)(I)(T) OF THIS SECTION.

4 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024."

5 Renumber succeeding sections accordingly.

6 Page 17, after line 24 insert:

7 "SECTION 24. In Colorado Revised Statutes, 24-4.1-102, **amend**
8 (1), (10)(a) introductory portion, (10)(a)(I), (10)(b), and (10)(c); and **add**
9 (3.5) as follows:

10 **24-4.1-102. Definitions.** As used in this part 1, unless the context
11 otherwise requires:

12 (1) "Applicant" means any victim of a compensable crime OR
13 COMPENSABLE ACT who applies to the fund for compensation under this
14 part 1. In the case of such victim's death, the term includes any person
15 who was ~~his~~ THE VICTIM'S dependent at the time of the death of that
16 victim.

17 (3.5) "COMPENSABLE ACT" MEANS AN ACT COMMITTED BY A
18 JUVENILE WHO IS TEN YEARS OF AGE OR OLDER BUT LESS THAN THIRTEEN
19 YEARS OF AGE, AND THAT, IF COMMITTED BY A PERSON WHO IS THIRTEEN
20 YEARS OF AGE OR OLDER, IS PUNISHABLE AS A CRIME IN THIS STATE THAT
21 IS AN INTENTIONAL, KNOWING, RECKLESS, OR NEGLIGENT ACT, INCLUDING:

22 (a) AN ACT IN VIOLATION OF SECTION 42-4-1301 (1) OR (2) THAT
23 RESULTS IN RESIDENTIAL PROPERTY DAMAGE TO OR BODILY INJURY OR
24 DEATH OF ANOTHER PERSON OR RESULTS IN LOSS OF OR DAMAGE TO
25 EYEGASSES, DENTURES, HEARING AIDS, OR OTHER PROSTHETIC OR
26 MEDICALLY NECESSARY DEVICES;

27 (b) AN ACT IN VIOLATION OF SECTION 42-4-1402 THAT RESULTS IN
28 THE DEATH OR BODILY INJURY OF ANOTHER PERSON OR IN VIOLATION OF
29 SECTION 42-4-1601 IN WHICH THE ACCIDENT RESULTS IN THE DEATH OR
30 BODILY INJURY OF ANOTHER PERSON; OR

31 (c) A FEDERAL OFFENSE THAT IS COMPARABLE TO THOSE SPECIFIED
32 IN THIS SUBSECTION (3.5) AND IS COMMITTED IN THIS STATE.

33 (10) (a) "Victim" means any of the following persons who suffer
34 property damage, economic loss, injury, or death as a result of a
35 compensable crime OR COMPENSABLE ACT perpetrated or attempted in
36 whole or in part in this state:

37 (I) Any person against whom a compensable crime OR
38 COMPENSABLE ACT is perpetrated or attempted. Such person shall be
39 referred to as a "primary victim".

40 (b) "Victim" also means a person who suffers injury or death, the

1 proximate cause of which is a compensable crime OR COMPENSABLE ACT
2 perpetrated or attempted in the person's presence against a primary victim.

3 (c) "Victim" also means a person who is a resident of this state
4 and who is a victim of a crime that occurred outside of this state, where
5 the crime would be a compensable crime OR COMPENSABLE ACT had it
6 occurred in this state and where the state or country in which the crime
7 occurred does not have a crime victim compensation program for which
8 the person would be eligible.

9 **SECTION 25.** In Colorado Revised Statutes, 24-4.1-105, **amend**
10 (2)(b) as follows:

11 **24-4.1-105. Application for compensation.** (2) (b) In order to
12 be eligible for compensation for property damage under this part 1, the
13 applicant shall submit a report or case number, if reasonably available,
14 from a law enforcement agency, which shall set forth the nature of the
15 property damage ~~which~~ THAT is the result of a compensable crime OR
16 COMPENSABLE ACT.

17 **SECTION 26.** In Colorado Revised Statutes, 24-4.1-108, **amend**
18 (1)(a) and (1.5)(a) as follows:

19 **24-4.1-108. Awarding compensation.** (1) A person is entitled to
20 an award of compensation under this part 1 if:

21 (a) The person is a victim or a dependent of a victim or a
22 successor in interest under the "Colorado Probate Code" of a victim of a
23 compensable crime ~~which was~~ perpetrated on or after July 1, 1982, OR A
24 COMPENSABLE ACT PERPETRATED ON OR AFTER JULY 1, 2023, and ~~which~~
25 THE COMPENSABLE CRIME OR COMPENSABLE ACT resulted in a loss;

26 (1.5) A person is entitled to an award of compensation for
27 property damage under this part 1 if:

28 (a) The person is a victim of a compensable crime ~~which was~~
29 perpetrated on or after July 1, 1983, OR A COMPENSABLE ACT
30 PERPETRATED ON OR AFTER JULY 1, 2023, and ~~which~~ THE COMPENSABLE
31 CRIME OR COMPENSABLE ACT resulted in property damage;

32 **SECTION 27.** In Colorado Revised Statutes, 24-4.1-109, **amend**
33 (1.5)(a)(I)(A) as follows:

34 **24-4.1-109. Losses compensable.** (1.5) (a) Losses compensable
35 under this part 1 resulting from property damage include:

36 (I) (A) Repair or replacement of property damaged as a result of
37 a compensable crime OR COMPENSABLE ACT; or

38 **SECTION 28.** In Colorado Revised Statutes, 24-4.1-117, **amend**
39 (2) as follows:

40 **24-4.1-117. Fund created - control of fund.** (2) The fund
41 consists of all money paid as a cost or surcharge levied on criminal
42 actions, as provided in section 24-4.1-119; any federal money available
43 to state or local governments for victim compensation; all money received

1 from any action or suit to recover damages from an assailant for a
2 compensable crime ~~which~~ OR COMPENSABLE ACT THAT was the basis for
3 an award of, and limited to, compensation received under this part 1; any
4 restitution paid by an assailant to a victim for damages for a compensable
5 crime ~~which~~ OR COMPENSABLE ACT THAT was the basis for an award
6 received under this part 1 and for damages for which the victim has
7 received an award of, and limited to, compensation received under this
8 part 1; money transferred from the marijuana tax cash fund pursuant to
9 section 39-28.8-501 (4.9)(b); and any other money that the general
10 assembly may appropriate or transfer to the fund."

11 Page 17, strike lines 25 through 27.

12 Page 18, strike lines 1 through 9 and substitute:

13 **"SECTION 29. Effective date - applicability.** This act takes
14 effect January 1, 2024, and applies to offenses committed on or after said
15 date and to sentences ordered on or after said date; except that section 23,
16 this section 26, and section 27 of this act take effect upon passage.

17 **SECTION 30. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety."

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