

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0416.01 Jerry Barry x4341

SENATE BILL 19-108

SENATE SPONSORSHIP

Lee and Gardner,

HOUSE SPONSORSHIP

Michaelson Jenet and Soper,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING CHANGES TO IMPROVE OUTCOMES FOR YOUTH IN THE**
102 **JUVENILE JUSTICE SYSTEM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill establishes a committee on juvenile justice reform (committee) in the governor's office and establishes its membership. The bill specifies duties of the committee including:

! Adopting a validated risk and needs assessment tool to be

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- used by juvenile courts, the division of youth services (DYS), juvenile probation, and the parole department;
- ! Selecting a mental health screening tool for juvenile offenders;
 - ! Selecting a validated risk screening tool to be used by district attorneys in determining a juvenile's eligibility for diversion;
 - ! Selecting a vendor to assist in the implementation of and provide training on the tools; and
 - ! Developing plans for measuring the effectiveness of the tools.

Under current law, there is a working group under DYS on detention of juvenile offenders and alternative services to detention. The bill adds to the working group's duties that it must:

- ! Adopt a research-based detention screening instrument, develop a plan for training on the new instrument, and submit a report on the use of the new instrument;
- ! Establish criteria for the alternative services and report on the effectiveness of the alternative services; and
- ! Adopt a form affidavit for parents and guardians to complete.

The bill requires district attorney's offices to use the risk screening tools and the results of the tools in determining a juvenile's eligibility for diversion and need for services. It specifies grounds that may not be used to deny diversion and directs the division of criminal justice to collect data and report on juvenile diversion programs.

The bill restricts removing a juvenile from the custody of a parent, unless the detention screening is conducted and specified findings are made, and directs that unless physical restriction is required, custody of the juvenile is given to kin or another person. It limits which juveniles may be placed in detention. In releasing a juvenile from detention, the bill requires the juvenile court to use the detention screening instrument.

For juvenile probation, the bill requires the state court administrator to:

- ! Develop a statewide system of graduated responses and incentives to change a juvenile's behavior and address violations; and
- ! Develop statewide standards for juvenile probation supervision and services and provide annual training on the standards.

The bill makes conforming amendments.

1 ADMINISTRATOR'S DESIGNEE; AND
2 (VIII) FOURTEEN PERSONS APPOINTED BY THE GOVERNOR AS
3 FOLLOWS:
4 (A) TWO DISTRICT ATTORNEYS;
5 (B) TWO ATTORNEYS WHO REGULARLY REPRESENT JUVENILES IN
6 JUVENILE COURT MATTERS;
7 (C) THREE PERSONS WHO OVERSEE JUVENILE PROBATION;
8 (D) TWO PERSONS WHO OVERSEE LOCAL JUVENILE DIVERSION
9 PROGRAMS;
10 (E) A REPRESENTATIVE OF THE OFFICE OF THE CHILD'S
11 REPRESENTATIVE CREATED IN SECTION 13-91-104;
12 (F) A JUVENILE MENTAL HEALTH PROFESSIONAL;
13 (G) TWO PERSONS WHO ARE REPRESENTATIVES OF A NONPROFIT
14 ORGANIZATION THAT PROVIDES PROGRAMS TO PREVENT OR ADDRESS
15 JUVENILE DELINQUENCY; AND
16 (H) ONE AT-LARGE PERSON.
17 (b) IN MAKING THE APPOINTMENTS, THE CHIEF JUSTICE AND THE
18 GOVERNOR ARE ENCOURAGED TO LOOK AT THE GEOGRAPHIC DIVERSITY OF
19 MEMBERS OF THE COMMITTEE.
20 (3) THE COMMITTEE SHALL SELECT A CHAIR AND A VICE-CHAIR.
21 (4) THE INITIAL COMMITTEE APPOINTMENTS AND DESIGNATIONS
22 MUST BE MADE BY AUGUST 31, 2019. THE INITIAL MEETING OF THE
23 COMMITTEE MUST BE ON OR BEFORE OCTOBER 30, 2019, AND THE
24 COMMITTEE MUST MEET AT LEAST QUARTERLY THEREAFTER, UPON NOTICE
25 BY THE CHAIR. THE COMMITTEE SHALL MEET AS OFTEN AS NECESSARY TO
26 CARRY OUT ITS DUTIES AS DESCRIBED IN THIS PART 6. A MAJORITY OF THE
27 MEMBERS OF THE COMMITTEE CONSTITUTES A QUORUM FOR THE

1 TRANSACTION OF BUSINESS, AND A MAJORITY OF A QUORUM PRESENT AT
2 ANY MEETING IS SUFFICIENT FOR ANY OFFICIAL ACTION TAKEN BY THE
3 COMMITTEE.

4 (5) THE COMMITTEE MAY ESTABLISH SUBCOMMITTEES TO ASSIST
5 IN ITS WORK.

6 **24-20-602. Juvenile justice reform committee - duties.** (1) THE
7 COMMITTEE HAS THE FOLLOWING DUTIES:

8 (a) (I) ADOPT A VALIDATED RISK AND NEEDS ASSESSMENT TOOL OR
9 TOOLS TO BE USED STATEWIDE THAT USES AN ACCEPTED STANDARD OF
10 ASSESSMENT TO ASSIST:

11 (A) JUVENILE COURTS IN DETERMINING THE ACTIONS TO TAKE FOR
12 EACH JUVENILE SUBJECT TO THE JURISDICTION OF THE JUVENILE COURT;

13 (B) THE DIVISION OF YOUTH SERVICES IN DEVELOPMENT OF CASE
14 AND REENTRY PLANS AND THE DETERMINATION OF SUPERVISION LEVELS
15 FOR JUVENILES COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES;
16 AND

17 (C) JUVENILE PROBATION DEPARTMENTS IN THE DEVELOPMENT OF
18 CASE PLANS AND THE DETERMINATION OF SUPERVISION LEVELS FOR
19 JUVENILES PLACED ON PROBATION.

20 (II) IN ADOPTING THE VALIDATED RISK AND NEEDS ASSESSMENT
21 PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION, THE COMMITTEE
22 SHALL CONSULT WITH EXPERT ORGANIZATIONS AND REVIEW RESEARCH
23 AND BEST PRACTICES FROM OTHER JURISDICTIONS. ON OR BEFORE
24 JANUARY 1, 2021, THE COMMITTEE SHALL:

25 (A) SELECT A VALIDATED RISK AND NEEDS ASSESSMENT TOOL OR
26 TOOLS;

27 (B) DETERMINE THE POPULATION OF JUVENILES FOR WHICH THE

1 VALIDATED RISK AND NEEDS ASSESSMENT MUST BE CONDUCTED;

2 (C) DETERMINE THE TIME FRAME PRIOR TO DISPOSITION AND AT
3 REGULAR INTERVALS THEREAFTER THAT THE VALIDATED RISK AND NEEDS
4 ASSESSMENT MUST BE CONDUCTED TO DETERMINE RISK LEVELS AND TO
5 IDENTIFY INTERVENTION NEEDS AND WHO IS RESPONSIBLE FOR
6 CONDUCTING THE ASSESSMENT;

7 (D) ESTABLISH POLICIES FOR HOW THE RESULTS OF THE
8 VALIDATED RISK AND NEEDS ASSESSMENTS ARE COMPILED AND HOW THE
9 RESULTS ARE SHARED AND WITH WHICH PARTIES THEY ARE SHARED;

10 (E) ESTABLISH POLICIES FOR THE UTILIZATION OF THE VALIDATED
11 RISK AND NEEDS ASSESSMENT TOOL, INCLUDING POLICIES TO OBJECTIVELY
12 GUIDE SUPERVISION LEVELS AND THE LENGTH OF TIME ON SUPERVISION,
13 DEVELOP INDIVIDUALIZED CONDITIONS OF JUVENILE PROBATION, AND
14 DEVELOP CASE PLANS FOR EACH JUVENILE COMMITTED TO THE
15 DEPARTMENT OF HUMAN SERVICES OR PLACED ON JUVENILE PROBATION;

16 (F) DEVELOP A PLAN TO CONDUCT A VALIDATION STUDY OF THE
17 VALIDATED RISK AND NEEDS ASSESSMENT TOOL OR TOOLS ON THE
18 JUVENILES WHO ARE ADMINISTERED EACH TOOL; AND

19 (G) DEVELOP A PLAN TO COLLECT AND REPORT DATA ANNUALLY
20 ON THE RESULTS OF THE VALIDATED RISK AND NEEDS ASSESSMENTS AND
21 THE CORRESPONDING SUPERVISION, SENTENCES, AND SERVICE MATCHING
22 DECISIONS TO THE GENERAL ASSEMBLY.

23 (b) SELECT A VALIDATED MENTAL HEALTH SCREENING TOOL OR
24 TOOLS THAT USE AN ACCEPTED STANDARD OF PRACTICE TO INFORM THE
25 APPROPRIATE ACTIONS TO TAKE FOR EACH JUVENILE PRIOR TO
26 DISPOSITION. THE COMMITTEE SHALL ALSO:

27 (I) DETERMINE THE TIME FRAME FOR WHEN A VALIDATED MENTAL

1 HEALTH SCREENING MUST BE CONDUCTED AND WHO IS RESPONSIBLE FOR
2 CONDUCTING THE SCREENING;

3 (II) ESTABLISH POLICIES FOR HOW THE RESULTS OF THE VALIDATED
4 MENTAL HEALTH SCREENINGS ARE COMPILED; HOW THE RESULTS ARE
5 SHARED AND WITH WHICH PARTIES; AND HOW THE RESULTS ARE
6 PROTECTED FROM FURTHER DISCLOSURE; AND

7 (III) ESTABLISH POLICIES FOR THE UTILIZATION OF THE MENTAL
8 HEALTH SCREENING TOOL TO OBJECTIVELY INFORM JUVENILE COURT
9 DECISIONS AND ESTABLISH A PROCESS TO REFER JUVENILES FOR A FULL
10 MENTAL HEALTH ASSESSMENT IF WARRANTED.

11 (c) SELECT A VALIDATED RISK SCREENING TOOL TO BE USED
12 STATEWIDE TO INFORM DISTRICT ATTORNEY DECISIONS ON A JUVENILE'S
13 ELIGIBILITY FOR DIVERSION. THE VALIDATED RISK SCREENING TOOL MUST
14 BE IMPLEMENTED PURSUANT TO SECTION 19-2-303.

15 (d) BY JULY 1, 2020, SELECT A QUALIFIED VENDOR OR NATIONAL
16 PROVIDER OF RISK ASSESSMENT TECHNICAL ASSISTANCE TO ASSIST THE
17 DEPARTMENT OF HUMAN SERVICES, JUVENILE PROBATION, AND THE
18 JUVENILE COURT WITH THE ADOPTION AND IMPLEMENTATION OF THE
19 VALIDATED RISK AND NEEDS ASSESSMENT TOOL AND VALIDATED MENTAL
20 HEALTH SCREENING TOOL AND ASSIST JUVENILE DIVERSION PROGRAMS
21 AND DISTRICT ATTORNEY'S OFFICES WITH THE ADOPTION AND
22 IMPLEMENTATION OF A VALIDATED RISK SCREENING TOOL. THE
23 ASSISTANCE MUST INCLUDE, WITHOUT LIMITATION, AN IMPLEMENTATION
24 PLAN, EMPLOYEE TRAINING, POLICY DEVELOPMENT, AND THE
25 ESTABLISHMENT OF QUALITY ASSURANCE AND DATA COLLECTION
26 PROTOCOLS.

27 (e) IDENTIFY SHARED OUTCOME MEASURES THAT ALL SERVICE

1 PROVIDERS RECEIVING STATE FUNDS AND SERVING JUVENILES PLACED ON
2 PROBATION AND PAROLE MUST TRACK AND REPORT. THE COMMITTEE
3 SHALL ALSO:

4 (I) DEVELOP A PLAN FOR HOW THE DEPARTMENT OF HUMAN
5 SERVICES AND THE JUDICIAL DEPARTMENT SHALL COLLECT THIS DATA AS
6 PART OF THE CONTRACTING REQUIREMENTS AND BUILD THE CAPACITY OF
7 SERVICE PROVIDERS TO TRACK AND REPORT ON THESE OUTCOME
8 MEASURES;

9 (II) ESTABLISH POLICIES FOR EVALUATING THE EFFECTIVENESS OF
10 SERVICE PROVIDERS, INCLUDING TIME FRAMES AND WHO IS RESPONSIBLE
11 FOR CONDUCTING THE EVALUATIONS; AND

12 (III) DEVELOP A CONSOLIDATED REPORT ON THE OUTCOME
13 MEASURES FROM THE DEPARTMENT OF HUMAN SERVICES AND THE
14 JUDICIAL DEPARTMENT THAT MUST BE MADE AVAILABLE ANNUALLY TO
15 THE GOVERNOR, THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT,
16 AND THE JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE OF
17 REPRESENTATIVES, THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE
18 SENATE, AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES
19 COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR
20 COMMITTEES. NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136
21 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT TO THE COMMITTEES
22 CONTINUES INDEFINITELY.

23 (f) IDENTIFY SHARED OUTCOME MEASURES FOR DIVERSION,
24 JUVENILE PROBATION, AND THE DIVISION OF YOUTH SERVICES, INCLUDING
25 A COMMON DEFINITION OF RECIDIVISM.

26 (2) THE COMMITTEE SHALL RECOMMEND CHANGES TO STATUTES,
27 RULES, OR STANDARDS THAT NEED TO BE MADE TO FULLY IMPLEMENT THE

1 COMMITTEE'S RECOMMENDATIONS.

2 **SECTION 2.** In Colorado Revised Statutes, 19-1-103, **amend**
3 (44); and **add** (45.5) as follows:

4 **19-1-103. Definitions.** As used in this title 19 or in the specified
5 portion of this title 19, unless the context otherwise requires:

6 (44) (a) "Diversion" means a decision made by a person with
7 authority or a delegate of that person that results in specific official action
8 of the legal system not being taken in regard to a specific juvenile or child
9 and in lieu thereof providing OR REFERRING THE JUVENILE OR CHILD TO
10 individually designed services, ~~by a specific program.~~ IF NECESSARY,
11 PROVIDED BY THE JUVENILE JUSTICE OR ANOTHER SERVICE SYSTEM OR
12 COMMUNITY-BASED ORGANIZATION. The goal of diversion is to prevent
13 further involvement of the juvenile or child in the formal legal system.

14 (b) Diversion of a juvenile or child may take place either at the
15 prefiling level as an alternative to the filing of a petition pursuant to
16 section 19-2-512 or ~~at the postadjudication level as an adjunct to~~
17 ~~probation services following an adjudicatory hearing pursuant to section~~
18 ~~19-3-505 or a disposition as a part of sentencing pursuant to section~~
19 ~~19-2-907. "Services", as used in this subsection (44), includes but is not~~
20 ~~limited to diagnostic needs assessment, restitution programs, community~~
21 ~~service, job training and placement, specialized tutoring, constructive~~
22 ~~recreational activities, general counseling and counseling during a crisis~~
23 ~~situation, and follow-up activities~~ POSTFILING AS AN ALTERNATIVE TO
24 ADJUDICATION. Services may include restorative justice practices as
25 defined in section 18-1-901 (3)(o.5) ~~C.R.S.~~, and as deemed suitable by ~~the~~
26 probation ~~department~~ or a designated restorative justice practices
27 facilitator. Restorative justice practices ~~shall~~ MUST be conducted by

1 facilitators recommended by the district attorney.

2 (45.5) "EMERGENCY SHELTER" MEANS THE TEMPORARY
3 PLACEMENT OF A CHILD WITH KIN; WITH AN ADULT WITH A SIGNIFICANT
4 RELATIONSHIP WITH THE CHILD; OR IN A LICENSED OR CERTIFIED
5 TWENTY-FOUR-HOUR, NONSECURE, CARE AND TREATMENT FACILITY WHEN
6 A CHILD IS SERIOUSLY ENDANGERED IN SUCH CHILD'S SURROUNDINGS OR
7 THE CHILD SERIOUSLY ENDANGERS OTHERS IN THOSE SURROUNDINGS.

8 **SECTION 3.** In Colorado Revised Statutes, 19-2-210, **amend**
9 (3)(b) as follows:

10 **19-2-210. Juvenile community review board.** (3) (b) The board
11 shall review the case file of the juvenile and make a decision regarding
12 residential community placement, taking into consideration the results of
13 ~~the objective~~ A VALIDATED RISK AND NEEDS ASSESSMENT ADOPTED
14 PURSUANT TO SECTION 24-20-602 (1) by the department of human
15 services, ~~the needs of the juvenile,~~ and the criteria established by the
16 juvenile community review board based on the interests of the
17 community, ~~Objective risk criteria shall be established and maintained~~
18 AND GUIDANCE ESTABLISHED by the department of human services ~~and~~
19 ~~shall~~ IN CONSULTATION WITH THE JUVENILE JUSTICE REFORM COMMITTEE
20 ESTABLISHED PURSUANT TO SECTION 24-20-601. THE CRITERIA MUST be
21 based upon researched factors that have been demonstrated to be
22 correlative to risk to the community.

23 **SECTION 4.** In Colorado Revised Statutes, **add** 19-2-211.5 as
24 follows:

25 **19-2-211.5. Legislative declaration.** THE GENERAL ASSEMBLY
26 DECLARES THAT THE PLACEMENT OF CHILDREN IN A DETENTION FACILITY
27 EXACTS A NEGATIVE IMPACT ON THE MENTAL AND PHYSICAL WELL-BEING

1 OF THE CHILD AND SUCH DETENTION MAY MAKE IT MORE LIKELY THAT THE
2 CHILD WILL REOFFEND. CHILDREN WHO ARE DETAINED ARE MORE LIKELY
3 TO PENETRATE DEEPER INTO THE JUVENILE JUSTICE SYSTEM THAN SIMILAR
4 CHILDREN WHO ARE NOT DETAINED, AND COMMUNITY-BASED
5 ALTERNATIVES TO DETENTION SHOULD BE BASED ON THE PRINCIPLE OF
6 USING THE LEAST-RESTRICTIVE SETTING POSSIBLE AND RETURNING A
7 CHILD TO HIS OR HER HOME WHENEVER POSSIBLE CONSISTENT WITH PUBLIC
8 SAFETY. IT IS THE INTENT OF THE GENERAL ASSEMBLY IN AMENDING
9 SECTIONS 19-2-212 AND 19-2-508 TO LIMIT THE USE OF DETENTION TO
10 ONLY THOSE CHILDREN WHO POSE A SUBSTANTIAL RISK OF SERIOUS HARM
11 TO OTHERS OR THAT ARE A FLIGHT RISK FROM PROSECUTION.

12 **SECTION 5.** In Colorado Revised Statutes, **amend** 19-2-212 as
13 follows:

14 **19-2-212. Working group for criteria for placement of juvenile**
15 **offenders - establishment of formula - review of criteria - report.**

16 (1) The executive director of the department of human services and the
17 state court administrator of the judicial department, or any designees of
18 such persons, in consultation with the division of criminal justice of the
19 department of public safety, the office of state planning and budgeting,
20 the Colorado district attorneys council, law enforcement representatives,
21 DEFENSE COUNSEL, JUVENILE PROBATION REPRESENTATIVES, JUVENILE
22 COURT JUDGES, and representatives of local and county governments,
23 INCLUDING COUNTY DEPARTMENTS OF HUMAN OR SOCIAL SERVICES, shall
24 form a working group that shall carry out the following duties:

25 (a) To establish a set of criteria for both detention and
26 commitment for the purposes of determining which juvenile offenders are
27 appropriate for placement in the physical or legal custody of the

1 department of human services. Such criteria ~~shall~~ MUST conform with
2 section 19-2-508. This set of criteria, when adopted by the department of
3 human services and the judicial department, ~~shall be used to~~ MUST
4 promote a more uniform system of determining which juveniles should
5 be placed in the physical custody of the department of human services or
6 in the legal custody of the department of human services so that decisions
7 for such placement of a juvenile are made based upon a uniform set of
8 criteria throughout the state. ~~In developing such set of criteria, the~~
9 ~~working group shall utilize any existing risk scale devised by the~~
10 ~~department of human services or any other measures to determine when~~
11 ~~it is appropriate to place a juvenile in the physical custody of the~~
12 ~~department of human services or in the legal custody of the department~~
13 ~~of human services.~~ In addition, the criteria shall specifically take into
14 account the educational needs of the juvenile and ensure the juvenile's
15 access to appropriate educational services. The working group established
16 pursuant to this subsection (1) shall hold a meeting AT LEAST once each
17 year AND AS NECESSARY to review and propose revision to the criteria
18 established pursuant to this ~~paragraph (a)~~ SUBSECTION (1) and the formula
19 created pursuant to ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(e)
20 OF THIS SECTION.

21 (b) BEFORE JANUARY 1, 2021, TO DEVELOP OR ADOPT A
22 RESEARCH-BASED DETENTION SCREENING INSTRUMENT TO BE USED
23 STATEWIDE TO INFORM PLACEMENT OF JUVENILES IN A DETENTION
24 FACILITY. IN DEVELOPING OR ADOPTING THE DETENTION SCREENING
25 INSTRUMENT, THE WORKING GROUP SHALL CONSULT WITH EXPERT
26 ORGANIZATIONS AND REVIEW RESEARCH AND BEST PRACTICES FROM
27 OTHER JURISDICTIONS. THE WORKING GROUP IS ALSO RESPONSIBLE FOR:

1 (I) ENSURING THAT THE INSTRUMENT IDENTIFIES AND MITIGATES
2 ANY DISPARATE IMPACTS BASED ON RACE OR ETHNICITY, GENDER, SEXUAL
3 ORIENTATION, NATIONAL ORIGIN, ECONOMIC STATUS, OR CHILD WELFARE
4 INVOLVEMENT;

5 (II) IDENTIFYING MEASURES AND SCORING FOR THE DETENTION
6 SCREENING INSTRUMENT TO DETERMINE ELIGIBILITY FOR PLACEMENT IN
7 A JUVENILE DETENTION FACILITY;

8 (III) IDENTIFYING HOW THE INSTRUMENT IS VALIDATED AND
9 PILOTED; AND

10 (IV) ESTABLISHING STATEWIDE SCORING OVERRIDE POLICIES THAT
11 MINIMIZE SUBJECTIVE DECISIONS TO HOLD A JUVENILE IN A DETENTION
12 FACILITY, WHILE ALLOWING FOR LOCAL FLEXIBILITY.

13 (c) TO DEVELOP A PLAN TO PROVIDE TRAINING AND TECHNICAL
14 ASSISTANCE TO SCREENING TEAMS ON THE IMPLEMENTATION OF THE
15 DETENTION SCREENING INSTRUMENT, INCLUDING AT LEAST ANNUAL
16 REFRESHER TRAINING;

17 (d) TO DEVELOP A PLAN FOR THE DIVISION OF YOUTH SERVICES TO
18 COLLECT, COMPILE, AND REPORT TO THE JUDICIARY COMMITTEES OF THE
19 SENATE AND THE HOUSE OF REPRESENTATIVES, THE HEALTH AND HUMAN
20 SERVICES COMMITTEE OF THE SENATE, AND THE PUBLIC HEALTH CARE AND
21 HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR
22 ANY SUCCESSOR COMMITTEES, ANNUALLY ON THE USE OF SECURE
23 DETENTION; NUMBER AND JUSTIFICATION OF OVERRIDES OF THE
24 DETENTION SCREENING INSTRUMENT; AND, IF POSSIBLE, AN ANALYSIS OF
25 DETENTION SCREENING INSTRUMENT DATA TO DETERMINE IF ANY
26 DISPARATE IMPACTS RESULTED BASED ON RACE, ETHNICITY, GENDER,
27 SEXUAL ORIENTATION, NATIONAL ORIGIN, ECONOMIC STATUS, OR CHILD

1 WELFARE INVOLVEMENT. NOTWITHSTANDING THE PROVISIONS OF SECTION
2 24-1-136 (11)(a)(I), THIS REPORTING REQUIREMENT CONTINUES
3 INDEFINITELY.

4 ~~(b)~~ (e) To establish a formula for the purpose of allocating funds
5 by each judicial district in the state of Colorado for alternative services to
6 placing juveniles in the physical custody of the department of human
7 services or in the legal custody of the department of human services. Such
8 allocation ~~shall~~ MUST take into consideration such factors as the
9 population of the judicial district, the incidence of offenses committed by
10 juveniles in such judicial district, and ~~such~~ other factors as deemed
11 appropriate. The working group shall consider and take into account
12 whether any federal ~~moneys~~ MONEY or matching funds are available to
13 cover the costs of juveniles within the system, including parent fees and
14 third-party reimbursement as authorized by law or reimbursements under
15 Title IV-E of the federal "Social Security Act", as amended.

16 (f) TO ESTABLISH CRITERIA FOR JUVENILES SERVED THROUGH
17 ALTERNATIVE SERVICES FUNDED PURSUANT TO SUBSECTION (1)(e) OF THIS
18 SECTION. SUCH CRITERIA MUST PRIORITIZE:

19 (I) PREADJUDICATED JUVENILES ELIGIBLE FOR PLACEMENT IN A
20 DETENTION FACILITY AS DETERMINED BY RESULTS FROM A DETENTION
21 SCREENING INSTRUMENT;

22 (II) JUVENILES WHO ARE IN SECURE DETENTION; AND

23 (III) JUVENILES UNDER THE SUPERVISION OF PROBATION WHEN THE
24 RESULTS OF A DETENTION SCREENING INSTRUMENT INDICATE THAT THE
25 JUVENILE POSES A SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS.

26 (g) AT LEAST EVERY TWO YEARS, TO REVIEW DATA COLLECTED BY
27 THE DIVISION OF YOUTH SERVICES ON THE USE OF FUNDING PURSUANT TO

1 SUBSECTION (1)(e) OF THIS SECTION AND ITS IMPACT ON THE USE OF
2 JUVENILE DETENTION. THE WORKING GROUP SHALL IDENTIFY THE
3 MEASURES THAT IT WILL COLLECT AS PART OF ITS REVIEW OF THE IMPACT
4 OF PREADJUDICATED FUNDING ON DETENTION PURSUANT TO THIS SECTION.

5 (h) TO ADOPT A RELATIVE FORM AFFIDAVIT CONCERNING A
6 JUVENILE'S POTENTIAL NEED FOR SERVICES OR PLACEMENT. THE FORM
7 AFFIDAVIT MUST BE AVAILABLE AT EACH JUDICIAL DISTRICT TO EACH
8 PARENT OR LEGAL GUARDIAN OF A JUVENILE SCREENED FOR DETENTION
9 AND PARTICIPATION IN ALTERNATIVE SERVICES. THE FORM AFFIDAVIT
10 MUST:

11 (I) ADVISE THE PARENT OR LEGAL GUARDIAN THAT HE OR SHE IS
12 REQUIRED TO PROVIDE THE REQUESTED INFORMATION FULLY AND
13 COMPLETELY UNDER PENALTY OF PERJURY; AND

14 (II) REQUIRE THE PARENT OR LEGAL GUARDIAN TO LIST THE
15 NAMES, ADDRESSES, E-MAIL ADDRESSES, AND TELEPHONE NUMBERS OF
16 EVERY GRANDPARENT, RELATIVE, KIN, AND PERSON WITH A SIGNIFICANT
17 RELATIONSHIP WITH THE JUVENILE AND ANY COMMENTS CONCERNING THE
18 APPROPRIATENESS OF THE JUVENILE'S POTENTIAL NEED FOR SERVICES
19 FROM OR PLACEMENT WITH THOSE PERSONS.

20 (2) Of the members of the working group established pursuant to
21 subsection (1) of this section, the executive director of the department of
22 human services and the state court administrator of the judicial
23 department, or any designees of such persons, shall have final authority
24 to carry out the duty of creating the set of criteria pursuant to ~~paragraph~~
25 ~~(a) of subsection (1)~~ SUBSECTIONS (1)(a) TO (1)(d) of this section and
26 creating the formula pursuant to ~~paragraph (b) of subsection (1)~~
27 SUBSECTIONS (1)(e) TO (1)(g) of this section. This authority shall CAN

1 ONLY be exercised after working with and participating in the working
2 group process established in this section.

3 **SECTION 6.** In Colorado Revised Statutes, 19-2-302, **amend** (1),
4 (3), and (4) as follows:

5 **19-2-302. Preadjudication service program creation -**
6 **community advisory board established - duties of board.** (1) (a) The
7 chief judge of any judicial district may issue an order that any juvenile
8 who applies for preadjudication release be evaluated for placement by a
9 preadjudication service program established pursuant to this section. In
10 evaluating the juvenile, the service agency shall follow criteria for the
11 placement of a juvenile established pursuant to section 19-2-212. Upon
12 evaluation, the service agency shall make a recommendation to the court
13 concerning placement of the juvenile with a preadjudication service
14 program.

15 (b) PARENTS AND LEGAL GUARDIANS OF A JUVENILE EVALUATED
16 BY A PREADJUDICATION SERVICE PROGRAM SHALL COMPLETE THE
17 AFFIDAVIT DESCRIBED IN SECTION 19-2-212 (1)(h) NO LATER THAN TWO
18 BUSINESS DAYS AFTER THE EVALUATION OR PRIOR TO THE JUVENILE'S
19 FIRST DETENTION HEARING, WHICHEVER OCCURS FIRST.

20 (3) The local justice plan ~~shall~~ MUST provide for the assessment
21 of juveniles taken into custody and detained by law enforcement officers,
22 which assessment ~~shall~~ MUST be based on criteria for the placement of
23 juveniles established pursuant to section 19-2-212, so that relevant
24 information may be presented to the judge presiding over the detention
25 hearing. The information provided to the court through the screening
26 process, which information ~~shall~~ MUST include the record of any prior
27 adjudication of the juvenile, is intended to enhance the court's ability to

1 make a more appropriate detention and bond decision, based on facts
2 relative to the juvenile's ~~welfare or the juvenile's risk of danger to the~~
3 ~~community~~ SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS.

4 (4) The plan may include different methods and levels of
5 community-based supervision as conditions for preadjudication release,
6 INCLUDING THE POSSIBILITY OF RELEASE WITHOUT SUPERVISION. The plan
7 may provide for the use of the same supervision methods that have been
8 established for adult defendants as a pretrial release method to reduce
9 pretrial incarceration or that have been established as sentencing
10 alternatives for juvenile or adult offenders placed on probation or parole.
11 The use of such supervision methods is intended to reduce
12 preadjudication detentions without sacrificing the protection of the
13 community from juveniles who may be risks to the public. The plan may
14 ALLOW FOR THE RELEASE OF THE JUVENILE TO HIS OR HER HOME WITH NO
15 SUPERVISION OR provide for the use of any of the following supervision
16 methods as conditions of preadjudication release:

- 17 (a) Periodic telephone communications with the juvenile;
- 18 (b) Periodic office visits by the juvenile to the preadjudication
19 service agency;
- 20 (c) Periodic home visits to the juvenile's home;
- 21 (d) IF A VALIDATED MENTAL HEALTH OR SUBSTANCE USE
22 SCREENING AND SUBSEQUENT MENTAL HEALTH OR SUBSTANCE USE
23 ASSESSMENT INDICATES THAT THE JUVENILE HAS A NEED:
- 24 (I) Periodic drug testing of the juvenile; OR
- 25 (II) MENTAL HEALTH OR SUBSTANCE USE TREATMENT FOR THE
26 JUVENILE, WHICH TREATMENT MAY INCLUDE RESIDENTIAL TREATMENT;
- 27 (e) Periodic visits to the juvenile's school;

1 ~~(f) Mental health or substance abuse treatment for the juvenile,~~
2 ~~which treatment may include residential treatment;~~

3 ~~(g)~~ (f) Domestic violence or child abuse counseling for the
4 juvenile, if applicable;

5 ~~(h)~~ (g) Electronic or global position monitoring of the juvenile;

6 ~~(i)~~ (h) Work release for the juvenile, if school attendance is not
7 applicable or appropriate under the circumstances; or

8 ~~(j)~~ (i) Juvenile day reporting and day treatment programs.

9 **SECTION 7.** In Colorado Revised Statutes, **amend** 19-2-303 as
10 follows:

11 **19-2-303. Juvenile diversion program - authorized - report -**

12 **- legislative declaration - definitions.** (1) (a) In order to more fully
13 implement the stated objectives of this ~~title~~ TITLE 19, the general assembly
14 declares its intent to establish a juvenile diversion program that, when
15 possible, integrates restorative justice practices to provide
16 community-based alternatives to the formal court system that will reduce
17 juvenile crime and recidivism AND IMPROVE POSITIVE JUVENILE
18 OUTCOMES, change juvenile offenders' behavior and attitudes, promote
19 juvenile offenders' accountability, recognize and support the rights of
20 victims, heal the harm to relationships and the community caused by
21 juvenile crime, and reduce the costs within the juvenile justice system.

22 (b) RESEARCH HAS SHOWN THAT COURT INVOLVEMENT FOR
23 JUVENILES NOT IDENTIFIED AS A RISK OF HARM TO OTHERS IS HARMFUL,
24 AND MOST LOW-RISK JUVENILES GROW OUT OF THEIR BEHAVIOR AND STOP
25 REOFFENDING WITHOUT SYSTEM INTERVENTION.

26 (c) THE GOALS OF THE DIVERSION PROGRAMS ARE TO:

27 (I) PREVENT FURTHER INVOLVEMENT OF THE JUVENILE IN THE

1 FORMAL LEGAL SYSTEM;

2 (II) PROVIDE ELIGIBLE JUVENILES WITH COST-EFFECTIVE
3 ALTERNATIVES TO ADJUDICATION THAT REQUIRE THE LEAST AMOUNT OF
4 SUPERVISION AND RESTRICTIVE CONDITIONS NECESSARY CONSISTENT WITH
5 PUBLIC SAFETY AND THE JUVENILE'S RISK OF REOFFENDING;

6 (III) SERVE THE BEST INTEREST OF THE JUVENILE WHILE
7 EMPHASIZING ACCEPTANCE OF RESPONSIBILITY AND REPAIRING ANY HARM
8 CAUSED TO VICTIMS AND COMMUNITIES;

9 (IV) REDUCE RECIDIVISM AND IMPROVE POSITIVE OUTCOMES FOR
10 JUVENILES THROUGH THE PROVISION OF SERVICES, IF WARRANTED, THAT
11 ADDRESS THEIR SPECIFIC NEEDS AND ARE PROVEN EFFECTIVE; AND

12 (V) ENSURE APPROPRIATE SERVICES ARE AVAILABLE FOR ALL
13 ELIGIBLE JUVENILES.

14 (2) The division of criminal justice of the department of public
15 safety is authorized to establish and administer a juvenile diversion
16 program that SEEKS TO DIVERT YOUTH FROM THE JUVENILE JUSTICE
17 SYSTEM, AND, when possible, integrates restorative justice practices. In
18 order to effectuate the program, the division ~~may contract with~~
19 ~~governmental units and nongovernmental agencies~~ SHALL ALLOCATE
20 FUNDS TO EACH JUDICIAL DISTRICT THAT MAY CONTRACT WITH DISTRICT
21 ATTORNEY'S OFFICES, GOVERNMENTAL UNITS, AND NONGOVERNMENTAL
22 AGENCIES TO DIVERT JUVENILES AND provide services, IF WARRANTED, for
23 eligible youth JUVENILES through community-based ~~projects~~ PROGRAMS
24 providing an alternative to a petition filed pursuant to section 19-2-512
25 OR an adjudicatory hearing pursuant to section 19-3-505. ~~or dispositions~~
26 ~~of a juvenile delinquent pursuant to section 19-2-907.~~

27 (3) For purposes of this section:

- 1 (a) "Director" is defined in section 19-1-103 (42).
- 2 (b) "Diversion" is defined in section 19-1-103 (44).
- 3 (c) "Governmental unit" is defined in section 19-1-103 (55).
- 4 (d) "Nongovernmental agency" is defined in section 19-1-103
- 5 (79).

6 (e) "Services" is defined in section 19-1-103 (96).

7 (4) ~~Projects soliciting service contracts pursuant to this section~~
8 ~~must demonstrate that they~~ DISTRICT ATTORNEY'S OFFICES SHALL:

9 (a) ~~Meet a demonstrated community need as shown by a survey~~
10 ~~of the type of community, its special circumstances, and the type and~~
11 ~~number of youth who will be served by the project;~~ CONDUCT A RISK
12 SCREENING USING A RISK SCREENING TOOL SELECTED PURSUANT TO
13 SECTION 24-20-602 FOR ALL JUVENILES REFERRED TO THE DISTRICT
14 ATTORNEY PURSUANT TO SECTION 19-2-510. THE DISTRICT ATTORNEY'S
15 OFFICE SHALL CONDUCT THE RISK SCREENING OR CONTRACT WITH AN
16 ALTERNATIVE AGENCY THAT HAS BEEN FORMALLY DESIGNATED BY THE
17 DISTRICT ATTORNEY'S OFFICE TO CONDUCT THE SCREENING, IN WHICH
18 CASE THE RESULTS OF THE SCREENING MUST BE MADE AVAILABLE TO THE
19 DISTRICT ATTORNEY'S OFFICE. ALL INDIVIDUALS USING THE RISK
20 SCREENING TOOL MUST RECEIVE TRAINING ON THE APPROPRIATE USE OF
21 THE TOOL. ALL JUVENILES SCREENED USING THE RISK SCREENING TOOL
22 MAY BE REFERRED FOR ADDITIONAL ASSESSMENTS IF WARRANTED AS PART
23 OF THE JUVENILE'S PARTICIPATION IN A DIVERSION PROGRAM. AN
24 ADMISSION, CONFESSION, OR INCRIMINATING INFORMATION OBTAINED
25 FROM A JUVENILE IN THE COURSE OF ANY ASSESSMENT THAT IS
26 UNDERTAKEN IN CONJUNCTION WITH PROCEEDINGS PURSUANT TO THIS
27 SECTION OR MADE IN ORDER TO PARTICIPATE IN A DIVERSION PROGRAM IS

1 NOT SUBJECT TO SUBPOENA OR OTHER COURT PROCESS FOR USE IN ANY
2 OTHER PROCEEDING OR FOR ANY OTHER PURPOSE.

3 ~~(b) Provide services that do not duplicate services already~~
4 ~~provided in the community; and~~ USE THE RESULTS OF THE RISK
5 SCREENING TO INFORM:

6 (I) ELIGIBILITY FOR PARTICIPATION IN A JUVENILE DIVERSION
7 PROGRAM;

8 (II) THE LEVEL AND INTENSITY OF SUPERVISION FOR JUVENILE
9 DIVERSION;

10 (III) THE LENGTH OF SUPERVISION FOR JUVENILE DIVERSION; AND

11 (IV) WHETHER SERVICES ARE WARRANTED, IF THE RISK SCREENING
12 PROVIDES INFORMATION ON THE JUVENILE'S NEEDS, TREATMENT, AND
13 SERVICE PLANNING. STAKEHOLDERS, INCLUDING DISTRICT ATTORNEYS,
14 PUBLIC DEFENDERS, PROBATION, AND STATE AND LOCAL GOVERNMENTAL
15 ENTITIES, SUCH AS THE DEPARTMENT OF HUMAN SERVICES, MAY
16 COLLABORATE TO PROVIDE APPROPRIATE DIVERSION TREATMENT AND
17 SERVICES IN JURISDICTIONS WHERE THEY ARE NOT CURRENTLY
18 AVAILABLE.

19 ~~(c) Are supported by the community, as demonstrated through~~
20 ~~receipt of nonstate funds or in-kind supplies or services to meet at least~~
21 ~~twenty-five percent of the total cost of the project.~~ NOT DENY DIVERSION
22 TO A JUVENILE BASED ON THE JUVENILE'S:

23 (I) ABILITY TO PAY;

24 (II) PREVIOUS OR CURRENT INVOLVEMENT WITH THE DEPARTMENT
25 OF HUMAN SERVICES;

26 (III) AGE, RACE OR ETHNICITY, GENDER, OR SEXUAL ORIENTATION;

27 OR

1 (IV) LEGAL REPRESENTATION;

2 (d) ALIGN THE JUVENILE DIVERSION PROGRAM'S POLICIES AND
3 PRACTICES WITH EVIDENCE-BASED PRACTICES AND WITH THE DEFINITION
4 OF "DIVERSION" PURSUANT TO SECTION 19-1-103 (44); AND

5 (e) COLLECT AND SUBMIT DATA TO THE DIVISION OF CRIMINAL
6 JUSTICE PURSUANT TO SUBSECTION (5) OF THIS SECTION.

7 ~~(5) When applying for a contract with the division of criminal
8 justice to provide services to youths under the juvenile diversion program,
9 a community project shall submit for review by the division a list of the
10 project's objectives, a list of the restorative justice practices, if applicable,
11 included in the project, a report of the progress made during the previous
12 year if applicable toward implementing the stated objectives, an annual
13 budget, and such other documentation as may be required by the director.~~

14 THE DIVISION OF CRIMINAL JUSTICE SHALL ESTABLISH MINIMUM DATA
15 COLLECTION REQUIREMENTS AND OUTCOME MEASURES THAT EACH
16 DISTRICT ATTORNEY'S OFFICE, GOVERNMENTAL UNIT, AND
17 NONGOVERNMENTAL AGENCY SHALL COLLECT AND SUBMIT ANNUALLY
18 FOR ALL JUVENILES REFERRED TO THE DISTRICT ATTORNEY PURSUANT TO
19 SECTION 19-2-510 INCLUDING, BUT NOT LIMITED TO:

20 (a) DEMOGRAPHIC DATA ON AGE, RACE OR ETHNICITY, AND
21 GENDER;

22 (b) RISK SCREENING CONDUCTED;

23 (c) RISK LEVEL AS DETERMINED BY THE RISK SCREENING;

24 (d) OFFENSE;

25 (e) DIVERSION STATUS;

26 (f) SERVICE PARTICIPATION;

27 (g) PROGRAM COMPLETION DATA; AND

1 (h) IDENTIFYING DATA NECESSARY TO TRACK THE LONG-TERM
2 OUTCOMES OF DIVERTED JUVENILES.

3 (6) (a) Each ~~project~~ PROGRAM providing services under this
4 section shall develop objectives and report progress toward such
5 objectives as required by rules ~~and regulations~~ promulgated by the
6 director.

7 (b) The director shall regularly monitor these diversion ~~projects~~
8 PROGRAMS to ensure that progress is being made to accomplish the
9 objectives of this section. THE DIVISION OF CRIMINAL JUSTICE SHALL
10 PROVIDE TECHNICAL ASSISTANCE TO DISTRICT ATTORNEY'S OFFICES,
11 GOVERNMENTAL UNITS, NONGOVERNMENTAL AGENCIES, AND DIVERSION
12 PROGRAMS TO SUPPORT THE UNIFORM COLLECTION AND REPORTING OF
13 DATA AND TO SUPPORT PROGRAM DEVELOPMENT AND ADHERENCE TO
14 PROGRAM REQUIREMENTS. THE DIVISION OF CRIMINAL JUSTICE SHALL
15 PROVIDE ANNUAL PROGRAM-LEVEL REPORTS TO DISTRICT ATTORNEY'S
16 OFFICES AND SUBMIT A CONSOLIDATED STATEWIDE REPORT ANNUALLY TO
17 THE GOVERNOR AND TO THE JUDICIARY COMMITTEES OF THE SENATE AND
18 THE HOUSE OF REPRESENTATIVES, THE HEALTH AND HUMAN SERVICES
19 COMMITTEE OF THE SENATE, AND THE PUBLIC HEALTH CARE AND HUMAN
20 SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY
21 SUCCESSOR COMMITTEES. NOTWITHSTANDING THE PROVISIONS OF SECTION
22 24-1-136 (11)(a)(I), THESE REPORTS CONTINUE INDEFINITELY.

23 (7) A FORMULA MUST BE ESTABLISHED FOR THE PURPOSE OF
24 ALLOCATING MONEY TO EACH JUDICIAL DISTRICT IN THE STATE OF
25 COLORADO FOR JUVENILE DIVERSION PROGRAMS. The executive director
26 of the department of public safety is authorized to accept and expend on
27 behalf of the state any funds, grants, gifts, or donations from any private

1 or public source for the purpose of providing restorative justice programs;
2 except that no gift, grant, or donation shall be accepted if the conditions
3 attached to it require the expenditure thereof in a manner contrary to law.

4 (8) (a) The director may implement a behavioral or mental health
5 ~~disorder~~ screening program to screen juveniles who participate in the
6 juvenile diversion program. If the director chooses to implement a
7 behavioral or mental health ~~disorder~~ screening program, the director shall
8 use the ~~standardized behavioral or mental health disorder~~ screening
9 ~~developed~~ TOOL SELECTED pursuant to ~~section 16-11.9-102~~ SECTION
10 24-20-602 (1)(b) and conduct the screening in accordance with
11 procedures established pursuant to ~~said section~~ THAT SECTION.

12 (b) Prior to implementation of a behavioral or mental health
13 ~~disorder~~ screening program pursuant to this subsection (8), if
14 implementation of the program would require an increase in
15 appropriations, the director shall submit to the joint budget committee a
16 request for funding in the amount necessary to implement the behavioral
17 or mental health ~~disorder~~ screening program. If implementation of the
18 behavioral or mental health ~~disorder~~ screening program would require an
19 increase in appropriations, implementation of the program is conditional
20 upon approval of the funding request.

21 **SECTION 8.** In Colorado Revised Statutes, 19-2-307, **amend** (2)
22 as follows:

23 **19-2-307. Juvenile intensive supervision program - elements.**

24 (2) The judicial department, with the assistance of a juvenile intensive
25 supervision advisory committee, shall develop assessment criteria for
26 placement in the juvenile intensive supervision program, INCLUDING THE
27 RESULTS OF A VALIDATED RISK AND NEEDS ASSESSMENT TOOL, and

1 judicial department guidelines for implementation of the program and
2 measurement of the outcome of the program. The advisory committee is
3 appointed by the state court administrator and includes, but is not limited
4 to, representatives of the division of youth services in the department of
5 human services and the division of criminal justice of the department of
6 public safety.

7 **SECTION 9.** In Colorado Revised Statutes, **add** 19-2-506.5 as
8 follows:

9 **19-2-506.5. Limitations on detention.** (1) UNLESS THE JUVENILE
10 COURT MAKES A FINDING THAT ALL ALTERNATIVES TO DETENTION HAVE
11 BEEN EXHAUSTED, DETENTION IS NOT PERMITTED FOR THE FOLLOWING
12 POPULATIONS OF JUVENILES:

13 (a) JUVENILES WHO HAVE NOT COMMITTED, OR HAVE NOT BEEN
14 ACCUSED OF COMMITTING, A DELINQUENT ACT UNLESS OTHERWISE FOUND
15 IN CONTEMPT OF COURT;

16 (b) DELINQUENT AND NONDELINQUENT JUVENILES WHO HAVE
17 BEEN PLACED IN THE LEGAL CUSTODY OF A COUNTY DEPARTMENT OF
18 HUMAN OR SOCIAL SERVICES PURSUANT TO A PETITION IN DEPENDENCY OR
19 NEGLECT AND ARE SOLELY AWAITING OUT-OF-HOME PLACEMENT;

20 (c) JUVENILES WHO ARE COMMITTED TO THE LEGAL CUSTODY OF
21 THE DIVISION OF YOUTH SERVICES IN THE DEPARTMENT OF HUMAN
22 SERVICES AND ARE SOLELY AWAITING A DIVISION OF YOUTH SERVICES
23 PLACEMENT;

24 (d) JUVENILES WHO AT ADMISSION REQUIRE MEDICAL CARE, ARE
25 INTOXICATED, OR ARE UNDER THE INFLUENCE OF DRUGS, TO AN EXTENT
26 THAT CUSTODY OF THE JUVENILE IS BEYOND THE SCOPE OF THE DETENTION
27 FACILITY'S MEDICAL SERVICE CAPACITY;

1 (e) JUVENILES WHO ARE SOLELY ASSESSED AS SUICIDAL OR EXHIBIT
2 BEHAVIOR PLACING THEM AT IMMINENT RISK OF SUICIDE; AND

3 (f) JUVENILES WHO HAVE NOT COMMITTED A DELINQUENT ACT BUT
4 PRESENT AN IMMINENT DANGER TO SELF OR OTHERS OR APPEAR TO BE
5 GRAVELY DISABLED AS A RESULT OF A MENTAL HEALTH CONDITION.

6 (2) A JUVENILE COURT SHALL NOT ORDER A JUVENILE WHO IS TEN
7 YEARS OF AGE AND OLDER BUT LESS THAN THIRTEEN YEARS OF AGE TO
8 DETENTION UNLESS THE JUVENILE HAS BEEN ARRESTED FOR A FELONY OR
9 WEAPONS CHARGE PURSUANT TO SECTION 18-12-102, 18-12-105,
10 18-12-106, OR 18-12-108.5. A PREADJUDICATION SERVICE PROGRAM
11 CREATED PURSUANT TO SECTION 19-2-302 SHALL EVALUATE A JUVENILE
12 DESCRIBED IN THIS SUBSECTION (2). THE EVALUATION MAY RESULT IN THE
13 JUVENILE:

14 (a) REMAINING IN THE CUSTODY OF A PARENT OR LEGAL
15 GUARDIAN;

16 (b) BEING PLACED IN THE TEMPORARY LEGAL CUSTODY OF KIN,
17 FOR PURPOSES OF A KINSHIP FOSTER CARE HOME OR NONCERTIFIED KINSHIP
18 CARE PLACEMENT, AS DEFINED IN SECTION 19-1-103 (71.3), OR OTHER
19 SUITABLE PERSON UNDER SUCH CONDITIONS AS THE COURT MAY IMPOSE;

20 (c) BEING PLACED IN A SHELTER FACILITY; OR

21 (d) BEING REFERRED TO A LOCAL COUNTY DEPARTMENT OF HUMAN
22 OR SOCIAL SERVICES FOR ASSESSMENT FOR PLACEMENT.

23 (3) A JUVENILE SHALL NOT BE PLACED IN DETENTION SOLELY:

24 (a) DUE TO LACK OF SUPERVISION ALTERNATIVES, SERVICE
25 OPTIONS, OR MORE APPROPRIATE FACILITIES;

26 (b) DUE TO THE COMMUNITY'S INABILITY TO PROVIDE TREATMENT
27 OR SERVICES;

- 1 (c) DUE TO A LACK OF SUPERVISION IN THE HOME OR COMMUNITY;
- 2 (d) IN ORDER TO ALLOW A PARENT, GUARDIAN, OR LEGAL
3 CUSTODIAN TO AVOID HIS OR HER LEGAL RESPONSIBILITY;
- 4 (e) DUE TO A RISK OF THE JUVENILE'S SELF-HARM;
- 5 (f) IN ORDER TO ATTEMPT TO PUNISH, TREAT, OR REHABILITATE
6 THE JUVENILE;
- 7 (g) DUE TO A REQUEST BY A VICTIM, LAW ENFORCEMENT, OR THE
8 COMMUNITY;
- 9 (h) IN ORDER TO PERMIT MORE CONVENIENT ADMINISTRATIVE
10 ACCESS TO THE JUVENILE;
- 11 (i) IN ORDER TO FACILITATE FURTHER INTERROGATION OR
12 INVESTIGATION; OR
- 13 (j) AS A RESPONSE TO TECHNICAL VIOLATIONS OF PROBATION
14 UNLESS THE RESULTS OF A DETENTION SCREENING INSTRUMENT INDICATE
15 THAT THE JUVENILE POSES A SUBSTANTIAL RISK OF SERIOUS HARM TO
16 OTHERS OR IF THE APPLICABLE GRADUATED RESPONSES SYSTEM ADOPTED
17 PURSUANT TO SECTION 19-2-925 ALLOWS FOR SUCH A PLACEMENT.

18 **SECTION 10.** In Colorado Revised Statutes, 19-2-507, **amend**
19 (2), (3), and (4) as follows:

20 **19-2-507. Duty of officer - screening teams - notification -**
21 **release or detention.** (2) (a) ~~The law enforcement officer or the court~~
22 ~~shall detain the juvenile if the law enforcement officer or the court~~
23 ~~determines that the juvenile's immediate welfare or the protection of the~~
24 ~~community requires detainment. In determining whether a juvenile~~
25 ~~requires detention, the law enforcement officer or the court shall follow~~
26 ~~criteria for the detention of juvenile offenders which criteria are~~
27 ~~established in accordance with section 19-2-212, and shall make efforts~~

1 ~~to keep the juvenile with his or her parent, guardian, or legal custodian~~ IF
2 THE LAW ENFORCEMENT OFFICER DOES NOT RELEASE THE JUVENILE TO THE
3 CARE OF SUCH JUVENILE'S PARENTS, LEGAL GUARDIAN, KIN, OR OTHER
4 RESPONSIBLE ADULT, THE SCREENING TEAM SHALL ADMINISTER A
5 VALIDATED DETENTION SCREENING INSTRUMENT DEVELOPED OR ADOPTED
6 PURSUANT TO SECTION 19-2-212. THE LAW ENFORCEMENT OFFICER,
7 SCREENING TEAM, OR JUVENILE COURT SHALL NOT REMOVE THE JUVENILE
8 FROM THE CUSTODY OF THE PARENT OR LEGAL GUARDIAN PURSUANT TO
9 THIS SECTION UNLESS THE SCREENING TEAM OR THE JUVENILE COURT:

10 (I) (A) FIRST FINDS THAT A VALIDATED DETENTION SCREENING
11 INSTRUMENT SELECTED OR ADOPTED PURSUANT TO SECTION 19-2-212 HAS
12 BEEN ADMINISTERED AND THE JUVENILE SCORED AS DETENTION-ELIGIBLE;
13 OR

14 (B) THERE ARE GROUNDS TO OVERRIDE THE RESULTS OF THE
15 DETENTION SCREENING INSTRUMENT BASED ON THE CRITERIA DEVELOPED
16 IN ACCORDANCE WITH SECTION 19-2-212; AND

17 (II) FINDS THAT THE JUVENILE POSES A SUBSTANTIAL RISK OF
18 SERIOUS HARM TO OTHERS OR A SUBSTANTIAL RISK OF FLIGHT FROM
19 PROSECUTION AND FINDS THAT COMMUNITY-BASED ALTERNATIVES TO
20 DETENTION ARE INSUFFICIENT TO REASONABLY MITIGATE THAT RISK.
21 FLIGHT FROM PROSECUTION IS DISTINGUISHED FROM SIMPLE FAILURE TO
22 APPEAR AND MUST GENERALLY BE EVIDENCED BY A DEMONSTRATED
23 RECORD OF REPEAT, RECENT WILLFUL FAILURES TO APPEAR AT A
24 SCHEDULED COURT APPEARANCE.

25 (b) THE DETENTION SCREENING INSTRUMENT MUST BE
26 ADMINISTERED BY THE SCREENING TEAM FOR EACH JUVENILE UNDER
27 CONSIDERATION FOR DETENTION AND MUST BE ADMINISTERED BY A

1 SCREENER WHO HAS COMPLETED TRAINING TO ADMINISTER THE
2 DETENTION SCREENING INSTRUMENT.

3 (c) ANY INFORMATION CONCERNING A JUVENILE THAT IS OBTAINED
4 DURING THE ADMINISTRATION OF THE DETENTION SCREENING INSTRUMENT
5 MUST BE USED SOLELY FOR THE PURPOSE OF MAKING A RECOMMENDATION
6 TO THE COURT REGARDING THE CONTINUED DETENTION OF THE JUVENILE.
7 THE INFORMATION IS NOT SUBJECT TO SUBPOENA OR OTHER COURT
8 PROCESS, FOR USE IN ANY OTHER PROCEEDING, OR FOR ANY OTHER
9 PURPOSE.

10 (d) COURT RECORDS AND DIVISION OF YOUTH SERVICES RECORDS
11 MUST INCLUDE DATA ON DETENTION SCREENING SCORES AND, IF THE
12 SCORE DOES NOT MANDATE DETENTION, THE EXPLANATION FOR THE
13 OVERRIDE PLACING THE JUVENILE IN DETENTION.

14 (e) A JUVENILE WHO MUST BE TAKEN FROM HIS OR HER HOME BUT
15 WHO DOES NOT REQUIRE PHYSICAL RESTRICTION MUST BE GIVEN
16 TEMPORARY CARE WITH HIS OR HER GRANDPARENT, KIN, OR OTHER
17 SUITABLE PERSON; IN A SHELTER FACILITY DESIGNATED BY THE COURT; OR
18 WITH THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES AND
19 MUST NOT BE PLACED IN DETENTION.

20 (f) THE SCREENING TEAM AND THE JUVENILE COURT SHALL USE
21 THE RESULTS FROM THE DETENTION SCREENING INSTRUMENT IN MAKING
22 A RELEASE DETERMINATION. RELEASE OPTIONS INCLUDE ALLOWING A
23 JUVENILE TO RETURN HOME WITH NO SUPERVISION, OR WITH LIMITED
24 SUPERVISION SUCH AS A LOCATION MONITORING DEVICE, OR A REFERRAL
25 TO A PREADJUDICATION ALTERNATIVE TO DETENTION OR SERVICE
26 PROGRAM ESTABLISHED PURSUANT TO SECTION 19-2-302.

27 (3) (a) The juvenile shall MUST be released to the care of such THE

1 juvenile's parents, KIN, or other responsible adult, unless a determination
2 has been made in accordance with subsection (2) of this section that ~~such~~
3 THE juvenile's ~~immediate welfare or the protection of the community~~
4 SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS requires that ~~such~~ THE
5 juvenile be detained. The court may make reasonable orders as conditions
6 of ~~said release which conditions may include participation in a~~
7 ~~preadjudication service program established pursuant to section 19-2-302~~
8 PURSUANT TO SECTION 19-2-508 (5). In addition, the court may provide
9 that any violation of such orders ~~shall~~ MAY subject the juvenile to
10 contempt sanctions of the court. The parent, KIN, or other person to whom
11 the juvenile is released ~~shall be~~ IS required to sign a written promise, on
12 forms supplied by the court, to bring the juvenile to the court at a time set
13 or to be set by the court. Failure, without good cause, to comply with the
14 promise ~~shall subject~~ SUBJECTS the juvenile's parent or any other person
15 to whom the juvenile is released to contempt sanctions of the court.

16 (b) PARENTS OR LEGAL GUARDIANS OF A JUVENILE RELEASED
17 FROM DETENTION PURSUANT TO THIS SECTION SHALL COMPLETE THE
18 RELATIVE FORM AFFIDAVIT DESCRIBED IN SECTION 19-2-212 (1)(h) NO
19 LATER THAN THE NEXT HEARING ON THE MATTER.

20 (4) (a) Except as provided in ~~paragraph (b) of this subsection (4)~~
21 SUBSECTION (4)(b) OF THIS SECTION, A LAW ENFORCEMENT OFFICER SHALL
22 NOT DETAIN a juvenile ~~shall not be detained by law enforcement officials~~
23 any longer than is reasonably necessary to obtain basic identification
24 information and to contact his or her parents, guardian, or legal custodian.

25 (b) If he or she is not released as provided in subsection (3) of this
26 section, he or she ~~shall~~ MUST be taken directly to the court or to the place
27 of detention, a temporary holding facility, ~~or~~ a shelter designated by the

1 court, OR A PREADJUDICATION SERVICE PROGRAM ESTABLISHED PURSUANT
2 TO SECTION 19-2-302 without unnecessary delay.

3 **SECTION 11.** In Colorado Revised Statutes, **amend** 19-2-508 as
4 follows:

5 **19-2-508. Detention and shelter - hearing - time limits -**
6 **findings - review - confinement with adult offenders - restrictions.**

7 ~~(1) A juvenile who must be taken from his or her home but who does not~~
8 ~~require physical restriction must be given temporary care in a shelter~~
9 ~~facility designated by the court or the county department of human or~~
10 ~~social services and must not be placed in detention.~~

11 ~~(2)(a)~~ (1) Unless placement is prohibited pursuant to ~~subsection~~
12 ~~(2)(b) of this section~~ SECTION 19-2-506.5, when a juvenile is placed in a
13 detention facility, in a temporary holding facility, or in a shelter facility
14 designated by the court, the screening team shall promptly ~~so~~ notify the
15 court, the district attorney, and the local office of the state public
16 defender. The screening team shall also notify a parent or legal guardian
17 or, if a parent or legal guardian cannot be located within the county, the
18 person with whom the juvenile has been residing and inform him or her
19 of the right to a prompt hearing to determine whether the juvenile is to be
20 detained further. The court shall hold the detention hearing within
21 forty-eight hours, excluding Saturdays, Sundays, and legal holidays. For
22 a juvenile being held in detention on a warrant for violating a valid court
23 order on a status offense, the court shall hold the detention hearing within
24 twenty-four hours, excluding Saturdays, Sundays, and legal holidays.

25 ~~(b) A juvenile who is ten years of age and older but less than~~
26 ~~thirteen years of age may not be ordered to detention unless the juvenile~~
27 ~~has been arrested for a felony or weapons charge pursuant to section~~

1 ~~18-12-102, 18-12-105, 18-12-106, or 18-12-108.5. A preadjudication~~
2 ~~service program created pursuant to section 19-2-302 shall evaluate a~~
3 ~~juvenile described in this subsection (2)(b). The evaluation may result in~~
4 ~~the juvenile:~~

5 ~~(I) Remaining in the custody of a parent, guardian, or legal~~
6 ~~custodian; or~~

7 ~~(II) Being placed in the temporary legal custody of kin, for~~
8 ~~purposes of a kinship foster care home or noncertified kinship care~~
9 ~~placement, as defined in section 19-1-103 (71.3), or other suitable person~~
10 ~~under such conditions as the court may impose; or~~

11 ~~(III) Being placed in a shelter facility; or~~

12 ~~(IV) Being referred to a local county department of human or~~
13 ~~social services for assessment for placement.~~

14 ~~(2.5) (2) A juvenile who is detained for committing a delinquent~~
15 ~~act shall MUST be represented at the detention hearing by counsel. If the~~
16 ~~juvenile has not retained his or her own counsel, the court shall appoint~~
17 ~~the office of the state public defender or, in the case of a conflict, the~~
18 ~~office of alternate defense counsel to represent the juvenile. This~~
19 ~~appointment shall continue CONTINUES if the court appoints the office of~~
20 ~~the state public defender or the office of alternate defense counsel~~
21 ~~pursuant to section 19-2-706 (2)(a) unless:~~

22 ~~(a) The juvenile retains his or her own counsel; or~~

23 ~~(b) The juvenile makes a knowing, intelligent, and voluntary~~
24 ~~waiver of his or her right to counsel, as described in section 19-2-706~~
25 ~~(2)(c).~~

26 ~~(3) (a) (I) A juvenile taken into custody pursuant to this article~~
27 ~~ARTICLE 2 and placed in a detention or shelter facility or a temporary~~

1 holding facility is entitled to a hearing within forty-eight hours, excluding
2 Saturdays, Sundays, and legal holidays, of such placement to determine
3 if he or she should be detained. The time of the detention hearing must
4 allow defense counsel sufficient time to consult with the juvenile before
5 the detention hearing. This consultation may be performed by secure
6 electronic means if the conditions under which the electronic consultation
7 is held allow the consultation to be confidential. The time in which the
8 hearing must be held may be extended for a reasonable time by order of
9 the court upon good cause shown.

10 ~~(1.5)~~ (II) The law enforcement agency that arrested the juvenile
11 shall promptly provide to the court and to defense counsel the affidavit
12 supporting probable cause for the arrest and the arrest report, if the arrest
13 report is available, and the screening team shall promptly provide to the
14 court and to defense counsel ~~any screening material~~ RESULTS FROM THE
15 DETENTION RISK SCREENING prepared pursuant to the juvenile's arrest.
16 Upon completion of the detention hearing, the defense shall return any
17 materials received pursuant to this ~~subparagraph (1.5)~~ SUBSECTION
18 (3)(a)(II) unless the appointment is continued at the conclusion of the
19 hearing.

20 ~~(H)~~ (III) The only purposes of a detention hearing are to determine
21 if a juvenile should be detained further and to define conditions under
22 which he or she may be released, if his or her release is appropriate. A
23 detention hearing shall not be combined with a preliminary hearing or a
24 first advisement. Due to the limited scope of a detention hearing, the
25 representation of a juvenile by appointed counsel at a detention hearing
26 does not, by itself, create a basis for disqualification in the event that such
27 counsel is subsequently appointed to represent another individual whose

1 case is related to the juvenile's case.

2 ~~(HH)~~ (IV) With respect to this section, the court may further detain
3 the juvenile only if the court finds from the information provided at the
4 hearing that:

5 (A) PROBABLE CAUSE EXISTS TO BELIEVE THAT THE DELINQUENT
6 ACT CHARGED WAS COMMITTED BY THE JUVENILE;

7 (B) THE VALIDATED DETENTION SCREENING INSTRUMENT HAS
8 BEEN ADMINISTERED AND THE JUVENILE SCORED AS DETENTION-ELIGIBLE;
9 OR THERE ARE GROUNDS TO OVERRIDE THE RESULT OF THE DETENTION
10 SCREENING INSTRUMENT BASED ON THE CRITERIA DEVELOPED IN
11 ACCORDANCE WITH SECTION 19-2-212; AND

12 (C) The juvenile is ~~a danger to himself or herself or to the~~
13 ~~community, except that~~ POSES A SUBSTANTIAL RISK OF SERIOUS HARM TO
14 OTHERS OR A SUBSTANTIAL RISK OF FLIGHT FROM PROSECUTION AND
15 COMMUNITY-BASED ALTERNATIVES TO DETENTION ARE INSUFFICIENT TO
16 REASONABLY MITIGATE THAT RISK. FLIGHT FROM PROSECUTION IS
17 DISTINGUISHED FROM SIMPLE FAILURE TO APPEAR AND MUST GENERALLY
18 BE EVIDENCED BY A DEMONSTRATED RECORD OF REPEAT, RECENT WILLFUL
19 FAILURES TO APPEAR AT A SCHEDULED COURT APPEARANCE.

20 (V) A COURT SHALL NOT ORDER FURTHER DETENTION FOR a
21 juvenile who is ten years of age and older but less than thirteen years of
22 age ~~may not be ordered to further detention~~ unless the juvenile has been
23 arrested or adjudicated for a felony or weapons charge pursuant to section
24 18-12-102, 18-12-105, 18-12-106, or 18-12-108.5. The court shall receive
25 any information having probative value regardless of its admissibility
26 under the rules of evidence. In determining whether a juvenile requires
27 detention, the court shall consider ~~any record of any prior adjudications~~

1 ~~of the juvenile~~ THE RESULTS OF THE DETENTION SCREENING INSTRUMENT.

2 There is a rebuttable presumption that a juvenile is a danger to himself or
3 herself or to the community POSES A SUBSTANTIAL RISK OF SERIOUS HARM
4 TO OTHERS if:

5 (A) The juvenile is alleged to have committed a felony
6 enumerated as a crime of violence pursuant to section 18-1.3-406; ~~C.R.S.~~;
7 or

8 (B) The juvenile is alleged to have used, or possessed and
9 threatened to use, a firearm during the commission of any felony offense
10 against a person, as such offenses are described in article 3 of title 18;
11 ~~C.R.S.~~; or

12 (C) The juvenile is alleged to have committed possessing a
13 dangerous or illegal weapon, as described in section 18-12-102; ~~C.R.S.~~;
14 possession of a defaced firearm, as described in section 18-12-103;
15 ~~C.R.S.~~; unlawfully carrying a concealed weapon, as described in section
16 18-12-105; ~~C.R.S.~~; unlawfully carrying a concealed weapon on school,
17 college, or university grounds, as described in section 18-12-105.5;
18 ~~C.R.S.~~; prohibited use of weapons, as described in section 18-12-106;
19 ~~C.R.S.~~; illegal discharge of a firearm, as described in section 18-12-107.5;
20 ~~C.R.S.~~; or illegal possession of a handgun by a juvenile, as described in
21 section 18-12-108.5. ~~C.R.S.~~

22 ~~(H.5)~~ (VI) Notwithstanding the provisions of ~~subparagraph (H)~~
23 ~~of this paragraph (a)~~ SUBSECTION (3)(a)(IV) OF THIS SECTION, there shall
24 ~~be~~ IS no presumption under ~~sub-subparagraph (C) of subparagraph (H)~~
25 ~~of this paragraph (a)~~ SUBSECTION (3)(a)(IV)(C) OF THIS SECTION that a
26 juvenile is a danger to himself or herself or the community POSES A
27 SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS if the item in the

1 possession of the juvenile is alleged to be a BB gun, a pellet gun, or a gas
2 gun.

3 ~~(IV)~~ (VII) Except as provided in ~~subsection (3)(a)(IV.5)~~
4 SUBSECTION (3)(a)(IX) of this section, at the conclusion of the hearing,
5 the court shall enter one of the following orders, while ensuring efforts
6 are made to keep the juvenile with his or her parent, guardian, or legal
7 custodian:

8 (A) That the juvenile be released to the custody of a parent,
9 guardian, ~~or~~ legal custodian, KIN, OR OTHER SUITABLE PERSON without the
10 posting of bond;

11 (B) That the juvenile be placed in a shelter facility;

12 (C) That bail be set and that the juvenile be released upon the
13 posting of that bail;

14 (D) That no bail be set and that the juvenile be detained without
15 bail upon a finding that such juvenile is a danger to himself or herself or
16 to the community POSES A SUBSTANTIAL RISK OF SERIOUS HARM TO
17 OTHERS. Any juvenile who is detained without bail must be tried on the
18 charges in the petition filed pursuant to ~~subparagraph (V) of this~~
19 ~~paragraph (a)~~ SUBSECTION (3)(a)(IX) OF THIS SECTION within the time
20 limits set forth in section 19-2-108, unless the juvenile is deemed to have
21 waived the time limit for an adjudicatory trial pursuant to section
22 19-2-107 (4).

23 (E) That no bail be set and that, upon the court's finding that the
24 juvenile is a danger to himself or herself or to the community POSES A
25 SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS, the juvenile be placed
26 in a preadjudication service program established pursuant to section
27 19-2-302. This ~~sub-subparagraph (E) shall~~ SUBSECTION (3)(a)(VII)(E)

1 DOES not apply to any case in which the juvenile's alleged offense is one
2 of the offenses described in ~~subparagraph (H) of this paragraph (a)~~
3 SUBSECTION (3)(a)(IV) OF THIS SECTION.

4 ~~(IV.5)~~ (VIII) A preadjudication service program created pursuant
5 to section 19-2-302 shall evaluate a juvenile described in ~~subsection~~
6 ~~(2)(b)~~ SUBSECTION (8) of this section. The evaluation may result in the
7 juvenile:

8 (A) Remaining in the custody of a parent, guardian, or legal
9 custodian; or

10 (B) Being placed in the temporary legal custody of kin, for
11 purposes of a kinship foster care home or noncertified kinship care
12 placement, as defined in section 19-1-103 (71.3), or other suitable person
13 under such conditions as the court may impose; or

14 (C) Being placed in a shelter facility; or

15 (D) Being referred to a local county department of human or
16 social services for assessment for placement.

17 ~~(V)~~ (IX) When the court orders further detention of the juvenile
18 or placement of the juvenile in a preadjudication service program after a
19 detention hearing, the district attorney shall file a petition alleging the
20 juvenile to be a delinquent within seventy-two hours after the detention
21 hearing, excluding Saturdays, Sundays, and legal holidays. The juvenile
22 ~~shall~~ MUST be held or ~~shall~~ MUST participate in a preadjudication service
23 program pending a hearing on the petition. Upon a showing of good
24 cause, the court may extend such time for the filing of charges.

25 ~~(VI)~~ (X) Following the detention hearing, if the court orders that
26 the juvenile be released and, as a condition of such release, requires the
27 juvenile to attend school, the court shall notify the school district in which

1 the juvenile is enrolled of such requirement.

2 ~~(VII)~~ (XI) If the court orders further detention of a juvenile
3 pursuant to the provisions of this section, ~~said~~ THE order ~~shall~~ MUST
4 contain specific findings as follows:

5 (A) Whether placement of the juvenile out of his or her home
6 would be in the juvenile's and the community's best interests;

7 (B) Whether reasonable efforts have been made to prevent or
8 eliminate the need for removal of the juvenile from the home, whether it
9 is reasonable that such efforts not be provided due to the existence of an
10 emergency situation that requires the immediate removal of the juvenile
11 from the home, or whether such efforts not be required due to the
12 circumstances described in section 19-1-115 (7); and

13 (C) Whether procedural safeguards to preserve parental rights
14 have been applied in connection with the removal of the juvenile from the
15 home, any change in the juvenile's placement in a community placement,
16 or any determination affecting parental visitation of the juvenile.

17 (b) (I) If it appears that any juvenile being held in detention or
18 shelter may have an intellectual and developmental disability, as provided
19 in article 10.5 of title 27, the court or detention personnel shall refer the
20 juvenile to the nearest community-centered board for an eligibility
21 determination. If it appears that any juvenile being held in a detention or
22 shelter facility pursuant to the provisions of this article 2 may have a
23 mental health disorder, as provided in sections 27-65-105 and 27-65-106,
24 the intake personnel or other appropriate personnel shall contact a mental
25 health professional to do a mental health hospital placement prescreening
26 on the juvenile. The court shall be notified of the contact and may take
27 appropriate action. If a mental health hospital placement prescreening is

1 requested, it ~~shall~~ MUST be conducted in an appropriate place accessible
2 to the juvenile and the mental health professional. A request for a mental
3 health hospital placement prescreening must not extend the time within
4 which a detention hearing must be held pursuant to this section. If a
5 detention hearing has been set but has not yet occurred, the mental health
6 hospital placement prescreening ~~shall~~ MUST be conducted prior to the
7 hearing; except that the prescreening must not extend the time within
8 which a detention hearing must be held.

9 (II) If a juvenile has been ordered detained pending an
10 adjudication, disposition, or other court hearing and the juvenile
11 subsequently appears to have a mental health disorder, as provided in
12 section 27-65-105 or 27-65-106, the intake personnel or other appropriate
13 personnel shall contact the court with a recommendation for a mental
14 health hospital placement prescreening. A mental health hospital
15 placement prescreening ~~shall~~ MUST be conducted at any appropriate place
16 accessible to the juvenile and the mental health professional within
17 twenty-four hours of the request, excluding Saturdays, Sundays, and legal
18 holidays.

19 (III) When the mental health professional finds, as a result of the
20 prescreening, that the juvenile may have a mental health disorder, the
21 mental health professional shall recommend to the court that the juvenile
22 be evaluated pursuant to section 27-65-105 or 27-65-106.

23 (IV) Nothing in this subsection (3)(b) precludes the use of
24 emergency procedures pursuant to section 27-65-105 (1).

25 (c) (I) A juvenile taken to a detention or shelter facility or a
26 temporary holding facility pursuant to section 19-2-502 as the result of an
27 allegedly delinquent act that constitutes any of the offenses described in

1 ~~subparagraph (III) of paragraph (a) of this subsection (3)~~ SUBSECTION
2 (3)(a)(IV) OF THIS SECTION shall not be released from such facility if a
3 law enforcement agency has requested that a detention hearing be held to
4 determine whether the juvenile's ~~immediate welfare or the protection of~~
5 ~~the community~~ SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS requires
6 that the juvenile be detained. A juvenile shall not thereafter be released
7 from detention except after a hearing, reasonable advance notice of which
8 has been given to the district attorney, alleging new circumstances
9 concerning the further detention of the juvenile.

10 (II) Following a detention hearing held in accordance with
11 ~~subparagraph (I) of this paragraph (c)~~ SUBSECTION (3)(c)(I) OF THIS
12 SECTION, a juvenile who is to be tried as an adult for criminal proceedings
13 pursuant to a direct filing or transfer shall not be held at any adult jail or
14 pretrial facility unless the district court finds, after a hearing held pursuant
15 to ~~subparagraph (IV), (V), or (VI) of this paragraph (c)~~ SUBSECTION
16 (3)(c)(IV), (3)(c)(V), OR (3)(c)(VI) OF THIS SECTION, that an adult jail is
17 the appropriate place of confinement for the juvenile.

18 (III) In determining whether an adult jail is the appropriate place
19 of confinement for the juvenile, the district court shall consider the
20 following factors:

21 (A) The age of the juvenile;

22 (B) Whether, in order to provide physical separation from adults,
23 the juvenile would be deprived of contact with other people for a
24 significant portion of the day or would not have access to recreational
25 facilities or age-appropriate educational opportunities;

26 (C) The juvenile's current emotional state, intelligence, and
27 developmental maturity, including any emotional and psychological

1 trauma, and the risk to the juvenile caused by his or her placement in an
2 adult jail, which risk may be evidenced by mental health or psychological
3 assessments or screenings made available to the district attorney and to
4 defense counsel;

5 (D) Whether detention in a juvenile facility will adequately serve
6 the need for community protection pending the outcome of the criminal
7 proceedings;

8 (E) Whether detention in a juvenile facility will negatively impact
9 the functioning of the juvenile facility by compromising the goals of
10 detention to maintain a safe, positive, and secure environment for all
11 juveniles within the facility;

12 (F) The relative ability of the available adult and juvenile
13 detention facilities to meet the needs of the juvenile, including the
14 juvenile's need for mental health and educational services;

15 (G) Whether the juvenile presents an imminent risk of SERIOUS
16 harm to ~~himself or herself~~ or others within a juvenile facility;

17 (H) The physical maturity of the juvenile; and

18 (I) Any other relevant factors.

19 (IV) After charges are filed directly in district court against a
20 juvenile pursuant to section 19-2-517 or a juvenile is transferred to
21 district court pursuant to section 19-2-518, the division of youth services
22 may petition the district court to transport the juvenile to an adult jail. The
23 district court shall hold a hearing on the place of pretrial detention for the
24 juvenile as soon as practicable, but no later than twenty-one days after the
25 receipt of the division's petition to transport. The district attorney, sheriff,
26 or juvenile may file a response to the petition and participate in the
27 hearing. The juvenile shall remain in a juvenile detention facility pending

1 hearing and decision by the district court.

2 (V) If a juvenile is placed in the division of youth services and is
3 being tried in district court, the division of youth services may petition the
4 court for an immediate hearing to terminate juvenile detention placement
5 if the juvenile's placement in a juvenile detention facility presents an
6 imminent danger to the other juveniles or to staff at the detention facility.
7 In making its determination, the court shall review the factors set forth in
8 subsection (3)(c)(III) of this section.

9 (VI) If the district court determines that an adult jail is the
10 appropriate place of confinement for the juvenile, the juvenile may
11 petition the court for a review hearing. The juvenile may not petition for
12 a review hearing within thirty days after the initial confinement decision
13 or within thirty days after any subsequent review hearing. Upon receipt
14 of the petition, the court may set the matter for a hearing if the juvenile
15 has alleged facts or circumstances that, if true, would warrant
16 reconsideration of the juvenile's placement in an adult jail based upon the
17 factors set forth in ~~subparagraph (III) of this paragraph (c)~~ SUBSECTION
18 (3)(c)(III) OF THIS SECTION and the factors previously relied upon by the
19 court.

20 ~~(3.5) Repealed.~~

21 (4) (a) No jail shall receive a juvenile for detention following a
22 detention hearing pursuant to this section unless the juvenile has been
23 ordered by the court to be held for criminal proceedings as an adult
24 pursuant to a transfer or unless the juvenile is to be held for criminal
25 proceedings as an adult pursuant to a direct filing. No juvenile under the
26 age of fourteen and, except upon order of the court, no juvenile fourteen
27 years of age or older shall be detained in a jail, lockup, or other place

1 used for the confinement of adult offenders. The exception for detention
2 in a jail ~~shall be used~~ APPLIES only if the juvenile is being held for
3 criminal proceedings as an adult pursuant to a direct filing or transfer.

4 (b) Whenever a juvenile is held pursuant to a direct filing or
5 transfer in a facility where adults are held, the juvenile ~~shall~~ MUST be
6 physically segregated from the adult offenders.

7 ~~(b.5)~~ (c) (I) When a juvenile who is to be held for criminal
8 proceedings as an adult pursuant to a direct filing or transfer of charges,
9 as provided in sections 19-2-517 and 19-2-518, respectively, is received
10 at a jail or other facility for the detention of adult offenders, the official
11 in charge of the jail or facility, or his or her designee, shall, as soon as
12 practicable, contact the person designated pursuant to section 22-32-141,
13 ~~Č.R.S.~~, by the school district in which the jail or facility is located to
14 request that the school district provide educational services for the
15 juvenile for the period during which the juvenile is held at the jail or
16 facility. The school district shall provide the educational services in
17 accordance with the provisions of section 22-32-141. ~~Č.R.S.~~ The official,
18 in cooperation with the school district, shall provide an appropriate and
19 safe environment to the extent practicable in which the juvenile may
20 receive educational services.

21 (II) Notwithstanding the provisions of ~~subparagraph (I) of this~~
22 ~~paragraph (b.5)~~ SUBSECTION (4)(c)(I) OF THIS SECTION, if either the
23 official in charge of the jail or facility or the school district determines
24 that an appropriate and safe environment cannot be provided for a
25 specific juvenile, the official and the school district ~~shall be~~ ARE exempt
26 from the requirement to provide educational services to the juvenile until
27 such time as an environment that is determined to be appropriate and safe

1 by both the official and the school district can be provided. If the school
2 district will not be providing educational services to a juvenile because
3 of the lack of an appropriate and safe environment, the official in charge
4 of the jail or facility shall notify the juvenile, his or her parent or legal
5 guardian, the juvenile's defense attorney, and the court having jurisdiction
6 over the juvenile's case.

7 (III) The official in charge of the jail or facility for the detention
8 of adult offenders, or his or her designee, in conjunction with each school
9 district that provides educational services at the jail or facility, shall
10 annually collect nonidentifying data concerning:

11 (A) The number of juveniles held at the jail or facility who are
12 awaiting criminal proceedings as an adult pursuant to a direct filing or
13 transfer of charges, as provided in sections 19-2-517 and 19-2-518,
14 respectively, for the year;

15 (B) The length of stay of each of the juveniles in the jail or
16 facility;

17 (C) The number of the juveniles in the jail or facility who received
18 educational services pursuant to this ~~paragraph (b.5)~~ SUBSECTION (4)(c);

19 (D) The number of days on which school districts provided
20 educational services to the juveniles in the jail or facility and the number
21 of hours for which school districts provided the educational services each
22 day;

23 (E) The number of juveniles in the jail or facility who were
24 exempt from receiving educational services pursuant to section 22-32-141
25 (2)(c), (2)(e), (2)(f), and (2)(g); ~~C.R.S.~~

26 (F) The number of juveniles in the jail or facility who had
27 previously been determined pursuant to section 22-20-108 ~~C.R.S.~~, to be

1 eligible for special education services and had an individualized
2 education program; and

3 (G) The number of juveniles in the jail or facility who, while
4 receiving educational services at the jail or facility, were determined
5 pursuant to section 22-20-108 ~~C.R.S.~~, to be eligible for special education
6 services and had subsequently received an individualized education
7 program.

8 (IV) The official in charge of the jail or facility shall submit the
9 information collected pursuant to ~~subparagraph (III) of this paragraph~~
10 ~~(b.5)~~ SUBSECTION (4)(c)(III) OF THIS SECTION to the division of criminal
11 justice in the department of public safety. The division of criminal justice
12 shall make the information available to a member of the public upon
13 request.

14 ~~(e)~~ (d) The official in charge of a jail or other facility for the
15 detention of adult offenders shall immediately inform the court that has
16 jurisdiction of the juvenile's alleged offense when a juvenile who is or
17 appears to be under eighteen years of age is received at the facility, except
18 for a juvenile ordered by the court to be held for criminal proceedings as
19 an adult.

20 ~~(d)~~ (e) (I) Any juvenile arrested and detained for an alleged
21 violation of any article of title 42, ~~C.R.S.~~, or for any alleged violation of
22 a municipal or county ordinance, and not released on bond, ~~shall~~ MUST be
23 taken before a judge with jurisdiction of such violation within forty-eight
24 hours for the fixing of bail and conditions of bond pursuant to
25 ~~subparagraph (IV) of paragraph (a) of subsection (3)~~ SUBSECTION
26 (3)(a)(VII) of this section. A juvenile may be detained in a jail, lockup,
27 or other place used for the confinement of adult offenders only for

1 processing for no longer than six hours and during such time ~~shall~~ MUST
2 be placed in a setting that is physically segregated by sight and sound
3 from the adult offenders, and in no case may the juvenile be detained in
4 such place overnight. After six hours, the juvenile may be further
5 detained only in a juvenile detention facility operated by or under contract
6 with the department of human services. In calculating time ~~under~~
7 PURSUANT TO this subsection (4), Saturdays, Sundays, and legal holidays
8 ~~shall be~~ ARE included.

9 (II) A sheriff or police chief who violates the provisions of
10 ~~subparagraph (f) of this paragraph (d)~~ SUBSECTION (4)(e)(I) OF THIS
11 SECTION may be subject to a civil fine of no more than one thousand
12 dollars. The decision to fine ~~shall~~ MUST be based on prior violations of
13 the provisions of ~~subparagraph (f) of this paragraph (d)~~ SUBSECTION
14 (4)(e)(I) OF THIS SECTION by the sheriff or police chief and the willingness
15 of the sheriff or police chief to address the violations in order to comply
16 with ~~subparagraph (f) of this paragraph (d)~~ SUBSECTION (4)(e)(I) OF THIS
17 SECTION.

18 ~~(e)~~ (f) The official in charge of a jail, lockup, or other facility for
19 the confinement of adult offenders that receives a juvenile for detention
20 should, wherever possible, take such measures as are reasonably
21 necessary to restrict the confinement of any such juvenile with known
22 past or current affiliations or associations with any gang so as to prevent
23 contact with other inmates at such jail, lockup, or other facility. The
24 official should, wherever possible, also take such measures as are
25 reasonably necessary to prevent recruitment of new gang members from
26 among the general inmate population. For purposes of this ~~paragraph (e)~~
27 SUBSECTION (4)(f), "gang" is defined in section 19-1-103 (52).

1 (f) (g) Any person who is eighteen years of age or older who is
2 being detained for a delinquent act or criminal charge over which the
3 juvenile court has jurisdiction, or for which charges are pending in district
4 court pursuant to a direct filing or transfer if the person has not already
5 been transferred to the county jail pursuant to the provisions of
6 ~~subparagraph (IV) of paragraph (c) of subsection (3)~~ SUBSECTION
7 (3)(c)(IV) of this section, shall be detained in the county jail in the same
8 manner as if such person is charged as an adult.

9 (g) (h) A juvenile court shall not order a juvenile offender who is
10 under eighteen years of age at the time of sentencing to enter a secure
11 setting or secure section of an adult jail or lockup as a disposition for an
12 offense or as a means of modifying the juvenile offender's behavior.

13 (5) A juvenile has the right to bail as limited by the provisions of
14 this section.

15 (6) Except for a juvenile described in ~~subsection (2)(b) of this~~
16 ~~section~~ SECTION 19-2-506.5(2), the court may also issue temporary orders
17 for legal custody as provided in section 19-1-115.

18 (7) Any law enforcement officer, employee of the division of
19 youth services, or another person acting under the direction of the court
20 who in good faith transports any juvenile, releases any juvenile from
21 custody pursuant to a written policy of a court, releases any juvenile
22 pursuant to any written criteria established pursuant to this title 19, or
23 detains any juvenile pursuant to court order or written policy or criteria
24 established pursuant to this title 19 is immune from civil or criminal
25 liability that might otherwise result by reason of such act. For purposes
26 of any proceedings, civil or criminal, the good faith of any such person is
27 presumed.

1 (8) (a) A juvenile who allegedly commits a status offense or is
2 convicted of a status offense shall not be held in a secure area of a jail or
3 lockup.

4 (b) A sheriff or police chief who violates the provisions of
5 ~~paragraph (a) of this subsection (8)~~ SUBSECTION (8)(a) OF THIS SECTION
6 may be subject to a civil fine of no more than one thousand dollars. The
7 decision to fine ~~shall~~ MUST be based on prior violations of the provisions
8 of ~~paragraph (a) of this subsection (8)~~ SUBSECTION (8)(a) OF THIS SECTION
9 by the sheriff or police chief and the willingness of the sheriff or police
10 chief to address the violations in order to comply with ~~paragraph (a) of~~
11 ~~this subsection (8)~~ SUBSECTION (8)(a) OF THIS SECTION.

12 **SECTION 12.** In Colorado Revised Statutes, 19-2-509, **amend**
13 (2), (3), (4)(b), and (7) as follows:

14 **19-2-509. Bail.** (2) In lieu of a bond, a juvenile who the court
15 determines ~~is a danger to himself or herself or to the community~~ POSES A
16 SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS may be placed in a
17 preadjudication service program established pursuant to section 19-2-302.

18 (3) Any application for the revocation or modification of the
19 amount, type, or conditions of bail ~~shall~~ MUST be made in accordance
20 with section 16-4-109; ~~C.R.S.~~, except that the presumption described in
21 ~~section 19-2-508 (3)(a)(III)~~ ~~shall~~ SECTION 19-2-508 (3)(a)(IV) MUST
22 continue to apply for the purposes of this section.

23 (4) (b) In setting, modifying, or continuing any bail bond, it ~~shall~~
24 MUST be a condition that the released juvenile appear at any place and
25 upon any date to which the proceeding is transferred or continued. Further
26 conditions of every bail bond ~~shall~~ MUST be that the released juvenile not
27 commit any delinquent acts or harass, intimidate, or threaten any potential

1 witnesses. The judge or magistrate may set any other conditions or
2 limitations on the release of the juvenile as are reasonably necessary for
3 the protection of ~~the juvenile~~ and the community. Any juvenile who is
4 held without bail or whose bail or bail bond is revoked or increased under
5 an order entered at any time after the initial detention hearing pursuant to
6 subsection (3) of this section and who remains in custody or detention,
7 must be tried on the charges on which the bail is denied or the bail or bail
8 bond is revoked or increased within sixty days after the entry of such
9 order or within sixty days after the juvenile's entry of a plea, whichever
10 date is earlier; except that, if the juvenile requests a jury trial pursuant to
11 section 19-2-107, the provisions of section 19-2-107 (4) ~~shall~~ apply.

12 (7) The parent, guardian, or legal custodian for any juvenile
13 released on bond pursuant to this section or any other responsible adult
14 who secures a personal recognizance bond for a juvenile pursuant to
15 subsection (6) of this section may petition the court, prior to forfeiture or
16 exoneration of the bond, to revoke the bond and remand the juvenile into
17 custody if the parent, guardian, legal custodian, or other responsible adult
18 determines that he or she is unable to control the juvenile. The court shall
19 apply the presumption specified in ~~section 19-2-508 (3)(a)(III)~~ SECTION
20 19-2-508 (3)(a)(IV) in determining whether to revoke the bond.

21 **SECTION 13.** In Colorado Revised Statutes, 19-2-514, **add**
22 (3)(c) as follows:

23 **19-2-514. Summons - issuance - contents - service.**

24 (3) (c) PARENTS AND LEGAL GUARDIANS OF A JUVENILE WHO IS THE
25 SUBJECT OF A JUVENILE PROCEEDING SHALL COMPLETE THE RELATIVE
26 FORM AFFIDAVIT DESCRIBED IN SECTION 19-2-212 (1)(h) NO LATER THAN
27 SEVEN BUSINESS DAYS AFTER THE HEARING OR PRIOR TO THE JUVENILE'S

1 NEXT HEARING, WHICHEVER OCCURS FIRST.

2 **SECTION 14.** In Colorado Revised Statutes, 19-2-710, **amend**
3 (2) and (7) as follows:

4 **19-2-710. Mental health services for juvenile - how and when**
5 **issue raised - procedure - definitions.** (2) After the party advises the
6 court of the party's belief that the juvenile could benefit from mental
7 health services, OR AT A TIME DETERMINED PURSUANT TO SECTION
8 24-20-602 (1)(b)(I), the court shall immediately order a mental health
9 screening of the juvenile ~~pursuant to section 16-11.9-102, C.R.S.~~ USING
10 THE MENTAL HEALTH SCREENING TOOL SELECTED PURSUANT TO SECTION
11 24-20-602 (1)(b), unless the court already has sufficient information to
12 determine whether the juvenile could benefit from mental health services
13 or unless a mental health screening of the juvenile has been completed
14 within the last three months. The delinquency proceedings shall not be
15 stayed or suspended pending the results of the mental health screening
16 ordered pursuant this section, however, the court may continue the
17 dispositional and sentencing hearing to await the results of the mental
18 health screening.

19 (7) For purposes of this section:

20 (a) "Assessment" means an objective process used to collect
21 pertinent information in order to identify a juvenile who may have mental
22 health needs AND IDENTIFY APPROPRIATE SERVICES AND TREATMENT.

23 (b) "Juvenile could benefit from mental health services" means a
24 juvenile exhibits one or more of the following characteristics:

25 (I) A chronic or significant lack of impulse control or of
26 judgment;

27 (II) Significant abnormal behaviors under normal circumstances;

1 (III) ~~A history of suspensions, expulsions, or repeated truancy~~
2 ~~from school settings;~~

3 (IV) Severe or frequent changes in sleeping or eating patterns or
4 in levels of activity;

5 (V) A pervasive mood of unhappiness or of depression; or

6 (VI) ~~A history of involvement with, or treatment in, two or more~~
7 ~~state or local governmental agencies, including but not limited to juvenile~~
8 ~~justice, youth corrections, or child welfare~~ THAT INCLUDES MENTAL
9 HEALTH TREATMENT, A SUICIDE ATTEMPT, OR THE USE OF PSYCHOTROPIC
10 MEDICATION.

11 (c) "SCREENING" MEANS A SHORT VALIDATED MENTAL HEALTH
12 SCREENING TO IDENTIFY JUVENILES WHO MAY HAVE MENTAL HEALTH
13 NEEDS.

14 **SECTION 15.** In Colorado Revised Statutes, 19-2-905, **amend**
15 (1)(a) introductory portion and (1)(a)(VII) as follows:

16 **19-2-905. Presentence investigation.** (1) (a) Prior to the
17 sentencing hearing, ~~the juvenile probation department~~ for the judicial
18 district in which the juvenile is adjudicated shall conduct a presentence
19 investigation unless waived by the court on its own determination or on
20 recommendation of the prosecution or the juvenile. The presentence
21 investigation ~~shall~~ MUST take into consideration and build on the intake
22 assessment performed by the screening team. The presentence
23 investigation may address, but is not limited to, the following:

24 (VII) The juvenile's family, KIN, AND PERSONS HAVING A
25 SIGNIFICANT RELATIONSHIP WITH THE JUVENILE;

26 **SECTION 16.** In Colorado Revised Statutes, 19-2-906.5, **amend**
27 (1.5)(b) and (1.5)(c); and **add** (1)(d) and (1.5)(d) as follows:

1 **19-2-906.5. Orders - community placement - reasonable**
2 **efforts required - reviews.** (1) If the court orders legal custody of a
3 juvenile to a county department of human or social services pursuant to
4 the provisions of this article 2, the order must contain specific findings as
5 follows:

6 (d) WHETHER REASONABLE EFFORTS HAVE BEEN MADE TO
7 IDENTIFY KIN OR A SUITABLE ADULT WITH WHOM TO PLACE THE JUVENILE.

8 (1.5) For all hearings and reviews concerning the juvenile, the
9 court shall ensure that notice is provided to the juvenile and to the
10 following persons with whom the juvenile is placed:

11 (b) Pre-adoptive parents; ~~or~~

12 (c) Relatives; OR

13 (d) KIN, AS DEFINED IN SECTION 19-1-103 (71.3).

14 **SECTION 17.** In Colorado Revised Statutes, 19-2-921, **add** (3.3)
15 as follows:

16 **19-2-921. Commitment to department of human services.**

17 (3.3) (a) ON OR BEFORE JANUARY 1, 2021, THE DEPARTMENT OF HUMAN
18 SERVICES, IN CONSULTATION WITH THE JUVENILE JUSTICE REFORM
19 COMMITTEE ESTABLISHED PURSUANT TO SECTION 24-20-601, SHALL
20 DEVELOP A LENGTH OF STAY MATRIX AND ESTABLISH CRITERIA TO GUIDE
21 THE RELEASE OF JUVENILES FROM A STATE FACILITY THAT ARE BASED ON:

22 (I) A JUVENILE'S RISK OF REOFFENDING, AS DETERMINED BY THE
23 RESULTS OF A VALIDATED RISK AND NEEDS ASSESSMENT ADOPTED
24 PURSUANT TO SECTION 24-20-602 (1)(a);

25 (II) THE SERIOUSNESS OF THE OFFENSE FOR WHICH THE JUVENILE
26 WAS ADJUDICATED DELINQUENT;

27 (III) THE JUVENILE'S PROGRESS IN MEETING TREATMENT GOALS;

1 AND

2 (IV) OTHER CRITERIA AS DETERMINED BY THE DEPARTMENT AND
3 THE JUVENILE JUSTICE REFORM COMMITTEE.

4 (b) IN MAKING RELEASE AND DISCHARGE DECISIONS, THE
5 DEPARTMENT OF HUMAN SERVICES SHALL USE THE MATRIX AND RELEASE
6 CRITERIA DEVELOPED PURSUANT TO THIS SUBSECTION (3.3).

7 **SECTION 18.** In Colorado Revised Statutes, **amend** 19-2-925 as
8 follows:

9 **19-2-925. Probation - terms - release - revocation - graduated**
10 **responses system - report.** (1) (a) The terms and conditions of probation
11 must be specified by rules or orders of the court. The court, as a condition
12 of probation for a juvenile who is ten years of age or older but less than
13 eighteen years of age on the date of the sentencing hearing, may impose
14 a commitment or detention. The aggregate length of any such
15 commitment or detention, whether continuous or at designated intervals,
16 must not exceed forty-five days; except that such limit ~~must~~ DOES not
17 apply to any placement out of the home through a county department of
18 human or social services. Each juvenile placed on probation must be
19 given a written statement of the terms and conditions of his or her
20 probation and have the terms and conditions fully explained to him or her.

21 (b) The court, as a condition of probation for a ~~juvenile~~ YOUTH
22 eighteen years of age or older at the time of sentencing for delinquent acts
23 committed prior to his or her eighteenth birthday, may impose as a
24 condition of probation a sentence to the county jail that shall not exceed
25 ninety days; except that such sentence may be for a period of up to one
26 hundred eighty days if the court orders the ~~juvenile~~ YOUTH released for
27 school attendance, job training, or employment.

1 (2)(a) CONDITIONS OF PROBATION SHALL BE CUSTOMIZED TO EACH
2 JUVENILE BASED ON THE GUIDELINES DEVELOPED BY THE COMMITTEE ON
3 JUVENILE JUSTICE REFORM PURSUANT TO SECTION 24-20-602. The court
4 shall, as minimum conditions of probation, order that the juvenile:

5 (a) (I) Not violate any federal or state statutes, municipal
6 ordinances, or orders of the court;

7 ~~(b) Not consume or possess any alcohol or use any controlled~~
8 ~~substance without a prescription;~~

9 ~~(c) (II) Not use or possess a firearm, a dangerous or illegal~~
10 ~~weapon, or an explosive or incendiary device, unless granted written~~
11 ~~permission by the court or probation officer;~~

12 ~~(d) Attend school or an educational program or work regularly at~~
13 ~~suitable employment, and, if the juvenile has an individualized education~~
14 ~~program pursuant to section 22-20-108, C.R.S., the court may order the~~
15 ~~juvenile to comply with his or her individualized education program,~~
16 ~~taking into account the intellectual functioning, adaptive behavior, and~~
17 ~~emotional behaviors associated with the juvenile's disabilities, and subject~~
18 ~~to a manifestation determination pursuant to section 22-33-106(1)(c),~~
19 ~~C.R.S.; except that the court shall not require any such juvenile to attend~~
20 ~~a school from which he or she has been expelled without the prior~~
21 ~~approval of that school's local board of education;~~

22 ~~(e) (III) Report to a probation officer at reasonable times as~~
23 ~~directed by the court or probation officer;~~

24 ~~(f) (IV) Permit the probation officer to visit the juvenile at~~
25 ~~reasonable times at his or her home or elsewhere;~~

26 ~~(g) (V) Remain within the jurisdiction of the court, unless granted~~
27 ~~permission to leave by the court or the probation officer;~~

1 ~~(h)~~ (VI) Answer all reasonable inquiries by the probation officer
2 and promptly notify the probation officer of any change in address or
3 employment;

4 ~~(i)~~ (VII) Make restitution as ordered by the court;

5 ~~(j)~~ (VIII) Pay the victim compensation fee as ordered by the court;

6 ~~(k)~~ (IX) Pay the surcharge levied pursuant to section 24-4.2-104
7 (1)(a)(I); ~~C.R.S.~~;

8 ~~(l)~~ (X) May be evaluated to determine whether the juvenile would
9 be suitable for restorative justice practices that would be a part of the
10 juvenile's probation program; except that the court may not order
11 participation in restorative justice practices if the juvenile was adjudicated
12 a delinquent for unlawful sexual behavior as defined in section 16-22-102
13 (9), ~~C.R.S.~~, a crime in which the underlying factual basis involves
14 domestic violence as defined in section 18-6-800.3 (1), ~~C.R.S.~~, stalking
15 as defined in section 18-3-602, ~~C.R.S.~~, or violation of a protection order
16 as defined in section 18-6-803.5. ~~C.R.S.~~

17 (b) THE COURT SHALL USE THE RESULTS FROM A VALIDATED RISK
18 AND NEEDS ASSESSMENT TO IDENTIFY ADDITIONAL CONDITIONS OF
19 PROBATION, AS NECESSARY.

20 (3) (a) The court may periodically review the terms and conditions
21 of probation and the progress of each juvenile placed on probation.
22 Counsel for the juvenile does not have to be present at any probation
23 review hearing unless notified by the court that a petition to revoke
24 probation has been filed.

25 (b) The court may release a juvenile from probation PRIOR TO THE
26 COMPLETION OF HIS OR HER TERM OF PROBATION, PURSUANT TO SECTION
27 19-2-925, or modify the terms and conditions of his or her probation at

1 any time, but any juvenile who has complied satisfactorily with the terms
2 and conditions of his or her probation for a period of two years shall be
3 released from probation, and the jurisdiction of the court shall be
4 terminated.

5 (4) BEFORE JANUARY 1, 2021, THE STATE COURT ADMINISTRATOR
6 SHALL ESTABLISH RULES TO DEVELOP A STATEWIDE SYSTEM OF
7 STRUCTURED COMMUNITY-BASED GRADUATED RESPONSES, INCLUDING
8 INCENTIVES AND SANCTIONS, TO GUIDE PROBATION OFFICERS IN
9 DETERMINING HOW BEST TO MOTIVATE POSITIVE JUVENILE BEHAVIOR
10 CHANGE AND THE APPROPRIATE RESPONSE TO A VIOLATION OF TERMS AND
11 CONDITIONS OF JUVENILE PROBATION. GRADUATED RESPONSES MEANS AN
12 ACCOUNTABILITY-BASED SERIES OF SANCTIONS AND SERVICES DESIGNED
13 TO RESPOND TO A JUVENILE'S VIOLATION OF PROBATION QUICKLY,
14 CONSISTENTLY, AND PROPORTIONALLY AND INCENTIVES TO MOTIVATE
15 POSITIVE BEHAVIOR CHANGE AND SUCCESSFUL COMPLETION OF PROBATION
16 AND HIS OR HER TREATMENT GOALS. JUVENILE PROBATION SHALL ADOPT
17 AND USE A STATE JUVENILE GRADUATED RESPONSES AND INCENTIVES
18 SYSTEM DEVELOPED PURSUANT TO THIS SUBSECTION (4) OR DEVELOP AND
19 USE A LOCALLY DEVELOPED SYSTEM THAT IS ALIGNED TO BEST PRACTICES.
20 POLICIES AND PROCEDURES FOR THE GRADUATED RESPONSES SYSTEM
21 MUST:

22 (a) INCLUDE INCENTIVES THAT ENCOURAGE THE COMPLETION OF
23 TREATMENT MILESTONES AS WELL AS COMPLIANCE WITH THE TERMS AND
24 CONDITIONS OF A JUVENILE'S PROBATION AND THAT REWARD BEHAVIOR
25 ALIGNED WITH THE EXPECTATIONS OF SUPERVISION AND THE JUVENILE'S
26 CASE PLAN; AND

27 (b) REQUIRE THAT A RESPONSE TO A JUVENILE'S VIOLATION OF THE

1 TERMS AND CONDITIONS OF HIS OR HER SUPERVISION TAKE INTO
2 CONSIDERATION:

3 (I) THE RISK OF THE JUVENILE TO REOFFEND, AS DETERMINED BY
4 THE RESULTS OF A VALIDATED RISK AND NEEDS ASSESSMENT;

5 (II) THE PREVIOUS HISTORY OF VIOLATIONS AND THE UNDERLYING
6 CAUSE OF THE JUVENILE'S BEHAVIOR LEADING TO THE VIOLATION;

7 (III) THE SEVERITY OF THE CURRENT VIOLATION;

8 (IV) THE JUVENILE'S CASE PLAN; AND

9 (V) THE PREVIOUS RESPONSES BY THE JUVENILE TO PAST
10 VIOLATIONS.

11 (5) WHENEVER A PROBATION OFFICER HAS REASONABLE CAUSE TO
12 BELIEVE THAT A JUVENILE HAS COMMITTED A VIOLATION OF THE TERMS OF
13 PROBATION, THE PROBATION OFFICER SHALL FILE THE VIOLATION WITH THE
14 APPROVAL OF HIS OR HER CHIEF PROBATION OFFICER OR THE CHIEF'S
15 DESIGNEE ONLY WHEN THE GRADUATED RESPONSES SYSTEM HAS BEEN
16 FOLLOWED OR WHEN THE NATURE OF THE VIOLATION POSES A
17 SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS. IF THE JUVENILE FAILS
18 TO SATISFY THE GRADUATED RESPONSES AND PROBATION DETERMINES
19 THAT A MOTION TO REVOKE PROBATION SHOULD BE PURSUED, THE
20 PROBATION OFFICER SHALL SUBMIT A WRITTEN REPORT.

21 (6) UNLESS THERE IS REASON TO BELIEVE THAT A JUVENILE WOULD
22 NOT APPEAR, WOULD INTERFERE WITH THE JUVENILE JUSTICE PROCESS, OR
23 POSES SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS, PROBATION
24 OFFICERS SHALL ISSUE A SUMMONS, OR OTHER METHOD APPROVED BY
25 LOCAL COURT RULE, RATHER THAN A WARRANT WHEN FILING A PETITION
26 FOR REVOCATION.

27 (7) THE STATE COURT ADMINISTRATOR SHALL COLLECT DATA

1 RELATED TO THE USE OF THE GRADUATED RESPONSES AND INCENTIVES
2 SYSTEM AND REPORT THIS DATA ANNUALLY TO THE JUDICIARY
3 COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, THE
4 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, AND THE
5 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
6 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, AND THE CHIEF
7 JUSTICE OF THE COLORADO SUPREME COURT. NOTWITHSTANDING THE
8 PROVISIONS OF SECTION 24-1-136 (11)(a)(I), THE REPORTS TO THE
9 COMMITTEES CONTINUE INDEFINITELY. DATA COLLECTED BY THE STATE
10 COURT ADMINISTRATOR MUST INCLUDE AT A MINIMUM THE TYPES OF
11 RESPONSES AND INCENTIVES THAT WERE ISSUED, THE NUMBER OF FORMAL
12 VIOLATIONS FILED, AND THE BEHAVIOR RESULTING IN THE VIOLATION.

13 ~~(4)~~ (8) (a) When it is alleged that a juvenile has violated the terms
14 and conditions of his or her probation, AND GRADUATED RESPONSES HAVE
15 BEEN IMPOSED AND EXHAUSTED, PURSUANT TO SUBSECTION (7) OF THIS
16 SECTION, the court shall set a hearing on the alleged violation and shall
17 give notice to the juvenile and his or her parents, guardian, or other legal
18 custodian and any other parties to the proceeding as provided in section
19 19-2-514.

20 (b) The juvenile and his or her parents, guardian, or other legal
21 custodian shall be given a written statement concerning the alleged
22 violation and shall have the right to be represented by counsel at the
23 hearing and shall be entitled to the issuance of compulsory process for the
24 attendance of witnesses.

25 (c) When the juvenile has been taken into custody because of the
26 alleged violation, the provisions of sections *19-2-506.5*, 19-2-507, and
27 19-2-508 shall apply.

1 (d) (I) The hearing on the alleged violation shall be conducted as
2 provided in section 19-1-106.

3 (II) Subject to the provisions of section 19-2-907, if the court
4 finds that the juvenile violated the terms and conditions of probation, it
5 may modify the terms and conditions of probation, revoke probation, or
6 take such other action permitted by this ~~article~~ ARTICLE 2 that is in the
7 best interest of the juvenile and the public.

8 (III) If the court finds that the juvenile did not violate the terms
9 and conditions of his or her probation as alleged, it shall dismiss the
10 proceedings and continue the juvenile on probation under the terms and
11 conditions previously prescribed.

12 (e) If the court revokes the probation of a person over eighteen
13 years of age, in addition to other action permitted by this ~~article~~ ARTICLE
14 2, the court may sentence him or her to the county jail for a period not to
15 exceed one hundred eighty days during which time he or she may be
16 released during the day for school attendance, job training, or
17 employment, as ordered by the court; except that, if the sentence imposed
18 exceeds ninety days, the court shall order the person released for school
19 attendance, job training, or employment while serving his or her sentence.

20 ~~(5)~~ (9) Following specification of the terms and conditions of
21 probation, where the conditions of probation include requiring the
22 juvenile to attend school, the court shall notify the school district in which
23 the juvenile is enrolled of such requirement.

24 **SECTION 19.** In Colorado Revised Statutes, **add** 19-2-925.2 as
25 follows:

26 **19-2-925.2. Juvenile probation standards - development.**

27 (1) BEFORE JULY 1, 2021, THE STATE COURT ADMINISTRATOR, IN

1 CONSULTATION WITH JUDGES, THE JUDICIAL BRANCH, DISTRICT
2 ATTORNEYS, DEFENSE COUNSEL, AND OTHER INTERESTED PARTIES SHALL
3 ESTABLISH STATEWIDE STANDARDS FOR JUVENILE PROBATION
4 SUPERVISION AND SERVICES THAT ARE ALIGNED WITH RESEARCH-BASED
5 PRACTICES AND BASED ON THE JUVENILE'S RISK OF REOFFENDING AS
6 DETERMINED BY A VALIDATED RISK AND NEEDS ASSESSMENT TOOL
7 ADOPTED PURSUANT TO SECTION 24-20-602. THE STATE COURT
8 ADMINISTRATOR SHALL AT LEAST ANNUALLY PROVIDE TRAINING TO
9 JUVENILE PROBATION ON THE ADOPTION AND IMPLEMENTATION OF THESE
10 STANDARDS. JUVENILE STANDARDS MUST INCLUDE, BUT NEED NOT BE
11 LIMITED TO:

12 (a) GUIDELINES TO SUPPORT JUVENILE PROBATION IN ADOPTING
13 THE MOST EFFECTIVE STAFFING AND WORKLOADS IN ORDER TO ALLOCATE
14 PROBATION RESOURCES MOST APPROPRIATELY;

15 (b) STANDARDS FOR MINIMUM CASE CONTACTS, INCLUDING
16 CONTACTS WITH JUVENILES AS WELL AS THEIR FAMILY MEMBERS;

17 (c) (I) COMMON ELEMENTS FOR WRITTEN INDIVIDUALIZED CASE
18 PLANS FOR EACH JUVENILE PLACED UNDER THE SUPERVISION OF A
19 PROBATION OFFICER. IN DEVELOPING SUCH A CASE PLAN, JUVENILE
20 PROBATION SHALL USE, BUT NEED NOT BE LIMITED TO:

21 (A) THE RESULTS OF A VALIDATED RISK AND NEEDS ASSESSMENT;

22 (B) THE RESULTS OF A VALIDATED MENTAL HEALTH SCREENING,
23 AND FULL ASSESSMENT IF CONDUCTED;

24 (C) THE TRAUMA, IF ANY, EXPERIENCED BY THE JUVENILE;

25 (D) THE EDUCATION LEVEL OF THE JUVENILE AND ANY
26 INTELLECTUAL AND DEVELOPMENTAL DISABILITY;

27 (E) THE SERIOUSNESS OF THE OFFENSE COMMITTED BY THE

1 JUVENILE; AND

2 (F) ANY RELEVANT INFORMATION PROVIDED BY THE FAMILY OF
3 THE JUVENILE, INCLUDING THE PRO-SOCIAL INTERESTS OF THE JUVENILE.

4 (II) A CASE PLAN DEVELOPED PURSUANT TO THIS SECTION MUST:

5 (A) ADDRESS THE RISKS THE JUVENILE PRESENTS AND THE
6 JUVENILE'S SERVICE NEEDS BASED ON THE RESULTS OF THE VALIDATED
7 RISK AND NEEDS ASSESSMENT, INCLUDING SPECIFIC TREATMENT GOALS;

8 (B) SPECIFY THE LEVEL OF SUPERVISION AND INTENSITY OF
9 SERVICES THAT THE JUVENILE SHALL RECEIVE;

10 (C) PROVIDE REFERRALS TO TREATMENT PROVIDERS THAT MAY
11 ADDRESS THE JUVENILE'S RISKS AND NEEDS;

12 (D) BE DEVELOPED IN CONSULTATION WITH THE JUVENILE AND
13 THE JUVENILE'S FAMILY OR GUARDIAN;

14 (E) SPECIFY THE RESPONSIBILITIES OF EACH PERSON OR AGENCY
15 INVOLVED WITH THE JUVENILE; AND

16 (F) PROVIDE FOR THE FULL REENTRY OF THE JUVENILE INTO THE
17 COMMUNITY;

18 (d) (I) CRITERIA AND POLICIES FOR THE EARLY TERMINATION OF
19 JUVENILES UNDER THE SUPERVISION OF JUVENILE PROBATION.

20 (II) JUVENILE PROBATION AND THE JUVENILE COURT SHALL
21 CONSIDER THE FOLLOWING FACTORS, AMONG OTHERS, IN DETERMINING
22 THE EARLY TERMINATION OF SUPERVISION:

23 (A) THE SERIOUSNESS OF THE OFFENSE COMMITTED BY THE
24 JUVENILE RESULTING IN PLACEMENT UNDER THE SUPERVISION OF A
25 PROBATION OFFICER;

26 (B) THE RESULTS OF A VALIDATED RISK AND NEEDS ASSESSMENT,
27 WHICH SHALL BE CONDUCTED AT LEAST EVERY SIX MONTHS TO DETERMINE

1 WHETHER THE JUVENILE'S RISK OF REOFFENDING OR RISK SCORES IN KEY
2 DOMAINS HAVE BEEN REDUCED;

3 (C) THE JUVENILE'S PROGRESS IN MEETING THE GOALS OF THE
4 JUVENILE'S INDIVIDUALIZED CASE PLAN; AND

5 (D) THE JUVENILE'S OFFENSE HISTORY, IF ANY, DURING THE
6 JUVENILE'S PROBATION TERM.

7 (e) COMMON CRITERIA FOR WHEN JUVENILE PROBATION OFFICERS
8 MAY RECOMMEND THE USE OF OUT-OF-HOME PLACEMENTS AND
9 COMMITMENT TO THE DIVISION OF YOUTH SERVICES. THE COURT SHALL
10 CONSIDER WITHOUT LIMITATION THE RESULTS OF A VALIDATED RISK AND
11 NEEDS ASSESSMENT, A VALIDATED MENTAL HEALTH SCREENING, AND, IF
12 APPLICABLE, A FULL MENTAL HEALTH ASSESSMENT CONDUCTED PURSUANT
13 TO SECTION 24-20-602 TO MAKE DECISIONS CONCERNING THE PLACEMENT
14 OF THE JUVENILE.

15 **SECTION 20.** In Colorado Revised Statutes, 19-2-1002, **amend**
16 (2)(b) as follows:

17 **19-2-1002. Juvenile parole.** (2) (b) (I) The board or hearing
18 panel shall take into consideration the results of the ~~objective~~ VALIDATED
19 risk AND NEEDS assessment administered by the department of human
20 services.

21 (II) IN MAKING RELEASE AND DISCHARGE DECISIONS, THE BOARD
22 OR HEARING PANEL SHALL USE THE LENGTH OF STAY MATRIX AND RELEASE
23 CRITERIA DEVELOPED PURSUANT TO SECTION 19-2-921 (3.3).

24 **SECTION 21.** In Colorado Revised Statutes, 19-1-108, **amend**
25 (3)(a.5) as follows:

26 **19-1-108. Magistrates - qualifications - duties.**

27 (3) (a.5) Magistrates shall conduct hearings in the manner provided for

1 the hearing of cases by the court. During the initial advisement of the
2 rights of any party, the magistrate shall inform the party that, except as
3 provided in this subsection (3), he or she has the right to a hearing before
4 the judge in the first instance and that he or she may waive that right but
5 that, by waiving that right, he or she is bound by the findings and
6 recommendations of the magistrate, subject to a request for review as
7 provided in subsection (5.5) of this section. The right to require a hearing
8 before a judge ~~shall~~ DOES not apply to hearings at which a child is advised
9 of his or her rights pursuant to section 19-2-706; detention hearings held
10 pursuant to ~~sections 19-2-507 and~~ SECTIONS 19-2-506.5, 19-2-507, AND
11 19-2-508; preliminary hearings held pursuant to section 19-2-705;
12 temporary custody hearings held pursuant to section 19-3-403;
13 proceedings held pursuant to article 4 of this ~~title~~ TITLE 19; and support
14 proceedings held pursuant to article 6 of this ~~title~~ TITLE 19. In proceedings
15 held pursuant to article 4 or 6 of this ~~title~~ TITLE 19, contested final orders
16 regarding allocation of parental responsibilities may be heard by the
17 magistrate only with the consent of all parties.

18 **SECTION 22.** In Colorado Revised Statutes, 19-1-115, **amend**
19 (6.7) as follows:

20 **19-1-115. Legal custody - guardianship - placement out of the**
21 **home - petition for review for need of placement.** (6.7) Any time the
22 court enters an order related to out-of-home placement pursuant to
23 ~~paragraphs (a), (b), and (c) of subsection (6) or paragraph (b) of~~
24 ~~subsection (6.5) of this section; paragraph (f) of subsection (8) of this~~
25 ~~section; section 19-2-508 (3)(a)(VII)(A) and (3)(a)(VII)(B) SUBSECTIONS~~
26 (6)(a) TO (6)(c) OR SUBSECTION (6.5)(b) OF THIS SECTION; SUBSECTION
27 (8)(f) OF THIS SECTION; SECTION 19-2-508 (3)(a)(XI)(A) AND

1 (3)(a)(XI)(B); section 19-2-906.5 (1)(a), (1)(b), and (3)(a)(III); or section
2 19-3-702 (3.5)(b) and (6)(a)(II), the order ~~shall be~~ IS effective as of the
3 date the findings were made by the court, notwithstanding the date that a
4 written order may be signed by the court. Written orders entered pursuant
5 to ~~paragraphs (a), (b), and (c) of subsection (6) or paragraph (b) of~~
6 ~~subsection (6.5) of this section; paragraph (f) of subsection (8) of this~~
7 ~~section; section 19-2-508 (3)(a)(VII)(A) and (3)(a)(VII)(B) SUBSECTIONS~~
8 (6)(a) TO (6)(c) OR SUBSECTION (6.5)(b) OF THIS SECTION; SUBSECTION
9 (8)(f) OF THIS SECTION; SECTION 19-2-508 (3)(a)(XI)(A) AND
10 (3)(a)(XI)(B); section 19-2-906.5 (1)(a), (1)(b), and (3)(a)(III); or section
11 19-3-702 (3.5)(b) and (6)(a)(II) ~~shall~~ MUST state "the effective date of this
12 order is" and ~~shall~~ MUST not use the words "nunc pro tunc".

13 **SECTION 23.** In Colorado Revised Statutes, 19-2-108, **amend**
14 (2) introductory portion and (2)(b) as follows:

15 **19-2-108. Speedy trial - procedural schedule.** (2) In bringing
16 an adjudicatory action against a juvenile pursuant to this ~~article~~ ARTICLE
17 2, the district attorney and the court shall comply with the deadlines for:

18 (b) Filing the petition, as specified in ~~section 19-2-508 (3)(a)(V)~~
19 SECTION 19-2-508 (3)(a)(IX);

20 **SECTION 24.** In Colorado Revised Statutes, 19-2-309.5, **amend**
21 (5) as follows:

22 **19-2-309.5. Community accountability program - legislative**
23 **declaration - creation.** (5) If a juvenile in the first component of the
24 program would substantially benefit, the division of youth services shall
25 notify the local department of probation who may petition the court for
26 an extension of up to fifteen days in addition to the initial sixty-day period
27 for the first component of the program. The period of time a juvenile

1 spends in the second component of the program must not exceed one
2 hundred twenty days. The entire period of a juvenile's participation in the
3 program must not exceed the length of the juvenile's probation sentence.
4 Whenever a juvenile fails to progress through or complete the first or
5 second component of the program, the juvenile is subject to the
6 provisions of ~~section 19-2-925 (4)~~ SECTION 19-2-925 (8) for violating a
7 condition of probation.

8 **SECTION 25.** In Colorado Revised Statutes, 19-2-503, **amend**
9 (1) as follows:

10 **19-2-503. Issuance of a lawful warrant taking a juvenile into**
11 **custody.** (1) A lawful warrant taking a juvenile into custody may be
12 issued pursuant to this section by any judge of a court of record or by a
13 juvenile magistrate upon receipt of an affidavit relating facts sufficient to
14 establish probable cause to believe that a delinquent act has been
15 committed and probable cause to believe that a particular juvenile
16 committed that act. Upon receipt of such affidavit, the judge or magistrate
17 shall issue a lawful warrant commanding any peace officer to take the
18 juvenile named in the affidavit into custody and to take him or her
19 without unnecessary delay before the nearest judge of the juvenile court
20 or magistrate as provided in ~~section 19-2-508 (4)(d)~~ SECTION 19-2-508
21 (4)(e)(I).

22 **SECTION 26.** In Colorado Revised Statutes, 19-2-706, **amend**
23 (1)(b) as follows:

24 **19-2-706. Advisement - right to counsel - waiver of right to**
25 **counsel.** (1) (b) If the respondent has made an early application for
26 appointed counsel for the juvenile and the office of the state public
27 defender has made a preliminary determination that the juvenile is

1 eligible for appointed counsel as set forth in section 21-1-103 ~~C.R.S.~~, or
2 if the court has appointed counsel for the juvenile pursuant to ~~section~~
3 ~~19-2-508 (2.5)~~ SECTION 19-2-508 (2), an attorney from the office of the
4 state public defender or, in the case of a conflict, from the office of
5 alternate defense counsel, shall be available to represent the juvenile at
6 the juvenile's first appearance, as described in ~~paragraph (a) of this~~
7 ~~subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION.

8 **SECTION 27.** In Colorado Revised Statutes, 19-2-911, **amend**
9 (2) as follows:

10 **19-2-911. Sentencing - alternative services - detention.** (2) In
11 the case of a juvenile who has been adjudicated a juvenile delinquent for
12 the commission of one of the offenses described in ~~section 19-2-508~~
13 ~~(3)(a)(II)~~ SECTION 19-2-508 (3)(a)(IV), the court shall sentence the
14 juvenile to a minimum mandatory period of detention of not fewer than
15 five days.

16 **SECTION 28.** In Colorado Revised Statutes, 22-32-141, **amend**
17 (2)(a) and (2)(e) as follows:

18 **22-32-141. Student awaiting trial as adult - educational**
19 **services - definitions.** (2) (a) Except as otherwise provided in ~~paragraphs~~
20 ~~(e) to (g) of this subsection (2)~~ SUBSECTIONS (2)(c) TO (2)(g) OF THIS
21 SECTION, if a juvenile is held in a jail or other facility for the detention of
22 adult offenders pending criminal proceedings as an adult, the school
23 district in which the jail or facility is located shall provide educational
24 services for the juvenile upon request of the official in charge of the jail
25 or facility, or his or her designee, pursuant to ~~section 19-2-508 (4)(b.5);~~
26 ~~C.R.S.~~ SECTION 19-2-508 (4)(c)(I). A school district may provide
27 educational services directly using one or more of its employees or may

1 ensure that educational services are provided through a board of
2 cooperative services, an administrative unit, or otherwise through contract
3 with a person or entity.

4 (e) If a school district or the official in charge of the jail or facility
5 determines as provided in ~~section 19-2-508 (4)(b.5)(II), C.R.S.~~, SECTION
6 19-2-508 (4)(c)(II) that an appropriate and safe environment for school
7 district employees or contractors is not available in which to provide
8 educational services to a specific juvenile, the school district is exempt
9 from the requirement of providing educational services to the juvenile
10 until such time as both the school district and the official in charge of the
11 jail or facility determine that an appropriate and safe environment for
12 school district employees or contractors is available. If the school district
13 will not be providing educational services to a juvenile because of the
14 lack of an appropriate and safe environment for school district employees
15 or contractors, the official in charge of the jail or facility shall notify the
16 juvenile, his or her parent or legal guardian, the juvenile's defense
17 attorney, and the court having jurisdiction over the juvenile's case.

18 **SECTION 29.** In Colorado Revised Statutes, 22-33-107.5,
19 **amend** (1)(a) and (1)(b) as follows:

20 **22-33-107.5. Notice of failure to attend.** (1) Except as
21 otherwise provided in subsection (2) of this section, a school district shall
22 notify the appropriate court or parole board if a student fails to attend all
23 or any portion of a school day, where the school district has received
24 notice from the court or parole board:

25 (a) Pursuant to ~~section 19-2-508 (3)(a)(VI), C.R.S.~~, SECTION
26 19-2-508 (3)(a)(X) that the student is required to attend school as a
27 condition of release pending an adjudicatory trial;

1 (b) Pursuant to section 17-22.5-404, 18-1.3-204 (2.3), 19-2-907
2 (4), ~~19-2-925 (5)~~, **19-2-925 (9)**, or 19-2-1002 (1) or (3) ~~C.R.S.~~, that the
3 student is required to attend school as a condition of or in connection with
4 any sentence imposed by the court, including a condition of probation or
5 parole; or

6 **SECTION 30.** In Colorado Revised Statutes, 42-4-1706, **amend**
7 (2)(a) as follows:

8 **42-4-1706. Juveniles - convicted - arrested and incarcerated**
9 **- provisions for confinement.** (2) (a) Notwithstanding any other
10 provision of law, a child, as defined in section 19-1-103 (18), ~~C.R.S.~~,
11 arrested and incarcerated for an alleged misdemeanor traffic offense
12 ~~under this article~~ PURSUANT TO THIS ARTICLE 4, and not released on bond,
13 shall be taken before a county judge who has jurisdiction of such offense
14 within forty-eight hours for fixing of bail and conditions of bond pursuant
15 to ~~section 19-2-508 (4)(d), C.R.S.~~ SECTION 19-2-508 (4)(e). Such child
16 shall not be confined in a jail, lockup, or other place used for the
17 confinement of adult offenders for longer than seventy-two hours, after
18 which the child may be further detained only in a juvenile detention
19 facility operated by or under contract with the department of human
20 services. In calculating time under this subsection (2), Saturdays,
21 Sundays, and court holidays ~~shall~~ **MUST** be included.

22 **SECTION 31. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.