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SENATE BILL 19-108

BY SENATOR(S) Lee and Gardner, Bridges, Court, Crowder, Gonzales, Hisey, Holbert, Lundeen, Moreno, Priola, Sonnenberg, Tate, Todd, Winter, Garcia;

also REPRESENTATIVE(S) Michaelson Jenet and Soper, Arndt, Bird, Buckner, Caraveo, Cutter, Duran, Exum, Froelich, Galindo, Gonzales-Gutierrez, Gray, Herod, Hooton, Kennedy, Kipp, Lontine, Roberts, Singer, Sirota, Snyder, Tipper, Titone, Valdez A., Valdez D., Weissman.

CONCERNING CHANGES TO IMPROVE OUTCOMES FOR YOUTH IN THE JUVENILE JUSTICE SYSTEM, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** part 24 to article 33.5 of title 24 as follows:

PART 24
JUVENILE JUSTICE REFORM

24-33.5-2401. Committee on juvenile justice reform - creation -

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

membership. (1) THE COMMITTEE ON JUVENILE JUSTICE REFORM, REFERRED TO AS THE "COMMITTEE" IN THIS PART 24, IS CREATED IN THE DEPARTMENT.

(2) (a) THE COMMITTEE CONSISTS OF THE FOLLOWING THIRTY MEMBERS:

(I) THE GOVERNOR OR THE GOVERNOR'S DESIGNEE;

(II) FOUR MEMBERS OF THE GENERAL ASSEMBLY, ONE APPOINTED BY THE MAJORITY LEADER OF THE SENATE, ONE APPOINTED BY THE MINORITY LEADER OF THE SENATE, ONE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND ONE APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES;

(III) TWO JUDGES APPOINTED BY THE CHIEF JUSTICE WHO ARE EITHER A JUDGE OF THE JUVENILE COURT OF THE CITY AND COUNTY OF DENVER OR A DISTRICT COURT JUDGE OR MAGISTRATE HANDLING JUVENILE MATTERS;

(IV) THE DIRECTOR OF THE DIVISION OF YOUTH SERVICES PURSUANT TO SECTION 19-2-203, OR THE DIRECTOR'S DESIGNEE;

(V) THE DIRECTOR OF THE DIVISION OF CRIMINAL JUSTICE PURSUANT TO SECTION 24-33.5-502, OR THE DIRECTOR'S DESIGNEE;

(VI) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO SECTION 26-1-105, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(VII) THE STATE COURT ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE;

(VIII) THE ATTORNEY GENERAL OR HIS OR HER DESIGNEE;

(IX) TWO STATE PROSECUTORS WITH EXPERIENCE IN JUVENILE PROSECUTION AND DIVERSION ISSUES APPOINTED BY THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT ATTORNEYS' COUNCIL;

(X) A REPRESENTATIVE APPOINTED BY THE OFFICE OF THE STATE PUBLIC DEFENDER AND A REPRESENTATIVE APPOINTED BY THE OFFICE OF THE

ALTERNATE DEFENSE COUNSEL, BOTH OF WHOM SPECIALIZE IN JUVENILE DEFENSE;

(XI) TWO PERSONS WHO OVERSEE LOCAL JUVENILE DIVERSION PROGRAMS, ONE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND ONE APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES;

(XII) THE EXECUTIVE DIRECTOR OF THE OFFICE OF THE CHILD'S REPRESENTATIVE CREATED IN SECTION 13-91-104, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(XIII) THE COLORADO CHILD PROTECTION OMBUDSMAN, OR HIS OR HER DESIGNEE;

(XIV) A REPRESENTATIVE OF AN ORGANIZATION ADVOCATING FOR VICTIMS OF CRIMES WITH EXPERIENCE IN JUVENILE CASES APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES;

(XV) A JUVENILE MENTAL HEALTH PROFESSIONAL, APPOINTED BY THE MAJORITY LEADER OF THE SENATE;

(XVI) TWO EMPLOYEES OF COUNTIES WITH EXPERIENCE IN JUVENILE ASSESSMENTS OR PLACEMENT, ONE FROM A CLASS A OR B COUNTY AND ONE FROM A CLASS C OR D COUNTY APPOINTED BY A STATEWIDE ORGANIZATION OF COUNTIES;

(XVII) TWO PERSONS WHO ARE REPRESENTATIVES OF A NONPROFIT ORGANIZATION THAT PROVIDES PROGRAMS TO PREVENT OR ADDRESS JUVENILE DELINQUENCY, ONE APPOINTED BY THE MINORITY LEADER OF THE SENATE, ONE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

(XVIII) ONE JUVENILE OR FORMER JUVENILE WHO WAS CHARGED WITH A DELINQUENT ACT, APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES; AND

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

(b) IN MAKING THE APPOINTMENTS, THE APPOINTING PARTIES ARE ENCOURAGED TO LOOK AT THE GEOGRAPHIC DIVERSITY OF MEMBERS OF THE COMMITTEE.

(3) THE COMMITTEE SHALL SELECT A CHAIR AND A VICE-CHAIR BY A MAJORITY VOTE.

(4) THE INITIAL COMMITTEE APPOINTMENTS AND DESIGNATIONS MUST BE MADE BY MAY 31, 2019. THE INITIAL MEETING OF THE COMMITTEE MUST BE ON OR BEFORE JUNE 30, 2019, AND THE COMMITTEE MUST MEET AT LEAST QUARTERLY THEREAFTER, UPON NOTICE BY THE CHAIR. THE COMMITTEE SHALL MEET AS OFTEN AS NECESSARY TO CARRY OUT ITS DUTIES AS DESCRIBED IN THIS PART 6. A MAJORITY OF THE MEMBERS OF THE COMMITTEE CONSTITUTES A QUORUM FOR THE TRANSACTION OF BUSINESS, AND A MAJORITY OF A QUORUM PRESENT AT ANY MEETING IS SUFFICIENT FOR ANY OFFICIAL ACTION TAKEN BY THE COMMITTEE.

(5) THE COMMITTEE MAY ESTABLISH SUBCOMMITTEES THAT MAY INCLUDE INDIVIDUALS OTHER THAN MEMBERS OF THE COMMITTEE TO ASSIST IN ITS WORK.

24-33.5-2402. Juvenile justice reform committee - duties.

(1) THE COMMITTEE HAS THE FOLLOWING DUTIES:

(a) (I) ADOPT A VALIDATED RISK AND NEEDS ASSESSMENT TOOL OR TOOLS TO BE USED STATEWIDE THAT USES AN ACCEPTED STANDARD OF ASSESSMENT. THE COMMITTEE SHALL DETERMINE IF ONE TOOL MUST BE USED BY THE ENTIRE JUVENILE JUSTICE SYSTEM OR IF THE JUDICIAL DEPARTMENT OR DIVISION OF YOUTH SERVICES MAY USE DIFFERENT VALIDATED TOOLS. THE TOOL OR TOOLS MUST BE USED TO ASSIST:

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

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

(C) JUVENILE PROBATION DEPARTMENTS IN THE DEVELOPMENT OF CASE PLANS AND THE DETERMINATION OF SUPERVISION LEVELS FOR

JUVENILES PLACED ON PROBATION.

(II) IN ADOPTING THE VALIDATED RISK AND NEEDS ASSESSMENT TOOL OR TOOLS PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION, THE COMMITTEE SHALL CONSULT WITH EXPERT ORGANIZATIONS, CONSULT WITH THE DELIVERY OF CHILD WELFARE SERVICES TASK FORCE CREATED IN SECTION 26-5-105.8, AND REVIEW RESEARCH AND BEST PRACTICES FROM OTHER JURISDICTIONS AND MAY CONSIDER A VALIDATED TOOL OR TOOLS ALREADY BEING USED IN THE STATE. ON OR BEFORE JANUARY 1, 2021, THE COMMITTEE SHALL:

(A) SELECT A VALIDATED RISK AND NEEDS ASSESSMENT TOOL OR TOOLS; EXCEPT THAT THE COMMITTEE SHALL SELECT THE TOOL OR TOOLS BY SEPTEMBER 1, 2019.

(B) DETERMINE THE POPULATION OF JUVENILES FOR WHICH THE VALIDATED RISK AND NEEDS ASSESSMENT MUST BE CONDUCTED PRIOR TO DISPOSITION, WHILE IN THE CUSTODY OF THE DIVISION OF YOUTH SERVICES, OR UNDER JUVENILE PROBATION SUPERVISION;

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

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

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

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

(G) DEVELOP A PLAN TO COLLECT AND REPORT DATA ANNUALLY ON THE RESULTS OF THE VALIDATED RISK AND NEEDS ASSESSMENTS; AND

(H) CALCULATE THE FISCAL COST OF COLLECTING AND REPORTING THE DATA REQUIRED BY SUBSECTION (1)(a)(II)(G) OF THIS SECTION AND REPORT THE COST TO THE OFFICE OF STATE PLANNING AND BUDGETING.

(b) SELECT A VALIDATED MENTAL HEALTH SCREENING TOOL OR TOOLS THAT USE AN ACCEPTED STANDARD OF PRACTICE TO BE USED TO INFORM THE APPROPRIATE ACTIONS TO TAKE FOR EACH JUVENILE PRIOR TO DISPOSITION. THE TOOL OR TOOLS MAY BE A VALIDATED TOOL OR TOOLS ALREADY BEING USED IN THE STATE.

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

(d) BY JULY 1, 2020, SELECT A QUALIFIED VENDOR OR NATIONAL PROVIDER OF RISK ASSESSMENT TECHNICAL ASSISTANCE TO ASSIST THE DEPARTMENT OF HUMAN SERVICES, JUVENILE PROBATION, AND THE JUVENILE COURT WITH THE ADOPTION AND IMPLEMENTATION OF THE VALIDATED RISK AND NEEDS ASSESSMENT TOOL OR TOOLS AND VALIDATED MENTAL HEALTH SCREENING TOOL OR TOOLS AND ASSIST JUVENILE DIVERSION PROGRAMS AND DISTRICT ATTORNEY'S OFFICES WITH THE ADOPTION AND IMPLEMENTATION OF A VALIDATED RISK SCREENING TOOL. THE ASSISTANCE MUST INCLUDE AN IMPLEMENTATION PLAN, EMPLOYEE TRAINING, POLICY DEVELOPMENT, AND THE ESTABLISHMENT OF QUALITY ASSURANCE AND DATA COLLECTION PROTOCOLS.

(e) IN COLLABORATION WITH THE DELIVERY OF CHILD WELFARE SERVICES TASK FORCE CREATED IN SECTION 26-5-105.8, IDENTIFY SHARED OUTCOME MEASURES THAT ALL SERVICE PROVIDERS RECEIVING STATE FUNDS AND SERVING JUVENILES PLACED ON PROBATION AND PAROLE MUST TRACK AND REPORT. THE COMMITTEE SHALL ALSO:

(I) DEVELOP A PLAN FOR HOW THE DEPARTMENT OF HUMAN SERVICES AND THE JUDICIAL DEPARTMENT SHALL COLLECT THIS DATA AS PART OF THE CONTRACTING REQUIREMENTS;

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

(III) DEVELOP A PLAN FOR THE DEPARTMENT OF HUMAN SERVICES AND THE JUDICIAL DEPARTMENT TO REPORT ON THE OUTCOME MEASURES. THE REPORT OR REPORTS MUST BE MADE AVAILABLE ANNUALLY TO THE GOVERNOR, THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT, AND THE JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT OR REPORTS TO THE COMMITTEES CONTINUES INDEFINITELY.

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

(2) THE COMMITTEE SHALL RECOMMEND CHANGES TO STATUTES, APPROPRIATIONS, RULES, OR STANDARDS THAT NEED TO BE MADE PRIOR TO FULLY IMPLEMENTING THE COMMITTEE'S RECOMMENDATIONS. SUBMITTING REPORTS PURSUANT TO THIS SECTION IS CONTINGENT UPON THE RECEIPT OF REASONABLE AND NECESSARY ADDITIONAL APPROPRIATIONS REQUESTED BY THE COMMITTEE IN ORDER TO FULFILL REPORTING REQUIREMENTS OUTLINED IN THE COMMITTEE'S PLANS.

24-33.5-2403. Repeal. THIS PART 6 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2022. BEFORE ITS REPEAL, THIS PART 6 IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

SECTION 2. In Colorado Revised Statutes, 19-1-103, **amend** (44) and (94.1); and **add** (106.5) as follows:

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

(44) (a) "Diversion" means a decision made by a person with authority or a delegate of that person that results in specific official action

of the legal system not being taken in regard to a specific juvenile or child and in lieu thereof providing OR REFERRING THE JUVENILE OR CHILD TO individually designed services, by a specific program OR ACTIVITY, IF NECESSARY, PROVIDED BY DISTRICT ATTORNEY'S OFFICES, GOVERNMENTAL UNITS, OR NONGOVERNMENTAL UNITS. The goal of diversion is to prevent further involvement of the juvenile or child in the formal legal system.

(b) Diversion of a juvenile or child may take place either at the prefiling level as an alternative to the filing of a petition pursuant to section 19-2-512 or at the postadjudication level as an adjunct to probation services following an adjudicatory hearing pursuant to section 19-3-505 or a disposition as a part of sentencing pursuant to section 19-2-907. "Services", as used in this subsection (44), includes but is not limited to diagnostic needs assessment, restitution programs, community service, job training and placement, specialized tutoring, constructive recreational activities, general counseling and counseling during a crisis situation, and follow-up activities POSTFILING AS AN ALTERNATIVE TO ADJUDICATION. Services may include restorative justice practices as defined in section 18-1-901 (3)(o.5) C.R.S., and as deemed suitable by the probation department or a designated restorative justice practices facilitator. Restorative justice practices shall be conducted by facilitators recommended by the district attorney 19-1-103 (94.1).

(94.1) "Restorative justice" means those practices that emphasize repairing the harm to the victim and the community caused by criminal acts. Restorative justice practices may include victim-offender conferences attended voluntarily by the victim, a victim advocate, the offender, community members, and supporters of the victim or the offender that provide an opportunity for the offender to accept responsibility for the harm caused to those affected by the crime and to participate in setting consequences to repair the harm. Consequences recommended by the participants may include, but need not be limited to, apologies, community service, restoration, and counseling. The selected consequences are incorporated into an agreement that sets time limits for completion of the consequences and is signed by all participants. ANY STATEMENTS MADE DURING THE RESTORATIVE JUSTICE PROCESS ARE CONFIDENTIAL AND SHALL NOT BE USED AGAINST THE JUVENILE, OR AS A BASIS FOR CHARGING OR PROSECUTING THE JUVENILE, UNLESS THE JUVENILE COMMITS A CHARGEABLE OFFENSE DURING THE PROCESS. NOTHING PRECLUDES A PERSON FROM REPORTING CHILD ABUSE OR NEGLECT WHEN REQUIRED UNDER SECTION

19-3-304, OR A MENTAL HEALTH PROVIDER FROM COMPLYING WITH A DUTY TO WARN UNDER SECTION 13-21-117 (2).

(106.5) "TEMPORARY SHELTER" MEANS THE TEMPORARY PLACEMENT OF A CHILD WITH KIN, AS DEFINED IN SUBSECTION (71.3) OF THIS SECTION; WITH AN ADULT WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD; OR IN A LICENSED AND CERTIFIED TWENTY-FOUR-HOUR CARE FACILITY.

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

19-2-210. Juvenile community review board. (3) (b) The board shall review the case file of the juvenile and make a decision regarding residential community placement, taking into consideration the results of ~~the objective~~ A VALIDATED RISK AND NEEDS ASSESSMENT ADOPTED PURSUANT TO SECTION 24-33.5-2402 (1) by the department of human services, ~~the needs of the juvenile, and~~ the criteria established by the juvenile community review board based on the interests of the community, ~~Objective risk criteria shall be established and maintained~~ AND GUIDANCE ESTABLISHED by the department of human services ~~and shall~~ IN CONSULTATION WITH THE JUVENILE JUSTICE REFORM COMMITTEE ESTABLISHED PURSUANT TO SECTION 24-33.5-2401. THE CRITERIA MUST be based upon researched factors that have been demonstrated to be correlative to risk to the community.

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

19-2-211.5. Legislative declaration. THE GENERAL ASSEMBLY DECLARES THAT THE PLACEMENT OF CHILDREN IN A DETENTION FACILITY EXACTS A NEGATIVE IMPACT ON THE MENTAL AND PHYSICAL WELL-BEING OF THE CHILD AND SUCH DETENTION MAY MAKE IT MORE LIKELY THAT THE CHILD WILL REOFFEND. CHILDREN WHO ARE DETAINED ARE MORE LIKELY TO PENETRATE DEEPER INTO THE JUVENILE JUSTICE SYSTEM THAN SIMILAR CHILDREN WHO ARE NOT DETAINED, AND COMMUNITY-BASED ALTERNATIVES TO DETENTION SHOULD BE BASED ON THE PRINCIPLE OF USING THE LEAST-RESTRICTIVE SETTING POSSIBLE AND RETURNING A CHILD TO HIS OR HER HOME, FAMILY, OR OTHER RESPONSIBLE ADULT WHENEVER POSSIBLE CONSISTENT WITH PUBLIC SAFETY. IT IS THE INTENT OF THE GENERAL ASSEMBLY IN ADOPTING SECTION 19-2-507.5 AND AMENDING SECTIONS

19-2-212, 19-2-507, AND 19-2-508 TO LIMIT THE USE OF DETENTION TO ONLY THOSE CHILDREN WHO POSE A SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS OR THAT ARE A FLIGHT RISK FROM PROSECUTION.

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

19-2-212. Working group for criteria for placement of juvenile offenders - establishment of formula - review of criteria - report. (1) (a)

The executive director of the department of human services and the state court administrator of the judicial department, or any designees of such persons, ~~in consultation with~~ SHALL FORM A WORKING GROUP THAT MUST INCLUDE REPRESENTATIVES FROM:

(I) The division of criminal justice of the department of public safety;

(II) The office of state planning and budgeting;

(III) The Colorado district attorneys council;

(IV) Law enforcement; ~~representatives;~~

(V) THE PUBLIC DEFENDER'S OFFICE AND THE OFFICE OF ALTERNATE DEFENSE COUNSEL;

(VI) THE OFFICE OF THE CHILD REPRESENTATIVE;

(VII) JUVENILE PROBATION;

(VIII) JUVENILE COURT JUDGES AND MAGISTRATES; and ~~representatives of~~

(IX) Local and county governments, INCLUDING COUNTY DEPARTMENTS OF HUMAN OR SOCIAL SERVICES. ~~shall form a~~

(b) THE working group ~~that~~ shall carry out the following duties:

~~(a)~~ (I) To establish a set of criteria for both detention and commitment for the purposes of determining which juvenile offenders are

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

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

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

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

(C) IDENTIFYING HOW THE INSTRUMENT IS VALIDATED AND PILOTTED;

AND

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

(III) BEFORE JANUARY 1, 2021, TO DEVELOP A PLAN TO PROVIDE TRAINING AND TECHNICAL ASSISTANCE TO SCREENING TEAMS ON THE IMPLEMENTATION OF THE DETENTION SCREENING INSTRUMENT, INCLUDING AT LEAST ANNUAL REFRESHER TRAINING;

(IV) BEFORE JANUARY 1, 2021, TO DEVELOP A PLAN FOR THE DIVISION OF YOUTH SERVICES TO COLLECT, COMPILE, AND REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, ANNUALLY ON THE USE OF SECURE DETENTION; NUMBER AND JUSTIFICATION OF OVERRIDES OF THE DETENTION SCREENING INSTRUMENT AS CONDUCTED PURSUANT TO SECTION 19-2-507; AND, IF POSSIBLE, AN ANALYSIS OF DETENTION SCREENING INSTRUMENT DATA TO DETERMINE IF ANY DISPARATE IMPACTS RESULTED BASED ON RACE, ETHNICITY, GENDER, SEXUAL ORIENTATION, NATIONAL ORIGIN, ECONOMIC STATUS, OR CHILD WELFARE INVOLVEMENT. THE DIVISION OF YOUTH SERVICES SHALL RECOMMEND ANY NECESSARY CHANGES TO APPROPRIATIONS THAT NEED TO BE MADE PRIOR TO FULLY IMPLEMENTING THIS SECTION'S RECOMMENDATIONS. NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I), THIS REPORTING REQUIREMENT CONTINUES INDEFINITELY.

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

the federal "Social Security Act", as amended.

(VI) BEFORE JANUARY 1, 2021, TO ESTABLISH CRITERIA FOR JUVENILES SERVED THROUGH ALTERNATIVE SERVICES FUNDED PURSUANT TO SUBSECTION (1)(e) OF THIS SECTION. SUCH CRITERIA MUST PRIORITIZE:

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

(B) JUVENILES WHO ARE IN SECURE DETENTION; AND

(C) JUVENILES UNDER THE SUPERVISION OF PROBATION WHEN THE RESULTS OF A DETENTION SCREENING INSTRUMENT INDICATE THAT THE JUVENILE IS ELIGIBLE FOR DETENTION.

(VII) AT LEAST EVERY TWO YEARS, TO REVIEW DATA COLLECTED BY THE DIVISION OF YOUTH SERVICES ON THE USE OF FUNDING PURSUANT TO SUBSECTION (1)(e) OF THIS SECTION AND ITS IMPACT ON THE USE OF JUVENILE DETENTION. THE WORKING GROUP SHALL IDENTIFY THE MEASURES THAT IT WILL COLLECT AS PART OF ITS REVIEW OF THE IMPACT OF PREADJUDICATED FUNDING ON DETENTION PURSUANT TO THIS SECTION.

(VIII) BEFORE JANUARY 1, 2021, TO ADOPT A RELATIVE INFORMATION FORM CONCERNING A JUVENILE'S POTENTIAL NEED FOR SERVICES OR PLACEMENT. THE INFORMATION FORM MUST BE AVAILABLE AT EACH JUDICIAL DISTRICT TO EACH PARENT OR LEGAL GUARDIAN OF A JUVENILE SCREENED FOR DETENTION AND PARTICIPATION IN ALTERNATIVE SERVICES. THE INFORMATION FORM MUST:

(A) ADVISE THE PARENT OR LEGAL GUARDIAN THAT HE OR SHE IS REQUIRED TO PROVIDE THE REQUESTED INFORMATION FULLY AND COMPLETELY; AND

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

(IX) BEFORE JANUARY 1, 2021, TO DEVELOP A SYSTEM OF GRADUATED RESPONSES AND REWARDS TO GUIDE PAROLE OFFICERS IN DETERMINING HOW BEST TO MOTIVATE POSITIVE JUVENILE BEHAVIOR CHANGE AND THE APPROPRIATE RESPONSE TO A VIOLATION OF TERMS AND CONDITIONS OF JUVENILE PAROLE. GRADUATED RESPONSES MEANS AN ACCOUNTABILITY-BASED SERIES OF SANCTIONS AND SERVICES DESIGNED TO RESPOND TO A JUVENILE'S VIOLATION OF PAROLE QUICKLY, CONSISTENTLY, AND PROPORTIONALLY AND INCENTIVES TO MOTIVATE POSITIVE BEHAVIOR CHANGE AND SUCCESSFUL COMPLETION OF PAROLE AND HIS OR HER REENTRY AND TREATMENT GOALS.

(2) Of the members of the working group established pursuant to subsection (1) of this section, the executive director of the department of human services and the state court administrator of the judicial department, or any designees of such persons, shall have final authority to carry out the duty of creating the set of criteria pursuant to ~~paragraph (a) of subsection (1)~~ SUBSECTIONS (1)(a) TO (1)(d) of this section and creating the formula pursuant to ~~paragraph (b) of subsection (1)~~ SUBSECTIONS (1)(e) TO (1)(g) of this section. This authority shall CAN ONLY be exercised after working with and participating in the working group process established in this section.

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

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

(b) PARENTS OR LEGAL GUARDIANS OF A JUVENILE EVALUATED BY A PREADJUDICATION SERVICE PROGRAM SHALL COMPLETE THE INFORMATION FORM DESCRIBED IN SECTION 19-2-212 (1)(a)(VII) NO LATER THAN TWO BUSINESS DAYS AFTER THE EVALUATION OR PRIOR TO THE JUVENILE'S FIRST DETENTION HEARING, WHICHEVER OCCURS FIRST. IF AVAILABLE, THE

SCREENING TEAM OR PREADJUDICATION SERVICE PROGRAM SHALL FILE THE ORIGINAL COMPLETED INFORMATION FORM WITH THE COURT. IF THE INFORMATION FORM HAS NOT BEEN COMPLETED AT THE TIME OF THE DETENTION HEARING, THE COURT SHALL DIRECT THE PARENT OR LEGAL GUARDIAN TO IMMEDIATELY COMPLETE THE FORM AND FILE IT WITH THE COURT. THE SCREENING TEAM, PREADJUDICATION SERVICE PROGRAM, OR THE COURT SHALL DELIVER A COPY OF THE INFORMATION REPORT TO THE DIVISION OF YOUTH SERVICES; THE GUARDIAN AD LITEM, IF ANY; AND THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES NO LATER THAN FIVE BUSINESS DAYS AFTER THE DATE OF THE DETENTION HEARING.

(3) The local justice plan ~~shall~~ MUST provide for the assessment of juveniles taken into custody and detained by law enforcement officers, which assessment ~~shall~~ MUST be based on criteria for the placement of juveniles established pursuant to section 19-2-212, so that relevant information may be presented to the judge presiding over the detention hearing. The information provided to the court through the screening process, which information ~~shall~~ MUST include the record of any prior adjudication of the juvenile, is intended to enhance the court's ability to make a more appropriate detention and bond decision, based on facts relative to the juvenile's ~~welfare or the juvenile's risk of danger to the community~~ SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS.

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

- (a) Periodic telephone communications with the juvenile;
- (b) Periodic office visits by the juvenile to the preadjudication

service agency;

(c) Periodic home visits to the juvenile's home;

(d) IF A VALIDATED MENTAL HEALTH OR SUBSTANCE USE SCREENING AND SUBSEQUENT MENTAL HEALTH OR SUBSTANCE USE ASSESSMENT INDICATES THAT THE JUVENILE HAS A NEED:

(I) Periodic drug testing of the juvenile; OR

(II) MENTAL HEALTH OR SUBSTANCE USE TREATMENT FOR THE JUVENILE, WHICH TREATMENT MAY INCLUDE RESIDENTIAL TREATMENT;

(e) Periodic visits to the juvenile's school;

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

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

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

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

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

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

19-2-303. Juvenile diversion program - authorized - report - legislative declaration - definitions. (1) (a) In order to more fully implement the stated objectives of this ~~title~~ TITLE 19, the general assembly declares its intent to establish a juvenile diversion program that, when possible, integrates restorative justice practices to provide community-based alternatives to the formal court system that will reduce juvenile crime and recidivism AND IMPROVE POSITIVE JUVENILE OUTCOMES, change juvenile offenders' behavior and attitudes, promote juvenile offenders' accountability, recognize and support the rights of victims, heal the harm to

relationships and the community caused by juvenile crime, and reduce the costs within the juvenile justice system.

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

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

(I) PREVENT FURTHER INVOLVEMENT OF THE JUVENILE IN THE FORMAL LEGAL SYSTEM;

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

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

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

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

(2) The division of criminal justice of the department of public safety is authorized to establish and administer a juvenile diversion program that SEEKS TO DIVERT YOUTH FROM THE JUVENILE JUSTICE SYSTEM, AND, when possible, integrates restorative justice practices. In order to effectuate the program, the division ~~may contract with governmental units and nongovernmental agencies~~ SHALL ALLOCATE MONEY TO EACH JUDICIAL DISTRICT AND MAY CONTRACT WITH DISTRICT ATTORNEY'S OFFICES, GOVERNMENTAL UNITS, AND NONGOVERNMENTAL AGENCIES FOR REASONABLE AND NECESSARY EXPENSES AND SERVICES TO SERVE EACH JUDICIAL DISTRICT to DIVERT JUVENILES AND provide services, IF WARRANTED, for eligible ~~youth~~ JUVENILES through community-based

~~projects~~ PROGRAMS providing an alternative to a petition filed pursuant to section 19-2-512 OR an adjudicatory hearing pursuant to section 19-3-505. ~~or dispositions of a juvenile delinquent pursuant to section 19-2-907.~~

(3) For purposes of this section:

(a) "Director" is defined in section 19-1-103 (42).

(b) "Diversion" is defined in section 19-1-103 (44).

(c) "Governmental unit" is defined in section 19-1-103 (55).

(d) "Nongovernmental agency" is defined in section 19-1-103 (79).

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

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

(a) ~~Meet a demonstrated community need as shown by a survey of the type of community, its special circumstances, and the type and number of youth who will be served by the project;~~ ON AND AFTER JANUARY 1, 2021, CONDUCT A RISK SCREENING USING A RISK SCREENING TOOL SELECTED PURSUANT TO SECTION 24-33.5-2402 (1)(c) FOR ALL JUVENILES REFERRED TO THE DISTRICT ATTORNEY PURSUANT TO SECTION 19-2-510 UNLESS A DETERMINATION HAS ALREADY BEEN MADE TO DIVERT THE JUVENILE, THE DISTRICT ATTORNEY DECLINES TO FILE CHARGES, DISMISSES THE CASE, OR CHARGES THE JUVENILE WITH A CLASS 1 OR CLASS 2 FELONY. THE DISTRICT ATTORNEY'S OFFICE SHALL CONDUCT THE RISK SCREENING OR CONTRACT WITH AN ALTERNATIVE AGENCY THAT HAS BEEN FORMALLY DESIGNATED BY THE DISTRICT ATTORNEY'S OFFICE TO CONDUCT THE SCREENING, IN WHICH CASE THE RESULTS OF THE SCREENING MUST BE MADE AVAILABLE TO THE DISTRICT ATTORNEY'S OFFICE. THE ENTITY CONDUCTING THE SCREENING SHALL MAKE THE RESULTS OF THE RISK SCREENING AVAILABLE TO THE YOUTH AND FAMILY. ALL INDIVIDUALS USING THE RISK SCREENING TOOL MUST RECEIVE TRAINING ON THE APPROPRIATE USE OF THE TOOL. THE RISK SCREENING TOOL IS TO BE USED TO INFORM ABOUT DECISIONS ABOUT DIVERSION. THE RISK SCREENING TOOL AND ANY INFORMATION OBTAINED FROM A JUVENILE IN THE COURSE OF ANY SCREENING, INCLUDING ANY

ADMISSION, CONFESSION, OR INCRIMINATING EVIDENCE, OBTAINED FROM A JUVENILE IN THE COURSE OF ANY SCREENING OR ASSESSMENT IN CONJUNCTION WITH PROCEEDINGS UNDER THIS SECTION OR MADE IN ORDER TO PARTICIPATE IN A DIVERSION OR RESTORATIVE JUSTICE PROGRAM IS NOT ADMISSIBLE INTO EVIDENCE IN ANY ADJUDICATORY HEARING IN WHICH THE JUVENILE IS ACCUSED AND IS NOT SUBJECT TO SUBPOENA OR ANY OTHER COURT PROCESS FOR USE IN ANY OTHER PROCEEDING OR FOR ANY OTHER PURPOSE.

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

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

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

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

(IV) WHAT SERVICES, IF ANY, MAY BE OFFERED TO THE JUVENILE. PROFESSIONALS INVOLVED WITH THE JUVENILE'S NEEDS, TREATMENT, AND SERVICE PLANNING, INCLUDING DISTRICT ATTORNEYS, PUBLIC DEFENDERS, PROBATION, AND STATE AND LOCAL GOVERNMENTAL ENTITIES, SUCH AS THE DEPARTMENTS OF HUMAN OR SOCIAL SERVICES, MAY COLLABORATE TO PROVIDE APPROPRIATE DIVERSION SERVICES IN JURISDICTIONS WHERE THEY ARE NOT CURRENTLY AVAILABLE.

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

(I) ABILITY TO PAY;

(II) PREVIOUS OR CURRENT INVOLVEMENT WITH THE DEPARTMENTS OF HUMAN OR SOCIAL SERVICES;

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

OR

(IV) LEGAL REPRESENTATION;

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

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

~~(5) When applying for a contract with the division of criminal justice to provide services to youths under the juvenile diversion program, a community project shall submit for review by the division a list of the project's objectives, a list of the restorative justice practices, if applicable, included in the project, a report of the progress made during the previous year if applicable toward implementing the stated objectives, an annual budget, and such other documentation as may be required by the director.~~ THE DIVISION OF CRIMINAL JUSTICE, IN COLLABORATION WITH DISTRICT ATTORNEYS OR DIVERSION PROGRAM DIRECTORS WHO ACCEPT FORMULA MONEY AND PROGRAMS PROVIDING JUVENILE DIVERSION SERVICES, SHALL ESTABLISH MINIMUM DATA COLLECTION REQUIREMENTS AND OUTCOME MEASURES THAT EACH DISTRICT ATTORNEY'S OFFICE, GOVERNMENTAL UNIT, AND NONGOVERNMENTAL AGENCY SHALL COLLECT AND SUBMIT ANNUALLY FOR ALL JUVENILES REFERRED TO THE DISTRICT ATTORNEY PURSUANT TO SECTION 19-2-510 INCLUDING, BUT NOT LIMITED TO:

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

(b) RISK SCREENING CONDUCTED;

(c) RISK LEVEL AS DETERMINED BY THE RISK SCREENING OR, IF NO SCREENING WAS COMPLETED, THE REASON WHY THE SCREENING WAS NOT COMPLETED;

(d) OFFENSE;

(e) DIVERSION STATUS;

(f) SERVICE PARTICIPATION;

(g) PROGRAM COMPLETION DATA;

(h) CHILD WELFARE INVOLVEMENT; AND

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

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

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

(7) A FORMULA MUST BE ESTABLISHED FOR THE PURPOSE OF ALLOCATING MONEY TO EACH JUDICIAL DISTRICT IN THE STATE OF COLORADO FOR JUVENILE DIVERSION PROGRAMS. The executive director of the department of public safety is authorized to accept and expend on behalf of the state any funds, grants, gifts, or donations from any private or public source for the purpose of providing restorative justice programs; except that no gift, grant, or donation shall be accepted if the conditions attached to it require the expenditure thereof in a manner contrary to law.

(8) (a) The director may implement a behavioral or mental health ~~disorder~~ screening program to screen juveniles who participate in the juvenile diversion program. If the director chooses to implement a

behavioral or mental health ~~disorder~~ screening program, the director shall use the ~~standardized behavioral or mental health disorder~~ screening ~~developed~~ TOOL SELECTED pursuant to ~~section 16-11.9-102~~ SECTION 24-33.5-2402 (1)(b) and conduct the screening in accordance with procedures established pursuant to ~~said section~~ THAT SECTION.

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

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

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

(2) The judicial department, with the assistance of a juvenile intensive supervision advisory committee, shall develop assessment criteria for placement in the juvenile intensive supervision program, INCLUDING THE RESULTS OF A VALIDATED RISK AND NEEDS ASSESSMENT TOOL, and judicial department guidelines for implementation of the program and measurement of the outcome of the program. The advisory committee is appointed by the state court administrator and includes, but is not limited to, representatives of the division of youth services in the department of human services and the division of criminal justice of the department of public safety.

SECTION 9. In Colorado Revised Statutes, **add** 19-2-507.5 as follows:

19-2-507.5. Limitations on detention. (1) DETENTION IS NOT PERMITTED FOR THE FOLLOWING:

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

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

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

(d) JUVENILES WHO ARE SOLELY ASSESSED AS SUICIDAL OR EXHIBIT BEHAVIOR PLACING THEM AT IMMEDIATE RISK OF SUICIDE; AND

(e) JUVENILES WHO HAVE NOT COMMITTED A DELINQUENT ACT BUT PRESENT AN IMMEDIATE DANGER TO SELF OR OTHERS OR APPEAR TO BE GRAVELY DISABLED AS A RESULT OF A MENTAL HEALTH CONDITION OR AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY.

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

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

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

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

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

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

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

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

(c) DUE TO A LACK OF SUPERVISION IN THE HOME OR COMMUNITY;

(d) IN ORDER TO ALLOW A PARENT, GUARDIAN, OR LEGAL CUSTODIAN TO AVOID HIS OR HER LEGAL RESPONSIBILITY;

(e) DUE TO A RISK OF THE JUVENILE'S SELF-HARM;

(f) IN ORDER TO ATTEMPT TO PUNISH, TREAT, OR REHABILITATE THE JUVENILE;

(g) DUE TO A REQUEST BY A VICTIM, LAW ENFORCEMENT, OR THE COMMUNITY;

(h) IN ORDER TO PERMIT MORE CONVENIENT ADMINISTRATIVE ACCESS TO THE JUVENILE;

(i) IN ORDER TO FACILITATE FURTHER INTERROGATION OR INVESTIGATION; OR

(j) AS A RESPONSE TO TECHNICAL VIOLATIONS OF PROBATION UNLESS THE RESULTS OF A DETENTION SCREENING INSTRUMENT INDICATE THAT THE JUVENILE POSES A SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS OR IF THE APPLICABLE GRADUATED RESPONSES SYSTEM ADOPTED PURSUANT TO SECTION 19-2-925 ALLOWS FOR SUCH A PLACEMENT.

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

19-2-507. Duty of officer - screening teams - notification - release or detention. (2) (a) ~~The law enforcement officer or the court shall detain the juvenile if the law enforcement officer or the court determines that the juvenile's immediate welfare or the protection of the community requires detainment. In determining whether a juvenile requires detention, the law enforcement officer or the court shall follow criteria for the detention of~~

~~juvenile offenders which criteria are established in accordance with section 19-2-212, and shall make efforts to keep the juvenile with his or her parent, guardian, or legal custodian~~ If THE LAW ENFORCEMENT OFFICER DOES NOT RELEASE THE JUVENILE TO THE CARE OF SUCH JUVENILE'S PARENTS, LEGAL GUARDIAN, KIN, OR OTHER RESPONSIBLE ADULT, THE SCREENING TEAM SHALL ADMINISTER A VALIDATED DETENTION SCREENING INSTRUMENT DEVELOPED OR ADOPTED PURSUANT TO SECTION 19-2-212. THE LAW ENFORCEMENT OFFICER, SCREENING TEAM, OR JUVENILE COURT SHALL NOT REMOVE THE JUVENILE FROM THE CUSTODY OF THE PARENT OR LEGAL GUARDIAN PURSUANT TO THIS SECTION UNLESS THE SCREENING TEAM OR THE JUVENILE COURT:

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

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

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

(b) THE DETENTION SCREENING INSTRUMENT MUST BE ADMINISTERED BY THE SCREENING TEAM FOR EACH JUVENILE UNDER CONSIDERATION FOR DETENTION AND MUST BE ADMINISTERED BY A SCREENER WHO HAS COMPLETED TRAINING TO ADMINISTER THE DETENTION SCREENING INSTRUMENT.

(c) ANY INFORMATION CONCERNING A JUVENILE THAT IS OBTAINED DURING THE ADMINISTRATION OF THE DETENTION SCREENING INSTRUMENT MUST BE USED SOLELY FOR THE PURPOSE OF MAKING A RECOMMENDATION TO THE COURT REGARDING THE CONTINUED DETENTION OF THE JUVENILE.

THE INFORMATION IS NOT SUBJECT TO SUBPOENA OR OTHER COURT PROCESS, FOR USE IN ANY OTHER PROCEEDING, OR FOR ANY OTHER PURPOSE.

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

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

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

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

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

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

(b) If he or she is not released as provided in subsection (3) of this section, he or she ~~shall~~ MUST be taken directly to the court or to the place of detention, a temporary holding facility, ~~or~~ a TEMPORARY shelter designated by the court, OR A PREADJUDICATION SERVICE PROGRAM ESTABLISHED PURSUANT TO SECTION 19-2-302 without unnecessary delay.

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

19-2-508. Detention and temporary shelter - hearing - time limits - findings - review - confinement with adult offenders - restrictions. ~~(1) A juvenile who must be taken from his or her home but who does not require physical restriction must be given temporary care in a shelter facility designated by the court or the county department of human or social services and must not be placed in detention.~~

~~(2)(a)~~ (1) Unless placement is prohibited pursuant to ~~subsection (2)(b) of this section~~ SECTION 19-2-507.5, when a juvenile is placed in a detention facility, in a temporary holding facility, or in a TEMPORARY shelter facility designated by the court, the screening team shall promptly ~~so~~ notify the court, the district attorney, and the local office of the state public defender. The screening team shall also notify a parent or legal guardian or, if a parent or legal guardian cannot be located within the county, the person with whom the juvenile has been residing and inform him or her of the right to a prompt hearing to determine whether the juvenile is to be detained further. The court shall hold the detention hearing within forty-eight hours, excluding Saturdays, Sundays, and legal holidays. For a juvenile being held in detention on a warrant for violating a valid court order on a status offense, the court shall hold the detention hearing within twenty-four hours,

excluding Saturdays, Sundays, and legal holidays.

~~(b) A juvenile who is ten years of age and older but less than thirteen years of age may not be ordered to detention unless the juvenile has been arrested for a felony or weapons charge pursuant to section 18-12-102, 18-12-105, 18-12-106, or 18-12-108.5. A preadjudication service program created pursuant to section 19-2-302 shall evaluate a juvenile described in this subsection (2)(b). The evaluation may result in the juvenile:~~

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

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

~~(HH) Being placed in a shelter facility; or~~

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

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

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

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

(3) (a) (I) A juvenile taken into custody pursuant to this ~~article~~ ARTICLE 2 and placed in a detention or TEMPORARY shelter facility or a temporary holding facility is entitled to a hearing within forty-eight hours, excluding Saturdays, Sundays, and legal holidays, of such placement to

determine if he or she should be detained. The time of the detention hearing must allow defense counsel sufficient time to consult with the juvenile before the detention hearing. This consultation may be performed by secure electronic means if the conditions under which the electronic consultation is held allow the consultation to be confidential. The time in which the hearing must be held may be extended for a reasonable time by order of the court upon good cause shown.

~~(F.5)~~ (II) The law enforcement agency that arrested the juvenile shall promptly provide to the court and to defense counsel the affidavit supporting probable cause for the arrest and the arrest report, if the arrest report is available, and the screening team shall promptly provide to the court and to defense counsel ~~any screening material~~ RESULTS FROM THE DETENTION RISK SCREENING prepared pursuant to the juvenile's arrest. Upon completion of the detention hearing, the defense shall return any materials received pursuant to this ~~subparagraph (F.5)~~ SUBSECTION (3)(a)(II) unless the appointment is continued at the conclusion of the hearing.

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

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

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

(B) ON AND AFTER THIRTY DAYS AFTER THE SCREENING INSTRUMENT HAS BEEN DEVELOPED OR ADOPTED PURSUANT TO SECTION 19-2-212, THE VALIDATED DETENTION SCREENING INSTRUMENT HAS BEEN ADMINISTERED AND THE JUVENILE SCORED AS DETENTION-ELIGIBLE; OR THERE ARE GROUNDS TO OVERRIDE THE RESULT OF THE DETENTION SCREENING

INSTRUMENT BASED ON THE CRITERIA DEVELOPED IN ACCORDANCE WITH SECTION 19-2-212; AND

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

(V) A COURT SHALL NOT ORDER FURTHER DETENTION FOR a juvenile who is ten years of age and older but less than thirteen years of age ~~may not be ordered to further detention~~ unless the juvenile has been arrested or adjudicated for a felony or weapons charge pursuant to section 18-12-102, 18-12-105, 18-12-106, or 18-12-108.5. The court shall receive any information having probative value regardless of its admissibility under the rules of evidence. In determining whether a juvenile requires detention, the court shall consider ~~any record of any prior adjudications of the juvenile~~ THE RESULTS OF THE DETENTION SCREENING INSTRUMENT. There is a rebuttable presumption that a juvenile is ~~a danger to himself or herself or to the community~~ POSES A SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS if:

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

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

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

C.R.S.

~~(HH.5)~~ (VI) Notwithstanding the provisions of ~~subparagraph (HH) of this paragraph (a)~~ SUBSECTION (3)(a)(IV) OF THIS SECTION, there ~~shall be~~ IS no presumption under ~~sub-subparagraph (C) of subparagraph (HH) of this paragraph (a)~~ SUBSECTION (3)(a)(IV)(C) OF THIS SECTION that a juvenile is ~~a danger to himself or herself or the community~~ POSES A SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS if the item in the possession of the juvenile is alleged to be a BB gun, a pellet gun, or a gas gun.

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

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

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

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

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

(E) That no bail be set and that, upon the court's finding that the juvenile is ~~a danger to himself or herself or to the community~~ POSES A SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS, the juvenile be placed in a preadjudication service program established pursuant to section 19-2-302. This ~~sub-subparagraph (E) shall~~ SUBSECTION (3)(a)(VII)(E) DOES not apply to any case in which the juvenile's alleged offense is one of the offenses

described in ~~subparagraph (H) of this paragraph (a)~~ SUBSECTION (3)(a)(IV) OF THIS SECTION.

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

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

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

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

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

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

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

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

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

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

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

(b) (I) If it appears that any juvenile being held in detention or TEMPORARY shelter may have an intellectual and developmental disability, as provided in article 10.5 of title 27, the court or detention personnel shall refer the juvenile to the nearest community-centered board for an eligibility determination. If it appears that any juvenile being held in a detention or TEMPORARY shelter facility pursuant to the provisions of this article 2 may have a mental health disorder, as provided in sections 27-65-105 and 27-65-106, the intake personnel or other appropriate personnel shall contact a mental health professional to do a mental health hospital placement prescreening on the juvenile. The court shall be notified of the contact and may take appropriate action. If a mental health hospital placement prescreening is requested, it ~~shall~~ MUST be conducted in an appropriate place accessible to the juvenile and the mental health professional. A request for a mental health hospital placement prescreening must not extend the time within which a detention hearing must be held pursuant to this section. If a detention hearing has been set but has not yet occurred, the mental health hospital placement prescreening ~~shall~~ MUST be conducted prior to the hearing; except that the prescreening must not extend the time within which a detention hearing must be held.

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

excluding Saturdays, Sundays, and legal holidays.

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

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

(c) (I) A juvenile taken to a detention or TEMPORARY shelter facility or a temporary holding facility pursuant to section 19-2-502 as the result of an allegedly delinquent act that constitutes any of the offenses described in ~~subparagraph (III) of paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a)(IV) OF THIS SECTION shall not be released from such facility if a law enforcement agency has requested that a detention hearing be held to determine whether the juvenile's ~~immediate welfare or the protection of the community~~ SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS requires that the juvenile be detained. A juvenile shall not thereafter be released from detention except after a hearing, reasonable advance notice of which has been given to the district attorney, alleging new circumstances concerning the further detention of the juvenile.

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

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

(A) The age of the juvenile;

(B) Whether, in order to provide physical separation from adults, the juvenile would be deprived of contact with other people for a significant

portion of the day or would not have access to recreational facilities or age-appropriate educational opportunities;

(C) The juvenile's current emotional state, intelligence, and developmental maturity, including any emotional and psychological trauma, and the risk to the juvenile caused by his or her placement in an adult jail, which risk may be evidenced by mental health or psychological assessments or screenings made available to the district attorney and to defense counsel;

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

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

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

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

(H) The physical maturity of the juvenile; and

(I) Any other relevant factors.

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

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

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

~~(3.5) Repealed.~~

(4) (a) No jail shall receive a juvenile for detention following a detention hearing pursuant to this section unless the juvenile has been ordered by the court to be held for criminal proceedings as an adult pursuant to a transfer or unless the juvenile is to be held for criminal proceedings as an adult pursuant to a direct filing. No juvenile under the age of fourteen and, except upon order of the court, no juvenile fourteen years of age or older shall be detained in a jail, lockup, or other place used for the confinement of adult offenders. The exception for detention in a jail ~~shall be used~~ APPLIES only if the juvenile is being held for criminal proceedings as an adult pursuant to a direct filing or transfer.

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

~~(b.5)~~ (c) (I) When a juvenile who is to be held for criminal proceedings as an adult pursuant to a direct filing or transfer of charges, as provided in sections 19-2-517 and 19-2-518, respectively, is received at a jail or other facility for the detention of adult offenders, the official in

charge of the jail or facility, or his or her designee, shall, as soon as practicable, contact the person designated pursuant to section 22-32-141, ~~C.R.S.~~, by the school district in which the jail or facility is located to request that the school district provide educational services for the juvenile for the period during which the juvenile is held at the jail or facility. The school district shall provide the educational services in accordance with the provisions of section 22-32-141. ~~C.R.S.~~ The official, in cooperation with the school district, shall provide an appropriate and safe environment to the extent practicable in which the juvenile may receive educational services.

(II) Notwithstanding the provisions of ~~subparagraph (I) of this paragraph (b.5)~~ SUBSECTION (4)(c)(I) OF THIS SECTION, if either the official in charge of the jail or facility or the school district determines that an appropriate and safe environment cannot be provided for a specific juvenile, the official and the school district ~~shall be~~ ARE exempt from the requirement to provide educational services to the juvenile until such time as an environment that is determined to be appropriate and safe by both the official and the school district can be provided. If the school district will not be providing educational services to a juvenile because of the lack of an appropriate and safe environment, the official in charge of the jail or facility shall notify the juvenile, his or her parent or legal guardian, the juvenile's defense attorney, and the court having jurisdiction over the juvenile's case.

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

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

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

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

(D) The number of days on which school districts provided educational services to the juveniles in the jail or facility and the number of

hours for which school districts provided the educational services each day;

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

(F) The number of juveniles in the jail or facility who had previously been determined pursuant to section 22-20-108 ~~€R.S.~~, to be eligible for special education services and had an individualized education program; and

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

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

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

~~(d)~~ (e) (I) Any juvenile arrested and detained for an alleged violation of any article of title 42, ~~€R.S.~~, or for any alleged violation of a municipal or county ordinance, and not released on bond, ~~shall~~ MUST be taken before a judge with jurisdiction of such violation within forty-eight hours for the fixing of bail and conditions of bond pursuant to ~~subparagraph (IV) of paragraph (a) of subsection (3)~~ SUBSECTION (3)(a)(VII) of this section. A juvenile may be detained in a jail, lockup, or other place used for the confinement of adult offenders only for processing for no longer than six hours and during such time ~~shall~~ MUST be placed in a setting that is physically segregated by sight and sound from the adult offenders, and in

no case may the juvenile be detained in such place overnight. After six hours, the juvenile may be further detained only in a juvenile detention facility operated by or under contract with the department of human services. In calculating time ~~under~~ PURSUANT TO this subsection (4), Saturdays, Sundays, and legal holidays ~~shall be~~ ARE included.

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

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

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

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

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

(6) Except for a juvenile described in ~~subsection (2)(b) of this section~~ SECTION 19-2-507.5 (2), the court may also issue temporary orders for legal custody as provided in section 19-1-115.

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

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

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

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

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

(3) Any application for the revocation or modification of the amount, type, or conditions of bail shall MUST be made in accordance with

section 16-4-109; ~~C.R.S.~~; except that the presumption described in ~~section 19-2-508 (3)(a)(III)~~ shall SECTION 19-2-508 (3)(a)(IV) MUST continue to apply for the purposes of this section.

(4) (b) In setting, modifying, or continuing any bail bond, it shall MUST be a condition that the released juvenile appear at any place and upon any date to which the proceeding is transferred or continued. Further conditions of every bail bond shall MUST be that the released juvenile not commit any delinquent acts or harass, intimidate, or threaten any potential witnesses. The judge or magistrate may set any other conditions or limitations on the release of the juvenile as are reasonably necessary for the protection of ~~the juvenile and~~ the community. Any juvenile who is held without bail or whose bail or bail bond is revoked or increased under an order entered at any time after the initial detention hearing pursuant to subsection (3) of this section and who remains in custody or detention, must be tried on the charges on which the bail is denied or the bail or bail bond is revoked or increased within sixty days after the entry of such order or within sixty days after the juvenile's entry of a plea, whichever date is earlier; except that, if the juvenile requests a jury trial pursuant to section 19-2-107, the provisions of section 19-2-107 (4) shall apply.

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

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

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

(3) (c) PARENTS OR LEGAL GUARDIANS OF A JUVENILE WHO IS THE SUBJECT OF A JUVENILE PROCEEDING SHALL COMPLETE THE RELATIVE INFORMATION FORM DESCRIBED IN SECTION 19-2-212 (1)(a)(VII) NO LATER THAN SEVEN BUSINESS DAYS AFTER THE HEARING OR PRIOR TO THE JUVENILE'S NEXT HEARING, WHICHEVER OCCURS FIRST.

SECTION 14. In Colorado Revised Statutes, 19-2-710, amend (2), (6), and (7) as follows:

19-2-710. Mental health services for juvenile - how and when issue raised - procedure - definitions. (2) After the party advises the court of the party's belief that the juvenile could benefit from mental health services, the court shall immediately order a mental health screening of the juvenile pursuant to section 16-11.9-102 ~~C.R.S.~~ USING THE MENTAL HEALTH SCREENING TOOL SELECTED PURSUANT TO SECTION 24-33.5-2402 (1)(b), unless the court already has sufficient information to determine whether the juvenile could benefit from mental health services or unless a mental health screening of the juvenile has been completed within the last three months. BEFORE SENTENCING A JUVENILE, THE COURT SHALL ORDER A MENTAL HEALTH SCREENING, USING THE MENTAL HEALTH SCREENING TOOL SELECTED PURSUANT TO SECTION 24-33.5-2402 (1)(b), OR MAKE A FINDING THAT THE SCREENING WOULD NOT PROVIDE INFORMATION THAT WOULD BE HELPFUL IN SENTENCING THE JUVENILE. The delinquency proceedings shall not be stayed or suspended pending the results of the mental health screening ordered pursuant this section, however, the court may continue the dispositional and sentencing hearing to await the results of the mental health screening.

(6) Evidence or treatment obtained as a result of a mental health screening or assessment ordered pursuant to this section, INCLUDING ANY INFORMATION OBTAINED FROM THE JUVENILE IN THE COURSE OF A MENTAL HEALTH SCREENING OR ASSESSMENT, shall BE USED ONLY FOR PURPOSES OF SENTENCING; TO DETERMINE WHAT MENTAL HEALTH TREATMENT, IF ANY, TO PROVIDE TO THE JUVENILE; AND TO DETERMINE WHETHER THE JUVENILE JUSTICE OR ANOTHER SERVICE SYSTEM IS MOST APPROPRIATE TO PROVIDE THIS TREATMENT, AND MUST NOT BE USED FOR ANY OTHER PURPOSE. THE MENTAL HEALTH SCREENING OR ASSESSMENT AND ANY INFORMATION OBTAINED IN THE COURSE OF THE MENTAL HEALTH SCREENING OR ASSESSMENT IS NOT SUBJECT TO SUBPOENA OR ANY OTHER COURT PROCESS FOR USE IN ANY OTHER COURT PROCEEDING AND IS not be admissible on the issues raised by a plea of not guilty unless the juvenile places his or her mental health at issue. If the juvenile places his or her mental health at issue, then either party may introduce evidence obtained as a result of a mental health screening or assessment. THE COURT SHALL KEEP ANY MENTAL HEALTH SCREENING OR ASSESSMENT IN THE COURT FILE UNDER SEAL.

(7) For purposes of this section:

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

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

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

(II) Significant abnormal behaviors under normal circumstances;

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

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

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

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

(c) "SCREENING" MEANS A SHORT VALIDATED MENTAL HEALTH SCREENING TO IDENTIFY JUVENILES WHO MAY HAVE MENTAL HEALTH NEEDS ADOPTED BY THE JUVENILE JUSTICE REFORM COMMITTEE PURSUANT TO SECTION 24-33.5-2402 (1)(b).

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

19-2-905. Presentence investigation. (1) (a) Prior to the sentencing hearing, ~~the juvenile probation department~~ for the judicial district in which the juvenile is adjudicated shall conduct a presentence investigation unless waived by the court on its own determination or on recommendation of the

prosecution or the juvenile. The presentence investigation ~~shall~~ MUST take into consideration and build on the intake assessment performed by the screening team. The presentence investigation may address, but is not limited to, the following:

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

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

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

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

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

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

(c) Relatives; OR

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

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

19-2-921. Commitment to department of human services. (3.3) (a) ON OR BEFORE JANUARY 1, 2021, THE DEPARTMENT OF HUMAN SERVICES, IN CONSULTATION WITH THE JUVENILE JUSTICE REFORM COMMITTEE ESTABLISHED PURSUANT TO SECTION 24-33.5-2401, SHALL DEVELOP A LENGTH OF STAY MATRIX AND ESTABLISH CRITERIA TO GUIDE THE RELEASE OF JUVENILES FROM A STATE FACILITY THAT ARE BASED ON:

(I) A JUVENILE'S RISK OF REOFFENDING, AS DETERMINED BY THE

RESULTS OF A VALIDATED RISK AND NEEDS ASSESSMENT ADOPTED PURSUANT TO SECTION 24-33.5-2402 (1)(a);

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

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

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

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

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

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

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

(2) (a) CONDITIONS OF PROBATION SHALL BE CUSTOMIZED TO EACH

JUVENILE BASED ON THE GUIDELINES DEVELOPED BY THE COMMITTEE ON JUVENILE JUSTICE REFORM PURSUANT TO SECTION 24-33.5-2402. The court shall, as minimum conditions of probation, order that the juvenile:

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

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

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

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

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

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

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

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

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

(⊕) (VIII) Pay the victim compensation fee as ordered by the court;

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

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

(b) THE COURT SHALL USE THE RESULTS FROM A VALIDATED RISK AND NEEDS ASSESSMENT ADOPTED BY THE JUVENILE JUSTICE REFORM COMMITTEE PURSUANT TO SECTION 24-33.5-2402 (1)(b) TO INFORM THE COURT OF ADDITIONAL CONDITIONS OF PROBATION, AS NECESSARY.

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

(b) The court may release a juvenile from probation PRIOR TO THE COMPLETION OF HIS OR HER TERM OF PROBATION, PURSUANT TO SECTION 19-2-925, or modify the terms and conditions of his or her probation at any time, but any juvenile who has complied satisfactorily with the terms and conditions of his or her probation for a period of two years shall be released from probation, and the jurisdiction of the court shall be terminated.

(4) BEFORE JANUARY 1, 2021, THE STATE COURT ADMINISTRATOR SHALL ESTABLISH RULES TO DEVELOP A STATEWIDE SYSTEM OF STRUCTURED COMMUNITY-BASED GRADUATED RESPONSES, INCLUDING INCENTIVES AND SANCTIONS, TO GUIDE PROBATION OFFICERS IN DETERMINING HOW BEST TO MOTIVATE POSITIVE JUVENILE BEHAVIOR CHANGE AND THE APPROPRIATE RESPONSE TO A VIOLATION OF TERMS AND CONDITIONS OF JUVENILE PROBATION. GRADUATED RESPONSES MEANS AN ACCOUNTABILITY-BASED

SERIES OF SANCTIONS AND SERVICES DESIGNED TO RESPOND TO A JUVENILE'S VIOLATION OF PROBATION QUICKLY, CONSISTENTLY, AND PROPORTIONALLY AND INCENTIVES TO MOTIVATE POSITIVE BEHAVIOR CHANGE AND SUCCESSFUL COMPLETION OF PROBATION AND HIS OR HER TREATMENT GOALS. JUVENILE PROBATION SHALL ADOPT AND USE A STATE JUVENILE GRADUATED RESPONSES AND INCENTIVES SYSTEM DEVELOPED PURSUANT TO THIS SUBSECTION (4) OR DEVELOP AND USE A LOCALLY DEVELOPED SYSTEM THAT IS ALIGNED TO BEST PRACTICES. POLICIES AND PROCEDURES FOR THE GRADUATED RESPONSES SYSTEM MUST:

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

(b) REQUIRE THAT A RESPONSE TO A JUVENILE'S VIOLATION OF THE TERMS AND CONDITIONS OF HIS OR HER SUPERVISION TAKE INTO CONSIDERATION:

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

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

(III) THE SEVERITY OF THE CURRENT VIOLATION;

(IV) THE JUVENILE'S CASE PLAN; AND

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

(5) WHENEVER A PROBATION OFFICE HAS REASONABLE CAUSE TO BELIEVE THAT A JUVENILE HAS COMMITTED A VIOLATION OF THE TERMS AND CONDITIONS OF PROBATION AND THAT GRADUATED RESPONSES DEVELOPED PURSUANT TO SUBSECTION (4) OF THIS SECTION HAVE PREVIOUSLY BEEN APPLIED OR WHEN THE NATURE OF THE VIOLATION POSES A SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS, THE PROBATION OFFICER, FOLLOWING THE APPROVAL OF HIS OR HER CHIEF PROBATION OFFICER OR THE CHIEF'S

DESIGNEE, SHALL PETITION THE COURT FOR REVOCATION AND SHALL FILE WRITTEN INFORMATION WITH THE COURT CONCERNING THE JUVENILE'S VIOLATION BEHAVIOR HISTORY AND THE RESPONSES APPLIED PURSUANT TO THE GRADUATED RESPONSE SYSTEM PURSUANT TO SUBSECTION (4) OF THIS SECTION.

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

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

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

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

(c) When the juvenile has been taken into custody because of the alleged violation, the provisions of sections 19-2-507, **19-2-507.5**, and 19-2-508 ~~shall~~ apply.

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

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

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

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

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

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

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

(1) BEFORE JULY 1, 2021, THE STATE COURT ADMINISTRATOR, IN CONSULTATION WITH JUDGES, THE JUDICIAL BRANCH, DISTRICT ATTORNEYS, DEFENSE COUNSEL, THE DELIVERY OF THE CHILD WELFARE SERVICES TASK FORCE CREATED IN SECTION 26-5-105.8, AND OTHER INTERESTED PARTIES

SHALL ESTABLISH STATEWIDE STANDARDS FOR JUVENILE PROBATION SUPERVISION AND SERVICES THAT ARE ALIGNED WITH RESEARCH-BASED PRACTICES AND BASED ON THE JUVENILE'S RISK OF REOFFENDING AS DETERMINED BY A VALIDATED RISK AND NEEDS ASSESSMENT TOOL ADOPTED PURSUANT TO SECTION 24-33.5-2402. THE STATE COURT ADMINISTRATOR SHALL AT LEAST ANNUALLY PROVIDE TRAINING TO JUVENILE PROBATION ON THE ADOPTION AND IMPLEMENTATION OF THESE STANDARDS. JUVENILE STANDARDS MUST INCLUDE, BUT NEED NOT BE LIMITED TO:

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

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

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

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

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

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

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

(E) THE SERIOUSNESS OF THE OFFENSE COMMITTED BY THE JUVENILE; AND

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

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

(A) ADDRESS THE RISKS THE JUVENILE PRESENTS AND THE

JUVENILE'S SERVICE NEEDS BASED ON THE RESULTS OF THE VALIDATED RISK AND NEEDS ASSESSMENT, INCLUDING SPECIFIC TREATMENT GOALS;

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

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

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

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

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

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

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

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

(B) THE RESULTS OF A VALIDATED RISK AND NEEDS ASSESSMENT, WHICH SHALL BE CONDUCTED AT LEAST EVERY SIX MONTHS TO DETERMINE WHETHER THE JUVENILE'S RISK OF REOFFENDING OR RISK SCORES IN KEY DOMAINS HAVE BEEN REDUCED;

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

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

(e) COMMON CRITERIA FOR WHEN JUVENILE PROBATION OFFICERS MAY RECOMMEND THE USE OF OUT-OF-HOME PLACEMENTS AND COMMITMENT TO THE DIVISION OF YOUTH SERVICES. THE COURT SHALL CONSIDER THE RESULTS OF A VALIDATED RISK AND NEEDS ASSESSMENT, A VALIDATED MENTAL HEALTH SCREENING, AND, IF APPLICABLE, A FULL MENTAL HEALTH ASSESSMENT CONDUCTED PURSUANT TO SECTION 24-33.5-2402 TO MAKE DECISIONS CONCERNING THE PLACEMENT OF THE JUVENILE.

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

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

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

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

19-1-108. Magistrates - qualifications - duties. (3) (a.5) Magistrates shall conduct hearings in the manner provided for the hearing of cases by the court. During the initial advisement of the rights of any party, the magistrate shall inform the party that, except as provided in this subsection (3), he or she has the right to a hearing before the judge in the first instance and that he or she may waive that right but that, by waiving that right, he or she is bound by the findings and recommendations of the magistrate, subject to a request for review as provided in subsection (5.5) of this section. The right to require a hearing before a judge ~~shall~~ DOES not apply to hearings at which a child is advised of his or her rights pursuant to section 19-2-706; detention hearings held pursuant to ~~sections 19-2-507 and~~ SECTIONS 19-2-507, 19-2-507.5, AND 19-2-508; preliminary hearings held pursuant to section 19-2-705; temporary custody hearings held pursuant to section 19-3-403; proceedings held pursuant to article 4 of this ~~title~~ TITLE 19; and support proceedings held pursuant to article 6 of this ~~title~~ TITLE 19. In proceedings held pursuant to article 4 or 6 of this ~~title~~ TITLE 19, contested final orders regarding allocation of parental responsibilities may

be heard by the magistrate only with the consent of all parties.

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

19-1-115. Legal custody - guardianship - placement out of the home - petition for review for need of placement. (6.7) Any time the court enters an order related to out-of-home placement pursuant to ~~paragraphs (a), (b), and (c) of subsection (6) or paragraph (b) of subsection (6.5) of this section; paragraph (f) of subsection (8) of this section; section 19-2-508 (3)(a)(VH)(A) and (3)(a)(VH)(B)~~ SUBSECTIONS (6)(a) TO (6)(c) OR SUBSECTION (6.5)(b) OF THIS SECTION; SUBSECTION (8)(f) OF THIS SECTION; SECTION 19-2-508 (3)(a)(XI)(A) AND (3)(a)(XI)(B); section 19-2-906.5 (1)(a), (1)(b), and (3)(a)(III); or section 19-3-702 (3.5)(b) and (6)(a)(II), the order ~~shall be~~ IS effective as of the date the findings were made by the court, notwithstanding the date that a written order may be signed by the court. Written orders entered pursuant to ~~paragraphs (a), (b), and (c) of subsection (6) or paragraph (b) of subsection (6.5) of this section; paragraph (f) of subsection (8) of this section; section 19-2-508 (3)(a)(VH)(A) and (3)(a)(VH)(B)~~ SUBSECTIONS (6)(a) TO (6)(c) OR SUBSECTION (6.5)(b) OF THIS SECTION; SUBSECTION (8)(f) OF THIS SECTION; SECTION 19-2-508 (3)(a)(XI)(A) AND (3)(a)(XI)(B); section 19-2-906.5 (1)(a), (1)(b), and (3)(a)(III); or section 19-3-702 (3.5)(b) and (6)(a)(II) ~~shall~~ MUST state "the effective date of this order is" and ~~shall~~ MUST not use the words "nunc pro tunc".

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

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

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

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

19-2-309.5. Community accountability program - legislative

declaration - creation. (5) If a juvenile in the first component of the program would substantially benefit, the division of youth services shall notify the local department of probation who may petition the court for an extension of up to fifteen days in addition to the initial sixty-day period for the first component of the program. The period of time a juvenile spends in the second component of the program must not exceed one hundred twenty days. The entire period of a juvenile's participation in the program must not exceed the length of the juvenile's probation sentence. Whenever a juvenile fails to progress through or complete the first or second component of the program, the juvenile is subject to the provisions of ~~section 19-2-925 (4)~~ SECTION 19-2-925 (8) for violating a condition of probation.

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

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

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

19-2-706. Advisement - right to counsel - waiver of right to counsel. (1) (b) If the respondent has made an early application for appointed counsel for the juvenile and the office of the state public defender has made a preliminary determination that the juvenile is eligible for appointed counsel as set forth in section 21-1-103 ~~C.R.S.~~, or if the court has appointed counsel for the juvenile pursuant to ~~section 19-2-508 (2.5)~~ SECTION 19-2-508 (2), an attorney from the office of the state public defender or, in the case of a conflict, from the office of alternate defense counsel, shall be available to represent the juvenile at the juvenile's first appearance, as described in ~~paragraph (a) of this subsection (1)~~ SUBSECTION

(1)(a) OF THIS SECTION.

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

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

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

22-32-141. Student awaiting trial as adult - educational services - definitions. (2) (a) Except as otherwise provided in ~~paragraphs (c) to (g) of this subsection (2)~~ SUBSECTIONS (2)(c) TO (2)(g) OF THIS SECTION, if a juvenile is held in a jail or other facility for the detention of adult offenders pending criminal proceedings as an adult, the school district in which the jail or facility is located shall provide educational services for the juvenile upon request of the official in charge of the jail or facility, or his or her designee, pursuant to ~~section 19-2-508 (4)(b.5), C.R.S.~~ SECTION 19-2-508 (4)(c)(I). A school district may provide educational services directly using one or more of its employees or may ensure that educational services are provided through a board of cooperative services, an administrative unit, or otherwise through contract with a person or entity.

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

and the court having jurisdiction over the juvenile's case.

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

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

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

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

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

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

SECTION 31. In Colorado Revised Statutes, 2-3-1203, **add**

(13)(a)(V) as follows:

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

(V) THE JUVENILE JUSTICE REFORM COMMITTEE CREATED PURSUANT TO SECTION 24-33.5-2401.

SECTION 32. Appropriation. (1) For the 2019-20 state fiscal year, \$68,598 is appropriated to the judicial department. This appropriation is from the general fund and is based on an assumption that the department will require an additional 0.8 FTE. To implement this act, the department may use this appropriation for probation programs.

(2) For the 2019-20 state fiscal year, \$500,000 is appropriated to the department of human services for use by the division of youth services. This appropriation is from the general fund. To implement this act, the division may use this appropriation for personal services related to administration.

(3) For the 2019-20 state fiscal year, \$6,315 is appropriated to the legislative department. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the general assembly.

SECTION 33. Effective date. This act takes effect July 1, 2019; except that sections 9, 10, and 11 of this act take effect July 1, 2020.

SECTION 34. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Leroy M. Garcia
PRESIDENT OF
THE SENATE

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO