

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 19-0416.01 Jerry Barry x4341

SENATE BILL 19-108

SENATE SPONSORSHIP

Lee and Gardner, Bridges, Court, Crowder, Garcia, Gonzales, Hisey, Holbert, Lundeen, Moreno, Priola, Sonnenberg, Tate, Todd, Winter

HOUSE SPONSORSHIP

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Senate Committees

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Appropriations

House Committees

A BILL FOR AN ACT

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

Bill Summary

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

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

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

SENATE
3rd Reading Unamended
April 24, 2019

SENATE
Amended 2nd Reading
April 23, 2019

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

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

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

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

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

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

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

The bill makes conforming amendments.

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

1 **SECTION 1.** In Colorado Revised Statutes, **add** part 6 to article
2 20 of title 24 as follows:

3 PART 6

4 JUVENILE JUSTICE REFORM

5 **24-20-601. Committee on juvenile justice reform - creation -**
6 **membership.** (1) THE COMMITTEE ON JUVENILE JUSTICE REFORM,
7 REFERRED TO AS THE "COMMITTEE" IN THIS PART 6, IS CREATED IN THE
8 GOVERNOR'S OFFICE.

9 (2) (a) THE COMMITTEE CONSISTS OF THE FOLLOWING TWENTY-SIX
10 MEMBERS:

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

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

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

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

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

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

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

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

6 (IX) TEN PERSONS APPOINTED BY THE GOVERNOR AS FOLLOWS:
7 ==

8 (A) A REPRESENTATIVE OF THE OFFICE OF THE STATE PUBLIC
9 DEFENDER AND A REPRESENTATIVE OF THE OFFICE OF THE ALTERNATE
10 DEFENSE COUNSEL, BOTH OF WHOM SPECIALIZE IN JUVENILE DEFENSE;

11 ==

12 (B) TWO PERSONS WHO OVERSEE LOCAL JUVENILE DIVERSION
13 PROGRAMS;

14 (C) A REPRESENTATIVE OF THE OFFICE OF THE CHILD'S
15 REPRESENTATIVE CREATED IN SECTION 13-91-104;

16 (D) A JUVENILE MENTAL HEALTH PROFESSIONAL;

17 (E) TWO PERSONS WHO ARE REPRESENTATIVES OF A NONPROFIT
18 ORGANIZATION THAT PROVIDES PROGRAMS TO PREVENT OR ADDRESS
19 JUVENILE DELINQUENCY; ==

20 (F) ONE JUVENILE OR FORMER JUVENILE WHO WAS CHARGED WITH
21 A DELINQUENT ACT; AND

22 (G) A REPRESENTATIVE OF THE OFFICE OF COLORADO'S CHILD
23 PROTECTION OMBUDSMAN.

24 (X) THREE PERSONS WHO OVERSEE JUVENILE PROBATION
25 APPOINTED BY THE CHIEF JUSTICE.

26 (b) IN MAKING THE APPOINTMENTS, THE CHIEF JUSTICE AND THE
27 GOVERNOR ARE ENCOURAGED TO LOOK AT THE GEOGRAPHIC DIVERSITY OF

1 MEMBERS OF THE COMMITTEE.

2 (3) THE GOVERNOR SHALL SELECT A CHAIR AND A VICE-CHAIR.

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

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

16 **24-20-602. Juvenile justice reform committee - duties.** (1) THE
17 COMMITTEE HAS THE FOLLOWING DUTIES:

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

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

26 (B) THE DIVISION OF YOUTH SERVICES IN DEVELOPMENT OF CASE
27 AND REENTRY PLANS AND THE DETERMINATION OF SUPERVISION LEVELS

1 FOR JUVENILES COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES;
2 AND

3 (C) JUVENILE PROBATION DEPARTMENTS IN THE DEVELOPMENT OF
4 CASE PLANS AND THE DETERMINATION OF SUPERVISION LEVELS FOR
5 JUVENILES PLACED ON PROBATION.

6 (II) IN ADOPTING THE VALIDATED RISK AND NEEDS ASSESSMENT
7 TOOL OR TOOLS PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION, THE
8 COMMITTEE SHALL CONSULT WITH EXPERT ORGANIZATIONS, CONSULT
9 WITH THE DELIVERY OF CHILD WELFARE SERVICES TASK FORCE CREATED
10 IN SECTION 26-5-105.8, AND REVIEW RESEARCH AND BEST PRACTICES
11 FROM OTHER JURISDICTIONS AND MAY CONSIDER A VALIDATED TOOL OR
12 TOOLS ALREADY BEING USED IN THE STATE. ON OR BEFORE JANUARY 1,
13 2021, THE COMMITTEE SHALL:

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

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

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

26 (D) ESTABLISH POLICIES FOR HOW THE RESULTS OF THE
27 VALIDATED RISK AND NEEDS ASSESSMENTS ARE COMPILED AND HOW THE

1 RESULTS ARE SHARED AND WITH WHICH PARTIES THEY ARE SHARED;

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

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

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

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

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

21 ==

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

26 (d) BY JULY 1, 2020, SELECT A QUALIFIED VENDOR OR NATIONAL
27 PROVIDER OF RISK ASSESSMENT TECHNICAL ASSISTANCE TO ASSIST THE

1 DEPARTMENT OF HUMAN SERVICES, JUVENILE PROBATION, AND THE
2 JUVENILE COURT WITH THE ADOPTION AND IMPLEMENTATION OF THE
3 VALIDATED RISK AND NEEDS ASSESSMENT TOOL OR TOOLS AND VALIDATED
4 MENTAL HEALTH SCREENING TOOL OR TOOLS AND ASSIST JUVENILE
5 DIVERSION PROGRAMS AND DISTRICT ATTORNEY'S OFFICES WITH THE
6 ADOPTION AND IMPLEMENTATION OF A VALIDATED RISK SCREENING TOOL.
7 THE ASSISTANCE MUST INCLUDE AN IMPLEMENTATION PLAN, EMPLOYEE
8 TRAINING, POLICY DEVELOPMENT, AND THE ESTABLISHMENT OF QUALITY
9 ASSURANCE AND DATA COLLECTION PROTOCOLS.

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

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

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

21 (III) DEVELOP A PLAN FOR THE DEPARTMENT OF HUMAN SERVICES
22 AND THE JUDICIAL DEPARTMENT TO REPORT ON THE OUTCOME MEASURES.
23 THE REPORT OR REPORTS MUST BE MADE AVAILABLE ANNUALLY TO THE
24 GOVERNOR, THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT, AND
25 THE JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE OF
26 REPRESENTATIVES, THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE
27 SENATE, AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES

1 COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR
2 COMMITTEES. NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136
3 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT OR REPORTS TO THE
4 COMMITTEES CONTINUES INDEFINITELY.

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

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

15 **24-20-603. Repeal.** THIS PART 6 IS REPEALED, EFFECTIVE
16 SEPTEMBER 1, 2022. BEFORE ITS REPEAL, THIS PART 6 IS SCHEDULED FOR
17 REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

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

20 **19-1-103. Definitions.** As used in this title 19 or in the specified
21 portion of this title 19, unless the context otherwise requires:

22 (44) (a) "Diversion" means a decision made by a person with
23 authority or a delegate of that person that results in specific official action
24 of the legal system not being taken in regard to a specific juvenile or child
25 and in lieu thereof providing OR REFERRING THE JUVENILE OR CHILD TO
26 individually designed services, by a specific program OR ACTIVITY, IF
27 NECESSARY, PROVIDED BY DISTRICT ATTORNEY'S OFFICES.

1 GOVERNMENTAL UNITS, OR NONGOVERNMENTAL UNITS. The goal of
2 diversion is to prevent further involvement of the juvenile or child in the
3 formal legal system.

4 (b) Diversion of a juvenile or child may take place either at the
5 prefiling level as an alternative to the filing of a petition pursuant to
6 section 19-2-512 or ~~at the postadjudication level as an adjunct to~~
7 ~~probation services following an adjudicatory hearing pursuant to section~~
8 ~~19-3-505 or a disposition as a part of sentencing pursuant to section~~
9 ~~19-2-907. "Services", as used in this subsection (44), includes but is not~~
10 ~~limited to diagnostic needs assessment, restitution programs, community~~
11 ~~service, job training and placement, specialized tutoring, constructive~~
12 ~~recreational activities, general counseling and counseling during a crisis~~
13 ~~situation, and follow-up activities~~ POSTFILING AS AN ALTERNATIVE TO
14 ADJUDICATION. Services may include restorative justice practices as _____
15 defined in section 18-1-901 (3)(o.5) C.R.S., and as deemed suitable by the
16 probation department or a designated restorative justice practices
17 facilitator. Restorative justice practices shall be conducted by facilitators
18 recommended by the district attorney 19-1-103 (94.1).

19 (94.1) "Restorative justice" means those practices that emphasize
20 repairing the harm to the victim and the community caused by criminal
21 acts. Restorative justice practices may include victim-offender
22 conferences attended voluntarily by the victim, a victim advocate, the
23 offender, community members, and supporters of the victim or the
24 offender that provide an opportunity for the offender to accept
25 responsibility for the harm caused to those affected by the crime and to
26 participate in setting consequences to repair the harm. Consequences
27 recommended by the participants may include, but need not be limited to,

1 apologies, community service, restoration, and counseling. The selected
2 consequences are incorporated into an agreement that sets time limits for
3 completion of the consequences and is signed by all participants. ANY
4 STATEMENTS MADE DURING THE RESTORATIVE JUSTICE PROCESS ARE
5 CONFIDENTIAL AND SHALL NOT BE USED AGAINST THE JUVENILE, OR AS A
6 BASIS FOR CHARGING OR PROSECUTING THE JUVENILE, UNLESS THE
7 JUVENILE COMMITS A CHARGEABLE OFFENSE DURING THE PROCESS.

8 (106.5) "TEMPORARY SHELTER" MEANS THE TEMPORARY
9 PLACEMENT OF A CHILD WITH KIN, AS DEFINED IN SUBSECTION (71.3) OF
10 THIS SECTION; WITH AN ADULT WITH A SIGNIFICANT RELATIONSHIP WITH
11 THE CHILD; OR IN A LICENSED AND CERTIFIED TWENTY-FOUR-HOUR CARE
12 FACILITY.

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

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

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

3 **19-2-211.5. Legislative declaration.** THE GENERAL ASSEMBLY
4 DECLARES THAT THE PLACEMENT OF CHILDREN IN A DETENTION FACILITY
5 EXACTS A NEGATIVE IMPACT ON THE MENTAL AND PHYSICAL WELL-BEING
6 OF THE CHILD AND SUCH DETENTION MAY MAKE IT MORE LIKELY THAT THE
7 CHILD WILL REOFFEND. CHILDREN WHO ARE DETAINED ARE MORE LIKELY
8 TO PENETRATE DEEPER INTO THE JUVENILE JUSTICE SYSTEM THAN SIMILAR
9 CHILDREN WHO ARE NOT DETAINED, AND COMMUNITY-BASED
10 ALTERNATIVES TO DETENTION SHOULD BE BASED ON THE PRINCIPLE OF
11 USING THE LEAST-RESTRICTIVE SETTING POSSIBLE AND RETURNING A
12 CHILD TO HIS OR HER HOME, FAMILY, OR OTHER RESPONSIBLE ADULT
13 WHENEVER POSSIBLE CONSISTENT WITH PUBLIC SAFETY. IT IS THE INTENT
14 OF THE GENERAL ASSEMBLY IN ADOPTING SECTION 19-2-507.5 AND
15 AMENDING SECTIONS 19-2-212, 19-2-507, AND 19-2-508 TO LIMIT THE USE
16 OF DETENTION TO ONLY THOSE CHILDREN WHO POSE A SUBSTANTIAL RISK
17 OF SERIOUS HARM TO OTHERS OR THAT ARE A FLIGHT RISK FROM
18 PROSECUTION.

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

21 **19-2-212. Working group for criteria for placement of juvenile**
22 **offenders - establishment of formula - review of criteria - report.**

23 (1) (a) The executive director of the department of human services and
24 the state court administrator of the judicial department, or any designees
25 of such persons, in consultation with SHALL FORM A WORKING GROUP
26 THAT MUST INCLUDE REPRESENTATIVES FROM:

27 (I) The division of criminal justice of the department of public

1 safety;
2 (II) The office of state planning and budgeting;
3 (III) The Colorado district attorneys council;
4 (IV) Law enforcement; representatives;
5 (V) THE PUBLIC DEFENDER'S OFFICE AND THE OFFICE OF
6 ALTERNATE DEFENSE COUNSEL;
7 (VI) THE OFFICE OF THE CHILD REPRESENTATIVE;
8 (VII) JUVENILE PROBATION;
9 (VIII) JUVENILE COURT JUDGES AND MAGISTRATES; and
10 representatives of
11 (IX) Local and county governments, INCLUDING COUNTY
12 DEPARTMENTS OF HUMAN OR SOCIAL SERVICES. shall form a
13 (b) THE working group that shall carry out the following duties:
14 (a) (I) To establish a set of criteria for both detention and
15 commitment for the purposes of determining which juvenile offenders are
16 appropriate for placement in the physical or legal custody of the
17 department of human services. Such criteria ~~shall~~ MUST conform with
18 section 19-2-508. This set of criteria, when adopted by the department of
19 human services and the judicial department, ~~shall be used to~~ MUST
20 promote a more uniform system of determining which juveniles should
21 be placed in the physical custody of the department of human services or
22 in the legal custody of the department of human services so that decisions
23 for such placement of a juvenile are made based upon a uniform set of
24 criteria throughout the state. ~~In developing such set of criteria, the~~
25 ~~working group shall utilize any existing risk scale devised by the~~
26 ~~department of human services or any other measures to determine when~~
27 ~~it is appropriate to place a juvenile in the physical custody of the~~

1 ~~department of human services or in the legal custody of the department~~
2 ~~of human services.~~ In addition, the criteria shall specifically take into
3 account the educational needs of the juvenile and ensure the juvenile's
4 access to appropriate educational services. The working group established
5 pursuant to this subsection (1) shall hold a meeting AT LEAST once each
6 year AND AS NECESSARY to review and propose revision to the criteria
7 established pursuant to this ~~paragraph (a)~~ SUBSECTION (1) and the formula
8 created pursuant to ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(e)
9 OF THIS SECTION.

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

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

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

25 (C) IDENTIFYING HOW THE INSTRUMENT IS VALIDATED AND
26 PILOTED; AND

27 (D) ESTABLISHING STATEWIDE SCORING OVERRIDE POLICIES THAT

1 MINIMIZE SUBJECTIVE DECISIONS TO HOLD A JUVENILE IN A DETENTION
2 FACILITY, WHILE ALLOWING FOR LOCAL FLEXIBILITY.

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

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

25 ~~(b)~~ (V) To establish a formula for the purpose of allocating funds
26 by each judicial district in the state of Colorado for alternative services to
27 placing juveniles in the physical custody of the department of human

1 services or in the legal custody of the department of human services. Such
2 allocation ~~shall~~ MUST take into consideration such factors as the
3 population of the judicial district, the incidence of offenses committed by
4 juveniles in such judicial district, and ~~such~~ other factors as deemed
5 appropriate. The working group shall consider and take into account
6 whether any federal ~~moneys~~ MONEY or matching funds are available to
7 cover the costs of juveniles within the system, including parent fees and
8 third-party reimbursement as authorized by law or reimbursements under
9 Title IV-E of the federal "Social Security Act", as amended.

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

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

16 (B) JUVENILES WHO ARE IN SECURE DETENTION; AND

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

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

26 (VIII) BEFORE JANUARY 1, 2021, TO ADOPT A RELATIVE
27 INFORMATION FORM CONCERNING A JUVENILE'S POTENTIAL NEED FOR

1 SERVICES OR PLACEMENT. THE INFORMATION FORM MUST BE AVAILABLE
2 AT EACH JUDICIAL DISTRICT TO EACH PARENT OR LEGAL GUARDIAN OF A
3 JUVENILE SCREENED FOR DETENTION AND PARTICIPATION IN ALTERNATIVE
4 SERVICES. THE INFORMATION FORM MUST:

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

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

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

24 (2) Of the members of the working group established pursuant to
25 subsection (1) of this section, the executive director of the department of
26 human services and the state court administrator of the judicial
27 department, or any designees of such persons, shall have final authority

1 to carry out the duty of creating the set of criteria pursuant to ~~paragraph~~
2 ~~(a) of subsection (1)~~ SUBSECTIONS (1)(a) TO (1)(d) of this section and
3 creating the formula pursuant to ~~paragraph (b) of subsection (1)~~
4 SUBSECTIONS (1)(e) TO (1)(g) of this section. This authority ~~shall~~ CAN
5 ONLY be exercised after working with and participating in the working
6 group process established in this section.

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

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

19 (b) PARENTS OR LEGAL GUARDIANS OF A JUVENILE EVALUATED BY
20 A PREADJUDICATION SERVICE PROGRAM SHALL COMPLETE THE
21 INFORMATION FORM DESCRIBED IN SECTION 19-2-212 (1)(a)(VII) NO
22 LATER THAN TWO BUSINESS DAYS AFTER THE EVALUATION OR PRIOR TO
23 THE JUVENILE'S FIRST DETENTION HEARING, WHICHEVER OCCURS FIRST. IF
24 AVAILABLE, THE SCREENING TEAM OR PREADJUDICATION SERVICE
25 PROGRAM SHALL FILE THE ORIGINAL COMPLETED INFORMATION FORM
26 WITH THE COURT. IF THE INFORMATION FORM HAS NOT BEEN COMPLETED
27 AT THE TIME OF THE DETENTION HEARING, THE COURT SHALL DIRECT THE

1 PARENT OR LEGAL GUARDIAN TO IMMEDIATELY COMPLETE THE FORM AND
2 FILE IT WITH THE COURT. THE SCREENING TEAM, PREADJUDICATION
3 SERVICE PROGRAM, OR THE COURT SHALL DELIVER A COPY OF THE
4 INFORMATION REPORT TO THE DIVISION OF YOUTH SERVICES; THE
5 GUARDIAN AD LITEM, IF ANY; AND THE COUNTY DEPARTMENT OF HUMAN
6 OR SOCIAL SERVICES NO LATER THAN FIVE BUSINESS DAYS AFTER THE
7 DATE OF THE DETENTION HEARING.

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

19 (4) The plan may include different methods and levels of
20 community-based supervision as conditions for preadjudication release,
21 INCLUDING THE POSSIBILITY OF RELEASE WITHOUT FORMAL SUPERVISION.
22 The plan may provide for the use of the same supervision methods that
23 have been established for adult defendants as a pretrial release method to
24 reduce pretrial incarceration or that have been established as sentencing
25 alternatives for juvenile or adult offenders placed on probation or parole.
26 The use of such supervision methods is intended to reduce
27 preadjudication detentions without sacrificing the protection of the

1 community from juveniles who may be risks to the public. The plan may
2 ALLOW FOR THE RELEASE OF THE JUVENILE TO HIS OR HER HOME WITH NO
3 FORMAL SUPERVISION OR provide for the use of any of the following
4 supervision methods as conditions of preadjudication release:

- 5 (a) Periodic telephone communications with the juvenile;
- 6 (b) Periodic office visits by the juvenile to the preadjudication
7 service agency;
- 8 (c) Periodic home visits to the juvenile's home;
- 9 (d) IF A VALIDATED MENTAL HEALTH OR SUBSTANCE USE
10 SCREENING AND SUBSEQUENT MENTAL HEALTH OR SUBSTANCE USE
11 ASSESSMENT INDICATES THAT THE JUVENILE HAS A NEED:

- 12 (I) Periodic drug testing of the juvenile; OR
- 13 (II) MENTAL HEALTH OR SUBSTANCE USE TREATMENT FOR THE
14 JUVENILE, WHICH TREATMENT MAY INCLUDE RESIDENTIAL TREATMENT;
- 15 (e) Periodic visits to the juvenile's school;
- 16 ~~(f) Mental health or substance abuse treatment for the juvenile,~~
17 ~~which treatment may include residential treatment;~~
- 18 ~~(g)~~ (f) Domestic violence or child abuse counseling for the
19 juvenile, if applicable;
- 20 ~~(h)~~ (g) Electronic or global position monitoring of the juvenile;
- 21 ~~(i)~~ (h) Work release for the juvenile, if school attendance is not
22 applicable or appropriate under the circumstances; or
- 23 ~~(j)~~ (i) Juvenile day reporting and day treatment programs.

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

26 **19-2-303. Juvenile diversion program - authorized - report -**
27 **- legislative declaration - definitions.** (1) (a) In order to more fully

1 implement the stated objectives of this ~~title~~ TITLE 19, the general assembly
2 declares its intent to establish a juvenile diversion program that, when
3 possible, integrates restorative justice practices to provide
4 community-based alternatives to the formal court system that will reduce
5 juvenile crime and recidivism AND IMPROVE POSITIVE JUVENILE
6 OUTCOMES, change juvenile offenders' behavior and attitudes, promote
7 juvenile offenders' accountability, recognize and support the rights of
8 victims, heal the harm to relationships and the community caused by
9 juvenile crime, and reduce the costs within the juvenile justice system.

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

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

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

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

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

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

27 (V) ENSURE APPROPRIATE SERVICES ARE AVAILABLE FOR ALL

1 ELIGIBLE JUVENILES.

2 (2) The division of criminal justice of the department of public
3 safety is authorized to establish and administer a juvenile diversion
4 program that SEEKS TO DIVERT YOUTH FROM THE JUVENILE JUSTICE
5 SYSTEM, AND, when possible, integrates restorative justice practices. In
6 order to effectuate the program, the division ~~may contract with~~
7 ~~governmental units and nongovernmental agencies~~ SHALL ALLOCATE
8 MONEY TO EACH JUDICIAL DISTRICT AND MAY CONTRACT WITH DISTRICT
9 ATTORNEY'S OFFICES, GOVERNMENTAL UNITS, AND NONGOVERNMENTAL
10 AGENCIES FOR REASONABLE AND NECESSARY EXPENSES AND SERVICES TO
11 SERVE EACH JUDICIAL DISTRICT to DIVERT JUVENILES AND provide
12 services, IF WARRANTED, for eligible ~~youth~~ JUVENILES through
13 community-based ~~projects~~ PROGRAMS providing an alternative to a
14 petition filed pursuant to section 19-2-512 OR an adjudicatory hearing
15 pursuant to section 19-3-505. ~~or dispositions of a juvenile delinquent~~
16 ~~pursuant to section 19-2-907.~~

17 (3) For purposes of this section:

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

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

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

21 (d) "Nongovernmental agency" is defined in section 19-1-103
22 (79).

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

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

27 (a) ~~Meet a demonstrated community need as shown by a survey~~

1 of the type of community, its special circumstances, and the type and
2 number of youth who will be served by the project; ON AND AFTER
3 THIRTY DAYS AFTER THE TOOL IS SELECTED, CONDUCT A RISK SCREENING
4 USING A RISK SCREENING TOOL SELECTED PURSUANT TO SECTION
5 24-20-602 (1)(c) FOR ALL JUVENILES REFERRED TO THE DISTRICT
6 ATTORNEY PURSUANT TO SECTION 19-2-510 UNLESS A DETERMINATION
7 HAS ALREADY BEEN MADE TO DIVERT THE JUVENILE, THE DISTRICT
8 ATTORNEY DECLINES TO FILE CHARGES, DISMISSES THE CASE, OR CHARGES
9 THE JUVENILE WITH A CLASS 1 OR CLASS 2 FELONY. THE DISTRICT
10 ATTORNEY'S OFFICE SHALL CONDUCT THE RISK SCREENING OR CONTRACT
11 WITH AN ALTERNATIVE AGENCY THAT HAS BEEN FORMALLY DESIGNATED
12 BY THE DISTRICT ATTORNEY'S OFFICE TO CONDUCT THE SCREENING, IN
13 WHICH CASE THE RESULTS OF THE SCREENING MUST BE MADE AVAILABLE
14 TO THE DISTRICT ATTORNEY'S OFFICE. THE ENTITY CONDUCTING THE
15 SCREENING SHALL MAKE THE RESULTS OF THE RISK SCREENING AVAILABLE
16 TO THE YOUTH AND FAMILY. ALL INDIVIDUALS USING THE RISK SCREENING
17 TOOL MUST RECEIVE TRAINING ON THE APPROPRIATE USE OF THE TOOL.
18 THE RISK SCREENING TOOL IS TO BE USED TO INFORM ABOUT DECISIONS
19 ABOUT DIVERSION. THE RISK SCREENING TOOL AND ANY INFORMATION
20 OBTAINED FROM A JUVENILE IN THE COURSE OF ANY SCREENING,
21 INCLUDING ANY ADMISSION, CONFESSION, OR INCRIMINATING EVIDENCE,
22 OBTAINED FROM A JUVENILE IN THE COURSE OF ANY SCREENING OR
23 ASSESSMENT IN CONJUNCTION WITH PROCEEDINGS UNDER THIS SECTION OR
24 MADE IN ORDER TO PARTICIPATE IN A DIVERSION OR RESTORATIVE JUSTICE
25 PROGRAM IS NOT ADMISSIBLE INTO EVIDENCE IN ANY ADJUDICATORY
26 HEARING IN WHICH THE JUVENILE IS ACCUSED AND IS NOT SUBJECT TO
27 SUBPOENA OR ANY OTHER COURT PROCESS FOR USE IN ANY OTHER

1 PROCEEDING OR FOR ANY OTHER PURPOSE. ___

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

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

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

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

10 (IV) WHAT SERVICES, IF ANY, MAY BE OFFERED TO THE JUVENILE.

11 PROFESSIONALS INVOLVED WITH THE JUVENILE'S NEEDS, TREATMENT, AND

12 SERVICE PLANNING, INCLUDING DISTRICT ATTORNEYS, PUBLIC DEFENDERS,

13 PROBATION, AND STATE AND LOCAL GOVERNMENTAL ENTITIES, SUCH AS

14 THE DEPARTMENTS OF HUMAN OR SOCIAL SERVICES, MAY COLLABORATE

15 TO PROVIDE APPROPRIATE DIVERSION ___ SERVICES IN JURISDICTIONS

16 WHERE THEY ARE NOT CURRENTLY AVAILABLE.

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

21 (I) ABILITY TO PAY;

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

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

25 OR

26 (IV) LEGAL REPRESENTATION;

27 (d) ALIGN THE JUVENILE DIVERSION PROGRAM'S POLICIES AND

1 PRACTICES WITH EVIDENCE-BASED PRACTICES AND WITH THE DEFINITION
2 OF "DIVERSION" PURSUANT TO SECTION 19-1-103 (44); AND

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

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

12 THE DIVISION OF CRIMINAL JUSTICE, IN COLLABORATION WITH DISTRICT
13 ATTORNEYS OR DIVERSION PROGRAM DIRECTORS WHO ACCEPT FORMULA
14 MONEY AND PROGRAMS PROVIDING JUVENILE DIVERSION SERVICES, SHALL
15 ESTABLISH MINIMUM DATA COLLECTION REQUIREMENTS AND OUTCOME
16 MEASURES THAT EACH DISTRICT ATTORNEY'S OFFICE, GOVERNMENTAL
17 UNIT, AND NONGOVERNMENTAL AGENCY SHALL COLLECT AND SUBMIT
18 ANNUALLY FOR ALL JUVENILES REFERRED TO THE DISTRICT ATTORNEY
19 PURSUANT TO SECTION 19-2-510 INCLUDING, BUT NOT LIMITED TO:

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

22 (b) RISK SCREENING CONDUCTED;

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

26 (d) OFFENSE;

27 (e) DIVERSION STATUS;

- 1 (f) SERVICE PARTICIPATION;
2 (g) PROGRAM COMPLETION DATA;
3 (h) CHILD WELFARE INVOLVEMENT; AND
4 (i) IDENTIFYING DATA NECESSARY TO TRACK THE LONG-TERM
5 OUTCOMES OF DIVERTED JUVENILES.

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

10 (b) The director shall regularly monitor these diversion ~~projects~~
11 PROGRAMS to ensure that progress is being made to accomplish the
12 objectives of this section. THE DIVISION OF CRIMINAL JUSTICE SHALL
13 OFFER TECHNICAL ASSISTANCE TO DISTRICT ATTORNEY'S OFFICES,
14 GOVERNMENTAL UNITS, NONGOVERNMENTAL AGENCIES, AND DIVERSION
15 PROGRAMS TO SUPPORT THE UNIFORM COLLECTION AND REPORTING OF
16 DATA AND TO SUPPORT PROGRAM DEVELOPMENT AND ADHERENCE TO
17 PROGRAM REQUIREMENTS. THE DIVISION OF CRIMINAL JUSTICE SHALL
18 PROVIDE ANNUAL PROGRAM-LEVEL REPORTS TO DISTRICT ATTORNEY'S
19 OFFICES AND SUBMIT A CONSOLIDATED STATEWIDE REPORT ANNUALLY TO
20 THE GOVERNOR AND TO THE JUDICIARY COMMITTEES OF THE SENATE AND
21 THE HOUSE OF REPRESENTATIVES, THE HEALTH AND HUMAN SERVICES
22 COMMITTEE OF THE SENATE, AND THE PUBLIC HEALTH CARE AND HUMAN
23 SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY
24 SUCCESSOR COMMITTEES. NOTWITHSTANDING THE PROVISIONS OF SECTION
25 24-1-136 (11)(a)(I), THESE REPORTS CONTINUE INDEFINITELY.

26 (7) A FORMULA MUST BE ESTABLISHED FOR THE PURPOSE OF
27 ALLOCATING MONEY TO EACH JUDICIAL DISTRICT IN THE STATE OF

1 COLORADO FOR JUVENILE DIVERSION PROGRAMS. The executive director
2 of the department of public safety is authorized to accept and expend on
3 behalf of the state any funds, grants, gifts, or donations from any private
4 or public source for the purpose of providing restorative justice programs;
5 except that no gift, grant, or donation shall be accepted if the conditions
6 attached to it require the expenditure thereof in a manner contrary to law.

7 (8) (a) The director may implement a behavioral or mental health
8 ~~disorder~~ screening program to screen juveniles who participate in the
9 juvenile diversion program. If the director chooses to implement a
10 behavioral or mental health ~~disorder~~ screening program, the director shall
11 use the ~~standardized behavioral or mental health disorder~~ screening
12 ~~developed~~ TOOL SELECTED pursuant to ~~section 16-11.9-102~~ SECTION
13 24-20-602 (1)(b) and conduct the screening in accordance with
14 procedures established pursuant to ~~said section~~ THAT SECTION.

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

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

26 **19-2-307. Juvenile intensive supervision program - elements.**

27 (2) The judicial department, with the assistance of a juvenile intensive

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

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

12 **19-2-507.5. Limitations on detention. DETENTION IS NOT**
13 **PERMITTED FOR THE FOLLOWING:**

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

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

21
22 (c) JUVENILES WHO AT ADMISSION REQUIRE MEDICAL CARE, ARE
23 INTOXICATED, OR ARE UNDER THE INFLUENCE OF DRUGS, TO AN EXTENT
24 THAT CUSTODY OF THE JUVENILE IS BEYOND THE SCOPE OF THE DETENTION
25 FACILITY'S MEDICAL SERVICE CAPACITY;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 THE LAW ENFORCEMENT OFFICER DOES NOT RELEASE THE JUVENILE TO THE
2 CARE OF SUCH JUVENILE'S PARENTS, LEGAL GUARDIAN, KIN, OR OTHER
3 RESPONSIBLE ADULT, THE SCREENING TEAM SHALL ADMINISTER A
4 VALIDATED DETENTION SCREENING INSTRUMENT DEVELOPED OR ADOPTED
5 PURSUANT TO SECTION 19-2-212. THE LAW ENFORCEMENT OFFICER,
6 SCREENING TEAM, OR JUVENILE COURT SHALL NOT REMOVE THE JUVENILE
7 FROM THE CUSTODY OF THE PARENT OR LEGAL GUARDIAN PURSUANT TO
8 THIS SECTION UNLESS THE SCREENING TEAM OR THE JUVENILE COURT:

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

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

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

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

1 DETENTION SCREENING INSTRUMENT.

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

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

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

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

26 (3) (a) The juvenile ~~shall~~ MUST be released to the care of ~~such~~ THE
27 juvenile's parents, KIN, or other responsible adult, unless a determination

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

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

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

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

1 ESTABLISHED PURSUANT TO SECTION 19-2-302 without unnecessary delay.

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

4 **19-2-508. Detention and temporary shelter - hearing - time**
5 **limits - findings - review - confinement with adult offenders -**
6 **restrictions.** ~~(1) A juvenile who must be taken from his or her home but~~
7 ~~who does not require physical restriction must be given temporary care~~
8 ~~in a shelter facility designated by the court or the county department of~~
9 ~~human or social services and must not be placed in detention.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 case is related to the juvenile's case.

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

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

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

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

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

1 under the rules of evidence. In determining whether a juvenile requires
2 detention, the court shall consider ~~any record of any prior adjudications~~
3 ~~of the juvenile~~ THE RESULTS OF THE DETENTION SCREENING INSTRUMENT.

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

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

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

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

24 ~~(HH.5)~~ (VI) Notwithstanding the provisions of ~~subparagraph (HH)~~
25 ~~of this paragraph (a)~~ SUBSECTION (3)(a)(IV) OF THIS SECTION, there ~~shall~~
26 ~~be~~ IS no presumption under ~~sub-subparagraph (C) of subparagraph (HH)~~
27 ~~of this paragraph (a)~~ SUBSECTION (3)(a)(IV)(C) OF THIS SECTION that a

1 juvenile ~~is a danger to himself or herself or the community~~ POSES A
2 SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS if the item in the
3 possession of the juvenile is alleged to be a BB gun, a pellet gun, or a gas
4 gun.

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

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

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

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

16 (D) That no bail be set and that the juvenile be detained without
17 bail upon a finding that such juvenile ~~is a danger to himself or herself or~~
18 ~~to the community~~ POSES A SUBSTANTIAL RISK OF SERIOUS HARM TO
19 OTHERS. Any juvenile who is detained without bail must be tried on the
20 charges in the petition filed pursuant to ~~subparagraph (V) of this~~
21 ~~paragraph (a)~~ SUBSECTION (3)(a)(IX) OF THIS SECTION within the time
22 limits set forth in section 19-2-108, unless the juvenile is deemed to have
23 waived the time limit for an adjudicatory trial pursuant to section
24 19-2-107 (4).

25 (E) That no bail be set and that, upon the court's finding that the
26 juvenile ~~is a danger to himself or herself or to the community~~ POSES A
27 SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS, the juvenile be placed

1 in a preadjudication service program established pursuant to section
2 19-2-302. This ~~sub-subparagraph (E) shall~~ SUBSECTION (3)(a)(VII)(E)
3 DOES not apply to any case in which the juvenile's alleged offense is one
4 of the offenses described in ~~subparagraph (H) of this paragraph (a)~~
5 SUBSECTION (3)(a)(IV) OF THIS SECTION.

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

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

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

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

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

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

27 ~~(VI)~~ (X) Following the detention hearing, if the court orders that

1 the juvenile be released and, as a condition of such release, requires the
2 juvenile to attend school, the court shall notify the school district in which
3 the juvenile is enrolled of such requirement.

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

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

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

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

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

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

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

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

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

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

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

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

24 (A) The age of the juvenile;

25 (B) Whether, in order to provide physical separation from adults,
26 the juvenile would be deprived of contact with other people for a
27 significant portion of the day or would not have access to recreational

1 facilities or age-appropriate educational opportunities;

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

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

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

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

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

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

21 (I) Any other relevant factors.

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

1 receipt of the division's petition to transport. The district attorney, sheriff,
2 or juvenile may file a response to the petition and participate in the
3 hearing. The juvenile shall remain in a juvenile detention facility pending
4 hearing and decision by the district court.

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

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

23 ~~(3.5) Repealed.~~

24 (4) (a) No jail shall receive a juvenile for detention following a
25 detention hearing pursuant to this section unless the juvenile has been
26 ordered by the court to be held for criminal proceedings as an adult
27 pursuant to a transfer or unless the juvenile is to be held for criminal

1 proceedings as an adult pursuant to a direct filing. No juvenile under the
2 age of fourteen and, except upon order of the court, no juvenile fourteen
3 years of age or older shall be detained in a jail, lockup, or other place
4 used for the confinement of adult offenders. The exception for detention
5 in a jail ~~shall be used~~ APPLIES only if the juvenile is being held for
6 criminal proceedings as an adult pursuant to a direct filing or transfer.

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

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

24 (II) Notwithstanding the provisions of ~~subparagraph (I) of this~~
25 ~~paragraph (b.5)~~ SUBSECTION (4)(c)(I) OF THIS SECTION, if either the
26 official in charge of the jail or facility or the school district determines
27 that an appropriate and safe environment cannot be provided for a

1 specific juvenile, the official and the school district ~~shall be~~ ARE exempt
2 from the requirement to provide educational services to the juvenile until
3 such time as an environment that is determined to be appropriate and safe
4 by both the official and the school district can be provided. If the school
5 district will not be providing educational services to a juvenile because
6 of the lack of an appropriate and safe environment, the official in charge
7 of the jail or facility shall notify the juvenile, his or her parent or legal
8 guardian, the juvenile's defense attorney, and the court having jurisdiction
9 over the juvenile's case.

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

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

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

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

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

26 (E) The number of juveniles in the jail or facility who were
27 exempt from receiving educational services pursuant to section 22-32-141

1 (2)(c), (2)(e), (2)(f), and (2)(g); ~~C.R.S.~~

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

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

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

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

23 ~~(d)~~ (e) (I) Any juvenile arrested and detained for an alleged
24 violation of any article of title 42, ~~C.R.S.~~, or for any alleged violation of
25 a municipal or county ordinance, and not released on bond, ~~shall~~ MUST be
26 taken before a judge with jurisdiction of such violation within forty-eight
27 hours for the fixing of bail and conditions of bond pursuant to

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

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

21 ~~(e)~~ (f) The official in charge of a jail, lockup, or other facility for
22 the confinement of adult offenders that receives a juvenile for detention
23 should, wherever possible, take such measures as are reasonably
24 necessary to restrict the confinement of any such juvenile with known
25 past or current affiliations or associations with any gang so as to prevent
26 contact with other inmates at such jail, lockup, or other facility. The
27 official should, wherever possible, also take such measures as are

1 reasonably necessary to prevent recruitment of new gang members from
2 among the general inmate population. For purposes of this ~~paragraph (e)~~
3 SUBSECTION (4)(f), "gang" is defined in section 19-1-103 (52).

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

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

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

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

21 (7) Any law enforcement officer, employee of the division of
22 youth services, or another person acting under the direction of the court
23 who in good faith transports any juvenile, releases any juvenile from
24 custody pursuant to a written policy of a court, releases any juvenile
25 pursuant to any written criteria established pursuant to this title 19, or
26 detains any juvenile pursuant to court order or written policy or criteria
27 established pursuant to this title 19 is immune from civil or criminal

1 liability that might otherwise result by reason of such act. For purposes
2 of any proceedings, civil or criminal, the good faith of any such person is
3 presumed.

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

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

15 **SECTION 12.** In Colorado Revised Statutes, 19-2-509, **amend**
16 (2), (3), (4)(b), and (7) as follows:

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

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

26 (4) (b) In setting, modifying, or continuing any bail bond, it ~~shall~~
27 MUST be a condition that the released juvenile appear at any place and

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

15 (7) The parent, guardian, or legal custodian for any juvenile
16 released on bond pursuant to this section or any other responsible adult
17 who secures a personal recognizance bond for a juvenile pursuant to
18 subsection (6) of this section may petition the court, prior to forfeiture or
19 exoneration of the bond, to revoke the bond and remand the juvenile into
20 custody if the parent, guardian, legal custodian, or other responsible adult
21 determines that he or she is unable to control the juvenile. The court shall
22 apply the presumption specified in ~~section 19-2-508 (3)(a)(III)~~ SECTION
23 19-2-508 (3)(a)(IV) in determining whether to revoke the bond.

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

26 **19-2-514. Summons - issuance - contents - service.**
27 (3) (c) PARENTS OR LEGAL GUARDIANS OF A JUVENILE WHO IS THE

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

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

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

25 (6) Evidence or treatment obtained as a result of a mental health
26 screening or assessment ordered pursuant to this section, INCLUDING ANY
27 INFORMATION OBTAINED FROM THE JUVENILE IN THE COURSE OF A MENTAL

1 HEALTH SCREENING OR ASSESSMENT, shall BE USED ONLY FOR PURPOSES
2 OF SENTENCING; TO DETERMINE WHAT MENTAL HEALTH TREATMENT, IF
3 ANY, TO PROVIDE TO THE JUVENILE; AND TO DETERMINE WHETHER THE
4 JUVENILE JUSTICE OR ANOTHER SERVICE SYSTEM IS MOST APPROPRIATE TO
5 PROVIDE THIS TREATMENT, AND MUST NOT BE USED FOR ANY OTHER
6 PURPOSE. THE MENTAL HEALTH SCREENING OR ASSESSMENT AND ANY
7 INFORMATION OBTAINED IN THE COURSE OF THE MENTAL HEALTH
8 SCREENING OR ASSESSMENT IS NOT SUBJECT TO SUBPOENA OR ANY OTHER
9 COURT PROCESS FOR USE IN ANY OTHER COURT PROCEEDING AND IS not be
10 admissible on the issues raised by a plea of not guilty unless the juvenile
11 places his or her mental health at issue. If the juvenile places his or her
12 mental health at issue, then either party may introduce evidence obtained
13 as a result of a mental health screening or assessment. THE COURT SHALL
14 KEEP ANY MENTAL HEALTH SCREENING OR ASSESSMENT IN THE COURT FILE
15 UNDER SEAL.

16 (7) For purposes of this section:

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

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

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

25 (II) Significant abnormal behaviors under normal circumstances;

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

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

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

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

9 (c) "SCREENING" MEANS A SHORT VALIDATED MENTAL HEALTH
10 SCREENING TO IDENTIFY JUVENILES WHO MAY HAVE MENTAL HEALTH
11 NEEDS ADOPTED BY THE JUVENILE JUSTICE REFORM COMMITTEE PURSUANT
12 TO SECTION 24-20-602 (1)(b).

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

15 **19-2-905. Presentence investigation.** (1) (a) Prior to the
16 sentencing hearing, ~~the~~ juvenile probation department for the judicial
17 district in which the juvenile is adjudicated shall conduct a presentence
18 investigation unless waived by the court on its own determination or on
19 recommendation of the prosecution or the juvenile. The presentence
20 investigation ~~shall~~ MUST take into consideration and build on the intake
21 assessment performed by the screening team. The presentence
22 investigation may address, but is not limited to, the following:

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

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

27 **19-2-906.5. Orders - community placement - reasonable**

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

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

7 (1.5) For all hearings and reviews concerning the juvenile, the
8 court shall ensure that notice is provided to the juvenile and to the
9 following persons with whom the juvenile is placed:

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

11 (c) Relatives; OR

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

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

15 **19-2-921. Commitment to department of human services.**

16 (3.3) (a) ON OR BEFORE JANUARY 1, 2021, THE DEPARTMENT OF HUMAN
17 SERVICES, IN CONSULTATION WITH THE JUVENILE JUSTICE REFORM
18 COMMITTEE ESTABLISHED PURSUANT TO SECTION 24-20-601, SHALL
19 DEVELOP A LENGTH OF STAY MATRIX AND ESTABLISH CRITERIA TO GUIDE
20 THE RELEASE OF JUVENILES FROM A STATE FACILITY THAT ARE BASED ON:

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

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

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

27 AND

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

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

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

8 **19-2-925. Probation - terms - release - revocation - graduated**
9 **responses system - report.** (1) (a) The terms and conditions of probation
10 must be specified by rules or orders of the court. The court, as a condition
11 of probation for a juvenile who is ten years of age or older but less than
12 eighteen years of age on the date of the sentencing hearing, may impose
13 a commitment or detention. The aggregate length of any such
14 commitment or detention, whether continuous or at designated intervals,
15 must not exceed forty-five days; except that such limit ~~must~~ DOES not
16 apply to any placement out of the home through a county department of
17 human or social services. Each juvenile placed on probation must be
18 given a written statement of the terms and conditions of his or her
19 probation and have the terms and conditions fully explained to him or her.

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

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

1 JUVENILE BASED ON THE GUIDELINES DEVELOPED BY THE COMMITTEE ON
2 JUVENILE JUSTICE REFORM PURSUANT TO SECTION 24-20-602. The court
3 shall, as minimum conditions of probation, order that the juvenile:

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

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

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

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

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

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

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

27 ~~(h) (VI) Answer all reasonable inquiries by the probation officer~~

1 and promptly notify the probation officer of any change in address or
2 employment;

3 (†) (VII) Make restitution as ordered by the court;

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

5 (✕) (IX) Pay the surcharge levied pursuant to section 24-4.2-104
6 (1)(a)(I); ~~€:R:S.;~~

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

16 (b) THE COURT SHALL USE THE RESULTS FROM A VALIDATED RISK
17 AND NEEDS ASSESSMENT ADOPTED BY THE JUVENILE JUSTICE REFORM
18 COMMITTEE PURSUANT TO SECTION 24-20-602 (1)(b) TO INFORM THE
19 COURT OF ADDITIONAL CONDITIONS OF PROBATION, AS NECESSARY.

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

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

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

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

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

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

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

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

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

7 (III) THE SEVERITY OF THE CURRENT VIOLATION;

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

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

11 (5) WHENEVER A PROBATION OFFICE HAS REASONABLE CAUSE TO
12 BELIEVE THAT A JUVENILE HAS COMMITTED A VIOLATION OF THE TERMS
13 AND CONDITIONS OF PROBATION AND THAT GRADUATED RESPONSES
14 DEVELOPED PURSUANT TO SUBSECTION (4) OF THIS SECTION HAVE
15 PREVIOUSLY BEEN APPLIED OR WHEN THE NATURE OF THE VIOLATION
16 POSES A SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS, THE PROBATION
17 OFFICER, FOLLOWING THE APPROVAL OF HIS OR HER CHIEF PROBATION
18 OFFICER OR THE CHIEF'S DESIGNEE, SHALL PETITION THE COURT FOR
19 REVOCAION AND SHALL FILE WRITTEN INFORMATION WITH THE COURT
20 CONCERNING THE JUVENILE'S VIOLATION BEHAVIOR HISTORY AND THE
21 RESPONSES APPLIED PURSUANT TO THE GRADUATED RESPONSE SYSTEM
22 PURSUANT TO SUBSECTION (4) OF THIS SECTION.

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

1 FOR REVOCATION.

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

15 ~~(4)~~ (8) (a) When it is alleged that a juvenile has violated the terms
16 and conditions of his or her probation, AND GRADUATED RESPONSES HAVE
17 BEEN IMPOSED AND EXHAUSTED, PURSUANT TO SUBSECTION (7) OF THIS
18 SECTION, the court shall set a hearing on the alleged violation and shall
19 give notice to the juvenile and his or her parents, guardian, or other legal
20 custodian and any other parties to the proceeding as provided in section
21 19-2-514.

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

27 (c) When the juvenile has been taken into custody because of the

1 alleged violation, the provisions of sections 19-2-507, 19-2-507.5, and
2 19-2-508 shall apply.

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

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

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

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

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

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

1 **19-2-925.2. Juvenile probation standards - development.**

2 (1) BEFORE JULY 1, 2021, THE STATE COURT ADMINISTRATOR, IN
3 CONSULTATION WITH JUDGES, THE JUDICIAL BRANCH, DISTRICT
4 ATTORNEYS, DEFENSE COUNSEL, THE DELIVERY OF THE CHILD WELFARE
5 SERVICES TASK FORCE CREATED IN SECTION 26-5-105.8, AND OTHER
6 INTERESTED PARTIES SHALL ESTABLISH STATEWIDE STANDARDS FOR
7 JUVENILE PROBATION SUPERVISION AND SERVICES THAT ARE ALIGNED
8 WITH RESEARCH-BASED PRACTICES AND BASED ON THE JUVENILE'S RISK OF
9 REOFFENDING AS DETERMINED BY A VALIDATED RISK AND NEEDS
10 ASSESSMENT TOOL ADOPTED PURSUANT TO SECTION 24-20-602. THE
11 STATE COURT ADMINISTRATOR SHALL AT LEAST ANNUALLY PROVIDE
12 TRAINING TO JUVENILE PROBATION ON THE ADOPTION AND
13 IMPLEMENTATION OF THESE STANDARDS. JUVENILE STANDARDS MUST
14 INCLUDE, BUT NEED NOT BE LIMITED TO:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (A) THE SERIOUSNESS OF THE OFFENSE COMMITTED BY THE
27 JUVENILE RESULTING IN PLACEMENT UNDER THE SUPERVISION OF A

1 PROBATION OFFICER;

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

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

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

10 (e) COMMON CRITERIA FOR WHEN JUVENILE PROBATION OFFICERS
11 MAY RECOMMEND THE USE OF OUT-OF-HOME PLACEMENTS AND
12 COMMITMENT TO THE DIVISION OF YOUTH SERVICES. THE COURT SHALL
13 CONSIDER THE RESULTS OF A VALIDATED RISK AND NEEDS ASSESSMENT,
14 A VALIDATED MENTAL HEALTH SCREENING, AND, IF APPLICABLE, A FULL
15 MENTAL HEALTH ASSESSMENT CONDUCTED PURSUANT TO SECTION
16 24-20-602 TO MAKE DECISIONS CONCERNING THE PLACEMENT OF THE
17 JUVENILE.

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

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

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

27 **SECTION 21.** In Colorado Revised Statutes, 19-1-108, **amend**

1 (3)(a.5) as follows:

2 **19-1-108. Magistrates - qualifications - duties.**

3 (3) (a.5) Magistrates shall conduct hearings in the manner provided for
4 the hearing of cases by the court. During the initial advisement of the
5 rights of any party, the magistrate shall inform the party that, except as
6 provided in this subsection (3), he or she has the right to a hearing before
7 the judge in the first instance and that he or she may waive that right but
8 that, by waiving that right, he or she is bound by the findings and
9 recommendations of the magistrate, subject to a request for review as
10 provided in subsection (5.5) of this section. The right to require a hearing
11 before a judge ~~shall~~ DOES not apply to hearings at which a child is advised
12 of his or her rights pursuant to section 19-2-706; detention hearings held
13 pursuant to ~~sections 19-2-507 and~~ SECTIONS 19-2-507, 19-2-507.5, AND
14 19-2-508; preliminary hearings held pursuant to section 19-2-705;
15 temporary custody hearings held pursuant to section 19-3-403;
16 proceedings held pursuant to article 4 of this ~~title~~ TITLE 19; and support
17 proceedings held pursuant to article 6 of this ~~title~~ TITLE 19. In proceedings
18 held pursuant to article 4 or 6 of this ~~title~~ TITLE 19, contested final orders
19 regarding allocation of parental responsibilities may be heard by the
20 magistrate only with the consent of all parties.

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

23 **19-1-115. Legal custody - guardianship - placement out of the**
24 **home - petition for review for need of placement.** (6.7) Any time the
25 court enters an order related to out-of-home placement pursuant to
26 ~~paragraphs (a), (b), and (c) of subsection (6) or paragraph (b) of~~
27 ~~subsection (6.5) of this section; paragraph (f) of subsection (8) of this~~

1 ~~section; section 19-2-508 (3)(a)(VII)(A) and (3)(a)(VII)(B) SUBSECTIONS~~
2 (6)(a) TO (6)(c) OR SUBSECTION (6.5)(b) OF THIS SECTION; SUBSECTION
3 (8)(f) OF THIS SECTION; SECTION 19-2-508 (3)(a)(XI)(A) AND
4 (3)(a)(XI)(B); section 19-2-906.5 (1)(a), (1)(b), and (3)(a)(III); or section
5 19-3-702 (3.5)(b) and (6)(a)(II), the order ~~shall be~~ IS effective as of the
6 date the findings were made by the court, notwithstanding the date that a
7 written order may be signed by the court. Written orders entered pursuant
8 to ~~paragraphs (a), (b), and (c) of subsection (6) or paragraph (b) of~~
9 ~~subsection (6.5) of this section; paragraph (f) of subsection (8) of this~~
10 ~~section; section 19-2-508 (3)(a)(VII)(A) and (3)(a)(VII)(B) SUBSECTIONS~~
11 (6)(a) TO (6)(c) OR SUBSECTION (6.5)(b) OF THIS SECTION; SUBSECTION
12 (8)(f) OF THIS SECTION; SECTION 19-2-508 (3)(a)(XI)(A) AND
13 (3)(a)(XI)(B); section 19-2-906.5 (1)(a), (1)(b), and (3)(a)(III); or section
14 19-3-702 (3.5)(b) and (6)(a)(II) ~~shall~~ MUST state "the effective date of this
15 order is" and ~~shall~~ MUST not use the words "nunc pro tunc".

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

18 **19-2-108. Speedy trial - procedural schedule.** (2) In bringing
19 an adjudicatory action against a juvenile pursuant to this ~~article~~ ARTICLE
20 2, the district attorney and the court shall comply with the deadlines for:

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

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

25 **19-2-309.5. Community accountability program - legislative**
26 **declaration - creation.** (5) If a juvenile in the first component of the
27 program would substantially benefit, the division of youth services shall

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

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

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

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

27 **19-2-706. Advisement - right to counsel - waiver of right to**

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

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

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

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

21 **22-32-141. Student awaiting trial as adult - educational**
22 **services - definitions.** (2) (a) Except as otherwise provided in ~~paragraphs~~
23 ~~(e) to (g) of this subsection (2)~~ SUBSECTIONS (2)(c) TO (2)(g) OF THIS
24 SECTION, if a juvenile is held in a jail or other facility for the detention of
25 adult offenders pending criminal proceedings as an adult, the school
26 district in which the jail or facility is located shall provide educational
27 services for the juvenile upon request of the official in charge of the jail

1 or facility, or his or her designee, pursuant to ~~section 19-2-508 (4)(b.5)~~,
2 ~~C.R.S.~~ SECTION 19-2-508 (4)(c)(I). A school district may provide
3 educational services directly using one or more of its employees or may
4 ensure that educational services are provided through a board of
5 cooperative services, an administrative unit, or otherwise through contract
6 with a person or entity.

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

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

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

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

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

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

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

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

27 **2-3-1203. Sunset review of advisory committees - legislative**

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

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

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

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

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

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

22 **SECTION 34. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.