

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

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

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**

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

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**Senate Committees**

Judiciary  
Legislative Council  
Appropriations

**House Committees**

Judiciary  
Appropriations

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**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.**

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**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.

HOUSE  
Amended 3rd Reading  
April 30, 2019

HOUSE  
Amended 2nd Reading  
April 29, 2019

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 DYS on detention of juvenile offenders and alternative services to detention. The bill adds to the working group's duties that it must:

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

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

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

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

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

The bill makes conforming amendments.



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

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

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

7 [REDACTED]  
8 ==

9 (X) A REPRESENTATIVE APPOINTED BY THE OFFICE OF THE STATE  
10 PUBLIC DEFENDER AND A REPRESENTATIVE APPOINTED BY THE OFFICE OF  
11 THE ALTERNATE DEFENSE COUNSEL, BOTH OF WHOM SPECIALIZE IN  
12 JUVENILE DEFENSE;

13 ==

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

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

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

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

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

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

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

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

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

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

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

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

1 ANY MEETING IS SUFFICIENT FOR ANY OFFICIAL ACTION TAKEN BY THE  
2 COMMITTEE.

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

6 **24-33.5-2302. Juvenile justice reform committee - duties.**

7 (1) THE COMMITTEE HAS THE FOLLOWING DUTIES:

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

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

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

20 (C) JUVENILE PROBATION DEPARTMENTS IN THE DEVELOPMENT OF  
21 CASE PLANS AND THE DETERMINATION OF SUPERVISION LEVELS FOR  
22 JUVENILES PLACED ON PROBATION.

23 (II) IN ADOPTING THE VALIDATED RISK AND NEEDS ASSESSMENT  
24 TOOL OR TOOLS PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION, THE  
25 COMMITTEE SHALL CONSULT WITH EXPERT ORGANIZATIONS, CONSULT  
26 WITH THE DELIVERY OF CHILD WELFARE SERVICES TASK FORCE CREATED  
27 IN SECTION 26-5-105.8, AND REVIEW RESEARCH AND BEST PRACTICES

1 FROM OTHER JURISDICTIONS AND MAY CONSIDER A VALIDATED TOOL OR  
2 TOOLS ALREADY BEING USED IN THE STATE. ON OR BEFORE JANUARY 1,  
3 2021, THE COMMITTEE SHALL:

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

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

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

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

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

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

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

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

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

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

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

27 (e) IN COLLABORATION WITH THE DELIVERY OF CHILD WELFARE



1 SERVICES TASK FORCE CREATED IN SECTION 26-5-105.8, IDENTIFY SHARED  
2 OUTCOME MEASURES THAT ALL SERVICE PROVIDERS RECEIVING STATE  
3 FUNDS AND SERVING JUVENILES PLACED ON PROBATION AND PAROLE MUST  
4 TRACK AND REPORT. THE COMMITTEE SHALL ALSO:

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

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

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

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

25 (2) THE COMMITTEE SHALL RECOMMEND CHANGES TO STATUTES,  
26 APPROPRIATIONS, RULES, OR STANDARDS THAT NEED TO BE MADE PRIOR  
27 TO FULLY IMPLEMENTING THE COMMITTEE'S RECOMMENDATIONS.

1 SUBMITTING REPORTS PURSUANT TO THIS SECTION IS CONTINGENT UPON  
2 THE RECEIPT OF REASONABLE AND NECESSARY ADDITIONAL  
3 APPROPRIATIONS REQUESTED BY THE COMMITTEE IN ORDER TO FULFILL  
4 REPORTING REQUIREMENTS OUTLINED IN THE COMMITTEE'S PLANS.

5 **24-33.5-2303. Repeal.** THIS PART 6 IS REPEALED, EFFECTIVE  
6 SEPTEMBER 1, 2022. BEFORE ITS REPEAL, THIS PART 6 IS SCHEDULED FOR  
7 REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

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

10 **19-1-103. Definitions.** As used in this title 19 or in the specified  
11 portion of this title 19, unless the context otherwise requires:

12 (44) (a) "Diversion" means a decision made by a person with  
13 authority or a delegate of that person that results in specific official action  
14 of the legal system not being taken in regard to a specific juvenile or child  
15 and in lieu thereof providing OR REFERRING THE JUVENILE OR CHILD TO  
16 individually designed services, by a specific program OR ACTIVITY, IF  
17 NECESSARY, PROVIDED BY DISTRICT ATTORNEY'S OFFICES,  
18 GOVERNMENTAL UNITS, OR NONGOVERNMENTAL UNITS. The goal of  
19 diversion is to prevent further involvement of the juvenile or child in the  
20 formal legal system.

21 (b) Diversion of a juvenile or child may take place either at the  
22 prefiling level as an alternative to the filing of a petition pursuant to  
23 section 19-2-512 or ~~at the postadjudication level as an adjunct to~~  
24 ~~probation services following an adjudicatory hearing pursuant to section~~  
25 ~~19-3-505 or a disposition as a part of sentencing pursuant to section~~  
26 ~~19-2-907. "Services", as used in this subsection (44), includes but is not~~  
27 ~~limited to diagnostic needs assessment, restitution programs, community~~

1 ~~service, job training and placement, specialized tutoring, constructive~~  
2 ~~recreational activities, general counseling and counseling during a crisis~~  
3 ~~situation, and follow-up activities~~ POSTFILING AS AN ALTERNATIVE TO  
4 ADJUDICATION. Services may include restorative justice practices as       
5 defined in section 18-1-901 (3)(o.5) C.R.S., and as deemed suitable by the  
6 probation department or a designated restorative justice practices  
7 facilitator. Restorative justice practices shall be conducted by facilitators  
8 recommended by the district attorney 19-1-103 (94.1).

9 (94.1) "Restorative justice" means those practices that emphasize  
10 repairing the harm to the victim and the community caused by criminal  
11 acts. Restorative justice practices may include victim-offender  
12 conferences attended voluntarily by the victim, a victim advocate, the  
13 offender, community members, and supporters of the victim or the  
14 offender that provide an opportunity for the offender to accept  
15 responsibility for the harm caused to those affected by the crime and to  
16 participate in setting consequences to repair the harm. Consequences  
17 recommended by the participants may include, but need not be limited to,  
18 apologies, community service, restoration, and counseling. The selected  
19 consequences are incorporated into an agreement that sets time limits for  
20 completion of the consequences and is signed by all participants. ANY  
21 STATEMENTS MADE DURING THE RESTORATIVE JUSTICE PROCESS ARE  
22 CONFIDENTIAL AND SHALL NOT BE USED AGAINST THE JUVENILE, OR AS A  
23 BASIS FOR CHARGING OR PROSECUTING THE JUVENILE, UNLESS THE  
24 JUVENILE COMMITS A CHARGEABLE OFFENSE DURING THE PROCESS.  
25 NOTHING PRECLUDES A PERSON FROM REPORTING CHILD ABUSE OR  
26 NEGLECT WHEN REQUIRED UNDER SECTION 19-3-304, OR A MENTAL  
27 HEALTH PROVIDER FROM COMPLYING WITH A DUTY TO WARN UNDER

1 SECTION 13-21-117 (2).

2 (106.5) "TEMPORARY SHELTER" MEANS THE TEMPORARY  
3 PLACEMENT OF A CHILD WITH KIN, AS DEFINED IN SUBSECTION (71.3) OF  
4 THIS SECTION; WITH AN ADULT WITH A SIGNIFICANT RELATIONSHIP WITH  
5 THE CHILD; OR IN A LICENSED AND CERTIFIED TWENTY-FOUR-HOUR CARE  
6 FACILITY.

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

9 **19-2-210. Juvenile community review board.** (3) (b) The board  
10 shall review the case file of the juvenile and make a decision regarding  
11 residential community placement, taking into consideration the results of  
12 ~~the objective~~ A VALIDATED RISK AND NEEDS ASSESSMENT ADOPTED  
13 PURSUANT TO SECTION 24-33.5-2302 (1) by the department of human  
14 services, ~~the needs of the juvenile, and~~ the criteria established by the  
15 juvenile community review board based on the interests of the  
16 community, ~~Objective risk criteria shall be established and maintained~~  
17 AND GUIDANCE ESTABLISHED by the department of human services ~~and~~  
18 ~~shall~~ IN CONSULTATION WITH THE JUVENILE JUSTICE REFORM COMMITTEE  
19 ESTABLISHED PURSUANT TO SECTION 24-33.5-2301. THE CRITERIA MUST  
20 be based upon researched factors that have been demonstrated to be  
21 correlative to risk to the community.

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

24 **19-2-211.5. Legislative declaration.** THE GENERAL ASSEMBLY  
25 DECLARES THAT THE PLACEMENT OF CHILDREN IN A DETENTION FACILITY  
26 EXACTS A NEGATIVE IMPACT ON THE MENTAL AND PHYSICAL WELL-BEING  
27 OF THE CHILD AND SUCH DETENTION MAY MAKE IT MORE LIKELY THAT THE

1 CHILD WILL REOFFEND. CHILDREN WHO ARE DETAINED ARE MORE LIKELY  
2 TO PENETRATE DEEPER INTO THE JUVENILE JUSTICE SYSTEM THAN SIMILAR  
3 CHILDREN WHO ARE NOT DETAINED, AND COMMUNITY-BASED  
4 ALTERNATIVES TO DETENTION SHOULD BE BASED ON THE PRINCIPLE OF  
5 USING THE LEAST-RESTRICTIVE SETTING POSSIBLE AND RETURNING A  
6 CHILD TO HIS OR HER HOME, FAMILY, OR OTHER RESPONSIBLE ADULT  
7 WHENEVER POSSIBLE CONSISTENT WITH PUBLIC SAFETY. IT IS THE INTENT  
8 OF THE GENERAL ASSEMBLY IN ADOPTING SECTION 19-2-507.5 AND  
9 AMENDING SECTIONS 19-2-212, 19-2-507, AND 19-2-508 TO LIMIT THE USE  
10 OF DETENTION TO ONLY THOSE CHILDREN WHO POSE A SUBSTANTIAL RISK  
11 OF SERIOUS HARM TO OTHERS OR THAT ARE A FLIGHT RISK FROM  
12 PROSECUTION.

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

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

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

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

23 (II) The office of state planning and budgeting;

24 (III) The Colorado district attorneys council;

25 (IV) Law enforcement; representatives;

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

- 1           (VI) THE OFFICE OF THE CHILD REPRESENTATIVE;
- 2           (VII) JUVENILE PROBATION;
- 3           (VIII) JUVENILE COURT JUDGES AND MAGISTRATES; and
- 4           representatives of
- 5           (IX) Local and county governments, INCLUDING COUNTY
- 6           DEPARTMENTS OF HUMAN OR SOCIAL SERVICES. shall form a

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

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

1 established pursuant to this ~~paragraph (a)~~ SUBSECTION (1) and the formula  
2 created pursuant to ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(e)  
3 OF THIS SECTION.

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

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

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

19 (C) IDENTIFYING HOW THE INSTRUMENT IS VALIDATED AND  
20 PILOTED; AND

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

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

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

19            ~~(b)~~ (V) To establish a formula for the purpose of allocating funds  
20 by each judicial district in the state of Colorado for alternative services to  
21 placing juveniles in the physical custody of the department of human  
22 services or in the legal custody of the department of human services. Such  
23 allocation ~~shall~~ MUST take into consideration such factors as the  
24 population of the judicial district, the incidence of offenses committed by  
25 juveniles in such judicial district, and ~~such~~ other factors as deemed  
26 appropriate. The working group shall consider and take into account  
27 whether any federal ~~moneys~~ MONEY or matching funds are available to



1 cover the costs of juveniles within the system, including parent fees and  
2 third-party reimbursement as authorized by law or reimbursements under  
3 Title IV-E of the federal "Social Security Act", as amended.

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

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

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

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

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

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

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

1 COMPLETELY; AND

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

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

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

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

3           **19-2-302. Preadjudication service program creation -**  
4 **community advisory board established - duties of board.** (1) (a) The  
5 chief judge of any judicial district may issue an order that any juvenile  
6 who applies for preadjudication release be evaluated for placement by a  
7 preadjudication service program established pursuant to this section. In  
8 evaluating the juvenile, the service agency shall follow criteria for the  
9 placement of a juvenile established pursuant to section 19-2-212. Upon  
10 evaluation, the service agency shall make a recommendation to the court  
11 concerning placement of the juvenile with a preadjudication service  
12 program.

13           (b) PARENTS OR LEGAL GUARDIANS OF A JUVENILE EVALUATED BY  
14 A PREADJUDICATION SERVICE PROGRAM SHALL COMPLETE THE  
15 INFORMATION FORM DESCRIBED IN SECTION 19-2-212 (1)(a)(VII) NO  
16 LATER THAN TWO BUSINESS DAYS AFTER THE EVALUATION OR PRIOR TO  
17 THE JUVENILE'S FIRST DETENTION HEARING, WHICHEVER OCCURS FIRST. IF  
18 AVAILABLE, THE SCREENING TEAM OR PREADJUDICATION SERVICE  
19 PROGRAM SHALL FILE THE ORIGINAL COMPLETED INFORMATION FORM  
20 WITH THE COURT. IF THE INFORMATION FORM HAS NOT BEEN COMPLETED  
21 AT THE TIME OF THE DETENTION HEARING, THE COURT SHALL DIRECT THE  
22 PARENT OR LEGAL GUARDIAN TO IMMEDIATELY COMPLETE THE FORM AND  
23 FILE IT WITH THE COURT. THE SCREENING TEAM, PREADJUDICATION  
24 SERVICE PROGRAM, OR THE COURT SHALL DELIVER A COPY OF THE  
25 INFORMATION REPORT TO THE DIVISION OF YOUTH SERVICES; THE  
26 GUARDIAN AD LITEM, IF ANY; AND THE COUNTY DEPARTMENT OF HUMAN  
27 OR SOCIAL SERVICES NO LATER THAN FIVE BUSINESS DAYS AFTER THE

1     DATE OF THE DETENTION HEARING.

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

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

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

- 1 service agency;
- 2 (c) Periodic home visits to the juvenile's home;
- 3 (d) IF A VALIDATED MENTAL HEALTH OR SUBSTANCE USE  
4 SCREENING AND SUBSEQUENT MENTAL HEALTH OR SUBSTANCE USE  
5 ASSESSMENT INDICATES THAT THE JUVENILE HAS A NEED:
- 6 (I) Periodic drug testing of the juvenile; OR
- 7 (II) MENTAL HEALTH OR SUBSTANCE USE TREATMENT FOR THE  
8 JUVENILE, WHICH TREATMENT MAY INCLUDE RESIDENTIAL TREATMENT;
- 9 (e) Periodic visits to the juvenile's school;
- 10 ~~(f) Mental health or substance abuse treatment for the juvenile,~~  
11 ~~which treatment may include residential treatment;~~
- 12 ~~(g)~~ (f) Domestic violence or child abuse counseling for the  
13 juvenile, if applicable;
- 14 ~~(h)~~ (g) Electronic or global position monitoring of the juvenile;
- 15 ~~(i)~~ (h) Work release for the juvenile, if school attendance is not  
16 applicable or appropriate under the circumstances; or
- 17 ~~(j)~~ (i) Juvenile day reporting and day treatment programs.

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

20 **19-2-303. Juvenile diversion program - authorized - report -**  
21 **- legislative declaration - definitions.** (1) (a) In order to more fully  
22 implement the stated objectives of this ~~title~~ TITLE 19, the general assembly  
23 declares its intent to establish a juvenile diversion program that, when  
24 possible, integrates restorative justice practices to provide  
25 community-based alternatives to the formal court system that will reduce  
26 juvenile crime and recidivism AND IMPROVE POSITIVE JUVENILE  
27 OUTCOMES, change juvenile offenders' behavior and attitudes, promote

1 juvenile offenders' accountability, recognize and support the rights of  
2 victims, heal the harm to relationships and the community caused by  
3 juvenile crime, and reduce the costs within the juvenile justice system.

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

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

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

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

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

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

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

23 (2) The division of criminal justice of the department of public  
24 safety is authorized to establish and administer a juvenile diversion  
25 program that SEEKS TO DIVERT YOUTH FROM THE JUVENILE JUSTICE  
26 SYSTEM, AND, when possible, integrates restorative justice practices. In  
27 order to effectuate the program, the division ~~may contract with~~

1 ~~governmental units and nongovernmental agencies~~ SHALL ALLOCATE  
2 MONEY TO EACH JUDICIAL DISTRICT AND MAY CONTRACT WITH DISTRICT  
3 ATTORNEY'S OFFICES, GOVERNMENTAL UNITS, AND NONGOVERNMENTAL  
4 AGENCIES FOR REASONABLE AND NECESSARY EXPENSES AND SERVICES TO  
5 SERVE EACH JUDICIAL DISTRICT to DIVERT JUVENILES AND provide  
6 services, IF WARRANTED, for eligible ~~youth~~ JUVENILES through  
7 community-based ~~projects~~ PROGRAMS providing an alternative to a  
8 petition filed pursuant to section 19-2-512 OR an adjudicatory hearing  
9 pursuant to section 19-3-505. ~~or dispositions of a juvenile delinquent~~  
10 ~~pursuant to section 19-2-907.~~

11 (3) For purposes of this section:

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

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

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

15 (d) "Nongovernmental agency" is defined in section 19-1-103  
16 (79).

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

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

21 (a) ~~Meet a demonstrated community need as shown by a survey~~  
22 ~~of the type of community, its special circumstances, and the type and~~  
23 ~~number of youth who will be served by the project;~~ ON AND AFTER  
24 JANUARY 1, 2021, CONDUCT A RISK SCREENING USING A RISK SCREENING  
25 TOOL SELECTED PURSUANT TO SECTION 24-33.5-2302 (1)(c) FOR ALL  
26 JUVENILES REFERRED TO THE DISTRICT ATTORNEY PURSUANT TO SECTION  
27 19-2-510 UNLESS A DETERMINATION HAS ALREADY BEEN MADE TO DIVERT

1 THE JUVENILE, THE DISTRICT ATTORNEY DECLINES TO FILE CHARGES,  
2 DISMISSES THE CASE, OR CHARGES THE JUVENILE WITH A CLASS 1 OR CLASS  
3 2 FELONY. THE DISTRICT ATTORNEY'S OFFICE SHALL CONDUCT THE RISK  
4 SCREENING OR CONTRACT WITH AN ALTERNATIVE AGENCY THAT HAS BEEN  
5 FORMALLY DESIGNATED BY THE DISTRICT ATTORNEY'S OFFICE TO  
6 CONDUCT THE SCREENING, IN WHICH CASE THE RESULTS OF THE SCREENING  
7 MUST BE MADE AVAILABLE TO THE DISTRICT ATTORNEY'S OFFICE. THE  
8 ENTITY CONDUCTING THE SCREENING SHALL MAKE THE RESULTS OF THE  
9 RISK SCREENING AVAILABLE TO THE YOUTH AND FAMILY. ALL  
10 INDIVIDUALS USING THE RISK SCREENING TOOL MUST RECEIVE TRAINING  
11 ON THE APPROPRIATE USE OF THE TOOL. THE RISK SCREENING TOOL IS TO  
12 BE USED TO INFORM ABOUT DECISIONS ABOUT DIVERSION. THE RISK  
13 SCREENING TOOL AND ANY INFORMATION OBTAINED FROM A JUVENILE IN  
14 THE COURSE OF ANY SCREENING, INCLUDING ANY ADMISSION, CONFESSION,  
15 OR INCRIMINATING EVIDENCE, OBTAINED FROM A JUVENILE IN THE COURSE  
16 OF ANY SCREENING OR ASSESSMENT IN CONJUNCTION WITH PROCEEDINGS  
17 UNDER THIS SECTION OR MADE IN ORDER TO PARTICIPATE IN A DIVERSION  
18 OR RESTORATIVE JUSTICE PROGRAM IS NOT ADMISSIBLE INTO EVIDENCE IN  
19 ANY ADJUDICATORY HEARING IN WHICH THE JUVENILE IS ACCUSED AND IS  
20 NOT SUBJECT TO SUBPOENA OR ANY OTHER COURT PROCESS FOR USE IN  
21 ANY OTHER PROCEEDING OR FOR ANY OTHER PURPOSE. \_\_\_

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

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

27 (II) THE LEVEL AND INTENSITY OF SUPERVISION FOR JUVENILE



1 DIVERSION;  
2 (III) THE LENGTH OF SUPERVISION FOR JUVENILE DIVERSION; AND  
3 (IV) WHAT SERVICES, IF ANY, MAY BE OFFERED TO THE JUVENILE.  
4 PROFESSIONALS INVOLVED WITH THE JUVENILE'S NEEDS, TREATMENT, AND  
5 SERVICE PLANNING, INCLUDING DISTRICT ATTORNEYS, PUBLIC DEFENDERS,  
6 PROBATION, AND STATE AND LOCAL GOVERNMENTAL ENTITIES, SUCH AS  
7 THE DEPARTMENTS OF HUMAN OR SOCIAL SERVICES, MAY COLLABORATE  
8 TO PROVIDE APPROPRIATE DIVERSION \_\_\_\_\_ SERVICES IN JURISDICTIONS  
9 WHERE THEY ARE NOT CURRENTLY AVAILABLE.

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

14 (I) ABILITY TO PAY;  
15 (II) PREVIOUS OR CURRENT INVOLVEMENT WITH THE  
16 DEPARTMENTS OF HUMAN OR SOCIAL SERVICES;

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

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

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

25 (5) ~~When applying for a contract with the division of criminal~~  
26 ~~justice to provide services to youths under the juvenile diversion program,~~  
27 ~~a community project shall submit for review by the division a list of the~~

1 ~~project's objectives, a list of the restorative justice practices, if applicable,~~  
2 ~~included in the project, a report of the progress made during the previous~~  
3 ~~year if applicable toward implementing the stated objectives, an annual~~  
4 ~~budget, and such other documentation as may be required by the director.~~

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

- 13 (a) DEMOGRAPHIC DATA ON AGE, RACE OR ETHNICITY, AND  
14 GENDER;
- 15 (b) RISK SCREENING CONDUCTED;
- 16 (c) RISK LEVEL AS DETERMINED BY THE RISK SCREENING OR, IF NO  
17 SCREENING WAS COMPLETED, THE REASON WHY THE SCREENING WAS NOT  
18 COMPLETED;
- 19 (d) OFFENSE;
- 20 (e) DIVERSION STATUS;
- 21 (f) SERVICE PARTICIPATION;
- 22 (g) PROGRAM COMPLETION DATA;
- 23 (h) CHILD WELFARE INVOLVEMENT; AND
- 24 (i) IDENTIFYING DATA NECESSARY TO TRACK THE LONG-TERM  
25 OUTCOMES OF DIVERTED JUVENILES.

26 (6) (a) Each ~~project~~ PROGRAM providing services under this  
27 section shall develop objectives and report progress toward such

1 objectives as required by rules ~~and regulations~~ promulgated by the  
2 director.

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

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

27 (8) (a) The director may implement a behavioral or mental health

1 ~~disorder~~ screening program to screen juveniles who participate in the  
2 juvenile diversion program. If the director chooses to implement a  
3 behavioral or mental health ~~disorder~~ screening program, the director shall  
4 use the ~~standardized behavioral or mental health disorder~~ screening  
5 ~~developed~~ TOOL SELECTED pursuant to ~~section 16-11.9-102~~ SECTION  
6 24-33.5-2302 (1)(b) and conduct the screening in accordance with  
7 procedures established pursuant to ~~said section~~ THAT SECTION.

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

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

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

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

1 human services and the division of criminal justice of the department of  
2 public safety.

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

5 **19-2-507.5. Limitations on detention. DETENTION IS NOT**  
6 **PERMITTED FOR THE FOLLOWING:**

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

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

14         
15 (c) JUVENILES WHO AT ADMISSION REQUIRE MEDICAL CARE, ARE  
16 INTOXICATED, OR ARE UNDER THE INFLUENCE OF DRUGS, TO AN EXTENT  
17 THAT CUSTODY OF THE JUVENILE IS BEYOND THE SCOPE OF THE DETENTION  
18 FACILITY'S MEDICAL SERVICE CAPACITY;

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

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

25 (2) A JUVENILE COURT SHALL NOT ORDER A JUVENILE WHO IS TEN  
26 YEARS OF AGE AND OLDER BUT LESS THAN THIRTEEN YEARS OF AGE TO  
27 DETENTION UNLESS THE JUVENILE HAS BEEN ARRESTED FOR A FELONY OR

1 WEAPONS CHARGE PURSUANT TO SECTION 18-12-102, 18-12-105,  
2 18-12-106, OR 18-12-108.5. A PREADJUDICATION SERVICE PROGRAM  
3 CREATED PURSUANT TO SECTION 19-2-302 SHALL EVALUATE A JUVENILE  
4 DESCRIBED IN THIS SUBSECTION (2). THE EVALUATION MAY RESULT IN THE  
5 JUVENILE:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 **SECTION 10.** In Colorado Revised Statutes, 19-2-507, **amend**  
11 (2), (3), and (4) as follows:

12 **19-2-507. Duty of officer - screening teams - notification -**  
13 **release or detention.** (2) (a) ~~The law enforcement officer or the court~~  
14 ~~shall detain the juvenile if the law enforcement officer or the court~~  
15 ~~determines that the juvenile's immediate welfare or the protection of the~~  
16 ~~community requires detainment. In determining whether a juvenile~~  
17 ~~requires detention, the law enforcement officer or the court shall follow~~  
18 ~~criteria for the detention of juvenile offenders which criteria are~~  
19 ~~established in accordance with section 19-2-212, and shall make efforts~~  
20 ~~to keep the juvenile with his or her parent, guardian, or legal custodian~~ IF  
21 THE LAW ENFORCEMENT OFFICER DOES NOT RELEASE THE JUVENILE TO THE  
22 CARE OF SUCH JUVENILE'S PARENTS, LEGAL GUARDIAN, KIN, OR OTHER  
23 RESPONSIBLE ADULT, THE SCREENING TEAM SHALL ADMINISTER A  
24 VALIDATED DETENTION SCREENING INSTRUMENT DEVELOPED OR ADOPTED  
25 PURSUANT TO SECTION 19-2-212. THE LAW ENFORCEMENT OFFICER,  
26 SCREENING TEAM, OR JUVENILE COURT SHALL NOT REMOVE THE JUVENILE  
27 FROM THE CUSTODY OF THE PARENT OR LEGAL GUARDIAN PURSUANT TO

1 THIS SECTION UNLESS THE SCREENING TEAM OR THE JUVENILE COURT:

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

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

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

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

22 (c) ANY INFORMATION CONCERNING A JUVENILE THAT IS OBTAINED  
23 DURING THE ADMINISTRATION OF THE DETENTION SCREENING INSTRUMENT  
24 MUST BE USED SOLELY FOR THE PURPOSE OF MAKING A RECOMMENDATION  
25 TO THE COURT REGARDING THE CONTINUED DETENTION OF THE JUVENILE.  
26 THE INFORMATION IS NOT SUBJECT TO SUBPOENA OR OTHER COURT  
27 PROCESS, FOR USE IN ANY OTHER PROCEEDING, OR FOR ANY OTHER



1 PURPOSE.

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

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

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

19 (3) (a) The juvenile ~~shall~~ MUST be released to the care of ~~such~~ THE  
20 juvenile's parents, KIN, or other responsible adult, unless a determination  
21 has been made in accordance with subsection (2) of this section that ~~such~~  
22 THE juvenile's ~~immediate welfare or the protection of the community~~  
23 SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS requires that ~~such~~ THE  
24 juvenile be detained. The court may make reasonable orders as conditions  
25 of ~~said~~ release ~~which conditions may include participation in a~~  
26 ~~preadjudication service program established pursuant to section 19-2-302~~  
27 PURSUANT TO SECTION 19-2-508 (5). In addition, the court may provide

1 that any violation of such orders ~~shall~~ MAY subject the juvenile to  
2 contempt sanctions of the court. The parent, KIN, or other person to whom  
3 the juvenile is released ~~shall be~~ IS required to sign a written promise, on  
4 forms supplied by the court, to bring the juvenile to the court at a time set  
5 or to be set by the court. Failure, without good cause, to comply with the  
6 promise ~~shall subject~~ SUBJECTS the juvenile's parent or any other person  
7 to whom the juvenile is released to contempt sanctions of the court.

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

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

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

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

24 **19-2-508. Detention and temporary shelter - hearing - time**  
25 **limits - findings - review - confinement with adult offenders -**  
26 **restrictions.** (1) ~~A juvenile who must be taken from his or her home but~~  
27 ~~who does not require physical restriction must be given temporary care~~

1 in a shelter facility designated by the court or the county department of  
2 human or social services and must not be placed in detention.

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

18 (b) ~~A juvenile who is ten years of age and older but less than~~  
19 ~~thirteen years of age may not be ordered to detention unless the juvenile~~  
20 ~~has been arrested for a felony or weapons charge pursuant to section~~  
21 ~~18-12-102, 18-12-105, 18-12-106, or 18-12-108.5. A preadjudication~~  
22 ~~service program created pursuant to section 19-2-302 shall evaluate a~~  
23 ~~juvenile described in this subsection (2)(b). The evaluation may result in~~  
24 ~~the juvenile:~~

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

27 (II) ~~Being placed in the temporary legal custody of kin, for~~

1 ~~purposes of a kinship foster care home or noncertified kinship care~~  
2 ~~placement, as defined in section 19-1-103 (71.3), or other suitable person~~  
3 ~~under such conditions as the court may impose; or~~

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

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

7 ~~(2.5) (2) A juvenile who is detained for committing a delinquent~~  
8 ~~act shall MUST be represented at the detention hearing by counsel. If the~~  
9 ~~juvenile has not retained his or her own counsel, the court shall appoint~~  
10 ~~the office of the state public defender or, in the case of a conflict, the~~  
11 ~~office of alternate defense counsel to represent the juvenile. This~~  
12 ~~appointment shall continue CONTINUES if the court appoints the office of~~  
13 ~~the state public defender or the office of alternate defense counsel~~  
14 ~~pursuant to section 19-2-706 (2)(a) unless:~~

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

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

19 ~~(3) (a) (I) A juvenile taken into custody pursuant to this article~~  
20 ~~ARTICLE 2 and placed in a detention or TEMPORARY shelter facility or a~~  
21 ~~temporary holding facility is entitled to a hearing within forty-eight hours,~~  
22 ~~excluding Saturdays, Sundays, and legal holidays, of such placement to~~  
23 ~~determine if he or she should be detained. The time of the detention~~  
24 ~~hearing must allow defense counsel sufficient time to consult with the~~  
25 ~~juvenile before the detention hearing. This consultation may be performed~~  
26 ~~by secure electronic means if the conditions under which the electronic~~  
27 ~~consultation is held allow the consultation to be confidential. The time in~~

1 which the hearing must be held may be extended for a reasonable time by  
2 order of the court upon good cause shown.

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

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

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

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

27 (B) ON AND AFTER THIRTY DAYS AFTER THE SCREENING

1 INSTRUMENT HAS BEEN DEVELOPED OR ADOPTED PURSUANT TO SECTION  
2 19-2-212, THE VALIDATED DETENTION SCREENING INSTRUMENT HAS BEEN  
3 ADMINISTERED AND THE JUVENILE SCORED AS DETENTION-ELIGIBLE; OR  
4 THERE ARE GROUNDS TO OVERRIDE THE RESULT OF THE DETENTION  
5 SCREENING INSTRUMENT BASED ON THE CRITERIA DEVELOPED IN  
6 ACCORDANCE WITH SECTION 19-2-212; AND

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

15 (V) A COURT SHALL NOT ORDER FURTHER DETENTION FOR a  
16 juvenile who is ten years of age and older but less than thirteen years of  
17 age ~~may not be ordered to further detention~~ unless the juvenile has been  
18 arrested or adjudicated for a felony or weapons charge pursuant to section  
19 18-12-102, 18-12-105, 18-12-106, or 18-12-108.5. The court shall receive  
20 any information having probative value regardless of its admissibility  
21 under the rules of evidence. In determining whether a juvenile requires  
22 detention, the court shall consider ~~any record of any prior adjudications~~  
23 ~~of the juvenile~~ THE RESULTS OF THE DETENTION SCREENING INSTRUMENT.  
24 There is a rebuttable presumption that a juvenile ~~is a danger to himself or~~  
25 ~~herself or to the community~~ POSES A SUBSTANTIAL RISK OF SERIOUS HARM  
26 TO OTHERS if:

27 (A) The juvenile is alleged to have committed a felony

1 enumerated as a crime of violence pursuant to section 18-1.3-406; ~~C.R.S.~~;

2 or

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

7 (C) The juvenile is alleged to have committed possessing a  
8 dangerous or illegal weapon, as described in section 18-12-102; ~~C.R.S.~~  
9 possession of a defaced firearm, as described in section 18-12-103;  
10 ~~C.R.S.~~; unlawfully carrying a concealed weapon, as described in section  
11 18-12-105; ~~C.R.S.~~; unlawfully carrying a concealed weapon on school,  
12 college, or university grounds, as described in section 18-12-105.5;  
13 ~~C.R.S.~~; prohibited use of weapons, as described in section 18-12-106;  
14 ~~C.R.S.~~; illegal discharge of a firearm, as described in section 18-12-107.5;  
15 ~~C.R.S.~~; or illegal possession of a handgun by a juvenile, as described in  
16 section 18-12-108.5. ~~C.R.S.~~

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

25 ~~(IV)~~ (VII) Except as provided in ~~subsection (3)(a)(IV.5)~~  
26 SUBSECTION (3)(a)(IX) of this section, at the conclusion of the hearing,  
27 the court shall enter one of the following orders, while ensuring efforts

1 are made to keep the juvenile with his or her parent, guardian, or legal  
2 custodian:

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

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

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

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

18 (E) That no bail be set and that, upon the court's finding that the  
19 juvenile ~~is a danger to himself or herself or to the community~~ POSES A  
20 SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS, the juvenile be placed  
21 in a preadjudication service program established pursuant to section  
22 19-2-302. This ~~sub-subparagraph (E) shall~~ SUBSECTION (3)(a)(VII)(E)  
23 DOES not apply to any case in which the juvenile's alleged offense is one  
24 of the offenses described in ~~subparagraph (III) of this paragraph (a)~~  
25 SUBSECTION (3)(a)(IV) OF THIS SECTION.

26 ~~(IV.5)~~ (VIII) A preadjudication service program created pursuant  
27 to section 19-2-302 shall evaluate a juvenile described in ~~subsection~~



1     ~~(2)(b)~~ SUBSECTION (8) of this section. The evaluation may result in the  
2 juvenile:

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

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

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

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

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

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

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

27            (A) Whether placement of the juvenile out of his or her home

1 would be in the juvenile's and the community's best interests;

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

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

12 (b) (I) If it appears that any juvenile being held in detention or  
13 TEMPORARY shelter may have an intellectual and developmental  
14 disability, as provided in article 10.5 of title 27, the court or detention  
15 personnel shall refer the juvenile to the nearest community-centered board  
16 for an eligibility determination. If it appears that any juvenile being held  
17 in a detention or TEMPORARY shelter facility pursuant to the provisions of  
18 this article 2 may have a mental health disorder, as provided in sections  
19 27-65-105 and 27-65-106, the intake personnel or other appropriate  
20 personnel shall contact a mental health professional to do a mental health  
21 hospital placement prescreening on the juvenile. The court shall be  
22 notified of the contact and may take appropriate action. If a mental health  
23 hospital placement prescreening is requested, it ~~shall~~ MUST be conducted  
24 in an appropriate place accessible to the juvenile and the mental health  
25 professional. A request for a mental health hospital placement  
26 prescreening must not extend the time within which a detention hearing  
27 must be held pursuant to this section. If a detention hearing has been set

1 but has not yet occurred, the mental health hospital placement  
2 prescreening ~~shall~~ MUST be conducted prior to the hearing; except that the  
3 prescreening must not extend the time within which a detention hearing  
4 must be held.

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

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

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

21 (c) (I) A juvenile taken to a detention or TEMPORARY shelter  
22 facility or a temporary holding facility pursuant to section 19-2-502 as the  
23 result of an allegedly delinquent act that constitutes any of the offenses  
24 described in ~~subparagraph (III) of paragraph (a) of this subsection (3)~~  
25 ~~SUBSECTION (3)(a)(IV) OF THIS SECTION~~ shall not be released from such  
26 facility if a law enforcement agency has requested that a detention hearing  
27 be held to determine whether the juvenile's ~~immediate welfare or the~~

1 ~~protection of the community~~ SUBSTANTIAL RISK OF SERIOUS HARM TO  
2 OTHERS requires that the juvenile be detained. A juvenile shall not  
3 thereafter be released from detention except after a hearing, reasonable  
4 advance notice of which has been given to the district attorney, alleging  
5 new circumstances concerning the further detention of the juvenile.

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

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

- 17 (A) The age of the juvenile;
- 18 (B) Whether, in order to provide physical separation from adults,  
19 the juvenile would be deprived of contact with other people for a  
20 significant portion of the day or would not have access to recreational  
21 facilities or age-appropriate educational opportunities;
- 22 (C) The juvenile's current emotional state, intelligence, and  
23 developmental maturity, including any emotional and psychological  
24 trauma, and the risk to the juvenile caused by his or her placement in an  
25 adult jail, which risk may be evidenced by mental health or psychological  
26 assessments or screenings made available to the district attorney and to  
27 defense counsel;

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

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

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

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

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

14 (I) Any other relevant factors.

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

25 (V) If a juvenile is placed in the division of youth services and is  
26 being tried in district court, the division of youth services may petition the  
27 court for an immediate hearing to terminate juvenile detention placement

1 if the juvenile's placement in a juvenile detention facility presents an  
2 imminent danger to the other juveniles or to staff at the detention facility.  
3 In making its determination, the court shall review the factors set forth in  
4 subsection (3)(c)(III) of this section.

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

16 ~~(3.5) Repealed.~~

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

27 (b) Whenever a juvenile is held pursuant to a direct filing or

1 transfer in a facility where adults are held, the juvenile ~~shall~~ MUST be  
2 physically segregated from the adult offenders.

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

17 (II) Notwithstanding the provisions of ~~subparagraph (I) of this~~  
18 ~~paragraph (b.5)~~ SUBSECTION (4)(c)(I) OF THIS SECTION, if either the  
19 official in charge of the jail or facility or the school district determines  
20 that an appropriate and safe environment cannot be provided for a  
21 specific juvenile, the official and the school district ~~shall be~~ ARE exempt  
22 from the requirement to provide educational services to the juvenile until  
23 such time as an environment that is determined to be appropriate and safe  
24 by both the official and the school district can be provided. If the school  
25 district will not be providing educational services to a juvenile because  
26 of the lack of an appropriate and safe environment, the official in charge  
27 of the jail or facility shall notify the juvenile, his or her parent or legal

1 guardian, the juvenile's defense attorney, and the court having jurisdiction  
2 over the juvenile's case.

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

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

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

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

15 (D) The number of days on which school districts provided  
16 educational services to the juveniles in the jail or facility and the number  
17 of hours for which school districts provided the educational services each  
18 day;

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

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

26 (G) The number of juveniles in the jail or facility who, while  
27 receiving educational services at the jail or facility, were determined



1 pursuant to section 22-20-108 ~~C.R.S.~~, to be eligible for special education  
2 services and had subsequently received an individualized education  
3 program.

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

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

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

1 detained only in a juvenile detention facility operated by or under contract  
2 with the department of human services. In calculating time ~~under~~  
3 PURSUANT TO this subsection (4), Saturdays, Sundays, and legal holidays  
4 ~~shall be~~ ARE included.

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

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

24 ~~(f)~~ (g) Any person who is eighteen years of age or older who is  
25 being detained for a delinquent act or criminal charge over which the  
26 juvenile court has jurisdiction, or for which charges are pending in district  
27 court pursuant to a direct filing or transfer if the person has not already

1     been transferred to the county jail pursuant to the provisions of  
2     ~~subparagraph (IV) of paragraph (c) of subsection (3)~~ SUBSECTION  
3     (3)(c)(IV) of this section, shall be detained in the county jail in the same  
4     manner as if such person is charged as an adult.

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

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

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

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

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

27            (b) A sheriff or police chief who violates the provisions of

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

8           **SECTION 12.** In Colorado Revised Statutes, 19-2-509, **amend**  
9 (2), (3), (4)(b), and (7) as follows:

10           **19-2-509. Bail.** (2) In lieu of a bond, a juvenile who the court  
11 determines ~~is a danger to himself or herself or to the community~~ POSES A  
12 SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS may be placed in a  
13 preadjudication service program established pursuant to section 19-2-302.

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

19           (4) (b) In setting, modifying, or continuing any bail bond, it ~~shall~~  
20 MUST be a condition that the released juvenile appear at any place and  
21 upon any date to which the proceeding is transferred or continued. Further  
22 conditions of every bail bond ~~shall~~ MUST be that the released juvenile not  
23 commit any delinquent acts or harass, intimidate, or threaten any potential  
24 witnesses. The judge or magistrate may set any other conditions or  
25 limitations on the release of the juvenile as are reasonably necessary for  
26 the protection of ~~the juvenile and~~ the community. Any juvenile who is  
27 held without bail or whose bail or bail bond is revoked or increased under

1 an order entered at any time after the initial detention hearing pursuant to  
2 subsection (3) of this section and who remains in custody or detention,  
3 must be tried on the charges on which the bail is denied or the bail or bail  
4 bond is revoked or increased within sixty days after the entry of such  
5 order or within sixty days after the juvenile's entry of a plea, whichever  
6 date is earlier; except that, if the juvenile requests a jury trial pursuant to  
7 section 19-2-107, the provisions of section 19-2-107 (4) shall apply.

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

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

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

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

25 **SECTION 14.** In Colorado Revised Statutes, 19-2-710, **amend**  
26 (2), (6), and (7) as follows:

27 **19-2-710. Mental health services for juvenile - how and when**

1 **issue raised - procedure - definitions.** (2) After the party advises the  
2 court of the party's belief that the juvenile could benefit from mental  
3 health services, the court shall immediately order a mental health  
4 screening of the juvenile pursuant to section 16-11.9-102 C.R.S. USING  
5 THE MENTAL HEALTH SCREENING TOOL SELECTED PURSUANT TO SECTION  
6 24-33.5-2302 (1)(b), unless the court already has sufficient information  
7 to determine whether the juvenile could benefit from mental health  
8 services or unless a mental health screening of the juvenile has been  
9 completed within the last three months. BEFORE SENTENCING A JUVENILE,  
10 THE COURT SHALL ORDER A MENTAL HEALTH SCREENING, USING THE  
11 MENTAL HEALTH SCREENING TOOL SELECTED PURSUANT TO SECTION  
12 24-33.5-2302 (1)(b), OR MAKE A FINDING THAT THE SCREENING WOULD  
13 NOT PROVIDE INFORMATION THAT WOULD BE HELPFUL IN SENTENCING THE  
14 JUVENILE. The delinquency proceedings shall not be stayed or suspended  
15 pending the results of the mental health screening ordered pursuant this  
16 section, however, the court may continue the dispositional and sentencing  
17 hearing to await the results of the mental health screening.

18 (6) Evidence or treatment obtained as a result of a mental health  
19 screening or assessment ordered pursuant to this section, INCLUDING ANY  
20 INFORMATION OBTAINED FROM THE JUVENILE IN THE COURSE OF A MENTAL  
21 HEALTH SCREENING OR ASSESSMENT, shall BE USED ONLY FOR PURPOSES  
22 OF SENTENCING; TO DETERMINE WHAT MENTAL HEALTH TREATMENT, IF  
23 ANY, TO PROVIDE TO THE JUVENILE; AND TO DETERMINE WHETHER THE  
24 JUVENILE JUSTICE OR ANOTHER SERVICE SYSTEM IS MOST APPROPRIATE TO  
25 PROVIDE THIS TREATMENT, AND MUST NOT BE USED FOR ANY OTHER  
26 PURPOSE. THE MENTAL HEALTH SCREENING OR ASSESSMENT AND ANY  
27 INFORMATION OBTAINED IN THE COURSE OF THE MENTAL HEALTH

1 SCREENING OR ASSESSMENT IS NOT SUBJECT TO SUBPOENA OR ANY OTHER  
2 COURT PROCESS FOR USE IN ANY OTHER COURT PROCEEDING AND IS not be  
3 admissible on the issues raised by a plea of not guilty unless the juvenile  
4 places his or her mental health at issue. If the juvenile places his or her  
5 mental health at issue, then either party may introduce evidence obtained  
6 as a result of a mental health screening or assessment. THE COURT SHALL  
7 KEEP ANY MENTAL HEALTH SCREENING OR ASSESSMENT IN THE COURT FILE  
8 UNDER SEAL.

9 (7) For purposes of this section:

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

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

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

18 (II) Significant abnormal behaviors under normal circumstances;

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

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

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

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

1 MEDICATION.

2 (c) "SCREENING" MEANS A SHORT VALIDATED MENTAL HEALTH  
3 SCREENING TO IDENTIFY JUVENILES WHO MAY HAVE MENTAL HEALTH  
4 NEEDS ADOPTED BY THE JUVENILE JUSTICE REFORM COMMITTEE PURSUANT  
5 TO SECTION 24-33.5-2302 (1)(b).

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

8 **19-2-905. Presentence investigation.** (1) (a) Prior to the  
9 sentencing hearing, ~~the juvenile probation department~~ for the judicial  
10 district in which the juvenile is adjudicated shall conduct a presentence  
11 investigation unless waived by the court on its own determination or on  
12 recommendation of the prosecution or the juvenile. The presentence  
13 investigation ~~shall~~ MUST take into consideration and build on the intake  
14 assessment performed by the screening team. The presentence  
15 investigation may address, but is not limited to, the following:

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

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

20 **19-2-906.5. Orders - community placement - reasonable**  
21 **efforts required - reviews.** (1) If the court orders legal custody of a  
22 juvenile to a county department of human or social services pursuant to  
23 the provisions of this article 2, the order must contain specific findings as  
24 follows:

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

27 (1.5) For all hearings and reviews concerning the juvenile, the



1 court shall ensure that notice is provided to the juvenile and to the  
2 following persons with whom the juvenile is placed:

- 3 (b) Pre-adoptive parents; ~~or~~
- 4 (c) Relatives; OR
- 5 (d) KIN, AS DEFINED IN SECTION 19-1-103 (71.3).

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

8 **19-2-921. Commitment to department of human services.**

9 (3.3) (a) ON OR BEFORE JANUARY 1, 2021, THE DEPARTMENT OF HUMAN  
10 SERVICES, IN CONSULTATION WITH THE JUVENILE JUSTICE REFORM  
11 COMMITTEE ESTABLISHED PURSUANT TO SECTION 24-33.5-2301, SHALL  
12 DEVELOP A LENGTH OF STAY MATRIX AND ESTABLISH CRITERIA TO GUIDE  
13 THE RELEASE OF JUVENILES FROM A STATE FACILITY THAT ARE BASED ON:

14 (I) A JUVENILE'S RISK OF REOFFENDING, AS DETERMINED BY THE  
15 RESULTS OF A VALIDATED RISK AND NEEDS ASSESSMENT ADOPTED  
16 PURSUANT TO SECTION 24-33.5-2302 (1)(a);

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

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

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

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

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

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

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

20           (2) (a) CONDITIONS OF PROBATION SHALL BE CUSTOMIZED TO EACH  
21 JUVENILE BASED ON THE GUIDELINES DEVELOPED BY THE COMMITTEE ON  
22 JUVENILE JUSTICE REFORM PURSUANT TO SECTION 24-33.5-2302. The  
23 court shall, as minimum conditions of probation, order that the juvenile:

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

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

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

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

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

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

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

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

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

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

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

27           (l) (X) May be evaluated to determine whether the juvenile would

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

9 (b) THE COURT SHALL USE THE RESULTS FROM A VALIDATED RISK  
10 AND NEEDS ASSESSMENT ADOPTED BY THE JUVENILE JUSTICE REFORM  
11 COMMITTEE PURSUANT TO SECTION 24-33.5-2302 (1)(b) TO INFORM THE  
12 COURT OF ADDITIONAL CONDITIONS OF PROBATION, AS NECESSARY.

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

18 (b) The court may release a juvenile from probation PRIOR TO THE  
19 COMPLETION OF HIS OR HER TERM OF PROBATION, PURSUANT TO SECTION  
20 19-2-925, or modify the terms and conditions of his or her probation at  
21 any time, but any juvenile who has complied satisfactorily with the terms  
22 and conditions of his or her probation for a period of two years shall be  
23 released from probation, and the jurisdiction of the court shall be  
24 terminated.

25 (4) BEFORE JANUARY 1, 2021, THE STATE COURT ADMINISTRATOR  
26 SHALL ESTABLISH RULES TO DEVELOP A STATEWIDE SYSTEM OF  
27 STRUCTURED COMMUNITY-BASED GRADUATED RESPONSES, INCLUDING

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

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

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

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

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

27 (III) THE SEVERITY OF THE CURRENT VIOLATION;

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

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

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

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

22 (7) THE STATE COURT ADMINISTRATOR SHALL COLLECT DATA  
23 RELATED TO THE USE OF THE GRADUATED RESPONSES AND INCENTIVES  
24 SYSTEM AND REPORT THIS DATA ANNUALLY TO THE JUDICIARY  
25 COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, THE  
26 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, AND THE  
27 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF

1 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, AND THE CHIEF  
2 JUSTICE OF THE COLORADO SUPREME COURT. NOTWITHSTANDING THE  
3 PROVISIONS OF SECTION 24-1-136 (11)(a)(I), THE REPORTS TO THE  
4 COMMITTEES CONTINUE INDEFINITELY. DATA COLLECTED BY THE STATE  
5 COURT ADMINISTRATOR MUST INCLUDE AT A MINIMUM THE TYPES OF  
6 RESPONSES AND INCENTIVES THAT WERE ISSUED, THE NUMBER OF FORMAL  
7 VIOLATIONS FILED, AND THE BEHAVIOR RESULTING IN THE VIOLATION.

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

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

20 (c) When the juvenile has been taken into custody because of the  
21 alleged violation, the provisions of sections 19-2-507, 19-2-507.5, and  
22 19-2-508 shall apply.

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

25 (II) Subject to the provisions of section 19-2-907, if the court  
26 finds that the juvenile violated the terms and conditions of probation, it  
27 may modify the terms and conditions of probation, revoke probation, or

1 take such other action permitted by this ~~article~~ ARTICLE 2 that is in the  
2 best interest of the juvenile and the public.

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

7 (e) If the court revokes the probation of a person over eighteen  
8 years of age, in addition to other action permitted by this ~~article~~ ARTICLE  
9 2, the court may sentence him or her to the county jail for a period not to  
10 exceed one hundred eighty days during which time he or she may be  
11 released during the day for school attendance, job training, or  
12 employment, as ordered by the court; except that, if the sentence imposed  
13 exceeds ninety days, the court shall order the person released for school  
14 attendance, job training, or employment while serving his or her sentence.

15 ~~(5)~~ (9) Following specification of the terms and conditions of  
16 probation, where the conditions of probation include requiring the  
17 juvenile to attend school, the court shall notify the school district in which  
18 the juvenile is enrolled of such requirement.

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

21 **19-2-925.2. Juvenile probation standards - development.**

22 (1) BEFORE JULY 1, 2021, THE STATE COURT ADMINISTRATOR, IN  
23 CONSULTATION WITH JUDGES, THE JUDICIAL BRANCH, DISTRICT  
24 ATTORNEYS, DEFENSE COUNSEL, THE DELIVERY OF THE CHILD WELFARE  
25 SERVICES TASK FORCE CREATED IN SECTION 26-5-105.8, AND OTHER  
26 INTERESTED PARTIES SHALL ESTABLISH STATEWIDE STANDARDS FOR  
27 JUVENILE PROBATION SUPERVISION AND SERVICES THAT ARE ALIGNED



1 WITH RESEARCH-BASED PRACTICES AND BASED ON THE JUVENILE'S RISK OF  
2 REOFFENDING AS DETERMINED BY A VALIDATED RISK AND NEEDS  
3 ASSESSMENT TOOL ADOPTED PURSUANT TO SECTION 24-33.5-2302. THE  
4 STATE COURT ADMINISTRATOR SHALL AT LEAST ANNUALLY PROVIDE  
5 TRAINING TO JUVENILE PROBATION ON THE ADOPTION AND  
6 IMPLEMENTATION OF THESE STANDARDS. JUVENILE STANDARDS MUST  
7 INCLUDE, BUT NEED NOT BE LIMITED TO:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (e) COMMON CRITERIA FOR WHEN JUVENILE PROBATION OFFICERS  
4 MAY RECOMMEND THE USE OF OUT-OF-HOME PLACEMENTS AND  
5 COMMITMENT TO THE DIVISION OF YOUTH SERVICES. THE COURT SHALL  
6 CONSIDER THE RESULTS OF A VALIDATED RISK AND NEEDS ASSESSMENT,  
7 A VALIDATED MENTAL HEALTH SCREENING, AND, IF APPLICABLE, A FULL  
8 MENTAL HEALTH ASSESSMENT CONDUCTED PURSUANT TO SECTION  
9 24-33.5-2302 TO MAKE DECISIONS CONCERNING THE PLACEMENT OF THE  
10 JUVENILE.

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

13 **19-2-1002. Juvenile parole.** (2) (b) (I) The board or hearing  
14 panel shall take into consideration the results of the ~~objective~~ VALIDATED  
15 risk AND NEEDS assessment administered by the department of human  
16 services.

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

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

22 **19-1-108. Magistrates - qualifications - duties.**

23 (3) (a.5) Magistrates shall conduct hearings in the manner provided for  
24 the hearing of cases by the court. During the initial advisement of the  
25 rights of any party, the magistrate shall inform the party that, except as  
26 provided in this subsection (3), he or she has the right to a hearing before  
27 the judge in the first instance and that he or she may waive that right but

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

14 **SECTION 22.** In Colorado Revised Statutes, 19-1-115, **amend**  
15 (6.7) as follows:

16 **19-1-115. Legal custody - guardianship - placement out of the**  
17 **home - petition for review for need of placement.** (6.7) Any time the  
18 court enters an order related to out-of-home placement pursuant to  
19 ~~paragraphs (a), (b), and (c) of subsection (6) or paragraph (b) of~~  
20 ~~subsection (6.5) of this section; paragraph (f) of subsection (8) of this~~  
21 ~~section; section 19-2-508 (3)(a)(VII)(A) and (3)(a)(VII)(B) SUBSECTIONS~~  
22 ~~(6)(a) TO (6)(c) OR SUBSECTION (6.5)(b) OF THIS SECTION; SUBSECTION~~  
23 ~~(8)(f) OF THIS SECTION; SECTION 19-2-508 (3)(a)(XI)(A) AND~~  
24 ~~(3)(a)(XI)(B); section 19-2-906.5 (1)(a), (1)(b), and (3)(a)(III); or section~~  
25 ~~19-3-702 (3.5)(b) and (6)(a)(II), the order shall be~~ IS effective as of the  
26 date the findings were made by the court, notwithstanding the date that a  
27 written order may be signed by the court. Written orders entered pursuant

1 to paragraphs (a), (b), and (c) of subsection (6) or paragraph (b) of  
2 subsection (6.5) of this section; paragraph (f) of subsection (8) of this  
3 section; ~~section 19-2-508 (3)(a)(VII)(A) and (3)(a)(VII)(B)~~ SUBSECTIONS  
4 (6)(a) TO (6)(c) OR SUBSECTION (6.5)(b) OF THIS SECTION; SUBSECTION  
5 (8)(f) OF THIS SECTION; SECTION 19-2-508 (3)(a)(XI)(A) AND  
6 (3)(a)(XI)(B); section 19-2-906.5 (1)(a), (1)(b), and (3)(a)(III); or section  
7 19-3-702 (3.5)(b) and (6)(a)(II) ~~shall~~ MUST state "the effective date of this  
8 order is" and ~~shall~~ MUST not use the words "nunc pro tunc".

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

11           **19-2-108. Speedy trial - procedural schedule.** (2) In bringing  
12 an adjudicatory action against a juvenile pursuant to this ~~article~~ ARTICLE  
13 2, the district attorney and the court shall comply with the deadlines for:

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

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

18           **19-2-309.5. Community accountability program - legislative**  
19 **declaration - creation.** (5) If a juvenile in the first component of the  
20 program would substantially benefit, the division of youth services shall  
21 notify the local department of probation who may petition the court for  
22 an extension of up to fifteen days in addition to the initial sixty-day period  
23 for the first component of the program. The period of time a juvenile  
24 spends in the second component of the program must not exceed one  
25 hundred twenty days. The entire period of a juvenile's participation in the  
26 program must not exceed the length of the juvenile's probation sentence.  
27 Whenever a juvenile fails to progress through or complete the first or

1 second component of the program, the juvenile is subject to the  
2 provisions of ~~section 19-2-925 (4)~~ SECTION 19-2-925 (8) for violating a  
3 condition of probation.

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

6 **19-2-503. Issuance of a lawful warrant taking a juvenile into**  
7 **custody.** (1) A lawful warrant taking a juvenile into custody may be  
8 issued pursuant to this section by any judge of a court of record or by a  
9 juvenile magistrate upon receipt of an affidavit relating facts sufficient to  
10 establish probable cause to believe that a delinquent act has been  
11 committed and probable cause to believe that a particular juvenile  
12 committed that act. Upon receipt of such affidavit, the judge or magistrate  
13 shall issue a lawful warrant commanding any peace officer to take the  
14 juvenile named in the affidavit into custody and to take him or her  
15 without unnecessary delay before the nearest judge of the juvenile court  
16 or magistrate as provided in ~~section 19-2-508 (4)(d)~~ SECTION 19-2-508  
17 (4)(e)(I).

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

20 **19-2-706. Advisement - right to counsel - waiver of right to**  
21 **counsel.** (1) (b) If the respondent has made an early application for  
22 appointed counsel for the juvenile and the office of the state public  
23 defender has made a preliminary determination that the juvenile is  
24 eligible for appointed counsel as set forth in section 21-1-103 C.R.S., or  
25 if the court has appointed counsel for the juvenile pursuant to ~~section~~  
26 ~~19-2-508 (2.5)~~ SECTION 19-2-508 (2), an attorney from the office of the  
27 state public defender or, in the case of a conflict, from the office of

1 alternate defense counsel, shall be available to represent the juvenile at  
2 the juvenile's first appearance, as described in ~~paragraph (a) of this~~  
3 ~~subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION.

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

6           **19-2-911. Sentencing - alternative services - detention.** (2) In  
7 the case of a juvenile who has been adjudicated a juvenile delinquent for  
8 the commission of one of the offenses described in ~~section 19-2-508~~  
9 ~~(3)(a)(III)~~ SECTION 19-2-508 (3)(a)(IV), the court shall sentence the  
10 juvenile to a minimum mandatory period of detention of not fewer than  
11 five days.

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

14           **22-32-141. Student awaiting trial as adult - educational**  
15 **services - definitions.** (2) (a) Except as otherwise provided in ~~paragraphs~~  
16 ~~(e) to (g) of this subsection (2)~~ SUBSECTIONS (2)(c) TO (2)(g) OF THIS  
17 SECTION, if a juvenile is held in a jail or other facility for the detention of  
18 adult offenders pending criminal proceedings as an adult, the school  
19 district in which the jail or facility is located shall provide educational  
20 services for the juvenile upon request of the official in charge of the jail  
21 or facility, or his or her designee, pursuant to ~~section 19-2-508 (4)(b.5);~~  
22 ~~C.R.S.~~ SECTION 19-2-508 (4)(c)(I). A school district may provide  
23 educational services directly using one or more of its employees or may  
24 ensure that educational services are provided through a board of  
25 cooperative services, an administrative unit, or otherwise through contract  
26 with a person or entity.

27           (e) If a school district or the official in charge of the jail or facility

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

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

16 **22-33-107.5. Notice of failure to attend.** (1) Except as  
17 otherwise provided in subsection (2) of this section, a school district shall  
18 notify the appropriate court or parole board if a student fails to attend all  
19 or any portion of a school day, where the school district has received  
20 notice from the court or parole board:

21 (a) Pursuant to ~~section 19-2-508 (3)(a)(VI), C.R.S.~~, SECTION  
22 19-2-508 (3)(a)(X) that the student is required to attend school as a  
23 condition of release pending an adjudicatory trial;

24 (b) Pursuant to section 17-22.5-404, 18-1.3-204 (2.3), 19-2-907  
25 (4), ~~19-2-925 (5)~~, **19-2-925 (9)**, or 19-2-1002 (1) or (3) ~~C.R.S.~~, that the  
26 student is required to attend school as a condition of or in connection with  
27 any sentence imposed by the court, including a condition of probation or



1 parole; or

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

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

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

20 **2-3-1203. Sunset review of advisory committees - legislative**  
21 **declaration - definition - repeal.** (13)(a) The following statutory  
22 authorizations for the designated advisory committees are scheduled for  
23 repeal on September 1, 2022:

24 **(V) THE JUVENILE JUSTICE REFORM COMMITTEE CREATED**  
25 **PURSUANT TO SECTION 24-33.5-2301.**

26 **SECTION 32. Appropriation.** (1) For the 2019-20 state fiscal  
27 year, \$68,598 is appropriated to the judicial department. This

1 appropriation is from the general fund and is based on an assumption that  
2 the department will require an additional 0.8 FTE. To implement this act,  
3 the department may use this appropriation for probation programs.

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

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

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

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