

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading 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

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Senate Committees

Judiciary
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Appropriations

House Committees

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Appropriations

A BILL FOR AN ACT

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

Bill Summary

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

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

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

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

1 **SECTION 1.** In Colorado Revised Statutes, **add part 23** to article
2 33.5 of title 24 as follows:

3 **PART 23**

4 **JUVENILE JUSTICE REFORM**

5 **24-33.5-2301. Committee on juvenile justice reform - creation**

6 **- membership.** (1) THE COMMITTEE ON JUVENILE JUSTICE REFORM,
7 REFERRED TO AS THE "COMMITTEE" IN THIS PART 23, IS CREATED IN THE
8 DEPARTMENT.

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

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

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

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

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

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

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

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

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

6 [REDACTED]
7 ==

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

12 ==

13 (X) TWO PERSONS WHO OVERSEE LOCAL JUVENILE DIVERSION
14 PROGRAMS APPOINTED BY THE DIRECTOR OF THE DIVISION OF CRIMINAL
15 JUSTICE;

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

19 (XII) THE COLORADO CHILD PROTECTION OMBUDSMAN, OR HIS OR
20 HER DESIGNEE;

21 (XIII) A REPRESENTATIVE OF AN ORGANIZATION ADVOCATING
22 FOR VICTIMS OF CRIMES APPOINTED BY THE MINORITY LEADER OF THE
23 HOUSE OF REPRESENTATIVES;

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

26 (XV) TWO REPRESENTATIVES OF COUNTIES, ONE FROM A SMALL-
27 OR MEDIUM-SIZED COUNTY AND ONE FROM A LARGE COUNTY APPOINTED

1 BY A STATEWIDE ORGANIZATION OF COUNTIES;

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

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

10 (XVIII) THREE PERSONS WHO OVERSEE JUVENILE PROBATION
11 APPOINTED BY THE CHIEF JUSTICE.

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

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

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

27 (5) THE COMMITTEE MAY ESTABLISH SUBCOMMITTEES THAT MAY

1 INCLUDE INDIVIDUALS OTHER THAN MEMBERS OF THE COMMITTEE TO
2 ASSIST IN ITS WORK.

3 **24-33.5-2302. Juvenile justice reform committee - duties.**

4 (1) THE COMMITTEE HAS THE FOLLOWING DUTIES:

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

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

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

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

20 (II) IN ADOPTING THE VALIDATED RISK AND NEEDS ASSESSMENT
21 TOOL OR TOOLS PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION, THE
22 COMMITTEE SHALL CONSULT WITH EXPERT ORGANIZATIONS, CONSULT
23 WITH THE DELIVERY OF CHILD WELFARE SERVICES TASK FORCE CREATED
24 IN SECTION 26-5-105.8, AND REVIEW RESEARCH AND BEST PRACTICES
25 FROM OTHER JURISDICTIONS AND MAY CONSIDER A VALIDATED TOOL OR
26 TOOLS ALREADY BEING USED IN THE STATE. ON OR BEFORE JANUARY 1,
27 2021, THE COMMITTEE SHALL:

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

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

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

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

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

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

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

27 (H) CALCULATE THE FISCAL COST OF COLLECTING AND REPORTING

1 THE DATA REQUIRED BY SUBSECTION (1)(a)(II)(G) OF THIS SECTION AND
2 REPORT THE COST TO THE OFFICE OF STATE PLANNING AND BUDGETING.

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

8 ==
9 (c) SELECT A VALIDATED RISK SCREENING TOOL TO BE USED
10 STATEWIDE TO INFORM DISTRICT ATTORNEY DECISIONS ON A JUVENILE'S
11 ELIGIBILITY FOR DIVERSION. THE VALIDATED RISK SCREENING TOOL MUST
12 BE IMPLEMENTED PURSUANT TO SECTION 19-2-303.

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

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

1 TRACK AND REPORT. THE COMMITTEE SHALL ALSO:

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

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

8 (III) DEVELOP A PLAN FOR THE DEPARTMENT OF HUMAN SERVICES
9 AND THE JUDICIAL DEPARTMENT TO REPORT ON THE OUTCOME MEASURES.

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

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

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

1 REPORTING REQUIREMENTS OUTLINED IN THE COMMITTEE'S PLANS.

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

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

7 **19-1-103. Definitions.** As used in this title 19 or in the specified
8 portion of this title 19, unless the context otherwise requires:

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

18 (b) Diversion of a juvenile or child may take place either at the
19 prefiling level as an alternative to the filing of a petition pursuant to
20 section 19-2-512 or ~~at the postadjudication level as an adjunct to~~
21 ~~probation services following an adjudicatory hearing pursuant to section~~
22 ~~19-3-505 or a disposition as a part of sentencing pursuant to section~~
23 ~~19-2-907. "Services", as used in this subsection (44), includes but is not~~
24 ~~limited to diagnostic needs assessment, restitution programs, community~~
25 ~~service, job training and placement, specialized tutoring, constructive~~
26 ~~recreational activities, general counseling and counseling during a crisis~~
27 ~~situation, and follow-up activities~~ POSTFILING AS AN ALTERNATIVE TO

1 ADJUDICATION. Services may include restorative justice practices as
2 defined in section 18-1-901 (3)(o.5) C.R.S., and as deemed suitable by the
3 probation department or a designated restorative justice practices
4 facilitator. Restorative justice practices shall be conducted by facilitators
5 recommended by the district attorney 19-1-103 (94.1).

6 (94.1) "Restorative justice" means those practices that emphasize
7 repairing the harm to the victim and the community caused by criminal
8 acts. Restorative justice practices may include victim-offender
9 conferences attended voluntarily by the victim, a victim advocate, the
10 offender, community members, and supporters of the victim or the
11 offender that provide an opportunity for the offender to accept
12 responsibility for the harm caused to those affected by the crime and to
13 participate in setting consequences to repair the harm. Consequences
14 recommended by the participants may include, but need not be limited to,
15 apologies, community service, restoration, and counseling. The selected
16 consequences are incorporated into an agreement that sets time limits for
17 completion of the consequences and is signed by all participants. ANY
18 STATEMENTS MADE DURING THE RESTORATIVE JUSTICE PROCESS ARE
19 CONFIDENTIAL AND SHALL NOT BE USED AGAINST THE JUVENILE, OR AS A
20 BASIS FOR CHARGING OR PROSECUTING THE JUVENILE, UNLESS THE
21 JUVENILE COMMITS A CHARGEABLE OFFENSE DURING THE PROCESS.
22 NOTHING PRECLUDES A PERSON FROM REPORTING CHILD ABUSE OR
23 NEGLECT WHEN REQUIRED UNDER SECTION 19-3-304, OR A MENTAL
24 HEALTH PROVIDER FROM COMPLYING WITH A DUTY TO WARN UNDER
25 SECTION 13-21-117 (2).

26 (106.5) "TEMPORARY SHELTER" MEANS THE TEMPORARY
27 PLACEMENT OF A CHILD WITH KIN, AS DEFINED IN SUBSECTION (71.3) OF

1 THIS SECTION; WITH AN ADULT WITH A SIGNIFICANT RELATIONSHIP WITH
2 THE CHILD; OR IN A LICENSED AND CERTIFIED TWENTY-FOUR-HOUR CARE
3 FACILITY.

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

6 **19-2-210. Juvenile community review board.** (3) (b) The board
7 shall review the case file of the juvenile and make a decision regarding
8 residential community placement, taking into consideration the results of
9 ~~the objective~~ A VALIDATED RISK AND NEEDS ASSESSMENT ADOPTED
10 PURSUANT TO SECTION 24-33.5-2302 (1) by the department of human
11 services, ~~the needs of the juvenile,~~ and the criteria established by the
12 juvenile community review board based on the interests of the
13 community, ~~Objective risk criteria shall be established and maintained~~
14 AND GUIDANCE ESTABLISHED by the department of human services ~~and~~
15 ~~shall~~ IN CONSULTATION WITH THE JUVENILE JUSTICE REFORM COMMITTEE
16 ESTABLISHED PURSUANT TO SECTION 24-33.5-2301. THE CRITERIA MUST
17 be based upon researched factors that have been demonstrated to be
18 correlative to risk to the community.

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

21 **19-2-211.5. Legislative declaration.** THE GENERAL ASSEMBLY
22 DECLARES THAT THE PLACEMENT OF CHILDREN IN A DETENTION FACILITY
23 EXACTS A NEGATIVE IMPACT ON THE MENTAL AND PHYSICAL WELL-BEING
24 OF THE CHILD AND SUCH DETENTION MAY MAKE IT MORE LIKELY THAT THE
25 CHILD WILL REOFFEND. CHILDREN WHO ARE DETAINED ARE MORE LIKELY
26 TO PENETRATE DEEPER INTO THE JUVENILE JUSTICE SYSTEM THAN SIMILAR
27 CHILDREN WHO ARE NOT DETAINED, AND COMMUNITY-BASED

1 ALTERNATIVES TO DETENTION SHOULD BE BASED ON THE PRINCIPLE OF
2 USING THE LEAST-RESTRICTIVE SETTING POSSIBLE AND RETURNING A
3 CHILD TO HIS OR HER HOME, FAMILY, OR OTHER RESPONSIBLE ADULT
4 WHENEVER POSSIBLE CONSISTENT WITH PUBLIC SAFETY. IT IS THE INTENT
5 OF THE GENERAL ASSEMBLY IN ADOPTING SECTION 19-2-507.5 AND
6 AMENDING SECTIONS 19-2-212, 19-2-507, AND 19-2-508 TO LIMIT THE USE
7 OF DETENTION TO ONLY THOSE CHILDREN WHO POSE A SUBSTANTIAL RISK
8 OF SERIOUS HARM TO OTHERS OR THAT ARE A FLIGHT RISK FROM
9 PROSECUTION.

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

12 **19-2-212. Working group for criteria for placement of juvenile**
13 **offenders - establishment of formula - review of criteria - report.**

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

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

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

21 (III) The Colorado district attorneys council;

22 (IV) Law enforcement; representatives;

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

25 (VI) THE OFFICE OF THE CHILD REPRESENTATIVE;

26 (VII) JUVENILE PROBATION;

27 (VIII) JUVENILE COURT JUDGES AND MAGISTRATES; and

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

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

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

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

16 (C) IDENTIFYING HOW THE INSTRUMENT IS VALIDATED AND
17 PILOTED; AND

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

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

25 (IV) BEFORE JANUARY 1, 2021, TO DEVELOP A PLAN FOR THE
26 DIVISION OF YOUTH SERVICES TO COLLECT, COMPILE, AND REPORT TO THE
27 JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE OF

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

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

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

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

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

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

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

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

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

26 (B) REQUIRE THE PARENT OR LEGAL GUARDIAN TO LIST THE
27 NAMES, ADDRESSES, E-MAIL ADDRESSES, AND TELEPHONE NUMBERS OF

1 EVERY GRANDPARENT, RELATIVE, KIN, AND PERSON WITH A SIGNIFICANT
2 RELATIONSHIP WITH THE JUVENILE AND ANY COMMENTS CONCERNING THE
3 APPROPRIATENESS OF THE JUVENILE'S POTENTIAL NEED FOR SERVICES
4 FROM OR PLACEMENT WITH THOSE PERSONS.

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

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

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

27 **19-2-302. Preadjudication service program creation -**

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

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

26 (3) The local justice plan ~~shall~~ MUST provide for the assessment
27 of juveniles taken into custody and detained by law enforcement officers,

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

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

- 23 (a) Periodic telephone communications with the juvenile;
- 24 (b) Periodic office visits by the juvenile to the preadjudication
25 service agency;
- 26 (c) Periodic home visits to the juvenile's home;
- 27 (d) IF A VALIDATED MENTAL HEALTH OR SUBSTANCE USE

1 SCREENING AND SUBSEQUENT MENTAL HEALTH OR SUBSTANCE USE
2 ASSESSMENT INDICATES THAT THE JUVENILE HAS A NEED:

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

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

17 **19-2-303. Juvenile diversion program - authorized - report -**
18 **- legislative declaration - definitions.** (1) (a) In order to more fully
19 implement the stated objectives of this ~~title~~ TITLE 19, the general assembly
20 declares its intent to establish a juvenile diversion program that, when
21 possible, integrates restorative justice practices to provide
22 community-based alternatives to the formal court system that will reduce
23 juvenile crime and recidivism AND IMPROVE POSITIVE JUVENILE
24 OUTCOMES, change juvenile offenders' behavior and attitudes, promote
25 juvenile offenders' accountability, recognize and support the rights of
26 victims, heal the harm to relationships and the community caused by
27 juvenile crime, and reduce the costs within the juvenile justice system.

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

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

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

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

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

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

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

20 (2) The division of criminal justice of the department of public
21 safety is authorized to establish and administer a juvenile diversion
22 program that SEEKS TO DIVERT YOUTH FROM THE JUVENILE JUSTICE
23 SYSTEM, AND, when possible, integrates restorative justice practices. In
24 order to effectuate the program, the division ~~may contract with~~
25 ~~governmental units and nongovernmental agencies~~ SHALL ALLOCATE
26 MONEY TO EACH JUDICIAL DISTRICT AND MAY CONTRACT WITH DISTRICT
27 ATTORNEY'S OFFICES, GOVERNMENTAL UNITS, AND NONGOVERNMENTAL

1 AGENCIES FOR REASONABLE AND NECESSARY EXPENSES AND SERVICES TO
2 SERVE EACH JUDICIAL DISTRICT to DIVERT JUVENILES AND provide
3 services, IF WARRANTED, for eligible ~~youth~~ JUVENILES through
4 community-based ~~projects~~ PROGRAMS providing an alternative to a
5 petition filed pursuant to section 19-2-512 OR an adjudicatory hearing
6 pursuant to section 19-3-505. ~~or dispositions of a juvenile delinquent~~
7 ~~pursuant to section 19-2-907.~~

- 8 (3) For purposes of this section:
- 9 (a) "Director" is defined in section 19-1-103 (42).
- 10 (b) "Diversion" is defined in section 19-1-103 (44).
- 11 (c) "Governmental unit" is defined in section 19-1-103 (55).
- 12 (d) "Nongovernmental agency" is defined in section 19-1-103
13 (79).
- 14 (e) "Services" is defined in section 19-1-103 (96).

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

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

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

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

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

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

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

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

1 PROFESSIONALS INVOLVED WITH THE JUVENILE'S NEEDS, TREATMENT, AND
2 SERVICE PLANNING, INCLUDING DISTRICT ATTORNEYS, PUBLIC DEFENDERS,
3 PROBATION, AND STATE AND LOCAL GOVERNMENTAL ENTITIES, SUCH AS
4 THE DEPARTMENTS OF HUMAN OR SOCIAL SERVICES, MAY COLLABORATE
5 TO PROVIDE APPROPRIATE DIVERSION SERVICES IN JURISDICTIONS
6 WHERE THEY ARE NOT CURRENTLY AVAILABLE.

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

11 (I) ABILITY TO PAY;

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

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

16 (IV) LEGAL REPRESENTATION;

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

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

22 (5) ~~When applying for a contract with the division of criminal~~
23 ~~justice to provide services to youths under the juvenile diversion program,~~
24 ~~a community project shall submit for review by the division a list of the~~
25 ~~project's objectives, a list of the restorative justice practices, if applicable,~~
26 ~~included in the project, a report of the progress made during the previous~~
27 ~~year if applicable toward implementing the stated objectives, an annual~~

1 ~~budget, and such other documentation as may be required by the director.~~

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

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

12 (b) RISK SCREENING CONDUCTED;

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

16 (d) OFFENSE;

17 (e) DIVERSION STATUS;

18 (f) SERVICE PARTICIPATION;

19 (g) PROGRAM COMPLETION DATA;

20 (h) CHILD WELFARE INVOLVEMENT; AND

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

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

27 (b) The director shall regularly monitor these diversion ~~projects~~

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

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

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

1 use the ~~standardized behavioral or mental health disorder~~ screening
2 ~~developed~~ TOOL SELECTED pursuant to ~~section 16-11.9-102~~ SECTION
3 24-33.5-2302 (1)(b) and conduct the screening in accordance with
4 procedures established pursuant to ~~said section~~ THAT SECTION.

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

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

16 **19-2-307. Juvenile intensive supervision program - elements.**

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

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

1 follows:

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

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

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

11
12 (c) JUVENILES WHO AT ADMISSION REQUIRE MEDICAL CARE, ARE
13 INTOXICATED, OR ARE UNDER THE INFLUENCE OF DRUGS, TO AN EXTENT
14 THAT CUSTODY OF THE JUVENILE IS BEYOND THE SCOPE OF THE DETENTION
15 FACILITY'S MEDICAL SERVICE CAPACITY;

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

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

22 (2) A JUVENILE COURT SHALL NOT ORDER A JUVENILE WHO IS TEN
23 YEARS OF AGE AND OLDER BUT LESS THAN THIRTEEN YEARS OF AGE TO
24 DETENTION UNLESS THE JUVENILE HAS BEEN ARRESTED FOR A FELONY OR
25 WEAPONS CHARGE PURSUANT TO SECTION 18-12-102, 18-12-105,
26 18-12-106, OR 18-12-108.5. A PREADJUDICATION SERVICE PROGRAM
27 CREATED PURSUANT TO SECTION 19-2-302 SHALL EVALUATE A JUVENILE

1 DESCRIBED IN THIS SUBSECTION (2). THE EVALUATION MAY RESULT IN THE
2 JUVENILE:

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (i) IN ORDER TO FACILITATE FURTHER INTERROGATION OR

1 INVESTIGATION; OR

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

7 **SECTION 10.** In Colorado Revised Statutes, 19-2-507, **amend**
8 (2), (3), and (4) as follows:

9 **19-2-507. Duty of officer - screening teams - notification -**
10 **release or detention.** (2) (a) ~~The law enforcement officer or the court~~
11 ~~shall detain the juvenile if the law enforcement officer or the court~~
12 ~~determines that the juvenile's immediate welfare or the protection of the~~
13 ~~community requires detainment. In determining whether a juvenile~~
14 ~~requires detention, the law enforcement officer or the court shall follow~~
15 ~~criteria for the detention of juvenile offenders which criteria are~~
16 ~~established in accordance with section 19-2-212, and shall make efforts~~
17 ~~to keep the juvenile with his or her parent, guardian, or legal custodian~~ IF
18 THE LAW ENFORCEMENT OFFICER DOES NOT RELEASE THE JUVENILE TO THE
19 CARE OF SUCH JUVENILE'S PARENTS, LEGAL GUARDIAN, KIN, OR OTHER
20 RESPONSIBLE ADULT, THE SCREENING TEAM SHALL ADMINISTER A
21 VALIDATED DETENTION SCREENING INSTRUMENT DEVELOPED OR ADOPTED
22 PURSUANT TO SECTION 19-2-212. THE LAW ENFORCEMENT OFFICER,
23 SCREENING TEAM, OR JUVENILE COURT SHALL NOT REMOVE THE JUVENILE
24 FROM THE CUSTODY OF THE PARENT OR LEGAL GUARDIAN PURSUANT TO
25 THIS SECTION UNLESS THE SCREENING TEAM OR THE JUVENILE COURT:

26 (I) (A) FIRST FINDS THAT A VALIDATED DETENTION SCREENING
27 INSTRUMENT SELECTED OR ADOPTED PURSUANT TO SECTION 19-2-212 HAS

1 BEEN ADMINISTERED AND THE JUVENILE SCORED AS DETENTION-ELIGIBLE;
2 OR

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

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

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

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

26 (d) COURT RECORDS AND DIVISION OF YOUTH SERVICES RECORDS
27 MUST INCLUDE DATA ON DETENTION SCREENING SCORES AND, IF THE

1 SCORE DOES NOT MANDATE DETENTION, THE EXPLANATION FOR THE
2 OVERRIDE PLACING THE JUVENILE IN DETENTION.

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

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

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

1 forms supplied by the court, to bring the juvenile to the court at a time set
2 or to be set by the court. Failure, without good cause, to comply with the
3 promise ~~shall subject~~ SUBJECTS the juvenile's parent or any other person
4 to whom the juvenile is released to contempt sanctions of the court.

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

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

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

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

21 **19-2-508. Detention and temporary shelter - hearing - time**
22 **limits - findings - review - confinement with adult offenders -**
23 **restrictions.** ~~(1) A juvenile who must be taken from his or her home but~~
24 ~~who does not require physical restriction must be given temporary care~~
25 ~~in a shelter facility designated by the court or the county department of~~
26 ~~human or social services and must not be placed in detention.~~

27 ~~(2)(a) (1) Unless placement is prohibited pursuant to subsection~~

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

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

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

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

1 ~~(III) Being placed in a shelter facility; or~~
2 ~~(IV) Being referred to a local county department of human or~~
3 ~~social services for assessment for placement.~~

4 ~~(2.5)~~ (2) A juvenile who is detained for committing a delinquent
5 act ~~shall~~ MUST be represented at the detention hearing by counsel. If the
6 juvenile has not retained his or her own counsel, the court shall appoint
7 the office of the state public defender or, in the case of a conflict, the
8 office of alternate defense counsel to represent the juvenile. This
9 appointment ~~shall continue~~ CONTINUES if the court appoints the office of
10 the state public defender or the office of alternate defense counsel
11 pursuant to section 19-2-706 (2)(a) unless:

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

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

27 ~~(1.5)~~ (II) The law enforcement agency that arrested the juvenile

1 shall promptly provide to the court and to defense counsel the affidavit
2 supporting probable cause for the arrest and the arrest report, if the arrest
3 report is available, and the screening team shall promptly provide to the
4 court and to defense counsel ~~any screening material~~ RESULTS FROM THE
5 DETENTION RISK SCREENING prepared pursuant to the juvenile's arrest.
6 Upon completion of the detention hearing, the defense shall return any
7 materials received pursuant to this ~~subparagraph (1.5)~~ SUBSECTION
8 (3)(a)(II) unless the appointment is continued at the conclusion of the
9 hearing.

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

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

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

24 (B) ON AND AFTER THIRTY DAYS AFTER THE SCREENING
25 INSTRUMENT HAS BEEN DEVELOPED OR ADOPTED PURSUANT TO SECTION
26 19-2-212, THE VALIDATED DETENTION SCREENING INSTRUMENT HAS BEEN
27 ADMINISTERED AND THE JUVENILE SCORED AS DETENTION-ELIGIBLE; OR

1 THERE ARE GROUNDS TO OVERRIDE THE RESULT OF THE DETENTION
2 SCREENING INSTRUMENT BASED ON THE CRITERIA DEVELOPED IN
3 ACCORDANCE WITH SECTION 19-2-212; AND

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

12 (V) A COURT SHALL NOT ORDER FURTHER DETENTION FOR a
13 juvenile who is ten years of age and older but less than thirteen years of
14 age ~~may not be ordered to further detention~~ unless the juvenile has been
15 arrested or adjudicated for a felony or weapons charge pursuant to section
16 18-12-102, 18-12-105, 18-12-106, or 18-12-108.5. The court shall receive
17 any information having probative value regardless of its admissibility
18 under the rules of evidence. In determining whether a juvenile requires
19 detention, the court shall consider ~~any record of any prior adjudications~~
20 ~~of the juvenile~~ THE RESULTS OF THE DETENTION SCREENING INSTRUMENT.

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

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

27 (B) The juvenile is alleged to have used, or possessed and

1 threatened to use, a firearm during the commission of any felony offense
2 against a person, as such offenses are described in article 3 of title 18;
3 ~~C.R.S.~~; or

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

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

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

27 (A) That the juvenile be released to the custody of a parent,

1 guardian, or legal custodian, KIN, OR OTHER SUITABLE PERSON without the
2 posting of bond;

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

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

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

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

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

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

1 custodian; or

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

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

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

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

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

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

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

26 (B) Whether reasonable efforts have been made to prevent or
27 eliminate the need for removal of the juvenile from the home, whether it

1 is reasonable that such efforts not be provided due to the existence of an
2 emergency situation that requires the immediate removal of the juvenile
3 from the home, or whether such efforts not be required due to the
4 circumstances described in section 19-1-115 (7); and

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

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

1 must be held.

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

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

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

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

1 advance notice of which has been given to the district attorney, alleging
2 new circumstances concerning the further detention of the juvenile.

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

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

14 (A) The age of the juvenile;

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

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

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

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

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

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

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

11 (I) Any other relevant factors.

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

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

1 subsection (3)(c)(III) of this section.

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

13 ~~(3.5) Repealed.~~

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

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

27 ~~(b.5)~~ (c) (I) When a juvenile who is to be held for criminal

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

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

27 (III) The official in charge of the jail or facility for the detention

1 of adult offenders, or his or her designee, in conjunction with each school
2 district that provides educational services at the jail or facility, shall
3 annually collect nonidentifying data concerning:

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

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

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

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

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

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

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

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

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

13 ~~(d)~~ (e) (I) Any juvenile arrested and detained for an alleged
14 violation of any article of title 42, ~~C.R.S.~~, or for any alleged violation of
15 a municipal or county ordinance, and not released on bond, ~~shall~~ MUST be
16 taken before a judge with jurisdiction of such violation within forty-eight
17 hours for the fixing of bail and conditions of bond pursuant to
18 ~~subparagraph (IV) of paragraph (a) of subsection (3)~~ SUBSECTION
19 (3)(a)(VII) of this section. A juvenile may be detained in a jail, lockup,
20 or other place used for the confinement of adult offenders only for
21 processing for no longer than six hours and during such time ~~shall~~ MUST
22 be placed in a setting that is physically segregated by sight and sound
23 from the adult offenders, and in no case may the juvenile be detained in
24 such place overnight. After six hours, the juvenile may be further
25 detained only in a juvenile detention facility operated by or under contract
26 with the department of human services. In calculating time ~~under~~
27 PURSUANT TO this subsection (4), Saturdays, Sundays, and legal holidays

1 ~~shall be~~ ARE included.

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

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

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

1 manner as if such person is charged as an adult.

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

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

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

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

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

24 (b) A sheriff or police chief who violates the provisions of
25 ~~paragraph (a) of this subsection (8)~~ SUBSECTION (8)(a) OF THIS SECTION
26 may be subject to a civil fine of no more than one thousand dollars. The
27 decision to fine ~~shall~~ MUST be based on prior violations of the provisions

1 of ~~paragraph (a) of this subsection (8)~~ SUBSECTION (8)(a) OF THIS SECTION
2 by the sheriff or police chief and the willingness of the sheriff or police
3 chief to address the violations in order to comply with ~~paragraph (a) of~~
4 ~~this subsection (8)~~ SUBSECTION (8)(a) OF THIS SECTION.

5 **SECTION 12.** In Colorado Revised Statutes, 19-2-509, **amend**
6 (2), (3), (4)(b), and (7) as follows:

7 **19-2-509. Bail.** (2) In lieu of a bond, a juvenile who the court
8 determines ~~is a danger to himself or herself or to the community~~ POSES A
9 SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS may be placed in a
10 preadjudication service program established pursuant to section 19-2-302.

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

16 (4) (b) In setting, modifying, or continuing any bail bond, it ~~shall~~
17 MUST be a condition that the released juvenile appear at any place and
18 upon any date to which the proceeding is transferred or continued. Further
19 conditions of every bail bond ~~shall~~ MUST be that the released juvenile not
20 commit any delinquent acts or harass, intimidate, or threaten any potential
21 witnesses. The judge or magistrate may set any other conditions or
22 limitations on the release of the juvenile as are reasonably necessary for
23 the protection of ~~the juvenile and~~ the community. Any juvenile who is
24 held without bail or whose bail or bail bond is revoked or increased under
25 an order entered at any time after the initial detention hearing pursuant to
26 subsection (3) of this section and who remains in custody or detention,
27 must be tried on the charges on which the bail is denied or the bail or bail

1 bond is revoked or increased within sixty days after the entry of such
2 order or within sixty days after the juvenile's entry of a plea, whichever
3 date is earlier; except that, if the juvenile requests a jury trial pursuant to
4 section 19-2-107, the provisions of section 19-2-107 (4) shall apply.

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

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

16 **19-2-514. Summons - issuance - contents - service.**

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

22 **SECTION 14.** In Colorado Revised Statutes, 19-2-710, **amend**
23 (2), (6), and (7) as follows:

24 **19-2-710. Mental health services for juvenile - how and when**
25 **issue raised - procedure - definitions.** (2) After the party advises the
26 court of the party's belief that the juvenile could benefit from mental
27 health services, the court shall immediately order a mental health

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

15 (6) Evidence or treatment obtained as a result of a mental health
16 screening or assessment ordered pursuant to this section, INCLUDING ANY
17 INFORMATION OBTAINED FROM THE JUVENILE IN THE COURSE OF A MENTAL
18 HEALTH SCREENING OR ASSESSMENT, shall BE USED ONLY FOR PURPOSES
19 OF SENTENCING; TO DETERMINE WHAT MENTAL HEALTH TREATMENT, IF
20 ANY, TO PROVIDE TO THE JUVENILE; AND TO DETERMINE WHETHER THE
21 JUVENILE JUSTICE OR ANOTHER SERVICE SYSTEM IS MOST APPROPRIATE TO
22 PROVIDE THIS TREATMENT, AND MUST NOT BE USED FOR ANY OTHER
23 PURPOSE. THE MENTAL HEALTH SCREENING OR ASSESSMENT AND ANY
24 INFORMATION OBTAINED IN THE COURSE OF THE MENTAL HEALTH
25 SCREENING OR ASSESSMENT IS NOT SUBJECT TO SUBPOENA OR ANY OTHER
26 COURT PROCESS FOR USE IN ANY OTHER COURT PROCEEDING AND IS not be
27 admissible on the issues raised by a plea of not guilty unless the juvenile

1 places his or her mental health at issue. If the juvenile places his or her
2 mental health at issue, then either party may introduce evidence obtained
3 as a result of a mental health screening or assessment. THE COURT SHALL
4 KEEP ANY MENTAL HEALTH SCREENING OR ASSESSMENT IN THE COURT FILE
5 UNDER SEAL.

6 (7) For purposes of this section:

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

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

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

15 (II) Significant abnormal behaviors under normal circumstances;

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

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

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

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

26 (c) "SCREENING" MEANS A SHORT VALIDATED MENTAL HEALTH
27 SCREENING TO IDENTIFY JUVENILES WHO MAY HAVE MENTAL HEALTH

1 NEEDS ADOPTED BY THE JUVENILE JUSTICE REFORM COMMITTEE PURSUANT
2 TO SECTION 24-33.5-2302 (1)(b).

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

5 **19-2-905. Presentence investigation.** (1) (a) Prior to the
6 sentencing hearing, ~~the juvenile probation department~~ for the judicial
7 district in which the juvenile is adjudicated shall conduct a presentence
8 investigation unless waived by the court on its own determination or on
9 recommendation of the prosecution or the juvenile. The presentence
10 investigation ~~shall~~ MUST take into consideration and build on the intake
11 assessment performed by the screening team. The presentence
12 investigation may address, but is not limited to, the following:

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

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

17 **19-2-906.5. Orders - community placement - reasonable**
18 **efforts required - reviews.** (1) If the court orders legal custody of a
19 juvenile to a county department of human or social services pursuant to
20 the provisions of this article 2, the order must contain specific findings as
21 follows:

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

24 (1.5) For all hearings and reviews concerning the juvenile, the
25 court shall ensure that notice is provided to the juvenile and to the
26 following persons with whom the juvenile is placed:

27 (b) Pre-adoptive parents; or

- 1 (c) Relatives; OR
- 2 (d) KIN, AS DEFINED IN SECTION 19-1-103 (71.3).

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

5 **19-2-921. Commitment to department of human services.**

6 (3.3) (a) ON OR BEFORE JANUARY 1, 2021, THE DEPARTMENT OF HUMAN
7 SERVICES, IN CONSULTATION WITH THE JUVENILE JUSTICE REFORM
8 COMMITTEE ESTABLISHED PURSUANT TO SECTION 24-33.5-2301, SHALL
9 DEVELOP A LENGTH OF STAY MATRIX AND ESTABLISH CRITERIA TO GUIDE
10 THE RELEASE OF JUVENILES FROM A STATE FACILITY THAT ARE BASED ON:

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

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

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

17 AND

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

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

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

25 **19-2-925. Probation - terms - release - revocation - graduated**
26 **responses system - report.** (1) (a) The terms and conditions of probation
27 must be specified by rules or orders of the court. The court, as a condition

1 of probation for a juvenile who is ten years of age or older but less than
2 eighteen years of age on the date of the sentencing hearing, may impose
3 a commitment or detention. The aggregate length of any such
4 commitment or detention, whether continuous or at designated intervals,
5 must not exceed forty-five days; except that such limit ~~must~~ DOES not
6 apply to any placement out of the home through a county department of
7 human or social services. Each juvenile placed on probation must be
8 given a written statement of the terms and conditions of his or her
9 probation and have the terms and conditions fully explained to him or her.

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

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

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

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

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

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

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

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

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

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

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

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

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

24 ~~(l)~~ (X) May be evaluated to determine whether the juvenile would
25 be suitable for restorative justice practices that would be a part of the
26 juvenile's probation program; except that the court may not order
27 participation in restorative justice practices if the juvenile was adjudicated

1 a delinquent for unlawful sexual behavior as defined in section 16-22-102
2 (9), ~~C.R.S.~~, a crime in which the underlying factual basis involves
3 domestic violence as defined in section 18-6-800.3 (1), ~~C.R.S.~~, stalking
4 as defined in section 18-3-602, ~~C.R.S.~~, or violation of a protection order
5 as defined in section 18-6-803.5. ~~C.R.S.~~

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

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

15 (b) The court may release a juvenile from probation PRIOR TO THE
16 COMPLETION OF HIS OR HER TERM OF PROBATION, PURSUANT TO SECTION
17 19-2-925, or modify the terms and conditions of his or her probation at
18 any time, but any juvenile who has complied satisfactorily with the terms
19 and conditions of his or her probation for a period of two years shall be
20 released from probation, and the jurisdiction of the court shall be
21 terminated.

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

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

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

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

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

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

24 (III) THE SEVERITY OF THE CURRENT VIOLATION;

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

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

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

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

19 (7) THE STATE COURT ADMINISTRATOR SHALL COLLECT DATA
20 RELATED TO THE USE OF THE GRADUATED RESPONSES AND INCENTIVES
21 SYSTEM AND REPORT THIS DATA ANNUALLY TO THE JUDICIARY
22 COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, THE
23 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, AND THE
24 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
25 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, AND THE CHIEF
26 JUSTICE OF THE COLORADO SUPREME COURT. NOTWITHSTANDING THE
27 PROVISIONS OF SECTION 24-1-136 (11)(a)(I), THE REPORTS TO THE

1 COMMITTEES CONTINUE INDEFINITELY. DATA COLLECTED BY THE STATE
2 COURT ADMINISTRATOR MUST INCLUDE AT A MINIMUM THE TYPES OF
3 RESPONSES AND INCENTIVES THAT WERE ISSUED, THE NUMBER OF FORMAL
4 VIOLATIONS FILED, AND THE BEHAVIOR RESULTING IN THE VIOLATION.

5 (4) (8) (a) When it is alleged that a juvenile has violated the terms
6 and conditions of his or her probation, AND GRADUATED RESPONSES HAVE
7 BEEN IMPOSED AND EXHAUSTED, PURSUANT TO SUBSECTION (7) OF THIS
8 SECTION, the court shall set a hearing on the alleged violation and shall
9 give notice to the juvenile and his or her parents, guardian, or other legal
10 custodian and any other parties to the proceeding as provided in section
11 19-2-514.

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

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

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

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

27 (III) If the court finds that the juvenile did not violate the terms

1 and conditions of his or her probation as alleged, it shall dismiss the
2 proceedings and continue the juvenile on probation under the terms and
3 conditions previously prescribed.

4 (e) If the court revokes the probation of a person over eighteen
5 years of age, in addition to other action permitted by this ~~article~~ ARTICLE
6 2, the court may sentence him or her to the county jail for a period not to
7 exceed one hundred eighty days during which time he or she may be
8 released during the day for school attendance, job training, or
9 employment, as ordered by the court; except that, if the sentence imposed
10 exceeds ninety days, the court shall order the person released for school
11 attendance, job training, or employment while serving his or her sentence.

12 ~~(5)~~ (9) Following specification of the terms and conditions of
13 probation, where the conditions of probation include requiring the
14 juvenile to attend school, the court shall notify the school district in which
15 the juvenile is enrolled of such requirement.

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

18 **19-2-925.2. Juvenile probation standards - development.**

19 (1) BEFORE JULY 1, 2021, THE STATE COURT ADMINISTRATOR, IN
20 CONSULTATION WITH JUDGES, THE JUDICIAL BRANCH, DISTRICT
21 ATTORNEYS, DEFENSE COUNSEL, THE DELIVERY OF THE CHILD WELFARE
22 SERVICES TASK FORCE CREATED IN SECTION 26-5-105.8, AND OTHER
23 INTERESTED PARTIES SHALL ESTABLISH STATEWIDE STANDARDS FOR
24 JUVENILE PROBATION SUPERVISION AND SERVICES THAT ARE ALIGNED
25 WITH RESEARCH-BASED PRACTICES AND BASED ON THE JUVENILE'S RISK OF
26 REOFFENDING AS DETERMINED BY A VALIDATED RISK AND NEEDS
27 ASSESSMENT TOOL ADOPTED PURSUANT TO SECTION 24-33.5-2302. THE

1 STATE COURT ADMINISTRATOR SHALL AT LEAST ANNUALLY PROVIDE
2 TRAINING TO JUVENILE PROBATION ON THE ADOPTION AND
3 IMPLEMENTATION OF THESE STANDARDS. JUVENILE STANDARDS MUST
4 INCLUDE, BUT NEED NOT BE LIMITED TO:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (e) COMMON CRITERIA FOR WHEN JUVENILE PROBATION OFFICERS

1 MAY RECOMMEND THE USE OF OUT-OF-HOME PLACEMENTS AND
2 COMMITMENT TO THE DIVISION OF YOUTH SERVICES. THE COURT SHALL
3 CONSIDER THE RESULTS OF A VALIDATED RISK AND NEEDS ASSESSMENT,
4 A VALIDATED MENTAL HEALTH SCREENING, AND, IF APPLICABLE, A FULL
5 MENTAL HEALTH ASSESSMENT CONDUCTED PURSUANT TO SECTION
6 **24-33.5-2302** TO MAKE DECISIONS CONCERNING THE PLACEMENT OF THE
7 JUVENILE.

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

10 **19-2-1002. Juvenile parole.** (2) (b) (I) The board or hearing
11 panel shall take into consideration the results of the ~~objective~~ VALIDATED
12 risk AND NEEDS assessment administered by the department of human
13 services.

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

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

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

20 (3) (a.5) Magistrates shall conduct hearings in the manner provided for
21 the hearing of cases by the court. During the initial advisement of the
22 rights of any party, the magistrate shall inform the party that, except as
23 provided in this subsection (3), he or she has the right to a hearing before
24 the judge in the first instance and that he or she may waive that right but
25 that, by waiving that right, he or she is bound by the findings and
26 recommendations of the magistrate, subject to a request for review as
27 provided in subsection (5.5) of this section. The right to require a hearing

1 before a judge ~~shall~~ DOES not apply to hearings at which a child is advised
2 of his or her rights pursuant to section 19-2-706; detention hearings held
3 pursuant to ~~sections 19-2-507 and~~ SECTIONS 19-2-507, 19-2-507.5, AND
4 19-2-508; preliminary hearings held pursuant to section 19-2-705;
5 temporary custody hearings held pursuant to section 19-3-403;
6 proceedings held pursuant to article 4 of this ~~title~~ TITLE 19; and support
7 proceedings held pursuant to article 6 of this ~~title~~ TITLE 19. In proceedings
8 held pursuant to article 4 or 6 of this ~~title~~ TITLE 19, contested final orders
9 regarding allocation of parental responsibilities may be heard by the
10 magistrate only with the consent of all parties.

11 **SECTION 22.** In Colorado Revised Statutes, 19-1-115, **amend**
12 (6.7) as follows:

13 **19-1-115. Legal custody - guardianship - placement out of the**
14 **home - petition for review for need of placement.** (6.7) Any time the
15 court enters an order related to out-of-home placement pursuant to
16 ~~paragraphs (a), (b), and (c) of subsection (6) or paragraph (b) of~~
17 ~~subsection (6.5) of this section; paragraph (f) of subsection (8) of this~~
18 ~~section; section 19-2-508 (3)(a)(VII)(A) and (3)(a)(VII)(B) SUBSECTIONS~~
19 ~~(6)(a) TO (6)(c) OR SUBSECTION (6.5)(b) OF THIS SECTION; SUBSECTION~~
20 ~~(8)(f) OF THIS SECTION; SECTION 19-2-508 (3)(a)(XI)(A) AND~~
21 ~~(3)(a)(XI)(B); section 19-2-906.5 (1)(a), (1)(b), and (3)(a)(III); or section~~
22 ~~19-3-702 (3.5)(b) and (6)(a)(II), the order shall be~~ IS effective as of the
23 date the findings were made by the court, notwithstanding the date that a
24 written order may be signed by the court. Written orders entered pursuant
25 to ~~paragraphs (a), (b), and (c) of subsection (6) or paragraph (b) of~~
26 ~~subsection (6.5) of this section; paragraph (f) of subsection (8) of this~~
27 ~~section; section 19-2-508 (3)(a)(VII)(A) and (3)(a)(VII)(B) SUBSECTIONS~~

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

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

8 **19-2-108. Speedy trial - procedural schedule.** (2) In bringing
9 an adjudicatory action against a juvenile pursuant to this ~~article~~ ARTICLE
10 2, the district attorney and the court shall comply with the deadlines for:

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

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

15 **19-2-309.5. Community accountability program - legislative**
16 **declaration - creation.** (5) If a juvenile in the first component of the
17 program would substantially benefit, the division of youth services shall
18 notify the local department of probation who may petition the court for
19 an extension of up to fifteen days in addition to the initial sixty-day period
20 for the first component of the program. The period of time a juvenile
21 spends in the second component of the program must not exceed one
22 hundred twenty days. The entire period of a juvenile's participation in the
23 program must not exceed the length of the juvenile's probation sentence.
24 Whenever a juvenile fails to progress through or complete the first or
25 second component of the program, the juvenile is subject to the
26 provisions of ~~section 19-2-925 (4)~~ SECTION 19-2-925 (8) for violating a
27 condition of probation.

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

3 **19-2-503. Issuance of a lawful warrant taking a juvenile into**
4 **custody.** (1) A lawful warrant taking a juvenile into custody may be
5 issued pursuant to this section by any judge of a court of record or by a
6 juvenile magistrate upon receipt of an affidavit relating facts sufficient to
7 establish probable cause to believe that a delinquent act has been
8 committed and probable cause to believe that a particular juvenile
9 committed that act. Upon receipt of such affidavit, the judge or magistrate
10 shall issue a lawful warrant commanding any peace officer to take the
11 juvenile named in the affidavit into custody and to take him or her
12 without unnecessary delay before the nearest judge of the juvenile court
13 or magistrate as provided in ~~section 19-2-508 (4)(d)~~ SECTION 19-2-508
14 (4)(e)(I).

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

17 **19-2-706. Advisement - right to counsel - waiver of right to**
18 **counsel.** (1) (b) If the respondent has made an early application for
19 appointed counsel for the juvenile and the office of the state public
20 defender has made a preliminary determination that the juvenile is
21 eligible for appointed counsel as set forth in section 21-1-103 C.R.S., or
22 if the court has appointed counsel for the juvenile pursuant to ~~section~~
23 ~~19-2-508 (2.5)~~ SECTION 19-2-508 (2), an attorney from the office of the
24 state public defender or, in the case of a conflict, from the office of
25 alternate defense counsel, shall be available to represent the juvenile at
26 the juvenile's first appearance, as described in ~~paragraph (a) of this~~
27 ~~subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION.

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

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

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

11 **22-32-141. Student awaiting trial as adult - educational**
12 **services - definitions.** (2) (a) Except as otherwise provided in ~~paragraphs~~
13 ~~(e) to (g) of this subsection (2)~~ SUBSECTIONS (2)(c) TO (2)(g) OF THIS
14 SECTION, if a juvenile is held in a jail or other facility for the detention of
15 adult offenders pending criminal proceedings as an adult, the school
16 district in which the jail or facility is located shall provide educational
17 services for the juvenile upon request of the official in charge of the jail
18 or facility, or his or her designee, pursuant to ~~section 19-2-508 (4)(b.5);~~
19 ~~C.R.S.~~ SECTION 19-2-508 (4)(c)(I). A school district may provide
20 educational services directly using one or more of its employees or may
21 ensure that educational services are provided through a board of
22 cooperative services, an administrative unit, or otherwise through contract
23 with a person or entity.

24 (e) If a school district or the official in charge of the jail or facility
25 determines as provided in ~~section 19-2-508 (4)(b.5)(II), C.R.S.;~~ SECTION
26 19-2-508 (4)(c)(II) that an appropriate and safe environment for school
27 district employees or contractors is not available in which to provide

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

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

13 **22-33-107.5. Notice of failure to attend.** (1) Except as
14 otherwise provided in subsection (2) of this section, a school district shall
15 notify the appropriate court or parole board if a student fails to attend all
16 or any portion of a school day, where the school district has received
17 notice from the court or parole board:

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

21 (b) Pursuant to section 17-22.5-404, 18-1.3-204 (2.3), 19-2-907
22 (4), ~~19-2-925 (5)~~, **19-2-925 (9)**, or 19-2-1002 (1) or (3) ~~C.R.S.~~, that the
23 student is required to attend school as a condition of or in connection with
24 any sentence imposed by the court, including a condition of probation or
25 parole; or

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

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

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

17 **2-3-1203. Sunset review of advisory committees - legislative**
18 **declaration - definition - repeal.** (13)(a) The following statutory
19 authorizations for the designated advisory committees are scheduled for
20 repeal on September 1, 2022:

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

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

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

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

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

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