

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0488.01 Jacob Baus x2173

HOUSE BILL 22-1131

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING MEASURES TO REDUCE JUSTICE-INVOLVEMENT FOR**
102 **YOUNG CHILDREN, AND, IN CONNECTION THEREWITH, FOCUS ON**
103 **PREVENTION AND AGE-APPROPRIATE INTERVENTIONS.**

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 changes the minimum age of a juvenile who is subject to the juvenile court's jurisdiction. Under current law, juveniles who are 10 years of age and older can be prosecuted in juvenile court. The bill removes juveniles who are 10, 11, and 12 years of age from the juvenile court's jurisdiction and increases the age for a prosecution in juvenile

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.

court to 13 years of age; except in the case of a homicide, then the juvenile court's jurisdiction extends to juveniles who are 10, 11, and 12 years of age.

The bill changes the minimum age of a county court's concurrent original jurisdiction with the district court in criminal actions that constitute misdemeanors or petty offenses to a person who is 13 years of age.

The bill changes the minimum age of a municipal court's jurisdiction for a charge of a municipal offense to a person who is 13 years of age.

The bill clarifies that juveniles who are 10, 11, and 12 years of age may be taken into temporary custody by law enforcement for safety and then may be referred to appropriate services. Existing funding used to serve children who are 10, 11, and 12 years of age through the Colorado youth detention continuum may continue to serve those children.

Under current law, a juvenile court may transfer the juvenile to district court for criminal proceedings under certain conditions. The bill eliminates the ability for the juvenile court to transfer the juvenile to the district court for juveniles who are 12 or 13 years of age. Furthermore, for a juvenile who is 14 years of age or older, the bill changes the current authority of the juvenile court to transfer the juvenile's case for any delinquent act that constitutes any felony to only any delinquent act that constitutes a class 1 or class 2 felony or a crime of violence.

The bill extends certain sentencing limitations that are currently provided to juveniles who are 10 or 11 years of age to juveniles who are 13 or 14 years of age.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Children who are charged with crimes and subjected to the
5 juvenile justice system are more likely to enter the criminal justice system
6 as adults, more likely to present a future threat to community safety, more
7 likely to face mental health challenges, and less likely to graduate from
8 high school;

9 (b) Younger children who are in the juvenile justice system are at
10 a higher risk of becoming victims of violence within the juvenile justice

1 system;

2 (c) Children of color are more likely to be referred to the juvenile
3 justice system and detained in juvenile justice facilities than white
4 children; and

5 (d) Existing systems, including behavioral health programs,
6 schools, child welfare systems, and other local programs and services, are
7 better equipped than the juvenile justice system to address the needs of
8 young children and to provide developmentally appropriate services to
9 improve community safety by reducing the risk that these children
10 commit future crimes as adults.

11 (2) Therefore, the general assembly declares its intent to empower
12 community-based responses in the health, education, and child welfare
13 systems to serve children who are under thirteen years of age. The general
14 assembly supports evidence-based and promising practices and programs
15 that improve outcomes for children and community safety, and reduce
16 and eliminate racial and ethnic disparities.

17 **SECTION 2.** In Colorado Revised Statutes, 13-6-106, **amend**
18 (1)(a) as follows:

19 **13-6-106. Original criminal jurisdiction.** (1) The county court
20 shall have concurrent original jurisdiction with the district court in the
21 following criminal matters:

22 (a) Criminal actions AGAINST A PERSON WHO IS THIRTEEN YEARS
23 OF AGE OR OLDER for the violation of state laws which constitute
24 misdemeanors or petty offenses, except those actions involving children
25 over which the juvenile court of the city and county of Denver or the
26 district courts of the state, other than in Denver, have exclusive
27 jurisdiction;

1 **SECTION 3.** In Colorado Revised Statutes, **amend** 13-10-103 as
2 follows:

3 **13-10-103. Applicability.** This article 10 applies to and governs
4 the operation of municipal courts in the cities and towns of this state.
5 Except for the provisions relating to the method of salary payment for
6 municipal judges, the incarceration of children pursuant to sections
7 19-2.5-305 and 19-2.5-1511, **PROHIBITING THE PROSECUTION OF A CHILD**
8 **WHO IS UNDER THIRTEEN YEARS OF AGE**, the appearance of the parent,
9 guardian, or lawful custodian of ~~any~~ A child WHO IS THIRTEEN YEARS OF
10 AGE OR OLDER BUT under eighteen years of age who is charged with a
11 municipal offense as required by section 13-10-111, the right to a trial by
12 jury for petty offenses pursuant to section 16-10-109, rules of procedure
13 promulgated by the supreme court, and appellate procedure, this article
14 10 may be superseded by charter or ordinance enacted by a home rule
15 city.

16 **SECTION 4.** In Colorado Revised Statutes, **amend** 13-10-104 as
17 follows:

18 **13-10-104. Municipal court created - jurisdiction.** The
19 municipal governing body of each city or town shall create a municipal
20 court to hear and try all alleged violations of ordinance provisions of such
21 city or town **AGAINST PERSONS WHO ARE THIRTEEN YEARS OF AGE OR**
22 **OLDER.**

23 **SECTION 5.** In Colorado Revised Statutes, 13-10-111, **amend**
24 (5) as follows:

25 **13-10-111. Commencement of actions - process.** (5) Upon the
26 request of the municipal court, the prosecuting municipality, or the
27 defendant, the clerk of the municipal court shall issue a subpoena for the

1 appearance, at any and all stages of the court's proceedings, of the parent,
2 guardian, or lawful custodian of any child WHO IS THIRTEEN YEARS OF
3 AGE OR OLDER BUT under eighteen years of age who is charged with a
4 municipal offense. Whenever a person who is issued a subpoena pursuant
5 to this subsection (5) fails, without good cause, to appear, the court may
6 issue an order for the person to show cause to the court as to why the
7 person should not be held in contempt. Following a show cause hearing,
8 the court may make findings of fact and conclusions of law and may enter
9 an appropriate order, which may include finding the person in contempt.

10 **SECTION 6.** In Colorado Revised Statutes, 13-10-113, **amend**
11 (4) and (5) as follows:

12 **13-10-113. Fines and penalties.** (4) Notwithstanding any
13 provision of law to the contrary, a municipal court has the authority to
14 order a child WHO IS THIRTEEN YEARS OF AGE OR OLDER BUT under
15 eighteen years of age confined in a juvenile detention facility operated or
16 contracted by the department of human services or a temporary holding
17 facility operated by or under contract with a municipal government for
18 failure to comply with a lawful order of the court, including an order to
19 pay a fine. Any confinement of a child for contempt of municipal court
20 ~~shall~~ MUST not exceed forty-eight hours.

21 (5) Notwithstanding any other provision of law, ~~a juvenile, as~~
22 ~~defined in section 19-2.5-102,~~ A CHILD WHO IS THIRTEEN YEARS OF AGE
23 OR OLDER BUT UNDER EIGHTEEN YEARS OF AGE WHO IS arrested for an
24 alleged violation of a municipal ordinance, convicted of violating a
25 municipal ordinance or probation conditions imposed by a municipal
26 court, or found in contempt of court in connection with a violation or
27 alleged violation of a municipal ordinance must not be confined in a jail,

1 lockup, or other place used for the confinement of adult offenders but
2 may be held in a juvenile detention facility operated by or under contract
3 with the department of human services or a temporary holding facility
4 operated by or under contract with a municipal government that ~~shall~~
5 ~~receive and provide~~ RECEIVES AND PROVIDES care for the ~~juvenile~~ CHILD
6 WHO IS THIRTEEN YEARS OF AGE OR OLDER BUT UNDER EIGHTEEN YEARS
7 OF AGE. A municipal court imposing penalties for violation of probation
8 conditions imposed by such court or for contempt of court in connection
9 with a violation or alleged violation of a municipal ordinance may confine
10 a ~~juvenile~~ CHILD WHO IS THIRTEEN YEARS OF AGE OR OLDER BUT UNDER
11 EIGHTEEN YEARS OF AGE pursuant to section 19-2.5-305 for up to
12 forty-eight hours in a juvenile detention facility operated by or under
13 contract with the department of human services. ~~In imposing any jail~~
14 ~~sentence upon a juvenile for violating any municipal ordinance when the~~
15 ~~municipal court has jurisdiction over the juvenile pursuant to section~~
16 ~~19-2.5-103 (1)(a)(II);~~ A municipal court does not have the authority to
17 order a ~~juvenile~~ CHILD WHO IS under eighteen years of age to a juvenile
18 detention facility operated or contracted by the department of human
19 services.

20 **SECTION 7.** In Colorado Revised Statutes, 17-1-103, **repeal**
21 (1)(n) as follows:

22 **17-1-103. Duties of the executive director.** (1) The duties of the
23 executive director are:

24 (n) ~~To contract with the department of human services to house~~
25 ~~in a facility operated by the department of human services any juvenile~~
26 ~~under the age of fourteen years who is sentenced as an adult to the~~
27 ~~department of corrections; and to provide services for the juvenile~~

1 pursuant to section ~~19-2.5-802 (1)(c)~~;

2 **SECTION 8.** In Colorado Revised Statutes, 19-2.5-103, **amend**
3 (1)(a) introductory portion and (5); and **add** (1)(c) as follows:

4 **19-2.5-103. Jurisdiction.** (1) Except as otherwise provided by
5 law, the juvenile court has exclusive original jurisdiction in proceedings:

6 (a) Concerning ~~any~~ A juvenile ~~ten~~ WHO IS THIRTEEN years of age
7 or older who ~~has violated~~ IS ACCUSED OF VIOLATING:

8 (c) CONCERNING A JUVENILE WHO IS TEN YEARS OF AGE OR OLDER
9 WHO IS ACCUSED OF VIOLATING AN OFFENSE PURSUANT TO PART 1 OF
10 ARTICLE 3 OF TITLE 18 OR SECTION 18-3-402.

11 (5) Notwithstanding any other provision of this section to the
12 contrary, the juvenile court and the county court have concurrent
13 jurisdiction over a juvenile who is THIRTEEN YEARS OF AGE OR OLDER BUT
14 under eighteen years of age and who is charged with a violation of section
15 18-13-122, 18-18-406 (5)(b)(I) and (5)(b)(II), 18-18-428, 18-18-429,
16 18-18-430, or 42-4-1301; except that, if the juvenile court accepts
17 jurisdiction over such a juvenile, the county court jurisdiction terminates.

18 **SECTION 9.** In Colorado Revised Statutes, 19-2.5-208, **amend**
19 (1)(a) introductory portion as follows:

20 **19-2.5-208. Petty tickets - summons - contracts - data.**

21 (1) (a) If a law enforcement officer contacts a juvenile ~~ten~~ WHO IS
22 THIRTEEN years of age or older for a delinquent act that would be a petty
23 offense if committed by an adult or a municipal ordinance violation, the
24 officer may issue the juvenile a petty ticket that requires the juvenile to
25 go through an assessment process or procedure as designated by the
26 municipal, county, or district court, including assessment by a law
27 enforcement officer, assessment officer, or a screening team, referred to

1 in this section as the "screening entity". When a petty ticket is issued, an
2 assessment officer or screening team officer shall offer a petty offense
3 contract to the juvenile and the juvenile's parent or legal guardian if:

4 **SECTION 10.** In Colorado Revised Statutes, 19-2.5-302, **amend**
5 **(1)** as follows:

6 **19-2.5-302. Local juvenile services planning committee -**
7 **creation - duties - identification and notification of dually identified**
8 **crossover youth.** (1) If all of the boards of commissioners of each
9 county or the city council of each city and county in a judicial district
10 agree, there may be created in the judicial district a local juvenile services
11 planning committee that is appointed by the chief judge of the judicial
12 district or, for the second judicial district, the presiding judge of the
13 Denver juvenile court, from persons recommended by the boards of
14 commissioners of each county or the city council of each city and county
15 within the judicial district. The committee, if practicable, must include,
16 but need not be limited to, a representative from a county department of
17 human or social services, a local school district, a local law enforcement
18 agency, a local probation department, the division of youth services,
19 private citizens, the district attorney's office, the public defender's office,
20 a community mental health representative, and a representative of the
21 concerns of municipalities. The committee, if created, shall meet as
22 necessary to develop a plan for the allocation of resources for local
23 juvenile services within the judicial district for the fiscal year. The
24 committee is strongly encouraged to consider programs with restorative
25 justice components when developing the plan. **ADDITIONALLY, THE**
26 **COMMITTEE IS STRONGLY ENCOURAGED TO PROVIDE SERVICES TO**
27 **CHILDREN WHO ARE TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN**

1 YEARS OF AGE WHO ARE AT RISK OF ENTERING DETENTION AT AN OLDER
2 AGE IF THEY DO NOT RECEIVE ALTERNATIVE SERVICES AS A PART OF THE
3 PLAN. The state department of human services shall approve the plan. A
4 local juvenile services planning committee may be consolidated with
5 other local advisory boards pursuant to section 24-1.7-103.

6 **SECTION 11.** In Colorado Revised Statutes, 19-2.5-303, **amend**
7 (1); and **add** (2)(g) as follows:

8 **19-2.5-303. Duty of officer - screening teams - notification -**
9 **release or detention.** (1) When a juvenile WHO IS THIRTEEN YEARS OF
10 AGE OR OLDER is taken into temporary custody and not released pending
11 charges, the officer shall notify the screening team for the judicial district
12 in which the juvenile is taken into custody. The screening team shall
13 notify the juvenile's parent, guardian, or legal custodian without
14 unnecessary delay and inform the juvenile's parent, guardian, or legal
15 custodian that, if the juvenile is placed in detention or a temporary
16 holding facility, all parties have a right to a prompt hearing to determine
17 whether the juvenile is to be detained further. Such notification may be
18 made to a person with whom the juvenile is residing if a parent, guardian,
19 or legal custodian cannot be located. If the screening team is unable to
20 make such notification, the notification may be made by any law
21 enforcement officer, juvenile probation officer, detention center
22 counselor, or detention facility staff in whose physical custody the
23 juvenile is placed.

24 (2) (g) (I) NOTHING IN THIS SECTION PROHIBITS A LAW
25 ENFORCEMENT OFFICER FROM TAKING A CHILD WHO IS UNDER THIRTEEN
26 YEARS OF AGE INTO TEMPORARY CUSTODY PURSUANT TO SECTION
27 19-3-401 OR PLACING A CHILD WHO IS UNDER THIRTEEN YEARS OF AGE

1 OUT OF THE HOME PURSUANT TO SECTION 19-3-402.

2 (II) A CHILD IS CONSIDERED ABANDONED PURSUANT TO SECTION
3 19-3-401 IF THE CHILD'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN
4 REFUSES TO TAKE THE CHILD INTO HIS OR HER HOME AFTER CONTACT WITH
5 LAW ENFORCEMENT.

6 **SECTION 12.** In Colorado Revised Statutes, 19-2.5-304, **repeal**
7 (2) as follows:

8 **19-2.5-304. Limitations on detention.** (2) ~~A juvenile court shall~~
9 ~~not order a juvenile who is ten years of age and older but less than~~
10 ~~thirteen years of age to detention unless the juvenile has been arrested for~~
11 ~~a felony or weapons charge pursuant to section 18-12-102, 18-12-105,~~
12 ~~18-12-106, or 18-12-108.5. A preadjudication service program created~~
13 ~~pursuant to section 19-2.5-606 shall evaluate a juvenile described in this~~
14 ~~subsection (2). The evaluation may result in the juvenile:~~

- 15 (a) ~~Remaining in the custody of a parent or legal guardian;~~
- 16 (b) ~~Being placed in the temporary legal custody of kin, for~~
17 ~~purposes of a kinship foster care home or noncertified kinship care~~
18 ~~placement, as defined in section 19-1-103, or other suitable person under~~
19 ~~such conditions as the court may impose;~~
- 20 (c) ~~Being placed in a temporary shelter facility; or~~
- 21 (d) ~~Being referred to a local county department of human or social~~
22 ~~services for assessment for placement.~~

23 **SECTION 13.** In Colorado Revised Statutes, 19-2.5-305, **amend**
24 (3)(a)(V) introductory portion and (6) as follows:

25 **19-2.5-305. Detention and shelter - hearing - time limits -**
26 **findings - review - confinement with adult offenders - restrictions.**

27 (3) (a) (V) ~~A court shall not order further detention for a juvenile who is~~

1 ~~ten years of age and older but less than thirteen years of age unless the~~
2 ~~juvenile has been arrested or adjudicated for a felony or weapons charge~~
3 ~~pursuant to section 18-12-102, 18-12-105, 18-12-106, or 18-12-108.5.~~

4 The court shall receive any information having probative value regardless
5 of its admissibility under the rules of evidence. In determining whether
6 a juvenile requires detention, the court shall consider the results of the
7 detention screening instrument. There is a rebuttable presumption that a
8 juvenile poses a substantial risk of serious harm to others if:

9 ~~(6) Except for a juvenile described in section 19-2.5-304(2),~~ The
10 court may also issue temporary orders for legal custody pursuant to
11 section 19-1-115.

12 **SECTION 14.** In Colorado Revised Statutes, 19-2.5-802, **amend**
13 (1)(a)(I); and **repeal** (1)(e) as follows:

14 **19-2.5-802. Transfers.** (1) (a) The juvenile court may enter an
15 order certifying a juvenile to be held for criminal proceedings in the
16 district court if:

17 (I) A petition filed in juvenile court alleges the juvenile is:

18 (A) ~~Twelve or thirteen years of age at the time of the commission~~
19 ~~of the alleged offense and is a juvenile delinquent by virtue of having~~
20 ~~committed a delinquent act that constitutes a class 1 or class 2 felony or~~
21 ~~a crime of violence, as defined in section 18-1.3-406; or~~

22 (B) Fourteen years of age or older at the time of the commission
23 of the alleged offense and is a juvenile delinquent by virtue of having
24 committed a delinquent act that constitutes a CLASS 1 OR CLASS 2 felony
25 OR A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406; and

26 (e) ~~Whenever a juvenile under the age of fourteen years is~~
27 ~~sentenced pursuant to section 18-1.3-401 as provided in subsection (1)(d)~~

1 of this section, the department of corrections shall contract with the
2 department of human services to house and provide services to the
3 juvenile in a facility operated by the department of human services until
4 the juvenile reaches the age of fourteen years. On reaching the age of
5 fourteen years, the juvenile must be transferred to an appropriate facility
6 operated by the department of corrections for the completion of the
7 juvenile's sentence.

8 **SECTION 15.** In Colorado Revised Statutes, 19-2.5-1108,
9 **amend** (1)(a) as follows:

10 **19-2.5-1108. Probation - terms - release - revocation -**
11 **graduated responses system - rules - report - definition.** (1) (a) The
12 terms and conditions of probation must be specified by rules or orders of
13 the court. The court, as a condition of probation for a juvenile who is ~~ten~~
14 THIRTEEN years of age or older but less than eighteen years of age on the
15 date of the sentencing hearing, may impose a commitment or detention.
16 The aggregate length of any such commitment or detention, whether
17 continuous or at designated intervals, must not exceed forty-five days;
18 except that such limit does not apply to any placement out of the home
19 through a county department. ~~of human or social services.~~ Each juvenile
20 placed on probation must be given a written statement of the terms and
21 conditions of the juvenile's probation and have the terms and conditions
22 fully explained.

23 **SECTION 16.** In Colorado Revised Statutes, 19-2.5-1117,
24 **amend** (1)(a) and (6)(c) as follows:

25 **19-2.5-1117. Sentencing - commitment to the department of**
26 **human services - definitions.** (1) (a) Except as otherwise required in
27 subsection (6) of this section and section 19-2.5-1127 for an aggravated

1 juvenile offender, the court may commit a juvenile to the department of
2 human services for a determinate period of up to two years if the juvenile
3 is adjudicated for an offense that would constitute a felony or a
4 misdemeanor if committed by an adult; except that, if the juvenile is
5 ~~younger than twelve~~ UNDER FIFTEEN years of age and is not adjudicated
6 an aggravated juvenile offender, the court may commit the juvenile to the
7 department of human services only if the juvenile is adjudicated for an
8 offense that would constitute a class 1, class 2, or class 3 felony if
9 committed by an adult.

10 (6) (c) The juvenile court may commit any juvenile who is not
11 adjudicated an aggravated juvenile offender pursuant to section
12 19-2.5-1127 but who is adjudicated for an offense that would constitute
13 a felony or a misdemeanor to the department of human services, and the
14 determinate period of commitment must not exceed two years; except
15 that, if the juvenile is ~~ten or eleven~~ THIRTEEN OR FOURTEEN years of age
16 and is not adjudicated an aggravated juvenile offender pursuant to section
17 19-2.5-1127, the juvenile may be committed to the department of human
18 services only if the juvenile is adjudicated for an offense that would
19 constitute a class 1, class 2, or class 3 felony if committed by an adult.

20 **SECTION 17.** In Colorado Revised Statutes, 19-2.5-1123,
21 **amend** (2) introductory portion as follows:

22 **19-2.5-1123. Sentencing - mandatory detention - weapons and**
23 **crimes of violence.** (2) A juvenile who is ~~less than thirteen~~ UNDER
24 FIFTEEN years of age may not be sentenced to detention unless the
25 juvenile has been adjudicated for a felony or weapons charge pursuant to
26 section 18-12-102, 18-12-105, 18-12-106, or 18-12-108.5. As an
27 alternative, the juvenile probation department may conduct a presentence

1 investigation pursuant to section 19-2.5-1101. The investigation may
2 result in the juvenile:

3 **SECTION 18.** In Colorado Revised Statutes, 19-2.5-1126,
4 **amend** (1)(c)(I)(A) as follows:

5 **19-2.5-1126. Sentencing - special offenders.** (1) The court shall
6 sentence a juvenile adjudicated as a special offender as follows:

7 (c) **Violent juvenile offender.** (I) (A) Upon adjudication as a
8 violent juvenile offender, as described in section 19-2.5-1125 (3), the
9 juvenile must be placed or committed out of the home for not less than
10 one year; except that this subsection (1)(c) does not apply to a juvenile
11 who is ~~ten~~ THIRTEEN years of age or older, but ~~less than twelve~~ UNDER
12 FIFTEEN years of age, when the court finds that an alternative sentence or
13 a commitment of less than one year out of the home would be more
14 appropriate.

15 **SECTION 19.** In Colorado Revised Statutes, 19-2.5-1404,
16 **amend** (1)(b)(V) as follows:

17 **19-2.5-1404. Working group for criteria for placement of**
18 **juvenile offenders - establishment of formula - review of criteria -**
19 **report.** (1) (b) The working group shall carry out the following duties:

20 (V) To establish a formula for the purpose of allocating funds by
21 each judicial district in the state of Colorado for alternative services to
22 placing juveniles WHO ARE TEN YEARS OF AGE OR OLDER in the physical
23 custody of the department of human services or in the legal custody of the
24 department of human services. The allocation must take into
25 consideration such factors as the population of the judicial district, the
26 incidence of offenses committed by juveniles in such judicial district, and
27 other factors as deemed appropriate. The working group shall consider

1 and take into account whether any federal money or matching funds are
2 available to cover the costs of juveniles within the system, including
3 parent fees and third-party reimbursement as authorized by law or
4 reimbursements under Title IV-E of the federal "Social Security Act", as
5 amended.

6

7 **SECTION 20.** In Colorado Revised Statutes, 19-2.5-1511,
8 **amend** (1)(a); and **repeal** (1)(c) as follows:

9 **19-2.5-1511. Juvenile detention services and facilities to be**
10 **provided by department of human services - education - expenses -**
11 **definition.** (1) (a) ~~Except as set forth in subsection (1)(c) of this section,~~
12 The department of human services shall provide detention services for
13 temporary care of a juvenile, pursuant to this article 2.5. The department
14 of human services shall consult on a regular basis with the court in any
15 district where a detention facility is located concerning the detention
16 program at that facility. The department of human services may use staff
17 secure facilities to provide preadjudication and postadjudication detention
18 services.

19 ~~(c) The department of human services is not required to receive~~
20 ~~and provide care for any juvenile who is ten years of age and older but~~
21 ~~less than thirteen years of age, unless such juvenile has been arrested or~~
22 ~~adjudicated for a felony or weapons charge pursuant to section~~
23 ~~18-12-102, 18-12-105, 18-12-106, or 18-12-108.5.~~

24

25 **SECTION 21.** In Colorado Revised Statutes, **add** 19-3-304.4 as
26 **follows:**

27 **19-3-304.4. Pre-adolescent services task force - duties - report**

1 - **repeal.** (1) (a) THE DEPARTMENT SHALL CREATE A PRE-ADOLESCENT
2 SERVICES TASK FORCE, REFERRED TO IN THIS SECTION AS THE "TASK
3 FORCE", TO EXAMINE AND MAKE RECOMMENDATIONS CONCERNING THE
4 IDENTIFICATION AND PROVISION OF NECESSARY SERVICES TO JUVENILES
5 WHO ARE TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF
6 AGE, INCLUDING:

7 (I) THE IDENTIFICATION OF THE SERVICES, IF ANY, PREVIOUSLY
8 PROVIDED THROUGH THE JUVENILE JUSTICE SYSTEM TO JUVENILES WHO
9 ARE TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE,
10 BUT ARE NO LONGER AVAILABLE TO JUVENILES WHO ARE TEN YEARS OF
11 AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE BECAUSE THE
12 MINIMUM AGE OF PROSECUTION OF JUVENILES WAS INCREASED;

13 (II) THE IDENTIFICATION OF SERVICES, IF ANY, PREVIOUSLY
14 PROVIDED TO CHILDREN IDENTIFIED AS VICTIMS OF CRIMES COMMITTED BY
15 JUVENILES WHO ARE TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN
16 YEARS OF AGE, BUT ARE NO LONGER AVAILABLE TO CHILDREN IDENTIFIED
17 AS VICTIMS OF CRIMES BECAUSE THE MINIMUM AGE OF PROSECUTION OF
18 JUVENILES WAS INCREASED;

19 (III) HOW ANY OF THE SERVICES IDENTIFIED PURSUANT TO
20 SUBSECTIONS (1)(a)(I) AND (1)(a)(II) OF THIS SECTION MAY BE PROVIDED
21 BY EXISTING AGENCIES OR ORGANIZATIONS OUTSIDE OF THE JUVENILE
22 JUSTICE SYSTEM; AND

23 (IV) HOW EXISTING OR POTENTIAL FUNDING MAY BE UTILIZED TO
24 PROVIDE ANY OF THE SERVICES IDENTIFIED PURSUANT TO SUBSECTIONS
25 (1)(a)(I) AND (1)(a)(II) OF THIS SECTION OUTSIDE OF THE JUVENILE
26 JUSTICE SYSTEM.

27 (b) IN PERFORMING ITS DUTIES REQUIRED PURSUANT TO

1 SUBSECTION (1)(a) OF THIS SECTION, THE TASK FORCE SHALL CONSIDER:

2 (I) RELEVANT DATA, INCLUDING ANY AVAILABLE DATA
3 DEVELOPED PURSUANT TO SECTION 19-2.5-1404 (3);

4 (II) THE AVAILABILITY OF STATE OR FEDERAL RESOURCES TO
5 ASSIST WITH PROVIDING SERVICES IDENTIFIED PURSUANT TO SUBSECTIONS
6 (1)(a)(I) AND (1)(a)(II) OF THIS SECTION;

7 (III) OPPORTUNITIES TO PROVIDE NECESSARY ASSESSMENTS OR
8 SERVICES TO JUVENILES WHO ARE TEN YEARS OF AGE OR OLDER BUT
9 UNDER THIRTEEN YEARS OF AGE WITHOUT ARREST OR PROSECUTION; AND

10 (IV) OPPORTUNITIES TO UTILIZE AVAILABLE COLLABORATIVE
11 MANAGEMENT PROGRAMS CREATED PURSUANT TO SECTION 24-1.9-102
12 AND ASSESSMENT CENTERS FOR CHILDREN, AS DEFINED IN SECTION
13 19-1-103 (13).

14 (c) (I) THE TASK FORCE SHALL CONVENE ON OR BEFORE JULY 1,
15 2022. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN
16 SERVICES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, SHALL APPOINT THE
17 TASK FORCE MEMBERS, AND SHALL APPOINT PERSONS FROM THROUGHOUT
18 THE STATE, PERSONS WITH A DISABILITY, AND PERSONS WHO REFLECT THE
19 ETHNIC DIVERSITY OF THE STATE. THE TASK FORCE CONSISTS OF:

20 (A) A REPRESENTATIVE OF THE DIVISION OF CRIMINAL JUSTICE OF
21 THE DEPARTMENT OF PUBLIC SAFETY;

22 (B) A REPRESENTATIVE OF A LAW ENFORCEMENT AGENCY;

23 (C) A REPRESENTATIVE WITH EXPERIENCE PROVIDING DIVERSION
24 SERVICES AND SUPERVISION TO JUVENILES;

25 (D) A REPRESENTATIVE WITH EXPERIENCE PROVIDING VICTIM
26 SERVICES TO CHILDREN WHO ARE VICTIMS OF CRIMES;

27 (E) A REPRESENTATIVE WITH EXPERIENCE PROVIDING

- 1 PROBATIONARY SERVICES AND SUPERVISION TO JUVENILES;
- 2 (F) A REPRESENTATIVE OF THE OFFICE OF THE CHILD'S
- 3 REPRESENTATIVE;
- 4 (G) A REPRESENTATIVE OF THE OFFICE OF RESPONDENT PARENT'S
- 5 COUNSEL;
- 6 (H) A REPRESENTATIVE OF THE DIVISION OF CHILD WELFARE;
- 7 (I) A REPRESENTATIVE OF THE OFFICE OF BEHAVIORAL HEALTH
- 8 WITH EXPERTISE CONCERNING THE DEVELOPMENT AND OPERATION OF
- 9 RAPID CRISIS RESPONSE TEAMS;
- 10 (J) TWO REPRESENTATIVES FROM COUNTY DEPARTMENTS OF
- 11 HUMAN SERVICES, OF WHOM AT LEAST ONE REPRESENTATIVE IS FROM A
- 12 RURAL COUNTY DEPARTMENT OF HUMAN SERVICES;
- 13 (K) TWO REPRESENTATIVES FROM PUBLIC SCHOOLS OR SCHOOL
- 14 DISTRICTS, OF WHOM AT LEAST ONE REPRESENTATIVE IS FROM A RURAL
- 15 SCHOOL DISTRICT OR A SMALL RURAL SCHOOL DISTRICT, AS DEFINED IN
- 16 SECTION 22-7-1211 (4);
- 17 (L) TWO REPRESENTATIVES FROM LOCAL COLLABORATIVE
- 18 MANAGEMENT PROGRAMS CREATED PURSUANT TO SECTION 24-1.9-102;
- 19 (M) TWO REPRESENTATIVES FROM LOCAL JUVENILE SERVICES
- 20 PLANNING COMMITTEES CREATED PURSUANT TO SECTION 19-2.5-302, OF
- 21 WHOM AT LEAST ONE REPRESENTATIVE IS FROM A JUDICIAL DISTRICT WITH
- 22 AN ASSESSMENT CENTER FOR CHILDREN;
- 23 (N) A REPRESENTATIVE FROM THE RESTORATIVE JUSTICE
- 24 COORDINATING COUNSEL CREATED PURSUANT TO SECTION 13-3-116;
- 25 (O) A REPRESENTATIVE WITH EXPERIENCE PROVIDING PEDIATRIC
- 26 MENTAL AND BEHAVIORAL HEALTH SERVICES;
- 27 (P) A REPRESENTATIVE WITH EXPERIENCE PROVIDING TREATMENT

1 TO YOUTH WHO HAVE PARTICIPATED IN PROBLEMATIC SEXUAL BEHAVIOR;

2 (Q) A REPRESENTATIVE FROM A STATEWIDE ORGANIZATION THAT
3 ADVOCATES FOR VICTIMS OF SEXUAL ASSAULT;

4 (R) A REPRESENTATIVE FROM A STATEWIDE ORGANIZATION THAT
5 PROVIDES LEGAL SERVICES FOR VICTIMS' RIGHTS;

6 (S) TWO REPRESENTATIVES FROM COMMUNITY ORGANIZATIONS OR
7 NONPROFIT ORGANIZATIONS THAT PROVIDE EVIDENCE-BASED OR
8 PROMISING PRACTICES THAT ARE CULTURALLY-RESPONSIVE AND
9 TRAUMA-INFORMED TO JUVENILES; AND

10 (T) FOUR REPRESENTATIVES WHO EXPERIENCED INCARCERATION,
11 HOMELESSNESS, OR PLACEMENT OUT OF HOME AS A JUVENILE OR WHO ARE
12 THE PARENT OR LEGAL GUARDIAN OF A JUVENILE WHO IS EXPERIENCING OR
13 EXPERIENCED INCARCERATION, HOMELESSNESS, OR PLACEMENT OUT OF
14 HOME AS A JUVENILE.

15 (II) MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT
16 COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

17 (d) THE TASK FORCE SHALL MEET AT LEAST EVERY MONTH FROM
18 JULY THROUGH DECEMBER OF 2022, OR MORE FREQUENTLY AS NEEDED TO
19 PERFORM ITS DUTIES REQUIRED PURSUANT TO SUBSECTIONS (1)(a) AND
20 (1)(e) OF THIS SECTION. THE TASK FORCE MEETING MUST NOT BE HELD
21 UNLESS AT LEAST A MAJORITY OF THE TOTAL NUMBER OF TASK FORCE
22 MEMBERS ARE PARTICIPATING, INCLUDING ONE REPRESENTATIVE
23 PURSUANT TO SUBSECTION (1)(c)(I)(S) OF THIS SECTION AND AT LEAST
24 TWO REPRESENTATIVES PURSUANT TO SUBSECTION (1)(c)(I)(T) OF THIS
25 SECTION.

26 (e) THE TASK FORCE SHALL CREATE A REPORT CONTAINING THE
27 EXAMINATION AND RECOMMENDATIONS MADE BY THE TASK FORCE

1 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION BY DECEMBER 30,
2 2022, AND PROVIDE THAT REPORT TO THE JUDICIARY COMMITTEES OF THE
3 HOUSE OF REPRESENTATIVES AND THE SENATE, AND TO THE PUBLIC AND
4 BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
5 REPRESENTATIVES AND THE HEALTH AND HUMAN SERVICES COMMITTEE OF
6 THE SENATE, OR ANY SUCCESSOR COMMITTEES.

7 (f) AFTER COMPLETING THE REPORT REQUIRED PURSUANT TO
8 SUBSECTION (1)(e) OF THIS SECTION, THE TASK FORCE SHALL MEET AT
9 LEAST EVERY QUARTER IN 2023 TO PROVIDE GUIDANCE AND TECHNICAL
10 ASSISTANCE TO THE DEPARTMENT OF HUMAN SERVICES AND LOCAL
11 JURISDICTIONS WITH ASSISTANCE RELATED TO IMPLEMENTING THE
12 RECOMMENDATIONS, IDENTIFIED PURSUANT TO THE REPORT. THE TASK
13 FORCE MEETING MUST NOT BE HELD UNLESS AT LEAST A MAJORITY OF THE
14 TOTAL NUMBER OF TASK FORCE MEMBERS ARE PARTICIPATING, INCLUDING
15 ONE REPRESENTATIVE PURSUANT TO SUBSECTION (1)(c)(I)(S) OF THIS
16 SECTION AND AT LEAST TWO REPRESENTATIVES PURSUANT TO SUBSECTION
17 (1)(c)(I)(T) OF THIS SECTION.

18 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

19 **SECTION 22.** In Colorado Revised Statutes, 19-3-308, **amend**
20 (5.3)(a) as follows:

21 **19-3-308. Action upon report of intrafamilial, institutional, or**
22 **third-party abuse - investigations - child protection team - rules -**
23 **report.** (5.3) (a) Local law enforcement agencies have the responsibility
24 for the coordination and investigation of all reports of third-party abuse
25 or neglect by persons ~~ten~~ THIRTEEN years of age or older. Upon receipt of
26 a report, if the local law enforcement agency reasonably believes that the
27 protection and safety of a child is at risk due to an act or omission on the

1 part of persons responsible for the child's care, such agency shall notify
2 the county department ~~of human or social services~~ for an assessment
3 regarding neglect or dependency. In addition, the local law enforcement
4 agency shall refer to the county department ~~of human or social services~~
5 any report of third-party abuse or neglect in which the person allegedly
6 responsible for such abuse or neglect is under ~~age ten~~ THIRTEEN YEARS OF
7 AGE. Upon the completion of an investigation, the local law enforcement
8 agency shall forward a copy of its investigative report to the county
9 department. ~~of human or social services~~. The county department shall
10 review the law enforcement investigative report and shall determine
11 whether the report contains information that constitutes a case of
12 confirmed child abuse and requires it to be submitted to the state
13 department, which report, upon such determination, ~~shall~~ MUST be
14 submitted to the state department in the manner prescribed by the state
15 department within sixty days after the receipt of the report by the county
16 department.

17 **SECTION 23.** In Colorado Revised Statutes, 22-33-108, **amend**
18 (7)(c)(I) introductory portion as follows:

19 **22-33-108. Judicial proceedings.** (7) (c) (I) If the court finds that
20 the child or youth WHO IS THIRTEEN YEARS OF AGE OR OLDER BUT UNDER
21 SEVENTEEN YEARS OF AGE has refused to comply with the plan created for
22 the child or youth pursuant to section 22-33-107 (3), the court may
23 impose on the child or youth, as a sanction for contempt of court, a
24 sentence of detention for no more than forty-eight hours in a juvenile
25 detention facility operated by or under contract with the department of
26 human services pursuant to section 19-2.5-1511 and any rules
27 promulgated by the Colorado supreme court. The court shall not sentence

1 a child or youth WHO IS THIRTEEN YEARS OF AGE OR OLDER BUT UNDER
2 SEVENTEEN YEARS OF AGE to detention as a sanction for contempt of court
3 unless the court finds that detention is in the best interest of the child or
4 youth as well as the public. In making such a finding, the court shall
5 consider the following factors, including that:

6 **SECTION 24.** In Colorado Revised Statutes, 24-4.1-102, **amend**
7 (1), (10)(a) introductory portion, (10)(a)(I), (10)(b), and (10)(c); and **add**
8 (3.5) as follows:

9 **24-4.1-102. Definitions.** As used in this part 1, unless the context
10 otherwise requires:

11 (1) "Applicant" means any victim of a compensable crime OR
12 COMPENSABLE ACT who applies to the fund for compensation under this
13 part 1. In the case of such victim's death, the term includes any person
14 who was ~~his~~ THE VICTIM'S dependent at the time of the death of that
15 victim.

16 (3.5) "COMPENSABLE ACT" MEANS AN ACT COMMITTED BY A
17 JUVENILE WHO IS TEN YEARS OF AGE OR OLDER BUT LESS THAN THIRTEEN
18 YEARS OF AGE, AND THAT, IF COMMITTED BY A PERSON WHO IS THIRTEEN
19 YEARS OF AGE OR OLDER, IS PUNISHABLE AS A CRIME IN THIS STATE THAT
20 IS AN INTENTIONAL, KNOWING, RECKLESS, OR NEGLIGENT ACT, INCLUDING:

21 (a) AN ACT IN VIOLATION OF SECTION 42-4-1301 (1) OR (2) THAT
22 RESULTS IN RESIDENTIAL PROPERTY DAMAGE TO OR BODILY INJURY OR
23 DEATH OF ANOTHER PERSON OR RESULTS IN LOSS OF OR DAMAGE TO
24 EYEGLASSES, DENTURES, HEARING AIDS, OR OTHER PROSTHETIC OR
25 MEDICALLY NECESSARY DEVICES;

26 (b) AN ACT IN VIOLATION OF SECTION 42-4-1402 THAT RESULTS IN
27 THE DEATH OR BODILY INJURY OF ANOTHER PERSON OR IN VIOLATION OF

1 SECTION 42-4-1601 IN WHICH THE ACCIDENT RESULTS IN THE DEATH OR
2 BODILY INJURY OF ANOTHER PERSON; OR

3 (c) A FEDERAL OFFENSE THAT IS COMPARABLE TO THOSE SPECIFIED
4 IN THIS SUBSECTION (3.5) AND IS COMMITTED IN THIS STATE.

5 (10) (a) "Victim" means any of the following persons who suffer
6 property damage, economic loss, injury, or death as a result of a
7 compensable crime OR COMPENSABLE ACT perpetrated or attempted in
8 whole or in part in this state:

9 (I) Any person against whom a compensable crime OR
10 COMPENSABLE ACT is perpetrated or attempted. Such person shall be
11 referred to as a "primary victim".

12 (b) "Victim" also means a person who suffers injury or death, the
13 proximate cause of which is a compensable crime OR COMPENSABLE ACT
14 perpetrated or attempted in the person's presence against a primary victim.

15 (c) "Victim" also means a person who is a resident of this state
16 and who is a victim of a crime that occurred outside of this state, where
17 the crime would be a compensable crime OR COMPENSABLE ACT had it
18 occurred in this state and where the state or country in which the crime
19 occurred does not have a crime victim compensation program for which
20 the person would be eligible.

21 SECTION 25. In Colorado Revised Statutes, 24-4.1-105, amend
22 (2)(b) as follows:

23 24-4.1-105. Application for compensation. (2) (b) In order to
24 be eligible for compensation for property damage under this part 1, the
25 applicant shall submit a report or case number, if reasonably available,
26 from a law enforcement agency, which shall set forth the nature of the
27 property damage ~~which~~ THAT is the result of a compensable crime OR

1 COMPENSABLE ACT.

2 **SECTION 26.** In Colorado Revised Statutes, 24-4.1-108, **amend**
3 (1)(a) and (1.5)(a) as follows:

4 **24-4.1-108. Awarding compensation.** (1) A person is entitled to
5 an award of compensation under this part 1 if:

6 (a) The person is a victim or a dependent of a victim or a
7 successor in interest under the "Colorado Probate Code" of a victim of a
8 compensable crime ~~which was~~ perpetrated on or after July 1, 1982, OR A
9 COMPENSABLE ACT PERPETRATED ON OR AFTER JULY 1, 2023, and ~~which~~
10 THE COMPENSABLE CRIME OR COMPENSABLE ACT resulted in a loss;

11 (1.5) A person is entitled to an award of compensation for
12 property damage under this part 1 if:

13 (a) The person is a victim of a compensable crime ~~which was~~
14 perpetrated on or after July 1, 1983, OR A COMPENSABLE ACT
15 PERPETRATED ON OR AFTER JULY 1, 2023, and ~~which~~ THE COMPENSABLE
16 CRIME OR COMPENSABLE ACT resulted in property damage;

17 **SECTION 27.** In Colorado Revised Statutes, 24-4.1-109, **amend**
18 (1.5)(a)(I)(A) as follows:

19 **24-4.1-109. Losses compensable.** (1.5) (a) Losses compensable
20 under this part 1 resulting from property damage include:

21 (I) (A) Repair or replacement of property damaged as a result of
22 a compensable crime OR COMPENSABLE ACT; or

23 **SECTION 28.** In Colorado Revised Statutes, 24-4.1-117, **amend**
24 (2) as follows:

25 **24-4.1-117. Fund created - control of fund.** (2) The fund
26 consists of all money paid as a cost or surcharge levied on criminal
27 actions, as provided in section 24-4.1-119; any federal money available

1 to state or local governments for victim compensation; all money received
2 from any action or suit to recover damages from an assailant for a
3 compensable crime ~~which~~ OR COMPENSABLE ACT THAT was the basis for
4 an award of, and limited to, compensation received under this part 1; any
5 restitution paid by an assailant to a victim for damages for a compensable
6 crime ~~which~~ OR COMPENSABLE ACT THAT was the basis for an award
7 received under this part 1 and for damages for which the victim has
8 received an award of, and limited to, compensation received under this
9 part 1; money transferred from the marijuana tax cash fund pursuant to
10 section 39-28.8-501 (4.9)(b); and any other money that the general
11 assembly may appropriate or transfer to the fund.

12

13 **SECTION 29. Effective date - applicability.** This act takes
14 effect January 1, 2024, and applies to offenses committed on or after said
15 date and to sentences ordered on or after said date; except that section 23,
16 this section 26, and section 27 of this act take effect upon passage.

17 **SECTION 30. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety.