

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

Gonzales-Gutierrez and Bacon, Jodeh, Sirota, Woodrow, Amabile, Benavidez, Burnett, Boesenecker, Cutter, Duran, Esgar, Froelich, Herod, Hooton, Kennedy, Kipp, Lindsay, Lontine, Michaelson Jenet, Ricks, Weissman

SENATE SPONSORSHIP

Gonzales,

House Committees

Judiciary
Appropriations

Senate Committees

Judiciary
Appropriations

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 AND**
104 **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 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

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
3rd Reading Unamended
April 28, 2022

HOUSE
Amended 2nd Reading
April 27, 2022

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 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, as compared to similarly situated children who are
6 served outside of the juvenile justice system, are more likely to enter the
7 criminal justice system as adults, more likely to present a future threat to
8 community safety, more likely to face mental health challenges, and less
9 likely to graduate from high school;

1 (b) Younger children who are in the juvenile justice system are at
2 a higher risk of becoming victims of violence within the juvenile justice
3 system;

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

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

13 (2) Therefore, the general assembly declares its intent to take the
14 first step toward ending the prosecution of children who are ten years of
15 age or older but under thirteen years of age, and ultimately to empower
16 community-based responses in the health, education, and child welfare
17 systems to serve children who are under thirteen years of age. The general
18 assembly supports, instead of prosecution, evidence-based and promising
19 practices and programs that improve outcomes for children and
20 community safety, and reduce and eliminate racial and ethnic disparities.

21 **SECTION 2.** In Colorado Revised Statutes, **add** 19-3-304.4 as
22 follows:

23 **19-3-304.4. Pre-adolescent services task force - duties - report**
24 **- repeal.** (1) (a) THE DEPARTMENT SHALL CREATE A PRE-ADOLESCENT
25 SERVICES TASK FORCE, REFERRED TO IN THIS SECTION AS THE "TASK
26 FORCE", TO EXAMINE GAPS IN SERVICES FOR JUVENILES WHO ARE TEN
27 YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE, IF ANY

1 WOULD BE CREATED IF THE MINIMUM AGE OF PROSECUTION OF JUVENILES
2 IS INCREASED FROM AGE TEN TO AGE THIRTEEN, AND TO MAKE
3 RECOMMENDATIONS FOR ADDRESSING THE GAPS IN SERVICES IDENTIFIED.

4 THE TASK FORCE SHALL:

5 (I) IDENTIFY THE SERVICES, IF ANY, THAT ARE CURRENTLY
6 PROVIDED THROUGH THE JUVENILE JUSTICE SYSTEM TO JUVENILES WHO
7 ARE TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE,
8 BUT WOULD NO LONGER BE AVAILABLE TO JUVENILES WHO ARE TEN YEARS
9 OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE IF THE MINIMUM
10 AGE OF PROSECUTION OF JUVENILES IS INCREASED TO THIRTEEN;

11 (II) IDENTIFY THE SERVICES, IF ANY, THAT ARE CURRENTLY
12 PROVIDED THROUGH THE JUVENILE JUSTICE SYSTEM TO CHILDREN
13 IDENTIFIED AS VICTIMS OF CRIMES COMMITTED BY JUVENILES WHO ARE
14 TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE, BUT
15 WOULD NO LONGER BE AVAILABLE TO CHILDREN IDENTIFIED AS VICTIMS
16 OF CRIMES COMMITTED BY JUVENILES WHO ARE TEN YEARS OF AGE OR
17 OLDER BUT UNDER THIRTEEN YEARS OF AGE IF THE MINIMUM AGE OF
18 PROSECUTION OF JUVENILES IS INCREASED TO THIRTEEN;

19 (III) MAKE RECOMMENDATIONS FOR HOW THE SERVICES
20 IDENTIFIED IN SUBSECTIONS (1)(a)(I) AND (1)(a)(II) OF THIS SECTION MAY
21 INSTEAD BE PROVIDED BY EXISTING AGENCIES OR ORGANIZATIONS
22 OUTSIDE OF THE JUVENILE JUSTICE SYSTEM, IF THE MINIMUM AGE OF
23 PROSECUTION OF JUVENILES IS INCREASED TO THIRTEEN; AND

24 (IV) MAKE RECOMMENDATIONS FOR HOW EXISTING OR POTENTIAL
25 FUNDING MAY BE UTILIZED TO PROVIDE SERVICES IDENTIFIED PURSUANT
26 TO SUBSECTIONS (1)(a)(I) AND (1)(a)(II) OF THIS SECTION OUTSIDE OF THE
27 JUVENILE JUSTICE SYSTEM, IF THE MINIMUM AGE OF PROSECUTION OF

1 JUVENILES IS INCREASED TO THIRTEEN.

2 (b) IN PERFORMING ITS DUTIES REQUIRED PURSUANT TO
3 SUBSECTION (1)(a) OF THIS SECTION, THE TASK FORCE SHALL CONSIDER:

4 (I) RELEVANT DATA, INCLUDING ANY AVAILABLE DATA
5 DEVELOPED PURSUANT TO SECTION 19-2.5-1404 (3), DATA FROM THE
6 DEPARTMENT OF HUMAN SERVICES RELATED TO YOUTH TEN YEARS OF AGE
7 OR OLDER BUT UNDER THIRTEEN YEARS OF AGE, AND EXPUNGED JUVENILE
8 DELINQUENT RECORDS RELATED TO YOUTH TEN YEARS OF AGE OR OLDER
9 BUT UNDER THIRTEEN YEARS OF AGE AT THE TIME THE CHARGES WERE
10 FILED;

11 (II) THE CURRENT OR POTENTIAL AVAILABILITY OF LOCAL, STATE,
12 OR FEDERAL RESOURCES TO ASSIST WITH PROVIDING SERVICES IDENTIFIED
13 PURSUANT TO SUBSECTIONS (1)(a)(I) AND (1)(a)(II) OF THIS SECTION;

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

17 (IV) OPPORTUNITIES TO UTILIZE AVAILABLE COLLABORATIVE
18 MANAGEMENT PROGRAMS CREATED PURSUANT TO SECTION 24-1.9-102,
19 JUVENILE SERVICES PLANNING COMMITTEES CREATED PURSUANT TO
20 SECTION 19-2.5-302, AND ASSESSMENT CENTERS FOR CHILDREN, AS
21 DEFINED IN SECTION 19-1-103 (13).

22 (c) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE
23 AND COUNTIES ONLY PURSUE APPROPRIATE MEASURES NECESSARY TO
24 SERVE AND PROTECT A CHILD AS NEEDED, AVOID ANY UNNECESSARY
25 INTERVENTION WHENEVER POSSIBLE, AND USE THE LEAST RESTRICTIVE
26 ALTERNATIVES AND APPROPRIATELY MATCHED SERVICES.

27 (d) (I) THE TASK FORCE SHALL CONVENE ON OR BEFORE AUGUST

1 1, 2022. THE APPOINTING AUTHORITIES SHALL APPOINT PERSONS FROM
2 THROUGHOUT THE STATE, PERSONS WITH A DISABILITY, AND PERSONS WHO
3 REFLECT THE RACIAL AND ETHNIC DIVERSITY OF THE STATE. THE TASK
4 FORCE CONSISTS OF:

5 (A) FOUR MEMBERS OF THE GENERAL ASSEMBLY, WITH ONE
6 APPOINTED BY THE SENATE MAJORITY LEADER, ONE APPOINTED BY THE
7 SENATE MINORITY LEADER, ONE APPOINTED BY THE HOUSE OF
8 REPRESENTATIVES MAJORITY LEADER, AND ONE APPOINTED BY THE HOUSE
9 OF REPRESENTATIVES MINORITY LEADER;

10 (B) A REPRESENTATIVE OF THE DIVISION OF CRIMINAL JUSTICE IN
11 THE DEPARTMENT OF PUBLIC SAFETY WHO IS FAMILIAR WITH FUNDING
12 MECHANISMS FOR DIVERSION, APPOINTED BY THE DIRECTOR OF THE
13 DIVISION OF CRIMINAL JUSTICE;

14 (C) A REPRESENTATIVE OF A LAW ENFORCEMENT AGENCY,
15 APPOINTED BY A STATEWIDE ORGANIZATION OF COUNTY SHERIFFS;

16 (D) A REPRESENTATIVE FROM A DISTRICT ATTORNEY'S OFFICE
17 WITH EXPERIENCE PROVIDING DIVERSION SERVICES AND SUPERVISION TO
18 JUVENILES, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE COLORADO
19 DISTRICT ATTORNEYS' COUNCIL;

20 (E) A REPRESENTATIVE FROM THE OFFICE OF THE STATE PUBLIC
21 DEFENDER OR OFFICE OF ALTERNATIVE DEFENSE COUNSEL WITH
22 EXPERIENCE REPRESENTING JUVENILES, APPOINTED BY THE STATE PUBLIC
23 DEFENDER;

24 (F) A REPRESENTATIVE WITH EXPERIENCE PROVIDING
25 PROBATIONARY SERVICES AND SUPERVISION TO JUVENILES, APPOINTED BY
26 THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT;

27 (G) THE DIRECTOR OF THE OFFICE OF THE CHILD'S

1 REPRESENTATIVE, OR THE DIRECTOR'S DESIGNEE;

2 (H) THE DIRECTOR OF THE OFFICE OF THE RESPONDENT PARENT'S
3 COUNSEL, OR THE DIRECTOR'S DESIGNEE;

4 (I) A REPRESENTATIVE OF THE DIVISION OF CHILD WELFARE,
5 APPOINTED BY THE DIRECTOR OF THE OFFICE OF CHILDREN, YOUTH, AND
6 FAMILIES;

7 (J) A REPRESENTATIVE OF THE BEHAVIORAL HEALTH
8 ADMINISTRATION WITH EXPERTISE CONCERNING THE DEVELOPMENT AND
9 OPERATION OF RAPID CRISIS RESPONSE TEAMS, APPOINTED BY THE
10 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES;

11 (K) TWO REPRESENTATIVES FROM PUBLIC SCHOOLS OR SCHOOL
12 DISTRICTS, OF WHOM, ONE REPRESENTATIVE IS FROM A RURAL SCHOOL
13 DISTRICT OR SMALL RURAL SCHOOL DISTRICT AS DEFINED IN SECTION
14 22-7-1211 (4), AND ONE REPRESENTATIVE IS FROM AN URBAN SCHOOL
15 DISTRICT, APPOINTED BY THE COMMISSIONER OF EDUCATION;

16 (L) A REPRESENTATIVE FROM A LOCAL COLLABORATIVE
17 MANAGEMENT PROGRAM CREATED PURSUANT TO SECTION 24-1.9-102,
18 APPOINTED BY THE COLLABORATIVE MANAGEMENT PROGRAM STATEWIDE
19 STEERING COMMITTEE;

20 (M) A REPRESENTATIVE FROM A LOCAL JUVENILE SERVICES
21 PLANNING COMMITTEE CREATED PURSUANT TO SECTION 19-2.5-302 FROM
22 A JUDICIAL DISTRICT WITH AN ASSESSMENT CENTER FOR CHILDREN,
23 APPOINTED BY THE COLORADO YOUTH DETENTION CONTINUUM ADVISORY
24 BOARD;

25 (N) A REPRESENTATIVE FROM THE RESTORATIVE JUSTICE
26 COORDINATING COUNCIL, APPOINTED BY THE RESTORATIVE JUSTICE
27 COORDINATING COUNCIL;

1 (O) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH
2 CARE POLICY AND FINANCING, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

3 (P) TWO REPRESENTATIVES FROM COUNTY DEPARTMENTS OF
4 HUMAN SERVICES, OF WHOM, ONE REPRESENTATIVE IS FROM A RURAL
5 COUNTY DEPARTMENT OF HUMAN SERVICES AND ONE REPRESENTATIVE IS
6 FROM AN URBAN COUNTY DEPARTMENT OF HUMAN SERVICES, APPOINTED
7 BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES,
8 OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

9 (Q) A REPRESENTATIVE WITH EXPERIENCE PROVIDING TREATMENT
10 TO YOUTH WHO HAVE PARTICIPATED IN PROBLEMATIC SEXUAL BEHAVIOR,
11 APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN
12 SERVICES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

13 (R) A REPRESENTATIVE FROM A COMMUNITY-BASED
14 ORGANIZATION THAT PROVIDES VICTIM SERVICES TO CHILDREN WHO ARE
15 VICTIMS OF CRIMES, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
16 DEPARTMENT OF HUMAN SERVICES, OR THE EXECUTIVE DIRECTOR'S
17 DESIGNEE;

18 (S) A REPRESENTATIVE FROM A COMMUNITY-BASED
19 ORGANIZATION THAT SERVES VICTIMS OF SEXUAL ASSAULT, APPOINTED BY
20 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, OR
21 THE EXECUTIVE DIRECTOR'S DESIGNEE;

22 (T) A REPRESENTATIVE WITH EXPERIENCE PROVIDING PEDIATRIC
23 MENTAL AND BEHAVIORAL HEALTH SERVICES, APPOINTED BY THE
24 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, OR THE
25 EXECUTIVE DIRECTOR'S DESIGNEE;

26 (U) A PEDIATRICIAN OR PEDIATRIC CLINICIAN, APPOINTED BY THE
27 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, OR THE

1 EXECUTIVE DIRECTOR'S DESIGNEE;

2 (V) A REPRESENTATIVE OF A NONPROFIT ORGANIZATION THAT
3 PROVIDES LEGAL SERVICES TO CHILDREN WHO ARE TEN YEARS OF AGE OR
4 OLDER BUT UNDER THIRTEEN YEARS OF AGE, APPOINTED BY THE
5 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, OR THE
6 EXECUTIVE DIRECTOR'S DESIGNEE;

7 (W) TWO REPRESENTATIVES FROM COMMUNITY ORGANIZATIONS
8 OR NONPROFIT ORGANIZATIONS THAT PROVIDE EVIDENCE-BASED OR
9 PROMISING PRACTICES THAT ARE CULTURALLY-RESPONSIVE AND
10 TRAUMA-INFORMED TO JUVENILES, APPOINTED BY THE EXECUTIVE
11 DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, OR THE EXECUTIVE
12 DIRECTOR'S DESIGNEE; AND

13 (X) THREE REPRESENTATIVES WHO EXPERIENCED INCARCERATION,
14 HOMELESSNESS, OR OUT-OF-HOME PLACEMENT AS A JUVENILE, OR WHO
15 ARE THE PARENT OR LEGAL GUARDIAN OF A JUVENILE WHO IS
16 EXPERIENCING OR EXPERIENCED INCARCERATION, HOMELESSNESS, OR
17 OUT-OF-HOME PLACEMENT AS A JUVENILE, APPOINTED BY THE EXECUTIVE
18 DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, OR THE EXECUTIVE
19 DIRECTOR'S DESIGNEE.

20 (II) MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT
21 COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES; EXCEPT
22 THAT THE REPRESENTATIVES APPOINTED PURSUANT TO SUBSECTIONS
23 (1)(d)(I)(A), (1)(d)(I)(W), AND (1)(d)(I)(X) MAY RECEIVE PER DIEM
24 COMPENSATION FOR EXPENSES INCURRED IN THE PERFORMANCE OF DUTIES
25 PURSUANT TO THIS SECTION.

26 (e) THE TASK FORCE SHALL MEET AT LEAST TWICE EVERY MONTH
27 FROM AUGUST THROUGH DECEMBER OF 2022, OR MORE FREQUENTLY AS

1 NEEDED TO PERFORM ITS DUTIES REQUIRED PURSUANT TO THIS SECTION.

2 (f) AT THE FIRST TASK FORCE MEETING, THE TASK FORCE MUST
3 SELECT A CHAIR AND VICE-CHAIR, AND ESTABLISH BYLAWS THAT INCLUDE
4 ENSURING A QUORUM, AND ENSURING THAT REPRESENTATIVES APPOINTED
5 PURSUANT TO SUBSECTIONS (1)(d)(I)(W) AND (1)(d)(I)(X) ARE ABLE TO
6 REGULARLY ATTEND AND PARTICIPATE IN MEETINGS. THE TASK FORCE
7 MUST CONSIDER HOLDING MEETINGS OUTSIDE BUSINESS HOURS, VIRTUAL
8 MEETINGS, AND PROVIDING REIMBURSEMENT FOR MEETING EXPENSES AS
9 APPROPRIATE.

10 (g) THE TASK FORCE SHALL CREATE A REPORT CONTAINING THE
11 EXAMINATION AND RECOMMENDATIONS MADE BY THE TASK FORCE
12 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION BY DECEMBER 30,
13 2022, AND PROVIDE THAT REPORT TO THE JUDICIARY COMMITTEES OF THE
14 HOUSE OF REPRESENTATIVES AND THE SENATE, AND TO THE PUBLIC AND
15 BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
16 REPRESENTATIVES AND THE HEALTH AND HUMAN SERVICES COMMITTEE OF
17 THE SENATE, OR ANY SUCCESSOR COMMITTEES.

18 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2023.

19 **SECTION 3.** In Colorado Revised Statutes, 19-1-306, **add** (3)(g)
20 as follows:

21 **19-1-306. Expungement of juvenile delinquent records -**
22 **definition - repeal.** (3) (g) (I) NOTWITHSTANDING ANY ORDER FOR
23 EXPUNGEMENT ISSUED PURSUANT TO THIS SECTION, ANY RECORD THAT IS
24 ORDERED EXPUNGED IS AVAILABLE TO THE PRE-ADOLESCENT SERVICES
25 TASK FORCE CREATED PURSUANT TO SECTION 19-3-304.4 FOR THE
26 PURPOSE OF PERFORMING ITS REQUIRED DUTIES.

27 (II) THIS SUBSECTION (3)(g) IS REPEALED, EFFECTIVE JULY 1, 2023.

1 **SECTION 4. Appropriation.** (1) For the 2022-23 state fiscal
2 year, \$105,000 is appropriated to the department of human services for
3 use by the division of child welfare. This appropriation is from the
4 general fund. To implement this act, the division may use this
5 appropriation for administration.

6 (2) For the 2022-23 state fiscal year, \$9,433 is appropriated to the
7 legislative department for use by the general assembly. This appropriation
8 is from the general fund. To implement this act, the general assembly may
9 use this appropriation for per diem and travel expenses.

10 **SECTION 5. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, or safety.