

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0331.01 Michael Dohr x4347

HOUSE BILL 22-1211

HOUSE SPONSORSHIP

Soper and Gonzales-Gutierrez,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE COMMITTEE ON JUVENILE
102 JUSTICE REFORM, AND, IN CONNECTION THEREWITH,
103 IMPLEMENTING THE RECOMMENDATION CONTAINED IN THE
104 2021 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY
105 AGENCIES TO SUNSET THE COMMITTEE ON JUVENILE JUSTICE
106 REFORM.

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/>.)

Sunset Process - House Judiciary Committee. 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.

implements the recommendation of the department of regulatory agencies' sunset review and report concerning the committee on juvenile justice reform by repealing the committee.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal** part 24 of
3 article 33.5 of title 24.

4 **SECTION 2.** In Colorado Revised Statutes, 2-3-1203, **repeal**
5 (13)(a)(V) as follows:

6 **2-3-1203. Sunset review of advisory committees - legislative**
7 **declaration - definition - repeal.** (13) (a) The following statutory
8 authorizations for the designated advisory committees are scheduled for
9 repeal on September 1, 2022:

10 (V) ~~The juvenile justice reform committee created pursuant to~~
11 ~~section 24-33.5-2401;~~

12 **SECTION 3.** In Colorado Revised Statutes, 19-2.5-402, **amend**
13 (4)(a) and (8)(a) as follows:

14 **19-2.5-402. Juvenile diversion program - authorized - report**
15 **- allocation of money - legislative declaration - definitions.** (4) District
16 attorneys' offices or the office's designees shall:

17 (a) On and after January 1, 2021, conduct a risk screening using
18 a risk screening tool selected pursuant to section 24-33.5-2402 (1)(c), AS
19 IT EXISTED PRIOR TO ITS REPEAL IN 2022, for all juveniles referred to the
20 district attorney pursuant to section 19-2.5-201, unless the juvenile is
21 currently committed or on parole, a determination has already been made
22 to divert the juvenile, OR the district attorney declines to file charges,
23 dismisses the case, or charges the juvenile with a class 1 or class 2 felony.
24 The district attorney's office shall conduct the risk screening or contract

1 with an alternative agency that has been formally designated by the
2 district attorney's office to conduct the screening, in which case the results
3 of the screening must be made available to the district attorney's office.
4 The entity conducting the screening shall make the results of the risk
5 screening available to the juvenile and the juvenile's family. All
6 individuals using the risk screening tool must receive training on the
7 appropriate use of the tool. The risk screening tool is for informing
8 decisions about diversion. The risk screening tool and any information
9 obtained from a juvenile in the course of any screening, including any
10 admission, confession, or incriminating evidence, obtained from a
11 juvenile in the course of any screening or assessment in conjunction with
12 proceedings pursuant to this section or made in order to participate in a
13 diversion or restorative justice program is not admissible into evidence in
14 any adjudicatory hearing in which the juvenile is accused and is not
15 subject to subpoena or any other court process for use in any other
16 proceeding or for any other purpose.

17 (8) (a) The director may implement a behavioral or mental health
18 screening program to screen juveniles who participate in the juvenile
19 diversion program. If the director chooses to implement a behavioral or
20 mental health screening program, the director shall use the mental health
21 screening tool selected pursuant to section 24-33.5-2402 (1)(b), AS IT
22 EXISTED PRIOR TO ITS REPEAL IN 2022, and conduct the screening in
23 accordance with procedures established pursuant to that section.

24 **SECTION 4.** In Colorado Revised Statutes, 19-2.5-612, **amend**
25 (2) and (7)(c) as follows:

26 **19-2.5-612. Mental health services for juvenile - how and when**
27 **issue raised - procedure - definitions.** (2) After the party advises the

1 court of the party's belief that the juvenile could benefit from mental
2 health services, the court shall immediately order a mental health
3 screening of the juvenile pursuant to section 16-11.9-102 using the mental
4 health screening tool selected pursuant to section 24-33.5-2402 (1)(b), AS
5 IT EXISTED PRIOR TO ITS REPEAL IN 2022, unless the court already has
6 sufficient information to determine whether the juvenile could benefit
7 from mental health services or unless a mental health screening of the
8 juvenile has been completed within the last three months. Before
9 sentencing a juvenile, the court shall order a mental health screening
10 using the mental health screening tool selected pursuant to section
11 24-33.5-2402 (1)(b), AS IT EXISTED PRIOR TO ITS REPEAL IN 2022, or make
12 a finding that the screening would not provide information that would be
13 helpful in sentencing the juvenile. The court shall not stay or suspend
14 delinquency proceedings pending the results of the mental health
15 screening ordered pursuant this section. However, the court may continue
16 the dispositional and sentencing hearing to await the results of the mental
17 health screening.

18 (7) For purposes of this section:

19 (c) "Screening" means a short validated mental health screening
20 adopted by the COMMITTEE ON juvenile justice reform ~~committee~~ pursuant
21 to section 24-33.5-2402 (1)(b), AS IT EXISTED PRIOR TO ITS REPEAL IN
22 2022, to identify juveniles who may have mental health needs.

23 **SECTION 5.** In Colorado Revised Statutes, 19-2.5-1108, **amend**
24 (2)(a) introductory portion and (2)(b) as follows:

25 **19-2.5-1108. Probation - terms - release - revocation -**
26 **graduated responses system - rules - report - definition.**

27 (2) (a) Conditions of probation must be customized to each juvenile

1 based on the guidelines developed by the committee on juvenile justice
2 reform pursuant to section 24-33.5-2402, AS IT EXISTED PRIOR TO ITS
3 REPEAL IN 2022. The court shall, as minimum conditions of probation,
4 order that the juvenile:

5 (b) The court shall use the results from a validated risk and needs
6 assessment adopted by the COMMITTEE ON juvenile justice reform
7 ~~committee~~ pursuant to section 24-33.5-2402, AS IT EXISTED PRIOR TO ITS
8 REPEAL IN 2022, to inform the court of additional conditions of probation,
9 as necessary.

10 **SECTION 6.** In Colorado Revised Statutes, 19-2.5-1109, **amend**
11 (1) introductory portion and (1)(e) as follows:

12 **19-2.5-1109. Juvenile probation standards - development.**

13 (1) Before July 1, 2021, the state court administrator, in consultation with
14 judges, the judicial branch, district attorneys, defense counsel, the
15 delivery of child welfare services task force created in section 26-5-105.8,
16 and other interested parties shall establish statewide standards for juvenile
17 probation supervision and services that are aligned with research-based
18 practices and based on the juvenile's risk of reoffending, as determined
19 by a validated risk and needs assessment tool adopted pursuant to section
20 24-33.5-2402, AS IT EXISTED PRIOR TO ITS REPEAL IN 2022. The state court
21 administrator shall at least annually provide training to juvenile probation
22 on the adoption and implementation of these standards. Juvenile standards
23 must include, but need not be limited to:

24 (e) Common criteria for when juvenile probation officers may
25 recommend the use of out-of-home placements and commitment to the
26 division of youth services. The court shall consider the results of a
27 validated risk and needs assessment, a validated mental health screening,

1 and, if applicable, a full mental health assessment ~~conducted pursuant to~~
2 ~~section 24-33.5-2402~~ to make decisions concerning the juvenile's
3 placement.

4 **SECTION 7.** In Colorado Revised Statutes, 19-2.5-1117, **amend**
5 (7)(a) introductory portion, (7)(a)(I), and (7)(a)(IV) as follows:

6 **19-2.5-1117. Sentencing - commitment to the department of**
7 **human services - definitions.** (7) (a) On or before January 1, 2021, the
8 department of human services, in consultation with the COMMITTEE ON
9 juvenile justice reform ~~committee~~ established pursuant to section
10 24-33.5-2401, AS IT EXISTED PRIOR TO ITS REPEAL IN 2022, shall develop
11 a length of stay matrix and establish criteria to guide the release of
12 juveniles from a state facility that are based on:

13 (I) A juvenile's risk of reoffending, as determined by the results
14 of a validated risk and needs assessment adopted pursuant to section
15 24-33.5-2402 (1)(a), AS IT EXISTED PRIOR TO ITS REPEAL IN 2022;

16 (IV) Other criteria as determined by the department. ~~and the~~
17 ~~juvenile justice reform committee.~~

18 **SECTION 8.** In Colorado Revised Statutes, 19-2.5-1402, **amend**
19 (4)(b) as follows:

20 **19-2.5-1402. Juvenile community review board.** (4) (b) The
21 board shall review the juvenile's case file and make a decision regarding
22 residential community placement, taking into consideration the results of
23 a validated risk and needs assessment adopted pursuant to section
24 24-33.5-2402 (1), AS IT EXISTED PRIOR TO ITS REPEAL IN 2022, by the
25 department of human services, the criteria established by the juvenile
26 community review board based on the interests of the community, and
27 guidance established by the department of human services in consultation

1 with the COMMITTEE ON juvenile justice reform ~~committee~~ established
2 pursuant to section 24-33.5-2401, AS IT EXISTED PRIOR TO ITS REPEAL IN
3 2022. The criteria must be based upon researched factors that have been
4 demonstrated to be correlative to risk to the community.

5 **SECTION 9. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly; except
8 that, if a referendum petition is filed pursuant to section 1 (3) of article V
9 of the state constitution against this act or an item, section, or part of this
10 act within such period, then the act, item, section, or part will not take
11 effect unless approved by the people at the general election to be held in
12 November 2022 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.