

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. 22-0331.01 Michael Dohr x4347

HOUSE BILL 22-1211

HOUSE SPONSORSHIP

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House Committees
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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.

HOUSE
Amended 3rd Reading
March 3, 2022

HOUSE
Amended 2nd Reading
March 2, 2022

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, 24-33.5-2402, **add**
3 (1.5) as follows:

4 **24-33.5-2402. Juvenile justice reform committee - duties.**
5 (1.5) THE COMMITTEE SHALL COMPLETE THE TASKS IDENTIFIED IN
6 SUBSECTIONS (1)(a)(II)(B), (1)(a)(II)(C), (1)(a)(II)(D), AND (1)(e)(III) OF
7 THIS SECTION BEFORE THE REPEAL OF THE COMMITTEE.

8 **SECTION 2.** In Colorado Revised Statutes, **amend 24-33.5-2403**
9 **as follows:**

10 **24-33.5-2403. Repeal of part.** This part 24 is repealed, effective
11 **September 1 DECEMBER 31, 2022.** Before its repeal, this part 24 is
12 **scheduled for review in accordance with section 2-3-1203.**

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

15 **SECTION 4.** In Colorado Revised Statutes, 2-3-1203, **repeal**
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 pursuant to~~
22 ~~section 24-33.5-2401;~~

23 **SECTION 5.** In Colorado Revised Statutes, 19-2.5-402, **amend**
24 (4)(a) and (8)(a) as follows:

1 **19-2.5-402. Juvenile diversion program - authorized - report**
2 **- allocation of money - legislative declaration - definitions.** (4) District
3 attorneys' offices or the office's designees shall:

4 (a) On and after January 1, 2021, conduct a risk screening using
5 a risk screening tool selected pursuant to section 24-33.5-2402 (1)(c), AS
6 IT EXISTED PRIOR TO ITS REPEAL IN 2022, for all juveniles referred to the
7 district attorney pursuant to section 19-2.5-201, unless the juvenile is
8 currently committed or on parole, a determination has already been made
9 to divert the juvenile, OR the district attorney declines to file charges,
10 dismisses the case, or charges the juvenile with a class 1 or class 2 felony.
11 The district attorney's office shall conduct the risk screening or contract
12 with an alternative agency that has been formally designated by the
13 district attorney's office to conduct the screening, in which case the results
14 of the screening must be made available to the district attorney's office.
15 The entity conducting the screening shall make the results of the risk
16 screening available to the juvenile and the juvenile's family. All
17 individuals using the risk screening tool must receive training on the
18 appropriate use of the tool. The risk screening tool is for informing
19 decisions about diversion. The risk screening tool and any information
20 obtained from a juvenile in the course of any screening, including any
21 admission, confession, or incriminating evidence, obtained from a
22 juvenile in the course of any screening or assessment in conjunction with
23 proceedings pursuant to this section or made in order to participate in a
24 diversion or restorative justice program is not admissible into evidence in
25 any adjudicatory hearing in which the juvenile is accused and is not
26 subject to subpoena or any other court process for use in any other
27 proceeding or for any other purpose.

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

8 **SECTION 6.** In Colorado Revised Statutes, 19-2.5-612, **amend**
9 (2) and (7)(c) as follows:

10 **19-2.5-612. Mental health services for juvenile - how and when**
11 **issue raised - procedure - definitions.** (2) After the party advises the
12 court of the party's belief that the juvenile could benefit from mental
13 health services, the court shall immediately order a mental health
14 screening of the juvenile pursuant to section 16-11.9-102 using the mental
15 health screening tool selected pursuant to section 24-33.5-2402 (1)(b), AS
16 IT EXISTED PRIOR TO ITS REPEAL IN 2022, unless the court already has
17 sufficient information to determine whether the juvenile could benefit
18 from mental health services or unless a mental health screening of the
19 juvenile has been completed within the last three months. Before
20 sentencing a juvenile, the court shall order a mental health screening
21 using the mental health screening tool selected pursuant to section
22 24-33.5-2402 (1)(b), AS IT EXISTED PRIOR TO ITS REPEAL IN 2022, or make
23 a finding that the screening would not provide information that would be
24 helpful in sentencing the juvenile. The court shall not stay or suspend
25 delinquency proceedings pending the results of the mental health
26 screening ordered pursuant this section. However, the court may continue
27 the dispositional and sentencing hearing to await the results of the mental

1 health screening.

2 (7) For purposes of this section:

3 (c) "Screening" means a short validated mental health screening
4 adopted by the COMMITTEE ON juvenile justice reform ~~committee~~ pursuant
5 to section 24-33.5-2402 (1)(b), AS IT EXISTED PRIOR TO ITS REPEAL IN
6 2022, to identify juveniles who may have mental health needs.

7 **SECTION 7.** In Colorado Revised Statutes, 19-2.5-1108, **amend**
8 (2)(a) introductory portion and (2)(b) as follows:

9 **19-2.5-1108. Probation - terms - release - revocation -**
10 **graduated responses system - rules - report - definition.**

11 (2) (a) Conditions of probation must be customized to each juvenile
12 based on the guidelines developed by the committee on juvenile justice
13 reform pursuant to section 24-33.5-2402, AS IT EXISTED PRIOR TO ITS
14 REPEAL IN 2022. The court shall, as minimum conditions of probation,
15 order that the juvenile:

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

21 **SECTION 8.** In Colorado Revised Statutes, 19-2.5-1109, **amend**
22 (1) introductory portion and (1)(e) as follows:

23 **19-2.5-1109. Juvenile probation standards - development.**

24 (1) Before July 1, 2021, the state court administrator, in consultation with
25 judges, the judicial branch, district attorneys, defense counsel, the
26 delivery of child welfare services task force created in section 26-5-105.8,
27 and other interested parties shall establish statewide standards for juvenile

1 probation supervision and services that are aligned with research-based
2 practices and based on the juvenile's risk of reoffending, as determined
3 by a validated risk and needs assessment tool adopted pursuant to section
4 24-33.5-2402, AS IT EXISTED PRIOR TO ITS REPEAL IN 2022. The state court
5 administrator shall at least annually provide training to juvenile probation
6 on the adoption and implementation of these standards. Juvenile standards
7 must include, but need not be limited to:

8 (e) Common criteria for when juvenile probation officers may
9 recommend the use of out-of-home placements and commitment to the
10 division of youth services. The court shall consider the results of a
11 validated risk and needs assessment, a validated mental health screening,
12 and, if applicable, a full mental health assessment ~~conducted pursuant to~~
13 ~~section 24-33.5-2402~~ to make decisions concerning the juvenile's
14 placement.

15 **SECTION 9.** In Colorado Revised Statutes, 19-2.5-1117, **amend**
16 (7)(a) introductory portion, (7)(a)(I), and (7)(a)(IV) as follows:

17 **19-2.5-1117. Sentencing - commitment to the department of**
18 **human services - definitions.** (7) (a) On or before January 1, 2021, the
19 department of human services, in consultation with the COMMITTEE ON
20 juvenile justice reform ~~committee~~ established pursuant to section
21 24-33.5-2401, AS IT EXISTED PRIOR TO ITS REPEAL IN 2022, shall develop
22 a length of stay matrix and establish criteria to guide the release of
23 juveniles from a state facility that are based on:

24 (I) A juvenile's risk of reoffending, as determined by the results
25 of a validated risk and needs assessment adopted pursuant to section
26 24-33.5-2402 (1)(a), AS IT EXISTED PRIOR TO ITS REPEAL IN 2022;

27 (IV) Other criteria as determined by the department. ~~and the~~

1 juvenile justice reform committee.

2 **SECTION 10.** In Colorado Revised Statutes, 19-2.5-1402,
3 **amend** (4)(b) as follows:

4 **19-2.5-1402. Juvenile community review board.** (4) (b) The
5 board shall review the juvenile's case file and make a decision regarding
6 residential community placement, taking into consideration the results of
7 a validated risk and needs assessment adopted pursuant to section
8 24-33.5-2402 (1), AS IT EXISTED PRIOR TO ITS REPEAL IN 2022, by the
9 department of human services, the criteria established by the juvenile
10 community review board based on the interests of the community, and
11 guidance established by the department of human services in consultation
12 with the COMMITTEE ON juvenile justice reform ~~committee~~ established
13 pursuant to section 24-33.5-2401, AS IT EXISTED PRIOR TO ITS REPEAL IN
14 2022. The criteria must be based upon researched factors that have been
15 demonstrated to be correlative to risk to the community.

16 **SECTION 11. Act subject to petition - effective date.** Sections
17 3 through 10 of this act take effect December 31, 2022, and the remainder
18 of this act takes effect at 12:01 a.m. on the day following the expiration
19 of the ninety-day period after final adjournment of the general assembly;
20 except that, if a referendum petition is filed pursuant to section 1 (3) of
21 article V of the state constitution against this act or an item, section, or
22 part of this act within such period, then the act, item, section, or part will
23 not take effect unless approved by the people at the general election to be
24 held in November 2022 and, in such case, will take effect on the date of
25 the official declaration of the vote thereon by the governor; except that
26 sections 2 through 9 of this act take effect December 31, 2022. ■