

CHAPTER 39

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 23-1145

BY REPRESENTATIVE(S) Sharbini and English, Bacon, Bockenfeld, Boesenecker, Brown, Dickson, Duran, Froelich, Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Joseph, Lieder, Lindsay, Mabrey, Marshall, Martinez, Mauro, McLachlan, Michaelson Jenet, Ortiz, Parenti, Ricks, Snyder, Velasco, McCluskie;
also SENATOR(S) Fields and Exum, Buckner, Coleman, Hansen, Moreno, Priola.

AN ACT**CONCERNING JUVENILES ORDERED BY A COURT TO BE DETAINED IN AN ADULT FACILITY WHILE AWAITING TRIAL.**

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

SECTION 1. In Colorado Revised Statutes, 19-2.5-305, **amend** (3)(c)(VI); and **add** (3)(c)(VII) and (3)(c)(VIII) as follows:

19-2.5-305. Detention and shelter - hearing - time limits - findings - review - confinement with adult offenders - restrictions. (3) (c) (VI) If, AFTER THE INITIAL HEARING, the district court determines that an adult jail is the appropriate place of confinement for the juvenile, the juvenile may petition the court for a review hearing. The juvenile may ~~not~~ petition for a review hearing within ~~thirty-five~~ THIRTY days after the initial confinement decision or within ~~thirty-five~~ THIRTY days after any subsequent review hearing. Upon receipt of the petition, the court may set the matter for a hearing if the juvenile has alleged facts or circumstances that, if true, would warrant reconsideration of the juvenile's placement in an adult jail based upon the factors set forth in subsection (3)(c)(III) of this section and the factors previously relied upon by the court. THE COURT SHALL, UPON PETITION OF THE JUVENILE, HOLD A HEARING TO REVIEW WHETHER CONTINUING TO PERMIT THE JUVENILE TO BE HELD IN AN ADULT JAIL OR TO HAVE SIGHT OR SOUND RESTRICTION SERVES THE INTEREST OF JUSTICE. THE JUVENILE SHALL NOT BE HELD IN ANY ADULT JAIL OR LOCKUP, OR BE PERMITTED TO HAVE SIGHT OR SOUND CONTACT WITH ADULT INMATES, FOR MORE THAN ONE HUNDRED EIGHTY CONSECUTIVE DAYS, UNLESS THE COURT, IN WRITING, DETERMINES THERE IS GOOD CAUSE FOR AN EXTENSION OR THE JUVENILE EXPRESSLY WAIVES THIS LIMITATION.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(VII) IF THE COURT MUST DETERMINE THAT IT IS IN THE INTEREST OF JUSTICE TO DETAIN A JUVENILE PURSUANT TO THE FACTORS SET FORTH IN SUBSECTION (3)(c)(III) OF THIS SECTION, THE COURT SHALL HOLD A HEARING AT LEAST EVERY THIRTY DAYS, OR AT LEAST EVERY FORTY-FIVE DAYS IN A RURAL JURISDICTION, TO REVIEW WHETHER IT IS STILL IN THE INTEREST OF JUSTICE TO CONTINUE TO DETAIN THE JUVENILE IN AN ADULT JAIL. THE REVIEW HEARINGS MAY OCCUR BY PAPER IF THE JUVENILE DOES NOT PETITION THE COURT FOR A REVIEW HEARING.

(VIII) THE MAXIMUM AMOUNT OF TIME THAT A JUVENILE CHARGED AS AN ADULT MAY BE DETAINED IN AN ADULT JAIL IS ONE HUNDRED EIGHTY DAYS, UNLESS THE COURT DETERMINES, IN WRITING, THAT THERE IS GOOD CAUSE FOR AN EXTENSION, OR THE JUVENILE EXPRESSLY WAIVES THE ONE-HUNDRED-EIGHTY-DAY LIMIT. IF THE COURT HOLDS A GOOD CAUSE HEARING TO ESTABLISH THE JUVENILE'S CONTINUED DETENTION IN THE ADULT JAIL, THE COURT SHALL PROCEED WITH HOLDING THIRTY- AND FORTY-FIVE-DAY REVIEW HEARINGS AS REQUIRED BY SUBSECTION (3)(c)(VII) OF THIS SECTION.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: March 23, 2023