



Hearing Timelines Juveniles In Adult Facilities

HB23-1145

Reps. Sharbini & English

A technical fix to align Colorado hearing timelines with the federal “Juvenile Justice and Delinquency Prevention Act”

Objective

The bill aligns the hearing timelines for Colorado juveniles held in adult facilities with the required timelines outlined in the revised federal Juvenile Justice and Delinquency Prevention Act.

Background

The revised federal “Juvenile Justice and Delinquency Prevention Act” (JJDP Act) created new guidelines for juveniles held in adult facilities. When charged and tried as an adult, a juvenile may be held in an adult facility only when it is in the interest of justice and all required guidelines are met. Additionally, the court must hold a hearing every 30 days to review whether continued placement in an adult facility is still in the best interest of justice. This timeline is extended to 45 days in rural jurisdictions. Current Colorado law aligns with the requirements of the revised JJDP Act, with the exception of the required hearing time frames laid out in Section 223(a)(11)(B) of the JJDP Act. This bill will update the state statute to be in compliance with the federal statute.

Specific Changes

HB23-1145 removes language in Colorado Revised Statutes 19-2.5-305 (3)(c)(VI) requiring a 35-day waiting period before a juvenile in an adult facility may petition the court for a placement hearing. The timeline is updated to 45 days in rural jurisdictions and 30 days in all other instances, and allows the hearing to be held on paper if a juvenile does not petition the court for a hearing. The bill also adds language prohibiting the incarceration of a juvenile in an adult facility for more than 180 consecutive days without good cause as determined by the courts or in the event the juvenile waives the limitation. In this case, review hearings are still to be held every 30 or 45 days.

Bottom Line

Aligning Colorado law with the JJDP Act will best serve the interests of justice and ensure juveniles are held in the appropriate facility. This change will also keep Colorado eligible to receive federal juvenile justice grant funding critical to supporting the Juvenile Justice and Delinquency Prevention Council.