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Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
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BILL 6

LLS NO. 24-0278.01 Alana Rosen x2606

INTERIM COMMITTEE BILL

**Legislative Oversight Committee Concerning the Treatment of Persons
with Behavioral Health Disorders in the Criminal and Juvenile Justice
Systems**

BILL TOPIC: Factors For Juvenile Diversion Programs
DEADLINES: File by: 10/3/2023

A BILL FOR AN ACT

101 **CONCERNING FACTORS DISTRICT ATTORNEYS' OFFICES TAKE INTO**
102 **ACCOUNT IN CONSIDERING WHETHER TO PLACE A YOUTH INTO**
103 **A JUVENILE DIVERSION PROGRAM.**

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/>.)

Legislative Oversight Committee Concerning the Treatment of Persons with Behavioral Health Disorders in the Criminal and Juvenile Justice Systems. The bill requires a district attorney's office, or the office's designee, to use a juvenile diversion program (program) to prevent a juvenile who demonstrates behaviors or symptoms consistent

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

with an intellectual and developmental disability, a mental or behavioral health issue, or a lack of mental capacity from further involvement in formal delinquency proceedings.

Current law allows programs to use the results of an approved and validated assessment tool to identify the appropriate diversion services a juvenile may need and the professionals who may provide the services. The bill adds behavioral health services and services for juveniles with developmental disabilities to the types of services a juvenile may need and adds behavioral health treatment providers and providers who offer services to juveniles with developmental disabilities to the list of professionals who may provide the appropriate diversion services.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-2.5-402, **amend**
3 (1)(c)(I), (3)(e), (4)(c)(III), (4)(c)(IV), and (4.5)(c); and **add** (4)(b.5),
4 (4)(c)(V), and (4)(c.5) as follows:

5 **19-2.5-402. Juvenile diversion program - authorized - report**
6 **- allocation of money - legislative declaration - definitions.** (1)(c) The
7 goals of the diversion programs are to:

8 (I) Prevent further involvement of a juvenile, INCLUDING A
9 JUVENILE WHO DEMONSTRATES BEHAVIORS OR SYMPTOMS CONSISTENT
10 WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY, A MENTAL OR
11 BEHAVIORAL HEALTH ISSUE, OR A LACK OF MENTAL CAPACITY, in the
12 formal legal system;

13 (3) For purposes of this section:

14 (e) "Services" may include, but are not limited to, provision of
15 diagnostic needs assessment, general counseling and counseling during
16 a crisis situation, BEHAVIORAL HEALTH SERVICES, SERVICES FOR
17 JUVENILES WITH DEVELOPMENTAL DISABILITIES, specialized tutoring, job
18 training and placement, restitution programs, community service,
19 constructive recreational activities, day reporting and day treatment

1 programs, and follow-up activities.

2 (4) District attorneys' offices or the office's designees shall:

3 (b.5) USE DIVERSION TO PREVENT A JUVENILE WHO
4 DEMONSTRATES BEHAVIORS OR SYMPTOMS CONSISTENT WITH AN
5 INTELLECTUAL AND DEVELOPMENTAL DISABILITY, A MENTAL HEALTH OR
6 BEHAVIORAL HEALTH ISSUE, OR A LACK OF MENTAL CAPACITY FROM
7 FURTHER INVOLVEMENT IN FORMAL DELINQUENCY PROCEEDINGS. THE
8 DISTRICT ATTORNEYS' OFFICES, OR THE OFFICES' DESIGNEES, SHALL USE
9 AVAILABLE INFORMATION AND MAY SCREEN FOR THE PRESENCE OF THESE
10 BEHAVIORS OR SYMPTOMS, BUT A FORMAL EVALUATION OR DIAGNOSIS IS
11 NOT REQUIRED.

12 (c) Not deny diversion to a juvenile based on the juvenile's:

13 (III) Age, race or ethnicity, gender, gender identity, gender
14 expression, or sexual orientation; ~~or~~

15 (IV) Legal representation; OR

16 (V) BEHAVIORS OR SYMPTOMS CONSISTENT WITH AN
17 INTELLECTUAL AND DEVELOPMENTAL DISABILITY, A MENTAL HEALTH OR
18 BEHAVIORAL HEALTH ISSUE, OR A LACK OF MENTAL CAPACITY, UNLESS
19 THE BEHAVIORS OR SYMPTOMS ARE SO SEVERE THAT THE JUVENILE
20 CANNOT UNDERSTAND OR PARTICIPATE IN DIVERSION.

21 (c.5) IN A CASE IN WHICH A JUVENILE DEMONSTRATES BEHAVIORS
22 OR SYMPTOMS THAT ARE SO SEVERE THAT THE JUVENILE CANNOT
23 UNDERSTAND OR PARTICIPATE IN DIVERSION, CONSIDER ALL AVAILABLE
24 ALTERNATIVES, INCLUDING, BUT NOT LIMITED TO, REFERRAL TO THE STATE
25 DEPARTMENT OR A COLLABORATIVE MANAGEMENT PROGRAM IN LIEU OF
26 ADJUDICATION IF IT IS LIKELY THAT A JUVENILE WOULD BE FOUND
27 INCOMPETENT AND UNLIKELY TO BE RESTORED IN THE FORESEEABLE

1 FUTURE.

2 (4.5) Diversion programs may use the results of an approved
3 validated assessment tool to inform:

4 (c) What services, if any, may be offered to the juvenile.
5 Professionals involved with the juvenile's needs, treatment, and service
6 planning, including district attorneys, public defenders, probation,
7 BEHAVIORAL HEALTH TREATMENT PROVIDERS, PROVIDERS WHO OFFER
8 SERVICES TO JUVENILES FOR DEVELOPMENTAL DISABILITIES, and state and
9 local governmental entities, such as the state department of human
10 services and county departments of human or social services,
11 nongovernmental agencies, and individuals collaborating to provide
12 appropriate diversion services.

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