

## CHAPTER 289

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**CHILDREN AND DOMESTIC MATTERS**


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**HOUSE BILL 93-1064**

BY REPRESENTATIVES Greenwood, Armstrong, Benavidez, Friednash, Kerns, Morrison, Pierson, and Rupert;  
also SENATORS Rizzuto, Bishop, Casey, Hopper, Mendez, Norton, Traylor, and Wham.

**AN ACT****CONCERNING THE RELEASE OF JUVENILES PRIOR TO ADJUDICATION.**

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

**SECTION 1.** 19-2-203 (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended, and the said 19-2-203 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**19-2-203. Duty of officer - notification - release or detention.** (1.5) THE JUVENILE SHALL BE DETAINED IF THE LAW ENFORCEMENT OFFICER OR THE COURT DETERMINES THAT THE JUVENILE'S IMMEDIATE WELFARE OR THE PROTECTION OF THE COMMUNITY REQUIRE THAT THE JUVENILE BE DETAINED. IN DETERMINING WHETHER A JUVENILE REQUIRES DETENTION, THE LAW ENFORCEMENT OFFICER OR THE COURT SHALL FOLLOW CRITERIA FOR THE PLACEMENT OF JUVENILE OFFENDERS, WHICH CRITERIA IS ESTABLISHED IN ACCORDANCE WITH SECTION 19-2-1602.

(2) The juvenile shall ~~then~~ be released to the care of ~~his~~ SUCH JUVENILE'S parents or other responsible adult, unless ~~his~~ A DETERMINATION HAS BEEN MADE IN ACCORDANCE WITH SUBSECTION (1.5) OF THIS SECTION THAT SUCH JUVENILE'S immediate welfare or the protection of the community requires that ~~he~~ SUCH JUVENILE be detained. The court may make reasonable orders as conditions of said release, ~~and~~ WHICH CONDITIONS MAY INCLUDE PARTICIPATION IN A PREADJUDICATION SERVICE PROGRAM ESTABLISHED PURSUANT TO SECTION 19-2-205.5. IN ADDITION, THE COURT may provide that any violation of such orders shall subject the juvenile to contempt sanctions of the court. The parent or other person to whom the juvenile is released may be required to sign a written promise, on forms supplied by the court, to bring the juvenile to the court at a time set or to be set by the court.

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**SECTION 2.** 19-2-204 (3) (a) (III), (3) (a) (IV), and (3) (a) (V), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

**19-2-204. Detention and shelter - hearing - time limits - confinement with adult offenders - restrictions.** (3) (a) (III) With respect to this section, the court may further detain the juvenile if the court is satisfied from the information provided at the hearing that the juvenile is a danger to himself OR HERSELF or TO the community. Any information having probative value shall be received regardless of its admissibility under the rules of evidence. IN DETERMINING WHETHER A CHILD REQUIRES DETENTION, THE COURT SHALL CONSIDER ANY RECORD OF ANY PRIOR ADJUDICATIONS OF THE JUVENILE.

(IV) At the conclusion of the hearing, the court shall enter one of the following orders:

(A) That the juvenile be released to the custody of a parent, guardian, or legal custodian without the posting of bond;

(B) That the juvenile be placed in a shelter facility;

(C) That bail be set and that the juvenile be released upon the posting of that bail;

(D) That no bail be set and that the juvenile be detained without bail upon a finding that ~~he~~ SUCH JUVENILE is a danger to himself OR HERSELF or TO the community. Any juvenile who is detained without bail must be tried on the charges in the petition filed pursuant to subparagraph (V) of this paragraph (a) within the time limits set forth in section 19-2-205 (3);

(E) THAT NO BAIL BE SET AND THAT, UPON THE COURT'S FINDING THAT THE JUVENILE IS A DANGER TO HIMSELF OR HERSELF OR TO THE COMMUNITY, THE JUVENILE BE PLACED IN A PREADJUDICATION SERVICE PROGRAM ESTABLISHED PURSUANT TO SECTION 19-2-205 (6).

(V) When the court orders further detention of the juvenile OR PLACEMENT OF THE JUVENILE IN A PREADJUDICATION SERVICE PROGRAM after a detention hearing, a petition alleging the juvenile to be a delinquent shall be filed without unnecessary delay, and the juvenile shall be held OR SHALL PARTICIPATE IN A PREADJUDICATION SERVICE PROGRAM pending a hearing on the petition.

**SECTION 3.** 19-2-205, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**19-2-205. Bail.** (1.5) IN LIEU OF A BOND, A JUVENILE WHO THE COURT DETERMINES IS A DANGER TO HIMSELF OR HERSELF OR TO THE COMMUNITY, MAY BE PLACED IN A PREADJUDICATION SERVICE PROGRAM ESTABLISHED PURSUANT TO SECTION 19-2-205.5.

**SECTION 4.** Part 2 of article 2 of title 19, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**19-2-205.5. Preadjudication service program created - community advisory board established - duties of board.** (1) THE CHIEF JUDGE OF ANY JUDICIAL DISTRICT MAY ISSUE AN ORDER THAT ANY JUVENILE WHO APPLIES FOR PREADJUDICATION RELEASE BE EVALUATED FOR PLACEMENT BY A PREADJUDICATION SERVICE PROGRAM ESTABLISHED PURSUANT TO THIS SECTION. IN EVALUATING THE JUVENILE, THE SERVICE AGENCY SHALL FOLLOW CRITERIA FOR THE PLACEMENT OF A JUVENILE, WHICH CRITERIA SHALL BE ESTABLISHED IN ACCORDANCE WITH SECTION 19-2-1602. UPON EVALUATION, THE SERVICE AGENCY SHALL MAKE A RECOMMENDATION TO THE COURT CONCERNING PLACEMENT OF THE JUVENILE WITH A PREADJUDICATION SERVICE PROGRAM.

(2) ANY COUNTY OR CITY AND COUNTY OR JUDICIAL DISTRICT IN THE STATE MAY ESTABLISH A PREADJUDICATION SERVICE PROGRAM FOR USE BY THE DISTRICT COURT FOR THE COUNTY OR CITY AND COUNTY OR JUDICIAL DISTRICT. SUCH PROGRAM SHALL BE ESTABLISHED IN ACCORDANCE WITH A LOCAL JUSTICE PLAN DEVELOPED PURSUANT TO SECTION 19-2-1602.7, AS CREATED BY SB 93-134.

(3) THE LOCAL JUSTICE PLAN SHALL PROVIDE FOR THE ASSESSMENT OF JUVENILES TAKEN INTO CUSTODY AND DETAINED BY LAW ENFORCEMENT OFFICERS, WHICH ASSESSMENT SHALL BE BASED ON CRITERIA FOR THE PLACEMENT OF JUVENILES IN ACCORDANCE WITH SECTION 19-2-1602, SO THAT RELEVANT INFORMATION MAY BE PRESENTED TO THE JUDGE PRESIDING OVER THE DETENTION HEARING. THE INFORMATION PROVIDED TO THE COURT THROUGH THE SCREENING PROCESS, WHICH INFORMATION SHALL INCLUDE THE RECORD OF ANY PRIOR ADJUDICATION OF THE JUVENILE, IS INTENDED TO ENHANCE THE COURT'S ABILITY TO MAKE A MORE APPROPRIATE DETENTION AND BOND DECISION, BASED ON FACTS RELATIVE TO THE JUVENILE'S WELFARE OR THE JUVENILE'S RISK OF DANGER TO THE COMMUNITY.

(4) THE PLAN MAY INCLUDE DIFFERENT METHODS AND LEVELS OF COMMUNITY-BASED SUPERVISION AS CONDITIONS FOR PREADJUDICATION RELEASE. THE PLAN MAY PROVIDE FOR THE USE OF THE SAME SUPERVISION METHODS THAT HAVE BEEN ESTABLISHED FOR ADULT DEFENDANTS AS A PRETRIAL RELEASE METHOD TO REDUCE PRETRIAL INCARCERATION OR THAT HAVE BEEN ESTABLISHED AS SENTENCING ALTERNATIVES FOR JUVENILE OR ADULT OFFENDERS PLACED ON PROBATION OR PAROLE. THE USE OF SUCH SUPERVISION METHODS IS INTENDED TO REDUCE PREADJUDICATION DETENTIONS WITHOUT SACRIFICING THE PROTECTION OF THE COMMUNITY FROM JUVENILES WHO MAY BE RISKS TO THE PUBLIC. THE PLAN MAY PROVIDE FOR THE USE OF ANY OF THE FOLLOWING SUPERVISION METHODS AS CONDITIONS OF PREADJUDICATION RELEASE:

- (a) PERIODIC TELEPHONE COMMUNICATIONS WITH THE JUVENILE;
- (b) PERIODIC OFFICE VISITS BY THE JUVENILE TO THE PREADJUDICATION SERVICE AGENCY;
- (c) PERIODIC HOME VISITS TO THE JUVENILE'S HOME;
- (d) PERIODIC DRUG TESTING OF THE JUVENILE;
- (e) PERIODIC VISITS TO THE JUVENILE'S SCHOOL;

(f) MENTAL HEALTH OR SUBSTANCE ABUSE TREATMENT FOR THE JUVENILE, WHICH TREATMENT MAY INCLUDE RESIDENTIAL TREATMENT;

(g) DOMESTIC VIOLENCE OR CHILD ABUSE COUNSELING FOR THE JUVENILE, IF APPLICABLE;

(h) ELECTRONIC MONITORING OF THE JUVENILE; OR

(i) WORK RELEASE FOR THE JUVENILE, IF SCHOOL ATTENDANCE IS NOT APPLICABLE OR APPROPRIATE UNDER THE CIRCUMSTANCES.

**SECTION 5. Repeal.** 19-2-211 and 19-2-212, Colorado Revised Statutes, 1986 Repl. Vol., as amended, are repealed.

**SECTION 6. Effective date - applicability.** This act shall take effect July 1, 1993, and shall apply to any juvenile taken into custody on or after said date.

**SECTION 7. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 6, 1993