

CHAPTER 271

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 97-1247

BY REPRESENTATIVES Takis, Allen, S. Williams, K. Alexander, Bacon, Clarke, Mace, Miller, Morrison, Nichol, Reeser, Snyder, Udall, and Zimmerman;
also SENATORS Weddig, Bishop, Hernandez, Hopper, J. Johnson, Pascoe, Perlmutter, Rupert, and Wham.

AN ACT

CONCERNING TEEN COURTS.

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

SECTION 1. Article 2 of title 19, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PART to read:

**PART 11
TEEN COURTS**

19-2-1101. Short title. THIS PART 11 SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO TEEN COURT PROGRAM".

19-2-1102. Definitions. AS USED IN THIS PART 11, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "MINOR OFFENSE" MEANS ANY OFFENSE DENOMINATED A MISDEMEANOR IN TITLE 18, C.R.S., OR VIOLATION OF A MUNICIPAL ORDINANCE WHERE THE MAXIMUM PENALTY AUTHORIZED DOES NOT EXCEED IMPRISONMENT FOR MORE THAN SIX MONTHS.

(2) "SUPERVISING COURT" MEANS THE JUVENILE COURT FOR THE CITY AND COUNTY OF DENVER, THE DISTRICT COURTS OF THE STATE OTHER THAN THAT OF DENVER, AND ANY MUNICIPAL COURT THAT ESTABLISHES A TEEN COURT PROGRAM PURSUANT TO THIS PART 11.

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

(3) "TEEN" MEANS ANY PERSON OVER THE AGE OF TWELVE YEARS AND UNDER THE AGE OF NINETEEN YEARS WHO IS ENROLLED IN SCHOOL.

(4) "TEEN COURT JUDGE" MEANS A VOLUNTEER, LICENSED TO PRACTICE LAW IN THE STATE OF COLORADO, APPROVED BY AND SERVING AT THE PLEASURE OF THE CHIEF JUDGE OF THE SUPERVISING COURT.

(5) "TEEN DEFENDANT" MEANS A TEEN ORDERED TO PARTICIPATE IN A TEEN COURT PROGRAM UNDER THIS PART 11.

(6) "TEEN DEFENSE ATTORNEY" MEANS A TEEN WHO IS CHOSEN BY A TEEN COURT JUDGE TO SPEAK ON BEHALF OF A TEEN DEFENDANT.

(7) "TEEN JURY" MEANS NOT LESS THAN THREE TEENS WHO HAVE BEEN CHOSEN BY A TEEN COURT JUDGE TO DECIDE WHAT SENTENCE SHOULD BE IMPOSED AGAINST A TEEN DEFENDANT.

(8) "TEEN PROSECUTOR" MEANS A TEEN WHO HAS BEEN CHOSEN BY A TEEN COURT JUDGE TO ADVOCATE ON BEHALF OF A SCHOOL OR COMMUNITY FOR ANY SENTENCE TO BE IMPOSED.

19-2-1103. Teen court program - supervising courts. (1) ANY SUPERVISING COURT IS AUTHORIZED TO ESTABLISH A TEEN COURT PROGRAM PURSUANT TO THE PROVISIONS OF THIS PART 11. IN ANY JURISDICTION WHERE A TEEN COURT PROGRAM IS ESTABLISHED, A TEEN CHARGED WITH A MINOR OFFENSE MAY RECEIVE A DEFERRED JUDGMENT, A CONDITION OF WHICH IS SUCCESSFUL PARTICIPATION IN THE TEEN COURT PROGRAM.

(2) THE PROCEDURE FOR DETERMINING THE ELIGIBILITY FOR AND IMPOSITION OF THE DEFERRED JUDGMENT SHALL BE AS FOLLOWS:

(a) THE TEEN, IN THE PRESENCE OF AT LEAST ONE OF HIS OR HER PARENTS OR LEGAL GUARDIAN, MUST ENTER A PLEA OF GUILTY TO THE MINOR OFFENSE CHARGED.

(b) THE TEEN MUST REQUEST TO PARTICIPATE IN THE TEEN COURT PROGRAM, AGREE TO THE DEFERRAL OF FURTHER PROCEEDINGS IN THE SUPERVISING COURT FOR A PERIOD OF SIX MONTHS OR UNTIL THE TEEN HAS SUCCESSFULLY COMPLETED THE TEEN COURT PROGRAM, AND PROVIDE THE COURT WITH ADDRESSES FOR MAILING NOTICES TO BOTH THE TEEN AND HIS OR HER PARENT OR LEGAL GUARDIAN.

(c) THE SUPERVISING COURT MUST FIND THAT THE TEEN WILL BENEFIT MORE FROM PARTICIPATION IN THE TEEN COURT PROGRAM THAN FROM ANY OTHER SENTENCE THAT MAY BE IMPOSED.

(d) THE SUPERVISING COURT MAY ACCEPT THE TEEN'S PLEA, ORDER THAT THE TEEN PARTICIPATE IN THE TEEN COURT PROGRAM, AND DEFER FURTHER PROCEEDINGS IN THE SUPERVISING COURT FOR UP TO SIX MONTHS.

(e) IN ADDITION TO ORDERING THE TEEN TO PARTICIPATE IN THE TEEN COURT PROGRAM, THE SUPERVISING COURT MAY ENTER AN ORDER THAT THE TEEN PAY ANY

RESTITUTION OTHERWISE AUTHORIZED BY LAW.

(3) IF THE SUPERVISING COURT RECEIVES A REPORT FROM THE TEEN COURT JUDGE THAT THE TEEN HAS NOT SUCCESSFULLY COMPLETED THE TEEN COURT PROGRAM, OR IF WITHIN SIX MONTHS AFTER THE ENTRY OF THE ORDER FOR DEFERRED JUDGMENT THE SUPERVISING COURT HAS NOT RECEIVED A REPORT THAT THE TEEN HAS SUCCESSFULLY COMPLETED THE TEEN COURT PROGRAM, THE COURT SHALL SCHEDULE A SENTENCING HEARING, SEND NOTICE TO THE TEEN AND HIS OR HER PARENT OR LEGAL GUARDIAN AT THE ADDRESSES GIVEN AT THE TIME OF THE ORDER FOR DEFERRED JUDGMENT OR ANY CHANGED ADDRESS, AND AT THE SENTENCING HEARING IMPOSE ANY OTHER SENTENCE AUTHORIZED FOR THE OFFENSE CHARGED.

(4) IF THE SUPERVISING COURT RECEIVES A REPORT FROM THE TEEN COURT JUDGE THAT THE TEEN HAS SUCCESSFULLY COMPLETED THE TEEN COURT PROGRAM, THE COURT SHALL DISMISS ALL CHARGES AGAINST THE TEEN. THE DISMISSAL SHALL NOT CONSTITUTE A CONVICTION FOR ANY PURPOSE.

19-2-1104. Procedures - hearings. (1) SUBJECT TO ANY APPLICABLE RULES OF THE COLORADO SUPREME COURT, THE SUPERVISING COURT SHALL BE RESPONSIBLE FOR ESTABLISHING PROCEDURES FOR ANY TEEN COURT PROGRAM UNDER ITS JURISDICTION, INCLUDING BUT NOT LIMITED TO:

(a) THE USE OF ITS COURTROOM AND OTHER FACILITIES DURING TIMES WHEN THEY ARE NOT REQUIRED FOR OTHER COURT BUSINESS;

(b) THE APPROVAL OF TEEN COURT JUDGES;

(c) THE COLLECTION OF A FEE FROM ANY TEEN DEFENDANT;

(d) THE RANGE OF SENTENCING OPTIONS THAT MAY BE IMPOSED UPON A TEEN DEFENDANT THAT SHALL NOT INCLUDE A TERM OF IMPRISONMENT NOR THE PAYMENT OF RESTITUTION, BUT MAY INCLUDE:

(I) COMMUNITY SERVICE SUPERVISED BY THE SUPERVISING COURT;

(II) PARTICIPATION IN LAW-RELATED EDUCATION CLASSES, COUNSELING, TREATMENT, OR OTHER PROGRAMS; OR

(III) PARTICIPATION AS A JUROR OR OTHER TEEN COURT MEMBER IN PROCEEDINGS INVOLVING TEEN DEFENDANTS.

(2) WHENEVER A TEEN, AS A CONDITION OF A DEFERRED JUDGMENT, HAS BEEN ORDERED TO PARTICIPATE IN A TEEN COURT PROGRAM, THE TEEN AND HIS OR HER PARENT OR LEGAL GUARDIAN SHALL BE ORDERED TO APPEAR AT A TEEN COURT SENTENCING HEARING. THE TEEN COURT JUDGE SHALL PRESIDE OVER THE SENTENCING HEARING. THE TEEN DEFENDANT MAY REPRESENT HIMSELF OR HERSELF OR BE REPRESENTED BY A TEEN DEFENSE ATTORNEY. THE FOLLOWING PROCEDURES SHALL BE FOLLOWED AT THE TEEN COURT SENTENCING HEARING:

(a) THE TEEN COURT JUDGE SHALL SELECT A TEEN JURY;

(b) THE TEEN PROSECUTOR AND EITHER THE TEEN DEFENDANT OR TEEN DEFENSE ATTORNEY MAY QUESTION THE JURY ON THEIR KNOWLEDGE OF THE DEFENDANT OR THE FACTS OF THE OFFENSE FOR WHICH THE TEEN DEFENDANT WAS CHARGED;

(c) THE TEEN COURT JUDGE MAY ORDER THAT A TEEN JUROR BE REPLACED IF THE JUDGE FINDS THAT THE JUROR MAY BE BIASED;

(d) THE TEEN PROSECUTOR AND EITHER THE TEEN DEFENDANT OR TEEN DEFENSE ATTORNEY MAY MAKE AN OPENING STATEMENT;

(e) THE TEEN DEFENDANT SHALL BE SUBJECT TO CROSS EXAMINATION BY THE TEEN PROSECUTOR CONCERNING THE CIRCUMSTANCES OR FACTS SURROUNDING THE OFFENSE OR THE CHARACTER OF THE TEEN DEFENDANT, AND MAY EITHER MAKE A STATEMENT OR BE SUBJECT TO DIRECT EXAMINATION BY THE TEEN DEFENSE ATTORNEY;

(f) EACH SIDE MAY OFFER WITNESSES AND DOCUMENTS CONCERNING THE CIRCUMSTANCES OR FACTS SURROUNDING THE OFFENSE OR THE CHARACTER OF THE TEEN DEFENDANT;

(g) THE TEEN PROSECUTOR AND EITHER THE TEEN DEFENDANT OR TEEN DEFENSE ATTORNEY MAY MAKE A CLOSING STATEMENT;

(h) UNLESS OTHERWISE ORDERED BY THE TEEN COURT JUDGE, THE TEEN JURY SHALL DELIBERATE IN PRIVATE AND SHALL UNANIMOUSLY AGREE UPON THE SENTENCE TO BE IMPOSED AGAINST THE TEEN DEFENDANT, PURSUANT TO GUIDELINES ADOPTED BY THE COURT;

(i) IF THE JURY IS UNABLE TO UNANIMOUSLY AGREE ON A SENTENCE, THEN THE TEEN COURT JUDGE SHALL IMPOSE THE SENTENCE, PURSUANT TO GUIDELINES ADOPTED BY THE COURT.

(3) THE TEEN COURT JUDGE SHALL ENTER A WRITTEN ORDER THAT:

(a) ORDERS THE TEEN DEFENDANT TO COMPLETE THE SENTENCE IMPOSED BY THE TEEN JURY;

(b) ORDERS THE TEEN DEFENDANT TO SUBMIT A WRITTEN REPORT TO THE TEEN COURT JUDGE WITHIN THREE MONTHS AFTER THE SENTENCING HEARING SHOWING SATISFACTORY COMPLETION OF THE TERMS OF THE SENTENCE; AND

(c) NOTIFIES THE TEEN DEFENDANT THAT IF THE TEEN COURT JUDGE DOES NOT RECEIVE THE WRITTEN REPORT WITHIN THE TIME REQUIRED, THE TEEN COURT JUDGE SHALL FILE WITH THE SUPERVISING COURT A REPORT STATING THAT THE TEEN DEFENDANT HAS NOT SATISFACTORILY COMPLETED THE TEEN COURT PROGRAM.

(4) WITHIN SIX MONTHS AFTER THE ORDER FOR DEFERRED JUDGMENT, THE TEEN COURT JUDGE SHALL FILE A WRITTEN REPORT WITH THE SUPERVISING COURT NOTIFYING THE COURT WHETHER THE TEEN DEFENDANT HAS SATISFACTORILY COMPLETED THE TEEN COURT PROGRAM.

19-2-1105. Alternative procedures. NOTHING CONTAINED IN THIS PART 11 SHALL BE DEEMED TO IMPAIR THE AUTHORITY OF COURTS TO ADOPT DIFFERENT OR ALTERNATIVE PROCEDURES FOR THE ESTABLISHMENT AND OPERATION OF TEEN COURT PROGRAMS WITHIN THEIR RESPECTIVE JURISDICTIONS.

SECTION 2. 24-32-2801, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-32-2801. Youth crime prevention and intervention program - creation - standards - applications. (6) THE JUVENILE COURT FOR THE CITY AND COUNTY OF DENVER, DISTRICT COURTS OF THE STATE OTHER THAN THAT OF DENVER, AND MUNICIPAL COURTS ARE ENCOURAGED TO SUBMIT APPLICATIONS FOR GRANTS FOR ASSISTANCE IN ESTABLISHING TEEN COURTS PURSUANT TO PART 11 OF ARTICLE 2 OF TITLE 19, C.R.S.

SECTION 3. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 4, 1997