

CHAPTER 275

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 03-1025

BY REPRESENTATIVE(S) Frangas, Boyd, Coleman, Hodge, Jahn, Lee, Madden, Merrifield, Mitchell, Paccione, Pommer, Ragsdale, Romanoff, Vigil, Weddig, Wiens, and Williams S.;
also SENATOR(S) Keller, Groff, Hanna, Tapia, and Windels.

AN ACT

CONCERNING THE OPTION OF ADDRESSING ANY SPECIAL EDUCATION HISTORY IN A JUVENILE ADJUDICATION PROCEEDING.

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

SECTION 1. 22-1-123 (1), Colorado Revised Statutes, is amended to read:

22-1-123. Protection of student data - parental or legal guardian consent for surveys. (1) As used in this section, "education records" and "directory information" shall have the same meaning as those terms are defined in the federal "Family Educational Rights and Privacy Act of 1974", as amended, 20 U.S.C. sec. 1232g AND "EDUCATION RECORDS" SHALL INCLUDE AN INDIVIDUAL EDUCATION PROGRAM.

SECTION 2. 19-2-925 (2) (d), Colorado Revised Statutes, is amended to read:

19-2-925. Probation - terms - release - revocation. (2) The court shall, as minimum conditions of probation, order that the juvenile:

(d) Attend school or an educational program or work regularly at suitable employment, AND, IF THE JUVENILE HAS AN INDIVIDUAL EDUCATION PROGRAM PURSUANT TO SECTION 22-20-108, C.R.S., THE COURT MAY ORDER THE JUVENILE TO COMPLY WITH HIS OR HER INDIVIDUAL EDUCATION PROGRAM, TAKING INTO ACCOUNT THE INTELLECTUAL FUNCTIONING, ADAPTIVE BEHAVIOR, AND EMOTIONAL BEHAVIORS ASSOCIATED WITH THE JUVENILE'S DISABILITIES, AND SUBJECT TO A MANIFESTATION DETERMINATION PURSUANT TO SECTION 22-33-106 (1) (c), C.R.S.; except that the court shall not require any such juvenile to attend a school from which he or she has been expelled without the prior approval of that school's local board of education;

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 3. 19-2-905 (1) (a), Colorado Revised Statutes, is amended to read:

19-2-905. Presentence investigation. (1) (a) Prior to the sentencing hearing, the juvenile probation department for the judicial district in which the juvenile is adjudicated shall conduct a presentence investigation unless waived by the court on its own determination or on recommendation of the prosecution or the juvenile. The presentence investigation shall take into consideration and build on the intake assessment performed by the screening team. The presentence investigation may address, but is not limited to, the following:

(I) The details of the offense;

(II) Statements made by the victims of the offense;

(III) The amount of restitution, if any, that should be imposed on the juvenile or the juvenile's parent, guardian, or legal custodian;

(IV) The juvenile's previous criminal record, if any, if the juvenile has not been adjudicated for an act that constitutes unlawful sexual behavior as defined in section 16-22-102 (9), C.R.S.;

(V) Any history of substance abuse by the juvenile;

(VI) The juvenile's education ~~and employment~~ history, INCLUDING ANY SPECIAL EDUCATION HISTORY AND ANY CURRENT INDIVIDUAL EDUCATION PROGRAM THE JUVENILE MAY HAVE PURSUANT TO SECTION 22-20-108, C.R.S.;

(VI.5) THE JUVENILE'S EMPLOYMENT HISTORY;

(VII) The juvenile's family;

(VIII) The juvenile's peer relationships;

(IX) The status of juvenile programs and community placements in the juvenile's judicial district of residence;

(X) Other related material;

(XI) Review of placement and commitment criteria adopted pursuant to section 19-2-212, which shall be the criteria for any sentencing recommendations included in the presentence investigation;

(XII) Assessment of the juvenile's needs; and

(XIII) Recommendations and a proposed treatment plan for the juvenile.

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: May 21, 2003