

CHAPTER 297

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 03-1240

BY REPRESENTATIVE(S) Clapp, Frangas, Hall, Hoppe, Lundberg, Merrifield, Paccione, Schultheis, Stafford, and Williams S.;
also SENATOR(S) Dyer.

AN ACT**CONCERNING CHANGES TO THE JUVENILE JUSTICE SYSTEM.**

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

SECTION 1. 19-1-108 (3) (b), Colorado Revised Statutes, is amended to read:

19-1-108. Magistrates - qualifications - duties. (3) (b) In proceedings under article 2 of this title, THE RIGHT TO REQUIRE A HEARING BEFORE A JUDGE SHALL BE DEEMED WAIVED unless a request is made by a ANY party ~~at the outset of a hearing that the hearing be held before the judge, such right where applicable shall be deemed waived~~ THAT THE HEARING BE HELD BEFORE A JUDGE AT THE TIME THE MATTER IS SET FOR HEARING.

SECTION 2. 19-2-702 (3) (c), Colorado Revised Statutes, is amended to read:

19-2-702. Mentally ill juvenile or juvenile with developmental disabilities - procedure. (3) (c) IF A JUVENILE IS RECEIVING TREATMENT OR SERVICES ORDERED PURSUANT TO PARAGRAPH (a) OR (b) OF THIS SUBSECTION (3), THE TREATMENT FACILITY OR PROGRAM SHALL FILE A REPORT WITH THE COURT CONCERNING THE JUVENILE'S TREATMENT OR SERVICES PERIODICALLY, BUT AT LEAST EVERY NINETY DAYS FOLLOWING THE DATE OF THE ORDER. AN INTERESTED PARTY MAY REQUEST A HEARING CONCERNING THE REPORT SUBMITTED BY THE TREATMENT FACILITY OR PROGRAM, BUT NO HEARING IS REQUIRED. If the juvenile remains in treatment or receives services ordered pursuant to paragraph (a) or (b) of this subsection (3), the court may CONTINUE TO suspend the proceedings ~~or dismiss any actions pending~~ under this title FOR ADDITIONAL NINETY-DAY PERIODS FOR REVIEW OF THE JUVENILE'S TREATMENT OR SERVICES.

SECTION 3. 19-2-204 (4) (a), Colorado Revised Statutes, is amended to read:

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

19-2-204. Juvenile probation departments or divisions - service agreements.

(4) (a) The juvenile court judges are authorized to enter into agreements with the department of human services, county departments of social services, other public agencies, private ~~nonprofit~~ agencies, or with other juvenile courts to provide supervision or other services for juveniles placed on probation by the court.

SECTION 4. 19-2-508 (3) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

19-2-508. Detention and shelter - hearing - time limits - findings - review - confinement with adult offenders - restrictions.

(3) (a) (III.5) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (a), THERE SHALL BE NO PRESUMPTION UNDER SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (a) THAT A JUVENILE IS A DANGER TO HIMSELF OR HERSELF OR THE COMMUNITY IF THE ITEM IN THE POSSESSION OF THE JUVENILE IS ALLEGED TO BE A BEE-BEE GUN, A PELLET GUN, OR A GAS GUN.

SECTION 5. Effective date - applicability. This act shall take effect July 1, 2003, and shall apply to proceedings on or after said date.

SECTION 6. 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: May 22, 2003