

CHAPTER 44

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 15-1094

BY REPRESENTATIVE(S) Lee, Arndt, Becker K., Court, Esgar, Foote, Garnett, Ginal, Kagan, Nordberg, Rosenthal, Roupe, Vigil, Brown, Danielson, Duran, Fields, Hamner, Kraft-Tharp, McCann, Melton, Mitsch Bush, Pettersen, Primavera, Priola, Salazar, Singer, Tate, Tyler, Young;
 also SENATOR(S) Cooke and Newell, Aguilar, Carroll, Donovan, Guzman, Heath, Hodge, Johnston, Jones, Kefalas, Kerr, Merrifield, Roberts, Steadman, Todd.

AN ACT**CONCERNING RESTORATIVE JUSTICE.**

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

SECTION 1. In Colorado Revised Statutes, 18-25-101, **amend** (3) (a) as follows:

18-25-101. Restorative justice surcharge - definitions. (3) (a) There is created in the state treasury the restorative justice surcharge fund that consists of moneys received by the state treasurer pursuant to this section AND SECTION 19-2-213 (4.5), C.R.S. The moneys in the fund are subject to annual appropriation by the general assembly to the judicial department for distribution to judicial districts that offer restorative justice programs and to the restorative justice coordinating council for administrative expenses.

SECTION 2. In Colorado Revised Statutes, 19-2-213, **amend** (1) (b) and (2) (l); and **add** (2) (n), (2) (o), (2) (p), and (4.5) as follows:

19-2-213. Restorative justice coordinating council - establishment - membership - repeal. (1) (b) In order to assess the efficacy of restorative justice practices in providing satisfaction to participants, the council shall develop a uniform restorative justice satisfaction evaluation by September 1, 2013. The evaluation must be based on research principles. The evaluation ~~shall~~ **MUST** include a preconference questionnaire FOR THE OFFENDER AND PARTICIPATING VICTIMS, IF PRACTICABLE, to establish a baseline and a postconference questionnaire that is suitable to administer to restorative justice participants, including community members, participating victims, and offenders.

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

(2) The restorative justice coordinating council ~~shall include~~ INCLUDES, at a minimum, the following:

(l) Three restorative justice practitioners appointed by the state court administrator; ~~and~~

(n) THE STATE PUBLIC DEFENDER OR HIS OR HER DESIGNEE;

(o) A JUDGE APPOINTED BY THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT; AND

(p) A REPRESENTATIVE OF LAW ENFORCEMENT APPOINTED BY THE STATE COURT ADMINISTRATOR BASED UPON A RECOMMENDATION FROM THE RESTORATIVE JUSTICE COORDINATING COUNCIL.

(4.5) THE RESTORATIVE JUSTICE COORDINATING COUNCIL MAY ACCEPT MONEYS FROM TRAININGS AND CONFERENCES AND GIFTS, GRANTS, OR DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE FOR THE PURPOSE OF SUPPORTING RESTORATIVE JUSTICE PRACTICES. ALL PRIVATE AND PUBLIC MONEYS RECEIVED BY THE RESTORATIVE JUSTICE COORDINATING COUNCIL FROM GIFTS, GRANTS, OR DONATIONS OR ANY OTHER SOURCE MUST BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE RESTORATIVE JUSTICE SURCHARGE FUND CREATED PURSUANT TO SECTION 18-25-101, C.R.S., IN ADDITION TO ANY MONEYS THAT MAY BE APPROPRIATED TO THE FUND DIRECTLY BY THE GENERAL ASSEMBLY.

SECTION 3. In Colorado Revised Statutes, 19-2-510.5, **amend** (3) (b) (II) and (3) (b) (III) (A); and **add** (3) (b) (II.5), (3) (b) (III) (C), and (3) (b) (III) (D) as follows:

19-2-510.5. Restorative justice pilot project - legislative declaration - definitions - repeal. (3) (b) For purposes of this subsection (3), "juvenile" means a person who:

(II) Has not been previously adjudicated for an offense that would be a felony if committed by an adult; ~~and has not previously participated in the pilot project established by this section; and~~ EXCEPT THAT THE DISTRICT ATTORNEY MAY WAIVE THIS FIRST-TIME OFFENDER QUALIFICATION.

(II.5) HAS NOT PREVIOUSLY PARTICIPATED IN THE PILOT PROJECT ESTABLISHED BY THIS SECTION; AND

(III) Could be charged in a petition only with the following crimes:

(A) A misdemeanor, excluding those in title 42, C.R.S., if charged against an adult; ~~or~~

(C) A PETTY OFFENSE IF CHARGED AGAINST AN ADULT; OR

(D) A MUNICIPAL OFFENSE IF CHARGED AGAINST AN ADULT, INCLUDING WHEN THE CITING OR ARRESTING LAW ENFORCEMENT AGENCY DIRECTLY DIVERTS THE JUVENILE

TO A RESTORATIVE JUSTICE PILOT PROJECT SITE.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 20, 2015