

SENATE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

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Date

March 11, 2021

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB21-071 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 3, line 18, after "(6)," insert "(7)," and strike  
2 "(5) and (7);" and substitute "(5);".

3 Page 4, line 24, strike "such order" and substitute "~~such order~~ A COURT  
4 ORDER DETAINING THE JUVENILE".

5 Page 5, strike lines 8 through 16 and substitute:

6 "(7) The parent, guardian, or legal custodian, ~~for any juvenile~~  
7 ~~released on bond pursuant to this section~~ or any other responsible adult  
8 ~~who secures~~ FOR A JUVENILE RELEASED ON a personal recognizance bond  
9 ~~for a juvenile pursuant to subsection (6) of this section~~ may petition the  
10 court ~~prior to forfeiture or exoneration of the bond~~, to revoke the bond  
11 and remand the juvenile into custody if the parent, guardian, legal  
12 custodian, or other responsible adult determines that he or she is unable  
13 to control the juvenile. The court shall apply the presumption specified in  
14 section 19-2-508 (3)(a)(IV) in determining whether to revoke the  
15 PERSONAL RECOGNIZANCE bond."

16 Page 6, line 7, strike "ONE HUNDRED EIGHTY-EIGHT." and substitute "TWO  
17 HUNDRED FIFTEEN."

18 Page 6, after line 7 insert:



1 "SECTION 5. In Colorado Revised Statutes, 19-2-1202, amend  
2 (1) introductory portion and (1)(b) as follows:

3 **19-2-1202. Working group - allocation of beds.** (1) The  
4 executive director of the department of human services and the state court  
5 administrator in the judicial department, or a designee of such persons, in  
6 consultation with the division of criminal justice of the department of  
7 public safety, the office of state planning and budgeting, the Colorado  
8 district attorneys ATTORNEYS' council, and law enforcement  
9 representatives, shall form a working group ~~which~~ THAT shall carry out  
10 the following duties:

11 (b) The working group shall develop a mechanism for judicial  
12 districts ~~within the same catchment area~~ to loan detention beds to other  
13 judicial districts ~~within the catchment area~~ in cases of need."

14 Renumber succeeding sections accordingly.

15 Page 6, after line 17 insert:

16 "SECTION 7. In Colorado Revised Statutes, **add** part 14 to  
17 article 2 of title 19 as follows:

18 PART 14

19 ALTERNATIVES TO DETENTION WORKING GROUP

20 **19-2-1401. Working group - alternatives to detention - duties**  
21 **- report.** (1) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN  
22 SERVICES, OR HIS OR HER DESIGNEE, SHALL FORM AN ALTERNATIVES TO  
23 DETENTION WORKING GROUP, REFERRED TO IN THIS SECTION AS THE  
24 "WORKING GROUP", TO EXAMINE THE AVAILABILITY OF ALTERNATIVES TO  
25 YOUTH DETENTION AND THE USE OF DETENTION BEDS, AND NECESSARY  
26 INVESTMENTS IN ALTERNATIVES TO DETENTION.

27 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN  
28 SERVICES, OR HIS OR HER DESIGNEE, SHALL APPOINT THE FOLLOWING  
29 MEMBERS TO SERVE ON THE WORKING GROUP:

30 (a) THE DIRECTOR OF THE DIVISION OF YOUTH SERVICES, OR HIS OR  
31 HER DESIGNEE;

32 (b) THE DIRECTOR OF THE OFFICE OF CHILDREN, YOUTH, AND  
33 FAMILIES, OR HIS OR HER DESIGNEE;

34 (c) THE EMPLOYEE OF THE DEPARTMENT OF HUMAN SERVICES WHO  
35 ADMINISTERS THE MONEY APPROPRIATED PURSUANT TO SECTION 19-2-310,  
36 OR HIS OR HER DESIGNEE;

37 (d) THREE REPRESENTATIVES OF COUNTY DEPARTMENTS;

38 (e) TWO REPRESENTATIVES OF ORGANIZATIONS THAT ADVOCATE



1 FOR YOUTH INVOLVED IN THE JUVENILE JUSTICE SYSTEM;  
2 (f) ONE REPRESENTATIVE OF A DISTRICT ATTORNEY'S OFFICE;  
3 (g) ONE REPRESENTATIVE OF THE OFFICE OF THE STATE PUBLIC  
4 DEFENDER;  
5 (h) ONE REPRESENTATIVE OF THE JUDICIAL BRANCH;  
6 (i) ONE PERSON WHO WAS A YOUTH IN THE CUSTODY OF A DIVISION  
7 OF YOUTH SERVICES FACILITY; AND  
8 (j) ANY ADDITIONAL MEMBERS AS DETERMINED APPROPRIATE.  
9 (3) THE WORKING GROUP SHALL CONVENE BY AUGUST 1, 2021,  
10 AND MEET AT LEAST SEMI-ANNUALLY THEREAFTER.  
11 (4) IN PERFORMING THE DUTIES DESCRIBED IN THIS SECTION, THE  
12 WORKING GROUP SHALL CONSIDER AVAILABLE DATA CONCERNING:  
13 (a) THE CONTINUUM OF IN-HOME AND OUT-OF-HOME PLACEMENT  
14 OPTIONS AND SUPPORTS FOR ALLEGED JUVENILE OFFENDERS, INCLUDING  
15 THE CURRENT AVAILABLE CAPACITIES OF THE OPTIONS AND SUPPORTS;  
16 (b) THE OUTCOMES ASSOCIATED WITH THE LENGTH OF STAY FOR  
17 ALLEGED AND ADJUDICATED OFFENDERS PLACED IN:  
18 (I) DETENTION FACILITIES;  
19 (II) RESIDENTIAL TREATMENT FACILITIES, INCLUDING BUT NOT  
20 LIMITED TO QUALIFIED RESIDENTIAL TREATMENT PROGRAMS,  
21 NONQUALIFIED RESIDENTIAL TREATMENT PROGRAMS, RESIDENTIAL  
22 COMMUNITY PLACEMENTS, AND SHELTER PLACEMENTS;  
23 (III) A FAMILY-TYPE PLACEMENT, INCLUDING BUT NOT LIMITED TO  
24 FOSTER CARE HOMES; AND  
25 (IV) A FAMILY HOME; AND  
26 (c) THE OUTCOMES FOR ALLEGED AND ADJUDICATED JUVENILE  
27 OFFENDERS FOR IN-HOME AND OUT-OF-HOME PLACEMENTS BASED ON  
28 CATEGORIES OF CHARGES, AGE, AND RISK LEVEL.  
29 (5) THE DEPARTMENT OF HUMAN SERVICES SHALL MONITOR AND  
30 REPORT TO THE WORKING GROUP INFORMATION REGARDING:  
31 (a) THE DEMAND FOR AND AVAILABILITY OF PLACEMENTS THAT  
32 PROVIDE AN ALTERNATIVE TO DETENTION IN EACH JUDICIAL DISTRICT AND  
33 STATEWIDE;  
34 (b) THE NUMBER OF YOUTH CURRENTLY IN DETENTION WHO ARE  
35 AWAITING PLACEMENT IN A COMMUNITY SETTING;  
36 (c) THE STATUS OF PERFORMANCE STANDARDS AND OUTCOME  
37 MEASURES DEVELOPED PURSUANT TO SUBSECTION (6) OF THIS SECTION;  
38 AND  
39 (d) THE STATUS OF IMPLEMENTATION OF EFFORTS GUIDED BY THE  
40 WORKING GROUP PURSUANT TO SUBSECTIONS (7) AND (8) OF THIS SECTION.  
41 (6) BY JULY 1, 2022, THE WORKING GROUP SHALL DEVELOP



1 PERFORMANCE STANDARDS AND OUTCOME MEASURES TO MONITOR THE  
2 NUMBER OF ALTERNATIVE PLACEMENTS, RANGE OF SERVICES OFFERED BY  
3 SUCH PLACEMENTS, AND COMMUNITY-BASED SERVICES AVAILABLE TO  
4 MEET THE NEEDS OF JUVENILES IN EACH JUDICIAL DISTRICT AND COUNTY.  
5 THE WORKING GROUP SHALL DETERMINE WHETHER AND HOW SPECIFIC  
6 OUTCOME MEASURES MUST BE REPORTED, INCLUDING BUT NOT LIMITED TO  
7 MEASURES OF RECIDIVISM, VIOLATIONS OF CONDITIONS OF RELEASE,  
8 PERFORMANCE IN SCHOOL, FUTURE OUT-OF-HOME PLACEMENTS, AND  
9 RETURN TO HOME OR KIN'S HOME.

10 (7) THE WORKING GROUP SHALL ADVISE THE DEPARTMENT OF  
11 HUMAN SERVICES CONCERNING POLICIES, PROCEDURES, AND BEST  
12 PRACTICES RELATED TO ALTERNATIVES TO DETENTION.

13 (8) (a) BEGINNING IN 2023, AND EACH YEAR THEREAFTER, THE  
14 DEPARTMENT OF HUMAN SERVICES SHALL INCLUDE AN UPDATE  
15 REGARDING THE WORKING GROUP'S FINDINGS IN ITS REPORT TO THE  
16 MEMBERS OF THE APPLICABLE COMMITTEES OF REFERENCE IN THE SENATE  
17 AND HOUSE OF REPRESENTATIVES AS REQUIRED BY THE "STATE  
18 MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT  
19 (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2. THE  
20 REPORT CONCERNING THE WORKING GROUP'S FINDINGS MUST INCLUDE THE  
21 FOLLOWING:

22 (I) AN ANALYSIS OF THE PERFORMANCE STANDARDS AND  
23 OUTCOME MEASURES DEVELOPED BY THE WORKING GROUP PURSUANT TO  
24 SUBSECTION (6) OF THIS SECTION;

25 (II) THE NUMBER OF YOUTH CURRENTLY IN DETENTION AWAITING  
26 PLACEMENT IN A COMMUNITY SETTING;

27 (III) THE CAPACITY, NEEDS, AND BARRIERS TO SUPPORTIVE  
28 ALTERNATIVE PLACEMENTS;

29 (IV) AN ANALYSIS OF THE AVAILABILITY OF, DEMAND FOR, AND  
30 AVAILABILITY AND USE OF FUNDING FOR ALTERNATIVE PLACEMENTS AND  
31 RESIDENTIAL TREATMENT FACILITIES, INCLUDING BUT NOT LIMITED TO  
32 QUALIFIED RESIDENTIAL TREATMENT PROGRAMS, NONQUALIFIED  
33 RESIDENTIAL TREATMENT PROGRAMS, RESIDENTIAL COMMUNITY  
34 PLACEMENTS, AND SHELTER PLACEMENTS;

35 (V) AN ANALYSIS OF THE NUMBER OF YOUTH PLACED IN AN  
36 ALTERNATIVE PLACEMENT AND THE LENGTH OF STAY IN THE PLACEMENTS;

37 (VI) AN ANALYSIS OF THE INVOLVEMENT OF JUVENILES AND THEIR  
38 FAMILIES, AND THE JUVENILES' AND FAMILIES' SATISFACTION WITH,  
39 ALTERNATIVE PLACEMENTS;

40 (VII) AN ANALYSIS OF THE AVAILABILITY OF AND NEED FOR  
41 COMMUNITY-BASED SERVICES IN EACH JUDICIAL DISTRICT AND COUNTY,



1 TO ASSIST IN KEEPING CHILDREN IN THE FAMILY HOME, AND THE TYPES OF  
2 COMMUNITY-BASED SERVICES OFFERED IN EACH JUDICIAL DISTRICT AND  
3 COUNTY;

4 (VIII) AN ANALYSIS OF THE AVAILABLE MONEY FOR  
5 COMMUNITY-BASED SERVICES IN EACH JUDICIAL DISTRICT AND HOW IT IS  
6 USED, INCLUDING THE AMOUNT OF MONEY SPENT ON DIFFERENT TYPES OF  
7 COMMUNITY-BASED SERVICES;

8 (IX) AN ANALYSIS AND TRACKING OF ALLEGED AND ADJUDICATED  
9 JUVENILE OFFENDERS WHO ARE PLACED IN OR SERVED BY COUNTY  
10 DEPARTMENTS THROUGH CHILD WELFARE SYSTEMS, AND THE IMPACT ON  
11 THOSE COUNTY DEPARTMENTS;

12 (X) RECOMMENDATIONS TO ENHANCE THE CONTINUUM OF  
13 COMMUNITY-BASED SERVICES AND PLACEMENT OPTIONS FOR ALLEGED  
14 AND ADJUDICATED JUVENILE OFFENDERS, INCLUDING RECOMMENDATIONS  
15 TO IMPROVE AVAILABILITY AND QUALITY OF SHELTER FACILITIES;  
16 FAMILY-TYPE PLACEMENTS, INCLUDING BUT NOT LIMITED TO FOSTER  
17 CARE; AND COMMUNITY-BASED SERVICES FOR JUVENILES;

18 (XI) RECOMMENDATIONS REGARDING THE REDUCTION OF  
19 AVAILABLE DETENTION BEDS AND THE ALLOCATION OF DETENTION BEDS  
20 ACROSS THE STATE; AND

21 (XII) RECOMMENDATIONS FOR FUTURE DATA COLLECTION AND  
22 REPORTING.

23 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORT  
24 REQUIRED IN THIS SUBSECTION (8) CONTINUES INDEFINITELY."

25 Renumber succeeding section accordingly.

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