

# An Act

HOUSE BILL 22-1131

BY REPRESENTATIVE(S) Gonzales-Gutierrez and Bacon, Jodeh, Sirota, Woodrow, Amabile, Benavidez, Bernett, Boesenecker, Cutter, Duran, Esgar, Froelich, Herod, Hooton, Kennedy, Kipp, Lindsay, Lontine, Michaelson Jenet, Ricks, Weissman, McCormick, Valdez A.; also SENATOR(S) Gonzales, Buckner, Hansen, Lee, Rodriguez, Story, Zenzinger.

CONCERNING MEASURES TO REDUCE JUSTICE-INVOLVEMENT FOR YOUNG CHILDREN, AND, IN CONNECTION THEREWITH, FOCUS ON PREVENTION AND AGE-APPROPRIATE INTERVENTIONS AND MAKING AN APPROPRIATION.

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

**SECTION 1. Legislative declaration.** (1) The general assembly finds and declares that:

(a) Children who are charged with crimes and subjected to the juvenile justice system, as compared to similarly situated children who are served outside of the juvenile justice system, are more likely to enter the criminal justice system as adults, more likely to present a future threat to community safety, more likely to face mental health challenges, and less

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

likely to graduate from high school;

(b) Younger children who are in the juvenile justice system are at a higher risk of becoming victims of violence within the juvenile justice system;

(c) Children of color are more likely to be referred to the juvenile justice system and detained in juvenile justice facilities than white children; and

(d) Existing systems, including behavioral health programs, schools, child welfare systems, and other local programs and services, are better equipped than the juvenile justice system to address the needs of young children and to provide developmentally appropriate services to improve community safety by reducing the risk that these children commit future crimes as adults.

(2) Therefore, the general assembly declares its intent to take the first step toward ending the prosecution of children who are ten years of age or older but under thirteen years of age, and ultimately to empower community-based responses in the health, education, and child welfare systems to serve children who are under thirteen years of age. The general assembly supports, instead of prosecution, evidence-based and promising practices and programs that improve outcomes for children and community safety, and reduce and eliminate racial and ethnic disparities.

**SECTION 2.** In Colorado Revised Statutes, **add** 19-3-304.4 as follows:

**19-3-304.4. Pre-adolescent services task force - duties - report - repeal.** (1) (a) THE DEPARTMENT SHALL CREATE A PRE-ADOLESCENT SERVICES TASK FORCE, REFERRED TO IN THIS SECTION AS THE "TASK FORCE", TO EXAMINE GAPS IN SERVICES FOR JUVENILES WHO ARE TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE, IF ANY WOULD BE CREATED IF THE MINIMUM AGE OF PROSECUTION OF JUVENILES IS INCREASED FROM AGE TEN TO AGE THIRTEEN, AND TO MAKE RECOMMENDATIONS FOR ADDRESSING THE GAPS IN SERVICES IDENTIFIED. THE TASK FORCE SHALL:

(I) IDENTIFY THE SERVICES, IF ANY, THAT ARE CURRENTLY PROVIDED THROUGH THE JUVENILE JUSTICE SYSTEM TO JUVENILES WHO ARE TEN YEARS

OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE, BUT WOULD NO LONGER BE AVAILABLE TO JUVENILES WHO ARE TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE IF THE MINIMUM AGE OF PROSECUTION OF JUVENILES IS INCREASED TO THIRTEEN;

(II) IDENTIFY THE SERVICES, IF ANY, THAT ARE CURRENTLY PROVIDED THROUGH THE JUVENILE JUSTICE SYSTEM TO CHILDREN IDENTIFIED AS VICTIMS OF CRIMES COMMITTED BY JUVENILES WHO ARE TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE, BUT WOULD NO LONGER BE AVAILABLE TO CHILDREN IDENTIFIED AS VICTIMS OF CRIMES COMMITTED BY JUVENILES WHO ARE TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE IF THE MINIMUM AGE OF PROSECUTION OF JUVENILES IS INCREASED TO THIRTEEN;

(III) MAKE RECOMMENDATIONS FOR HOW THE SERVICES IDENTIFIED IN SUBSECTIONS (1)(a)(I) AND (1)(a)(II) OF THIS SECTION MAY INSTEAD BE PROVIDED BY EXISTING AGENCIES OR ORGANIZATIONS OUTSIDE OF THE JUVENILE JUSTICE SYSTEM, IF THE MINIMUM AGE OF PROSECUTION OF JUVENILES IS INCREASED TO THIRTEEN; AND

(IV) MAKE RECOMMENDATIONS FOR HOW EXISTING OR POTENTIAL FUNDING MAY BE UTILIZED TO PROVIDE SERVICES IDENTIFIED PURSUANT TO SUBSECTIONS (1)(a)(I) AND (1)(a)(II) OF THIS SECTION OUTSIDE OF THE JUVENILE JUSTICE SYSTEM, IF THE MINIMUM AGE OF PROSECUTION OF JUVENILES IS INCREASED TO THIRTEEN.

(b) IN PERFORMING ITS DUTIES REQUIRED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THE TASK FORCE SHALL CONSIDER:

(I) RELEVANT DATA, INCLUDING ANY AVAILABLE DATA DEVELOPED PURSUANT TO SECTION 19-2.5-1404 (3), DATA FROM THE DEPARTMENT OF HUMAN SERVICES RELATED TO YOUTH TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE, AND EXPUNGED JUVENILE DELINQUENT RECORDS RELATED TO YOUTH TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE AT THE TIME THE CHARGES WERE FILED;

(II) THE CURRENT OR POTENTIAL AVAILABILITY OF LOCAL, STATE, OR FEDERAL RESOURCES TO ASSIST WITH PROVIDING SERVICES IDENTIFIED PURSUANT TO SUBSECTIONS (1)(a)(I) AND (1)(a)(II) OF THIS SECTION;

(III) OPPORTUNITIES TO PROVIDE NECESSARY ASSESSMENTS OR SERVICES TO JUVENILES WHO ARE TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE WITHOUT ARREST OR PROSECUTION; AND

(IV) OPPORTUNITIES TO UTILIZE AVAILABLE COLLABORATIVE MANAGEMENT PROGRAMS CREATED PURSUANT TO SECTION 24-1.9-102, JUVENILE SERVICES PLANNING COMMITTEES CREATED PURSUANT TO SECTION 19-2.5-302, AND ASSESSMENT CENTERS FOR CHILDREN, AS DEFINED IN SECTION 19-1-103 (13).

(c) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE AND COUNTIES ONLY PURSUE APPROPRIATE MEASURES NECESSARY TO SERVE AND PROTECT A CHILD AS NEEDED, AVOID ANY UNNECESSARY INTERVENTION WHENEVER POSSIBLE, AND USE THE LEAST RESTRICTIVE ALTERNATIVES AND APPROPRIATELY MATCHED SERVICES.

(d) (I) THE TASK FORCE SHALL CONVENE ON OR BEFORE AUGUST 1, 2022. THE APPOINTING AUTHORITIES SHALL APPOINT PERSONS FROM THROUGHOUT THE STATE, PERSONS WITH A DISABILITY, AND PERSONS WHO REFLECT THE RACIAL AND ETHNIC DIVERSITY OF THE STATE. THE TASK FORCE CONSISTS OF:

(A) FOUR MEMBERS OF THE GENERAL ASSEMBLY, WITH ONE APPOINTED BY THE SENATE MAJORITY LEADER, ONE APPOINTED BY THE SENATE MINORITY LEADER, ONE APPOINTED BY THE HOUSE OF REPRESENTATIVES MAJORITY LEADER, AND ONE APPOINTED BY THE HOUSE OF REPRESENTATIVES MINORITY LEADER;

(B) A REPRESENTATIVE OF THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY WHO IS FAMILIAR WITH FUNDING MECHANISMS FOR DIVERSION, APPOINTED BY THE DIRECTOR OF THE DIVISION OF CRIMINAL JUSTICE;

(C) A REPRESENTATIVE OF A LAW ENFORCEMENT AGENCY, APPOINTED BY A STATEWIDE ORGANIZATION OF COUNTY SHERIFFS;

(D) A REPRESENTATIVE FROM A DISTRICT ATTORNEY'S OFFICE WITH EXPERIENCE PROVIDING DIVERSION SERVICES AND SUPERVISION TO JUVENILES, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT ATTORNEYS' COUNCIL;

(E) A REPRESENTATIVE FROM THE OFFICE OF THE STATE PUBLIC DEFENDER OR OFFICE OF ALTERNATIVE DEFENSE COUNSEL WITH EXPERIENCE REPRESENTING JUVENILES, APPOINTED BY THE STATE PUBLIC DEFENDER;

(F) A REPRESENTATIVE WITH EXPERIENCE PROVIDING PROBATIONARY SERVICES AND SUPERVISION TO JUVENILES, APPOINTED BY THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT;

(G) THE DIRECTOR OF THE OFFICE OF THE CHILD'S REPRESENTATIVE, OR THE DIRECTOR'S DESIGNEE;

(H) THE DIRECTOR OF THE OFFICE OF THE RESPONDENT PARENT'S COUNSEL, OR THE DIRECTOR'S DESIGNEE;

(I) A REPRESENTATIVE OF THE DIVISION OF CHILD WELFARE, APPOINTED BY THE DIRECTOR OF THE OFFICE OF CHILDREN, YOUTH, AND FAMILIES;

(J) A REPRESENTATIVE OF THE BEHAVIORAL HEALTH ADMINISTRATION WITH EXPERTISE CONCERNING THE DEVELOPMENT AND OPERATION OF RAPID CRISIS RESPONSE TEAMS, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES;

(K) TWO REPRESENTATIVES FROM PUBLIC SCHOOLS OR SCHOOL DISTRICTS, OF WHOM, ONE REPRESENTATIVE IS FROM A RURAL SCHOOL DISTRICT OR SMALL RURAL SCHOOL DISTRICT AS DEFINED IN SECTION 22-7-1211 (4), AND ONE REPRESENTATIVE IS FROM AN URBAN SCHOOL DISTRICT, APPOINTED BY THE COMMISSIONER OF EDUCATION;

(L) A REPRESENTATIVE FROM A LOCAL COLLABORATIVE MANAGEMENT PROGRAM CREATED PURSUANT TO SECTION 24-1.9-102, APPOINTED BY THE COLLABORATIVE MANAGEMENT PROGRAM STATEWIDE STEERING COMMITTEE;

(M) A REPRESENTATIVE FROM A LOCAL JUVENILE SERVICES PLANNING COMMITTEE CREATED PURSUANT TO SECTION 19-2.5-302 FROM A JUDICIAL DISTRICT WITH AN ASSESSMENT CENTER FOR CHILDREN, APPOINTED BY THE COLORADO YOUTH DETENTION CONTINUUM ADVISORY BOARD;

(N) A REPRESENTATIVE FROM THE RESTORATIVE JUSTICE

COORDINATING COUNCIL, APPOINTED BY THE RESTORATIVE JUSTICE COORDINATING COUNCIL;

(O) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(P) TWO REPRESENTATIVES FROM COUNTY DEPARTMENTS OF HUMAN SERVICES, OF WHOM, ONE REPRESENTATIVE IS FROM A RURAL COUNTY DEPARTMENT OF HUMAN SERVICES AND ONE REPRESENTATIVE IS FROM AN URBAN COUNTY DEPARTMENT OF HUMAN SERVICES, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(Q) A REPRESENTATIVE WITH EXPERIENCE PROVIDING TREATMENT TO YOUTH WHO HAVE PARTICIPATED IN PROBLEMATIC SEXUAL BEHAVIOR, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(R) A REPRESENTATIVE FROM A COMMUNITY-BASED ORGANIZATION THAT PROVIDES VICTIM SERVICES TO CHILDREN WHO ARE VICTIMS OF CRIMES, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(S) A REPRESENTATIVE FROM A COMMUNITY-BASED ORGANIZATION THAT SERVES VICTIMS OF SEXUAL ASSAULT, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(T) A REPRESENTATIVE WITH EXPERIENCE PROVIDING PEDIATRIC MENTAL AND BEHAVIORAL HEALTH SERVICES, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(U) A PEDIATRICIAN OR PEDIATRIC CLINICIAN, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(V) A REPRESENTATIVE OF A NONPROFIT ORGANIZATION THAT PROVIDES LEGAL SERVICES TO CHILDREN WHO ARE TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE, APPOINTED BY THE EXECUTIVE

DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(W) TWO REPRESENTATIVES FROM COMMUNITY ORGANIZATIONS OR NONPROFIT ORGANIZATIONS THAT PROVIDE EVIDENCE-BASED OR PROMISING PRACTICES THAT ARE CULTURALLY-RESPONSIVE AND TRAUMA-INFORMED TO JUVENILES, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND

(X) THREE REPRESENTATIVES WHO EXPERIENCED INCARCERATION, HOMELESSNESS, OR OUT-OF-HOME PLACEMENT AS A JUVENILE, OR WHO ARE THE PARENT OR LEGAL GUARDIAN OF A JUVENILE WHO IS EXPERIENCING OR EXPERIENCED INCARCERATION, HOMELESSNESS, OR OUT-OF-HOME PLACEMENT AS A JUVENILE, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

(II) MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES; EXCEPT THAT THE REPRESENTATIVES APPOINTED PURSUANT TO SUBSECTIONS (1)(d)(I)(A), (1)(d)(I)(W), AND (1)(d)(I)(X) MAY RECEIVE PER DIEM COMPENSATION FOR EXPENSES INCURRED IN THE PERFORMANCE OF DUTIES PURSUANT TO THIS SECTION.

(e) THE TASK FORCE SHALL MEET AT LEAST TWICE EVERY MONTH FROM AUGUST THROUGH DECEMBER OF 2022, OR MORE FREQUENTLY AS NEEDED TO PERFORM ITS DUTIES REQUIRED PURSUANT TO THIS SECTION.

(f) AT THE FIRST TASK FORCE MEETING, THE TASK FORCE MUST SELECT A CHAIR AND VICE-CHAIR, AND ESTABLISH BYLAWS THAT INCLUDE ENSURING A QUORUM, AND ENSURING THAT REPRESENTATIVES APPOINTED PURSUANT TO SUBSECTIONS (1)(d)(I)(W) AND (1)(d)(I)(X) ARE ABLE TO REGULARLY ATTEND AND PARTICIPATE IN MEETINGS. THE TASK FORCE MUST CONSIDER HOLDING MEETINGS OUTSIDE BUSINESS HOURS, VIRTUAL MEETINGS, AND PROVIDING REIMBURSEMENT FOR MEETING EXPENSES AS APPROPRIATE.

(g) THE TASK FORCE SHALL CREATE A REPORT CONTAINING THE EXAMINATION AND RECOMMENDATIONS MADE BY THE TASK FORCE PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION BY DECEMBER 30, 2022,

AND PROVIDE THAT REPORT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, AND TO THE PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES.

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2023.

**SECTION 3.** In Colorado Revised Statutes, 19-1-306, add (3)(g) as follows:

**19-1-306. Expungement of juvenile delinquent records - definition - repeal.** (3) (g) (I) NOTWITHSTANDING ANY ORDER FOR EXPUNGEMENT ISSUED PURSUANT TO THIS SECTION, ANY RECORD THAT IS ORDERED EXPUNGED IS AVAILABLE TO THE PRE-ADOLESCENT SERVICES TASK FORCE CREATED PURSUANT TO SECTION 19-3-304.4 FOR THE PURPOSE OF PERFORMING ITS REQUIRED DUTIES.

(II) THIS SUBSECTION (3)(g) IS REPEALED, EFFECTIVE JULY 1, 2023.

**SECTION 4. Appropriation.** (1) For the 2022-23 state fiscal year, \$105,000 is appropriated to the department of human services for use by the division of child welfare. This appropriation is from the general fund. To implement this act, the division may use this appropriation for administration.

(2) For the 2022-23 state fiscal year, \$9,433 is appropriated to the legislative department for use by the general assembly. This appropriation is from the general fund. To implement this act, the general assembly may use this appropriation for per diem and travel expenses.



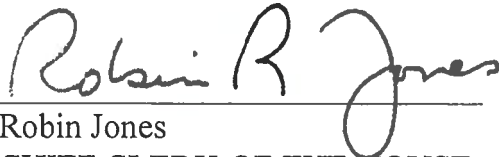
**SECTION 5. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.



Alec Garnett  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Steve Fenberg  
PRESIDENT OF  
THE SENATE

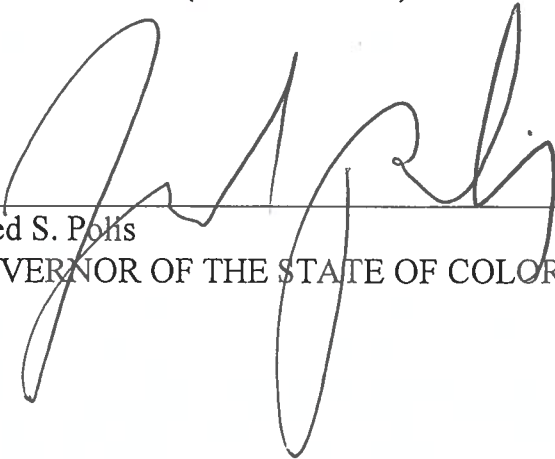


Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES



Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED June 7, 2022 at 2:45pm  
(Date and Time)



Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO