

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0416.01 Jerry Barry x4341

SENATE BILL 19-108

SENATE SPONSORSHIP

Lee and Gardner,

HOUSE SPONSORSHIP

Michaelson Jenet and Soper,

Senate Committees

Judiciary

Legislative Council

Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING CHANGES TO IMPROVE OUTCOMES FOR YOUTH IN THE**
102 **JUVENILE JUSTICE SYSTEM, AND, IN CONNECTION THEREWITH,**
103 **MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill establishes a committee on juvenile justice reform (committee) in the governor's office and establishes its membership. The bill specifies duties of the committee including:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- ! Adopting a validated risk and needs assessment tool to be used by juvenile courts, the division of youth services (DYS), juvenile probation, and the parole department;
- ! Selecting a mental health screening tool for juvenile offenders;
- ! Selecting a validated risk screening tool to be used by district attorneys in determining a juvenile's eligibility for diversion;
- ! Selecting a vendor to assist in the implementation of and provide training on the tools; and
- ! Developing plans for measuring the effectiveness of the tools.

Under current law, there is a working group under DYS on detention of juvenile offenders and alternative services to detention. The bill adds to the working group's duties that it must:

- ! Adopt a research-based detention screening instrument, develop a plan for training on the new instrument, and submit a report on the use of the new instrument;
- ! Establish criteria for the alternative services and report on the effectiveness of the alternative services; and
- ! Adopt a form affidavit for parents and guardians to complete.

The bill requires district attorney's offices to use the risk screening tools and the results of the tools in determining a juvenile's eligibility for diversion and need for services. It specifies grounds that may not be used to deny diversion and directs the division of criminal justice to collect data and report on juvenile diversion programs.

The bill restricts removing a juvenile from the custody of a parent, unless the detention screening is conducted and specified findings are made, and directs that unless physical restriction is required, custody of the juvenile is given to kin or another person. It limits which juveniles may be placed in detention. In releasing a juvenile from detention, the bill requires the juvenile court to use the detention screening instrument.

For juvenile probation, the bill requires the state court administrator to:

- ! Develop a statewide system of graduated responses and incentives to change a juvenile's behavior and address violations; and
- ! Develop statewide standards for juvenile probation supervision and services and provide annual training on the standards.

The bill makes conforming amendments.

1 (VII) THE STATE COURT ADMINISTRATOR OR THE
2 ADMINISTRATOR'S DESIGNEE; AND

3 (VIII) TWELVE PERSONS APPOINTED BY THE GOVERNOR AS
4 FOLLOWS:

5 (A) TWO DISTRICT ATTORNEYS WHO REGULARLY APPEAR IN
6 JUVENILE COURT MATTERS;

7 (B) A REPRESENTATIVE OF THE OFFICE OF THE STATE PUBLIC
8 DEFENDER AND A REPRESENTATIVE OF THE OFFICE OF THE ALTERNATE
9 DEFENSE COUNSEL, BOTH OF WHOM SPECIALIZE IN JUVENILE DEFENSE;

10 ==
11 (C) TWO PERSONS WHO OVERSEE LOCAL JUVENILE DIVERSION
12 PROGRAMS;

13 (D) A REPRESENTATIVE OF THE OFFICE OF THE CHILD'S
14 REPRESENTATIVE CREATED IN SECTION 13-91-104;

15 (E) A JUVENILE MENTAL HEALTH PROFESSIONAL;

16 (F) TWO PERSONS WHO ARE REPRESENTATIVES OF A NONPROFIT
17 ORGANIZATION THAT PROVIDES PROGRAMS TO PREVENT OR ADDRESS
18 JUVENILE DELINQUENCY; ==

19 (G) ONE JUVENILE OR FORMER JUVENILE WHO WAS CHARGED WITH
20 A DELINQUENT ACT; AND

21 (H) A REPRESENTATIVE OF THE OFFICE OF COLORADO'S CHILD
22 PROTECTION OMBUDSMAN.

23 (IX) THREE PERSONS WHO OVERSEE JUVENILE PROBATION
24 APPOINTED BY THE CHIEF JUSTICE.

25 (b) IN MAKING THE APPOINTMENTS, THE CHIEF JUSTICE AND THE
26 GOVERNOR ARE ENCOURAGED TO LOOK AT THE GEOGRAPHIC DIVERSITY OF
27 MEMBERS OF THE COMMITTEE.

1 (3) THE GOVERNOR SHALL SELECT A CHAIR AND A VICE-CHAIR.
2 (4) THE INITIAL COMMITTEE APPOINTMENTS AND DESIGNATIONS
3 MUST BE MADE BY MAY 31, 2019. THE INITIAL MEETING OF THE
4 COMMITTEE MUST BE ON OR BEFORE JUNE 30, 2019, AND THE COMMITTEE
5 MUST MEET AT LEAST QUARTERLY THEREAFTER, UPON NOTICE BY THE
6 CHAIR. THE COMMITTEE SHALL MEET AS OFTEN AS NECESSARY TO CARRY
7 OUT ITS DUTIES AS DESCRIBED IN THIS PART 6. A MAJORITY OF THE
8 MEMBERS OF THE COMMITTEE CONSTITUTES A QUORUM FOR THE
9 TRANSACTION OF BUSINESS, AND A MAJORITY OF A QUORUM PRESENT AT
10 ANY MEETING IS SUFFICIENT FOR ANY OFFICIAL ACTION TAKEN BY THE
11 COMMITTEE.

12 (5) THE COMMITTEE MAY ESTABLISH SUBCOMMITTEES THAT MAY
13 INCLUDE INDIVIDUALS OTHER THAN MEMBERS OF THE COMMITTEE TO
14 ASSIST IN ITS WORK.

15 **24-20-602. Juvenile justice reform committee - duties.** (1) THE
16 COMMITTEE HAS THE FOLLOWING DUTIES:

17 (a) (I) ADOPT A VALIDATED RISK AND NEEDS ASSESSMENT TOOL OR
18 TOOLS TO BE USED STATEWIDE THAT USES AN ACCEPTED STANDARD OF
19 ASSESSMENT. THE COMMITTEE SHALL DETERMINE IF ONE TOOL MUST BE
20 USED BY THE ENTIRE JUVENILE JUSTICE SYSTEM OR IF THE JUDICIAL
21 DEPARTMENT OR DIVISION OF YOUTH SERVICES MAY USE DIFFERENT
22 VALIDATED TOOLS. THE TOOL OR TOOLS MUST BE USED TO ASSIST:

23 (A) JUVENILE COURTS IN DETERMINING THE ACTIONS TO TAKE FOR
24 EACH JUVENILE SUBJECT TO THE JURISDICTION OF THE JUVENILE COURT;

25 (B) THE DIVISION OF YOUTH SERVICES IN DEVELOPMENT OF CASE
26 AND REENTRY PLANS AND THE DETERMINATION OF SUPERVISION LEVELS
27 FOR JUVENILES COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES;

1 AND

2 (C) JUVENILE PROBATION DEPARTMENTS IN THE DEVELOPMENT OF
3 CASE PLANS AND THE DETERMINATION OF SUPERVISION LEVELS FOR
4 JUVENILES PLACED ON PROBATION.

5 (II) IN ADOPTING THE VALIDATED RISK AND NEEDS ASSESSMENT
6 TOOL OR TOOLS PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION, THE
7 COMMITTEE SHALL CONSULT WITH EXPERT ORGANIZATIONS, CONSULT
8 WITH THE DELIVERY OF CHILD WELFARE SERVICES TASK FORCE CREATED
9 IN SECTION 26-5-105.8, AND REVIEW RESEARCH AND BEST PRACTICES
10 FROM OTHER JURISDICTIONS AND MAY CONSIDER A VALIDATED TOOL OR
11 TOOLS ALREADY BEING USED IN THE STATE. ON OR BEFORE JANUARY 1,
12 2021, THE COMMITTEE SHALL:

13 (A) SELECT A VALIDATED RISK AND NEEDS ASSESSMENT TOOL OR
14 TOOLS; EXCEPT THAT THE COMMITTEE SHALL SELECT THE TOOL OR TOOLS
15 BY SEPTEMBER 1, 2019.

16 (B) DETERMINE THE POPULATION OF JUVENILES FOR WHICH THE
17 VALIDATED RISK AND NEEDS ASSESSMENT MUST BE CONDUCTED PRIOR TO
18 DISPOSITION, WHILE IN THE CUSTODY OF THE DIVISION OF YOUTH
19 SERVICES, OR UNDER JUVENILE PROBATION SUPERVISION;

20 (C) DETERMINE THE TIME FRAME PRIOR TO DISPOSITION AND AT
21 REGULAR INTERVALS THEREAFTER THAT THE VALIDATED RISK AND NEEDS
22 ASSESSMENT MUST BE CONDUCTED TO DETERMINE RISK LEVELS AND TO
23 IDENTIFY INTERVENTION NEEDS AND WHO IS RESPONSIBLE FOR
24 CONDUCTING THE ASSESSMENT;

25 (D) ESTABLISH POLICIES FOR HOW THE RESULTS OF THE
26 VALIDATED RISK AND NEEDS ASSESSMENTS ARE COMPILED AND HOW THE
27 RESULTS ARE SHARED AND WITH WHICH PARTIES THEY ARE SHARED;

1 (E) ESTABLISH POLICIES FOR THE UTILIZATION OF THE VALIDATED
2 RISK AND NEEDS ASSESSMENT TOOL, INCLUDING POLICIES TO OBJECTIVELY
3 GUIDE SUPERVISION LEVELS AND THE LENGTH OF TIME ON SUPERVISION,
4 DEVELOP INDIVIDUALIZED CONDITIONS OF JUVENILE PROBATION, AND
5 DEVELOP CASE PLANS FOR EACH JUVENILE COMMITTED TO THE
6 DEPARTMENT OF HUMAN SERVICES OR PLACED ON JUVENILE PROBATION;

7 (F) DEVELOP A PLAN TO CONDUCT A VALIDATION STUDY OF THE
8 VALIDATED RISK AND NEEDS ASSESSMENT TOOL OR TOOLS ON THE
9 JUVENILES WHO ARE ADMINISTERED EACH TOOL; ==

10 (G) DEVELOP A PLAN TO COLLECT AND REPORT DATA ANNUALLY
11 ON THE RESULTS OF THE VALIDATED RISK AND NEEDS ASSESSMENTS; AND

12 (H) CALCULATE THE FISCAL COST OF COLLECTING AND REPORTING
13 THE DATA REQUIRED BY SUBSECTION (1)(a)(II)(G) OF THIS SECTION AND
14 REPORT THE COST TO THE OFFICE OF STATE PLANNING AND BUDGETING.

15 (b) SELECT A VALIDATED MENTAL HEALTH SCREENING TOOL OR
16 TOOLS THAT USE AN ACCEPTED STANDARD OF PRACTICE TO BE USED TO
17 INFORM THE APPROPRIATE ACTIONS TO TAKE FOR EACH JUVENILE PRIOR TO
18 DISPOSITION. THE TOOL OR TOOLS MAY BE A VALIDATED TOOL OR TOOLS
19 ALREADY BEING USED IN THE STATE.

20 ==

21 (c) SELECT A VALIDATED RISK SCREENING TOOL TO BE USED
22 STATEWIDE TO INFORM DISTRICT ATTORNEY DECISIONS ON A JUVENILE'S
23 ELIGIBILITY FOR DIVERSION. THE VALIDATED RISK SCREENING TOOL MUST
24 BE IMPLEMENTED PURSUANT TO SECTION 19-2-303.

25 (d) BY JULY 1, 2020, SELECT A QUALIFIED VENDOR OR NATIONAL
26 PROVIDER OF RISK ASSESSMENT TECHNICAL ASSISTANCE TO ASSIST THE
27 DEPARTMENT OF HUMAN SERVICES, JUVENILE PROBATION, AND THE

1 JUVENILE COURT WITH THE ADOPTION AND IMPLEMENTATION OF THE
2 VALIDATED RISK AND NEEDS ASSESSMENT TOOL OR TOOLS AND VALIDATED
3 MENTAL HEALTH SCREENING TOOL OR TOOLS AND ASSIST JUVENILE
4 DIVERSION PROGRAMS AND DISTRICT ATTORNEY'S OFFICES WITH THE
5 ADOPTION AND IMPLEMENTATION OF A VALIDATED RISK SCREENING TOOL.
6 THE ASSISTANCE MUST INCLUDE AN IMPLEMENTATION PLAN, EMPLOYEE
7 TRAINING, POLICY DEVELOPMENT, AND THE ESTABLISHMENT OF QUALITY
8 ASSURANCE AND DATA COLLECTION PROTOCOLS.

9 (e) IN COLLABORATION WITH THE DELIVERY OF CHILD WELFARE
10 SERVICES TASK FORCE CREATED IN SECTION 26-5-105.8, IDENTIFY SHARED
11 OUTCOME MEASURES THAT ALL SERVICE PROVIDERS RECEIVING STATE
12 FUNDS AND SERVING JUVENILES PLACED ON PROBATION AND PAROLE MUST
13 TRACK AND REPORT. THE COMMITTEE SHALL ALSO:

14 (I) DEVELOP A PLAN FOR HOW THE DEPARTMENT OF HUMAN
15 SERVICES AND THE JUDICIAL DEPARTMENT SHALL COLLECT THIS DATA AS
16 PART OF THE CONTRACTING REQUIREMENTS;

17 (II) ESTABLISH POLICIES FOR EVALUATING THE EFFECTIVENESS OF
18 SERVICE PROVIDERS, INCLUDING TIME FRAMES AND WHO IS RESPONSIBLE
19 FOR CONDUCTING THE EVALUATIONS; AND

20 (III) DEVELOP A PLAN FOR THE DEPARTMENT OF HUMAN SERVICES
21 AND THE JUDICIAL DEPARTMENT TO REPORT ON THE OUTCOME MEASURES.
22 THE REPORT OR REPORTS MUST BE MADE AVAILABLE ANNUALLY TO THE
23 GOVERNOR, THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT, AND
24 THE JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE OF
25 REPRESENTATIVES, THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE
26 SENATE, AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES
27 COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR

1 COMMITTEES. NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136
2 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT OR REPORTS TO THE
3 COMMITTEES CONTINUES INDEFINITELY.

4 (f) IDENTIFY SHARED OUTCOME MEASURES FOR DIVERSION,
5 JUVENILE PROBATION, AND THE DIVISION OF YOUTH SERVICES, INCLUDING
6 A COMMON DEFINITION OF RECIDIVISM.

7 (2) THE COMMITTEE SHALL RECOMMEND CHANGES TO STATUTES,
8 APPROPRIATIONS, RULES, OR STANDARDS THAT NEED TO BE MADE PRIOR
9 TO FULLY IMPLEMENTING THE COMMITTEE'S RECOMMENDATIONS.
10 SUBMITTING REPORTS PURSUANT TO THIS SECTION IS CONTINGENT UPON
11 THE RECEIPT OF REASONABLE AND NECESSARY ADDITIONAL
12 APPROPRIATIONS REQUESTED BY THE COMMITTEE IN ORDER TO FULFILL
13 REPORTING REQUIREMENTS OUTLINED IN THE COMMITTEE'S PLANS.

14 **24-20-603. Repeal.** THIS PART 6 IS REPEALED, EFFECTIVE
15 SEPTEMBER 1, 2022. BEFORE ITS REPEAL, THIS PART 6 IS SCHEDULED FOR
16 REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

17 **SECTION 2.** In Colorado Revised Statutes, 19-1-103, **amend**
18 (44); and **add** (106.5) as follows:

19 **19-1-103. Definitions.** As used in this title 19 or in the specified
20 portion of this title 19, unless the context otherwise requires:

21 (44) (a) "Diversion" means a decision made by a person with
22 authority or a delegate of that person that results in specific official action
23 of the legal system not being taken in regard to a specific juvenile or child
24 and in lieu thereof providing OR REFERRING THE JUVENILE OR CHILD TO
25 individually designed ~~services, by a specific program~~ OR ACTIVITY, IF
26 NECESSARY, PROVIDED BY DISTRICT ATTORNEY'S OFFICES,
27 GOVERNMENTAL UNITS, OR NONGOVERNMENTAL UNITS. The goal of

1 diversion is to prevent further involvement of the juvenile or child in the
2 formal legal system.

3 (b) Diversion of a juvenile or child may take place either at the
4 prefiling level as an alternative to the filing of a petition pursuant to
5 section 19-2-512 or ~~at the postadjudication level as an adjunct to~~
6 ~~probation services following an adjudicatory hearing pursuant to section~~
7 ~~19-3-505 or a disposition as a part of sentencing pursuant to section~~
8 ~~19-2-907. "Services", as used in this subsection (44), includes but is not~~
9 ~~limited to diagnostic needs assessment, restitution programs, community~~
10 ~~service, job training and placement, specialized tutoring, constructive~~
11 ~~recreational activities, general counseling and counseling during a crisis~~
12 ~~situation, and follow-up activities~~ POSTFILING AS AN ALTERNATIVE TO
13 ADJUDICATION. Services may include restorative justice practices as
14 defined in section 18-1-901 (3)(o.5). C.R.S., and as deemed suitable by
15 the probation department or a designated restorative justice practices
16 facilitator. Restorative justice practices shall be conducted by facilitators
17 recommended by the district attorney.

18 (106.5) "TEMPORARY SHELTER" MEANS THE TEMPORARY
19 PLACEMENT OF A CHILD WITH KIN, AS DEFINED IN SUBSECTION (71.3) OF
20 THIS SECTION; WITH AN ADULT WITH A SIGNIFICANT RELATIONSHIP WITH
21 THE CHILD; OR IN A LICENSED AND CERTIFIED TWENTY-FOUR-HOUR CARE
22 FACILITY.

23 **SECTION 3.** In Colorado Revised Statutes, 19-2-210, **amend**
24 (3)(b) as follows:

25 **19-2-210. Juvenile community review board.** (3) (b) The board
26 shall review the case file of the juvenile and make a decision regarding
27 residential community placement, taking into consideration the results of

1 ~~the objective~~ A VALIDATED RISK AND NEEDS ASSESSMENT ADOPTED
2 PURSUANT TO SECTION 24-20-602 (1) by the department of human
3 services, ~~the needs of the juvenile,~~ and the criteria established by the
4 juvenile community review board based on the interests of the
5 community, ~~Objective risk criteria shall be established and maintained~~
6 AND GUIDANCE ESTABLISHED by the department of human services ~~and~~
7 ~~shall~~ IN CONSULTATION WITH THE JUVENILE JUSTICE REFORM COMMITTEE
8 ESTABLISHED PURSUANT TO SECTION 24-20-601. THE CRITERIA MUST be
9 based upon researched factors that have been demonstrated to be
10 correlative to risk to the community.

11 **SECTION 4.** In Colorado Revised Statutes, **add** 19-2-211.5 as
12 follows:

13 **19-2-211.5. Legislative declaration.** THE GENERAL ASSEMBLY
14 DECLARES THAT THE PLACEMENT OF CHILDREN IN A DETENTION FACILITY
15 EXACTS A NEGATIVE IMPACT ON THE MENTAL AND PHYSICAL WELL-BEING
16 OF THE CHILD AND SUCH DETENTION MAY MAKE IT MORE LIKELY THAT THE
17 CHILD WILL REOFFEND. CHILDREN WHO ARE DETAINED ARE MORE LIKELY
18 TO PENETRATE DEEPER INTO THE JUVENILE JUSTICE SYSTEM THAN SIMILAR
19 CHILDREN WHO ARE NOT DETAINED, AND COMMUNITY-BASED
20 ALTERNATIVES TO DETENTION SHOULD BE BASED ON THE PRINCIPLE OF
21 USING THE LEAST-RESTRICTIVE SETTING POSSIBLE AND RETURNING A
22 CHILD TO HIS OR HER HOME, FAMILY, OR OTHER RESPONSIBLE ADULT
23 WHENEVER POSSIBLE CONSISTENT WITH PUBLIC SAFETY. IT IS THE INTENT
24 OF THE GENERAL ASSEMBLY IN ADOPTING SECTION 19-2-507.5 AND
25 AMENDING SECTIONS 19-2-212, 19-2-507, AND 19-2-508 TO LIMIT THE USE
26 OF DETENTION TO ONLY THOSE CHILDREN WHO POSE A SUBSTANTIAL RISK
27 OF SERIOUS HARM TO OTHERS OR THAT ARE A FLIGHT RISK FROM

1 PROSECUTION.

2 **SECTION 5.** In Colorado Revised Statutes, **amend** 19-2-212 as
3 follows:

4 **19-2-212. Working group for criteria for placement of juvenile**
5 **offenders - establishment of formula - review of criteria - report.**

6 (1) (a) The executive director of the department of human services and
7 the state court administrator of the judicial department, or any designees
8 of such persons, in consultation with SHALL FORM A WORKING GROUP
9 THAT MUST INCLUDE REPRESENTATIVES FROM:

10 (I) The division of criminal justice of the department of public
11 safety;

12 (II) The office of state planning and budgeting;

13 (III) The Colorado district attorneys council;

14 (IV) Law enforcement; representatives;

15 (V) THE PUBLIC DEFENDER'S OFFICE AND THE OFFICE OF
16 ALTERNATE DEFENSE COUNSEL;

17 (VI) THE OFFICE OF THE CHILD REPRESENTATIVE;

18 (VII) JUVENILE PROBATION;

19 (VIII) JUVENILE COURT JUDGES AND MAGISTRATES; and
20 representatives of

21 (IX) Local and county governments, INCLUDING COUNTY
22 DEPARTMENTS OF HUMAN OR SOCIAL SERVICES. shall form a

23 (b) THE working group that shall carry out the following duties:

24 (a) (I) To establish a set of criteria for both detention and
25 commitment for the purposes of determining which juvenile offenders are
26 appropriate for placement in the physical or legal custody of the
27 department of human services. Such criteria ~~shall~~ MUST conform with

1 section 19-2-508. This set of criteria, when adopted by the department of
2 human services and the judicial department, ~~shall be used to~~ MUST
3 promote a more uniform system of determining which juveniles should
4 be placed in the physical custody of the department of human services or
5 in the legal custody of the department of human services so that decisions
6 for such placement of a juvenile are made based upon a uniform set of
7 criteria throughout the state. ~~In developing such set of criteria, the~~
8 ~~working group shall utilize any existing risk scale devised by the~~
9 ~~department of human services or any other measures to determine when~~
10 ~~it is appropriate to place a juvenile in the physical custody of the~~
11 ~~department of human services or in the legal custody of the department~~
12 ~~of human services.~~ In addition, the criteria shall specifically take into
13 account the educational needs of the juvenile and ensure the juvenile's
14 access to appropriate educational services. The working group established
15 pursuant to this subsection (1) shall hold a meeting AT LEAST once each
16 year AND AS NECESSARY to review and propose revision to the criteria
17 established pursuant to this ~~paragraph (a)~~ SUBSECTION (1) and the formula
18 created pursuant to ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(e)
19 OF THIS SECTION.

20 (II) BEFORE JANUARY 1, 2021, TO DEVELOP OR ADOPT BY A
21 MAJORITY VOTE OF THE WORKING GROUP A RESEARCH-BASED DETENTION
22 SCREENING INSTRUMENT TO BE USED STATEWIDE TO INFORM PLACEMENT
23 OF JUVENILES IN A DETENTION FACILITY. IN DEVELOPING OR ADOPTING THE
24 DETENTION SCREENING INSTRUMENT, THE WORKING GROUP SHALL
25 CONSULT WITH EXPERT ORGANIZATIONS AND REVIEW RESEARCH AND BEST
26 PRACTICES FROM OTHER JURISDICTIONS. THE WORKING GROUP IS ALSO
27 RESPONSIBLE FOR:

1 (A) ENSURING THAT THE INSTRUMENT IDENTIFIES AND MITIGATES
2 ANY DISPARATE IMPACTS BASED ON DISABILITY, RACE OR ETHNICITY,
3 GENDER, SEXUAL ORIENTATION, NATIONAL ORIGIN, ECONOMIC STATUS, OR
4 CHILD WELFARE INVOLVEMENT;

5 (B) IDENTIFYING MEASURES AND SCORING FOR THE DETENTION
6 SCREENING INSTRUMENT TO DETERMINE ELIGIBILITY FOR PLACEMENT IN
7 A JUVENILE DETENTION FACILITY;

8 (C) IDENTIFYING HOW THE INSTRUMENT IS VALIDATED AND
9 PILOTED; AND

10 (D) ESTABLISHING STATEWIDE SCORING OVERRIDE POLICIES THAT
11 MINIMIZE SUBJECTIVE DECISIONS TO HOLD A JUVENILE IN A DETENTION
12 FACILITY, WHILE ALLOWING FOR LOCAL FLEXIBILITY.

13 (III) BEFORE JANUARY 1, 2021, TO DEVELOP A PLAN TO PROVIDE
14 TRAINING AND TECHNICAL ASSISTANCE TO SCREENING TEAMS ON THE
15 IMPLEMENTATION OF THE DETENTION SCREENING INSTRUMENT, INCLUDING
16 AT LEAST ANNUAL REFRESHER TRAINING;

17 (IV) BEFORE JANUARY 1, 2021, TO DEVELOP A PLAN FOR THE
18 DIVISION OF YOUTH SERVICES TO COLLECT, COMPILE, AND REPORT TO THE
19 JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE OF
20 REPRESENTATIVES, THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE
21 SENATE, AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES
22 COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR
23 COMMITTEES, ANNUALLY ON THE USE OF SECURE DETENTION; NUMBER
24 AND JUSTIFICATION OF OVERRIDES OF THE DETENTION SCREENING
25 INSTRUMENT AS CONDUCTED PURSUANT TO SECTION 19-2-507; AND, IF
26 POSSIBLE, AN ANALYSIS OF DETENTION SCREENING INSTRUMENT DATA TO
27 DETERMINE IF ANY DISPARATE IMPACTS RESULTED BASED ON RACE,

1 ETHNICITY, GENDER, SEXUAL ORIENTATION, NATIONAL ORIGIN, ECONOMIC
2 STATUS, OR CHILD WELFARE INVOLVEMENT. THE DIVISION OF YOUTH
3 SERVICES SHALL RECOMMEND ANY NECESSARY CHANGES TO
4 APPROPRIATIONS THAT NEED TO BE MADE PRIOR TO FULLY IMPLEMENTING
5 THIS SECTION'S RECOMMENDATIONS. NOTWITHSTANDING THE PROVISIONS
6 OF SECTION 24-1-136 (11)(a)(I), THIS REPORTING REQUIREMENT
7 CONTINUES INDEFINITELY.

8 (b) (V) To establish a formula for the purpose of allocating funds
9 by each judicial district in the state of Colorado for alternative services to
10 placing juveniles in the physical custody of the department of human
11 services or in the legal custody of the department of human services. Such
12 allocation ~~shall~~ MUST take into consideration such factors as the
13 population of the judicial district, the incidence of offenses committed by
14 juveniles in such judicial district, and ~~such~~ other factors as deemed
15 appropriate. The working group shall consider and take into account
16 whether any federal ~~moneys~~ MONEY or matching funds are available to
17 cover the costs of juveniles within the system, including parent fees and
18 third-party reimbursement as authorized by law or reimbursements under
19 Title IV-E of the federal "Social Security Act", as amended.

20 (VI) BEFORE JANUARY 1, 2021, TO ESTABLISH CRITERIA FOR
21 JUVENILES SERVED THROUGH ALTERNATIVE SERVICES FUNDED PURSUANT
22 TO SUBSECTION (1)(e) OF THIS SECTION. SUCH CRITERIA MUST PRIORITIZE:

23 (A) PREADJUDICATED JUVENILES ELIGIBLE FOR PLACEMENT IN A
24 DETENTION FACILITY AS DETERMINED BY RESULTS FROM A DETENTION
25 SCREENING INSTRUMENT;

26 (B) JUVENILES WHO ARE IN SECURE DETENTION; AND

27 (C) JUVENILES UNDER THE SUPERVISION OF PROBATION WHEN THE

1 RESULTS OF A DETENTION SCREENING INSTRUMENT INDICATE THAT THE
2 JUVENILE IS ELIGIBLE FOR DETENTION.

3 (VII) AT LEAST EVERY TWO YEARS, TO REVIEW DATA COLLECTED
4 BY THE DIVISION OF YOUTH SERVICES ON THE USE OF FUNDING PURSUANT
5 TO SUBSECTION (1)(e) OF THIS SECTION AND ITS IMPACT ON THE USE OF
6 JUVENILE DETENTION. THE WORKING GROUP SHALL IDENTIFY THE
7 MEASURES THAT IT WILL COLLECT AS PART OF ITS REVIEW OF THE IMPACT
8 OF PREADJUDICATED FUNDING ON DETENTION PURSUANT TO THIS SECTION.

9 (VIII) BEFORE JANUARY 1, 2021, TO ADOPT A RELATIVE
10 INFORMATION FORM CONCERNING A JUVENILE'S POTENTIAL NEED FOR
11 SERVICES OR PLACEMENT. THE INFORMATION FORM MUST BE AVAILABLE
12 AT EACH JUDICIAL DISTRICT TO EACH PARENT OR LEGAL GUARDIAN OF A
13 JUVENILE SCREENED FOR DETENTION AND PARTICIPATION IN ALTERNATIVE
14 SERVICES. THE INFORMATION FORM MUST:

15 (A) ADVISE THE PARENT OR LEGAL GUARDIAN THAT HE OR SHE IS
16 REQUIRED TO PROVIDE THE REQUESTED INFORMATION FULLY AND
17 COMPLETELY; AND

18 (B) REQUIRE THE PARENT OR LEGAL GUARDIAN TO LIST THE
19 NAMES, ADDRESSES, E-MAIL ADDRESSES, AND TELEPHONE NUMBERS OF
20 EVERY GRANDPARENT, RELATIVE, KIN, AND PERSON WITH A SIGNIFICANT
21 RELATIONSHIP WITH THE JUVENILE AND ANY COMMENTS CONCERNING THE
22 APPROPRIATENESS OF THE JUVENILE'S POTENTIAL NEED FOR SERVICES
23 FROM OR PLACEMENT WITH THOSE PERSONS.

24 (IX) BEFORE JANUARY 1, 2021, TO DEVELOP A SYSTEM OF
25 GRADUATED RESPONSES AND REWARDS TO GUIDE PAROLE OFFICERS IN
26 DETERMINING HOW BEST TO MOTIVATE POSITIVE JUVENILE BEHAVIOR
27 CHANGE AND THE APPROPRIATE RESPONSE TO A VIOLATION OF TERMS AND

1 CONDITIONS OF JUVENILE PAROLE. GRADUATED RESPONSES MEANS AN
2 ACCOUNTABILITY-BASED SERIES OF SANCTIONS AND SERVICES DESIGNED
3 TO RESPOND TO A JUVENILE'S VIOLATION OF PAROLE QUICKLY,
4 CONSISTENTLY, AND PROPORTIONALLY AND INCENTIVES TO MOTIVATE
5 POSITIVE BEHAVIOR CHANGE AND SUCCESSFUL COMPLETION OF PAROLE
6 AND HIS OR HER REENTRY AND TREATMENT GOALS.

7 (2) Of the members of the working group established pursuant to
8 subsection (1) of this section, the executive director of the department of
9 human services and the state court administrator of the judicial
10 department, or any designees of such persons, ~~shall~~ have final authority
11 to carry out the duty of creating the set of criteria pursuant to ~~paragraph~~
12 ~~(a) of subsection (1)~~ SUBSECTIONS (1)(a) TO (1)(d) of this section and
13 creating the formula pursuant to ~~paragraph (b) of subsection (1)~~
14 SUBSECTIONS (1)(e) TO (1)(g) of this section. This authority ~~shall~~ CAN
15 ONLY be exercised after working with and participating in the working
16 group process established in this section.

17 **SECTION 6.** In Colorado Revised Statutes, 19-2-302, **amend** (1),
18 (3), and (4) as follows:

19 **19-2-302. Preadjudication service program creation -**
20 **community advisory board established - duties of board.** (1) (a) The
21 chief judge of any judicial district may issue an order that any juvenile
22 who applies for preadjudication release be evaluated for placement by a
23 preadjudication service program established pursuant to this section. In
24 evaluating the juvenile, the service agency shall follow criteria for the
25 placement of a juvenile established pursuant to section 19-2-212. Upon
26 evaluation, the service agency shall make a recommendation to the court
27 concerning placement of the juvenile with a preadjudication service

1 program.

2 (b) PARENTS OR LEGAL GUARDIANS OF A JUVENILE EVALUATED BY
3 A PREADJUDICATION SERVICE PROGRAM SHALL COMPLETE THE
4 INFORMATION FORM DESCRIBED IN SECTION 19-2-212 (1)(a)(VII) NO
5 LATER THAN TWO BUSINESS DAYS AFTER THE EVALUATION OR PRIOR TO
6 THE JUVENILE'S FIRST DETENTION HEARING, WHICHEVER OCCURS FIRST. IF
7 AVAILABLE, THE SCREENING TEAM OR PREADJUDICATION SERVICE
8 PROGRAM SHALL FILE THE ORIGINAL COMPLETED INFORMATION FORM
9 WITH THE COURT. IF THE INFORMATION FORM HAS NOT BEEN COMPLETED
10 AT THE TIME OF THE DETENTION HEARING, THE COURT SHALL DIRECT THE
11 PARENT OR LEGAL GUARDIAN TO IMMEDIATELY COMPLETE THE FORM AND
12 FILE IT WITH THE COURT. THE SCREENING TEAM, PREADJUDICATION
13 SERVICE PROGRAM, OR THE COURT SHALL DELIVER A COPY OF THE
14 INFORMATION REPORT TO THE DIVISION OF YOUTH SERVICES; THE
15 GUARDIAN AD LITEM, IF ANY; AND THE COUNTY DEPARTMENT OF HUMAN
16 OR SOCIAL SERVICES NO LATER THAN FIVE BUSINESS DAYS AFTER THE
17 DATE OF THE DETENTION HEARING.

18 (3) The local justice plan ~~shall~~ MUST provide for the assessment
19 of juveniles taken into custody and detained by law enforcement officers,
20 which assessment ~~shall~~ MUST be based on criteria for the placement of
21 juveniles established pursuant to section 19-2-212, so that relevant
22 information may be presented to the judge presiding over the detention
23 hearing. The information provided to the court through the screening
24 process, which information ~~shall~~ MUST include the record of any prior
25 adjudication of the juvenile, is intended to enhance the court's ability to
26 make a more appropriate detention and bond decision, based on facts
27 relative to the juvenile's ~~welfare or the juvenile's risk of danger to the~~

1 ~~community~~ SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS.

2 (4) The plan may include different methods and levels of
3 community-based supervision as conditions for preadjudication release,
4 INCLUDING THE POSSIBILITY OF RELEASE WITHOUT FORMAL SUPERVISION.

5 The plan may provide for the use of the same supervision methods that
6 have been established for adult defendants as a pretrial release method to
7 reduce pretrial incarceration or that have been established as sentencing
8 alternatives for juvenile or adult offenders placed on probation or parole.

9 The use of such supervision methods is intended to reduce
10 preadjudication detentions without sacrificing the protection of the
11 community from juveniles who may be risks to the public. The plan may
12 ALLOW FOR THE RELEASE OF THE JUVENILE TO HIS OR HER HOME WITH NO
13 FORMAL SUPERVISION OR provide for the use of any of the following
14 supervision methods as conditions of preadjudication release:

15 (a) Periodic telephone communications with the juvenile;

16 (b) Periodic office visits by the juvenile to the preadjudication
17 service agency;

18 (c) Periodic home visits to the juvenile's home;

19 (d) IF A VALIDATED MENTAL HEALTH OR SUBSTANCE USE
20 SCREENING AND SUBSEQUENT MENTAL HEALTH OR SUBSTANCE USE
21 ASSESSMENT INDICATES THAT THE JUVENILE HAS A NEED:

22 (I) Periodic drug testing of the juvenile; OR

23 (II) MENTAL HEALTH OR SUBSTANCE USE TREATMENT FOR THE
24 JUVENILE, WHICH TREATMENT MAY INCLUDE RESIDENTIAL TREATMENT;

25 (e) Periodic visits to the juvenile's school;

26 ~~(f) Mental health or substance abuse treatment for the juvenile,~~
27 ~~which treatment may include residential treatment;~~

- 1 ~~(g)~~ (f) Domestic violence or child abuse counseling for the
- 2 juvenile, if applicable;
- 3 ~~(h)~~ (g) Electronic or global position monitoring of the juvenile;
- 4 ~~(i)~~ (h) Work release for the juvenile, if school attendance is not
- 5 applicable or appropriate under the circumstances; or
- 6 ~~(j)~~ (i) Juvenile day reporting and day treatment programs.

7 **SECTION 7.** In Colorado Revised Statutes, **amend** 19-2-303 as
8 follows:

9 **19-2-303. Juvenile diversion program - authorized - report -**
10 **- legislative declaration - definitions.** (1) (a) In order to more fully

11 implement the stated objectives of this ~~title~~ TITLE 19, the general assembly
12 declares its intent to establish a juvenile diversion program that, when
13 possible, integrates restorative justice practices to provide
14 community-based alternatives to the formal court system that will reduce
15 juvenile crime and recidivism AND IMPROVE POSITIVE JUVENILE
16 OUTCOMES, change juvenile offenders' behavior and attitudes, promote
17 juvenile offenders' accountability, recognize and support the rights of
18 victims, heal the harm to relationships and the community caused by
19 juvenile crime, and reduce the costs within the juvenile justice system.

20 (b) RESEARCH HAS SHOWN THAT COURT INVOLVEMENT FOR
21 JUVENILES NOT IDENTIFIED AS A RISK OF HARM TO OTHERS IS HARMFUL,
22 AND MOST LOW-RISK JUVENILES GROW OUT OF THEIR BEHAVIOR AND STOP
23 REOFFENDING WITHOUT SYSTEM INTERVENTION.

24 (c) THE GOALS OF THE DIVERSION PROGRAMS ARE TO:

25 (I) PREVENT FURTHER INVOLVEMENT OF THE JUVENILE IN THE
26 FORMAL LEGAL SYSTEM;

27 (II) PROVIDE ELIGIBLE JUVENILES WITH COST-EFFECTIVE

1 ALTERNATIVES TO ADJUDICATION THAT REQUIRE THE LEAST AMOUNT OF
2 SUPERVISION AND RESTRICTIVE CONDITIONS NECESSARY CONSISTENT WITH
3 PUBLIC SAFETY AND THE JUVENILE'S RISK OF REOFFENDING;

4 (III) SERVE THE BEST INTEREST OF THE JUVENILE WHILE
5 EMPHASIZING ACCEPTANCE OF RESPONSIBILITY AND REPAIRING ANY HARM
6 CAUSED TO VICTIMS AND COMMUNITIES;

7 (IV) REDUCE RECIDIVISM AND IMPROVE POSITIVE OUTCOMES FOR
8 JUVENILES THROUGH THE PROVISION OF SERVICES, IF WARRANTED, THAT
9 ADDRESS THEIR SPECIFIC NEEDS AND ARE PROVEN EFFECTIVE; AND

10 (V) ENSURE APPROPRIATE SERVICES ARE AVAILABLE FOR ALL
11 ELIGIBLE JUVENILES.

12 (2) The division of criminal justice of the department of public
13 safety is authorized to establish and administer a juvenile diversion
14 program that SEEKS TO DIVERT YOUTH FROM THE JUVENILE JUSTICE
15 SYSTEM, AND, when possible, integrates restorative justice practices. In
16 order to effectuate the program, the division ~~may contract with~~
17 ~~governmental units and nongovernmental agencies~~ SHALL ALLOCATE
18 MONEY TO EACH JUDICIAL DISTRICT AND MAY CONTRACT WITH DISTRICT
19 ATTORNEY'S OFFICES, GOVERNMENTAL UNITS, AND NONGOVERNMENTAL
20 AGENCIES TO SERVE EACH JUDICIAL DISTRICT to DIVERT JUVENILES AND
21 provide REASONABLE AND NECESSARY services, IF WARRANTED, for
22 eligible ~~youth~~ JUVENILES through community-based ~~projects~~ PROGRAMS
23 providing an alternative to a petition filed pursuant to section 19-2-512
24 OR an adjudicatory hearing pursuant to section 19-3-505. ~~or dispositions~~
25 ~~of a juvenile delinquent pursuant to section 19-2-907.~~

26 (3) For purposes of this section:

27 (a) "Director" is defined in section 19-1-103 (42).

1 (b) "Diversion" is defined in section 19-1-103 (44).
2 (c) "Governmental unit" is defined in section 19-1-103 (55).
3 (d) "Nongovernmental agency" is defined in section 19-1-103
4 (79).
5 (e) "Services" is defined in section 19-1-103 (96).
6 (4) ~~Projects soliciting service contracts pursuant to this section~~
7 ~~must demonstrate that they~~ DISTRICT ATTORNEY'S OFFICES OR THEIR
8 DESIGNEES SHALL:
9 (a) ~~Meet a demonstrated community need as shown by a survey~~
10 ~~of the type of community, its special circumstances, and the type and~~
11 ~~number of youth who will be served by the project;~~ ON AND AFTER
12 THIRTY DAYS AFTER THE TOOL IS SELECTED, CONDUCT A RISK SCREENING
13 USING A RISK SCREENING TOOL SELECTED PURSUANT TO SECTION
14 24-20-602 (1)(c) FOR ALL JUVENILES REFERRED TO THE DISTRICT
15 ATTORNEY PURSUANT TO SECTION 19-2-510 UNLESS A DETERMINATION
16 HAS ALREADY BEEN MADE TO DIVERT THE JUVENILE. THE DISTRICT
17 ATTORNEY'S OFFICE SHALL CONDUCT THE RISK SCREENING OR CONTRACT
18 WITH AN ALTERNATIVE AGENCY THAT HAS BEEN FORMALLY DESIGNATED
19 BY THE DISTRICT ATTORNEY'S OFFICE TO CONDUCT THE SCREENING, IN
20 WHICH CASE THE RESULTS OF THE SCREENING MUST BE MADE AVAILABLE
21 TO THE DISTRICT ATTORNEY'S OFFICE. THE ENTITY CONDUCTING THE
22 SCREENING SHALL MAKE THE RESULTS OF THE RISK SCREENING AVAILABLE
23 TO THE YOUTH AND FAMILY. ALL INDIVIDUALS USING THE RISK SCREENING
24 TOOL MUST RECEIVE TRAINING ON THE APPROPRIATE USE OF THE TOOL.
25 THE RISK SCREENING TOOL IS TO BE USED TO INFORM ABOUT DECISIONS
26 ABOUT DIVERSION. THE RISK SCREENING TOOL AND ANY INFORMATION
27 OBTAINED FROM A JUVENILE IN THE COURSE OF ANY SCREENING,

1 INCLUDING ANY ADMISSION, CONFESSION, OR INCRIMINATING EVIDENCE,
2 OBTAINED FROM A JUVENILE IN THE COURSE OF ANY SCREENING OR
3 ASSESSMENT IN CONJUNCTION WITH PROCEEDINGS UNDER THIS SECTION OR
4 MADE IN ORDER TO PARTICIPATE IN A DIVERSION OR RESTORATIVE JUSTICE
5 PROGRAM IS NOT ADMISSIBLE INTO EVIDENCE IN ANY ADJUDICATORY
6 HEARING IN WHICH THE JUVENILE IS ACCUSED AND IS NOT SUBJECT TO
7 SUBPOENA OR ANY OTHER COURT PROCESS FOR USE IN ANY OTHER
8 PROCEEDING OR FOR ANY OTHER PURPOSE. ___

9 (b) ~~Provide services that do not duplicate services already~~
10 ~~provided in the community; and~~ USE THE RESULTS OF THE RISK
11 SCREENING TO INFORM:

12 (I) ELIGIBILITY FOR PARTICIPATION IN A JUVENILE DIVERSION
13 PROGRAM;

14 (II) THE LEVEL AND INTENSITY OF SUPERVISION FOR JUVENILE
15 DIVERSION;

16 (III) THE LENGTH OF SUPERVISION FOR JUVENILE DIVERSION; AND

17 (IV) WHAT SERVICES, IF ANY, MAY BE OFFERED TO THE JUVENILE.
18 PROFESSIONALS INVOLVED WITH THE JUVENILE'S NEEDS, TREATMENT, AND
19 SERVICE PLANNING, INCLUDING DISTRICT ATTORNEYS, PUBLIC DEFENDERS,
20 PROBATION, AND STATE AND LOCAL GOVERNMENTAL ENTITIES, SUCH AS
21 THE DEPARTMENTS OF HUMAN OR SOCIAL SERVICES, MAY COLLABORATE
22 TO PROVIDE APPROPRIATE DIVERSION ___ SERVICES IN JURISDICTIONS
23 WHERE THEY ARE NOT CURRENTLY AVAILABLE.

24 (c) ~~Are supported by the community, as demonstrated through~~
25 ~~receipt of nonstate funds or in-kind supplies or services to meet at least~~
26 ~~twenty-five percent of the total cost of the project.~~ NOT DENY DIVERSION
27 TO A JUVENILE BASED ON THE JUVENILE'S:

1 (I) ABILITY TO PAY;
2 (II) PREVIOUS OR CURRENT INVOLVEMENT WITH THE
3 DEPARTMENTS OF HUMAN OR SOCIAL SERVICES;

4 (III) AGE, RACE OR ETHNICITY, GENDER, OR SEXUAL ORIENTATION;
5 OR

6 (IV) LEGAL REPRESENTATION;

7 (d) ALIGN THE JUVENILE DIVERSION PROGRAM'S POLICIES AND
8 PRACTICES WITH EVIDENCE-BASED PRACTICES AND WITH THE DEFINITION
9 OF "DIVERSION" PURSUANT TO SECTION 19-1-103 (44); AND

10 (e) COLLECT AND SUBMIT DATA TO THE DIVISION OF CRIMINAL
11 JUSTICE PURSUANT TO SUBSECTION (5) OF THIS SECTION.

12 (5) ~~When applying for a contract with the division of criminal
13 justice to provide services to youths under the juvenile diversion program,
14 a community project shall submit for review by the division a list of the
15 project's objectives, a list of the restorative justice practices, if applicable,
16 included in the project, a report of the progress made during the previous
17 year if applicable toward implementing the stated objectives, an annual
18 budget, and such other documentation as may be required by the director.~~

19 THE DIVISION OF CRIMINAL JUSTICE, IN COLLABORATION WITH DISTRICT
20 ATTORNEYS OR DIVERSION PROGRAM DIRECTORS WHO ACCEPT FORMULA
21 MONEY AND PROGRAMS PROVIDING JUVENILE DIVERSION SERVICES, SHALL
22 ESTABLISH MINIMUM DATA COLLECTION REQUIREMENTS AND OUTCOME
23 MEASURES THAT EACH DISTRICT ATTORNEY'S OFFICE, GOVERNMENTAL
24 UNIT, AND NONGOVERNMENTAL AGENCY SHALL COLLECT AND SUBMIT
25 ANNUALLY FOR ALL JUVENILES REFERRED TO THE DISTRICT ATTORNEY
26 PURSUANT TO SECTION 19-2-510 INCLUDING, BUT NOT LIMITED TO:

27 (a) DEMOGRAPHIC DATA ON AGE, RACE OR ETHNICITY, AND

- 1 GENDER;
- 2 (b) RISK SCREENING CONDUCTED;
- 3 (c) RISK LEVEL AS DETERMINED BY THE RISK SCREENING;
- 4 (d) OFFENSE;
- 5 (e) DIVERSION STATUS;
- 6 (f) SERVICE PARTICIPATION;
- 7 (g) PROGRAM COMPLETION DATA;
- 8 (h) CHILD WELFARE INVOLVEMENT; AND
- 9 (i) IDENTIFYING DATA NECESSARY TO TRACK THE LONG-TERM
- 10 OUTCOMES OF DIVERTED JUVENILES.

11 (6) (a) Each ~~project~~ PROGRAM providing services under this
12 section shall develop objectives and report progress toward such
13 objectives as required by rules ~~and regulations~~ promulgated by the
14 director.

15 (b) The director shall regularly monitor these diversion ~~projects~~
16 PROGRAMS to ensure that progress is being made to accomplish the
17 objectives of this section. THE DIVISION OF CRIMINAL JUSTICE SHALL
18 OFFER TECHNICAL ASSISTANCE TO DISTRICT ATTORNEY'S OFFICES,
19 GOVERNMENTAL UNITS, NONGOVERNMENTAL AGENCIES, AND DIVERSION
20 PROGRAMS TO SUPPORT THE UNIFORM COLLECTION AND REPORTING OF
21 DATA AND TO SUPPORT PROGRAM DEVELOPMENT AND ADHERENCE TO
22 PROGRAM REQUIREMENTS. THE DIVISION OF CRIMINAL JUSTICE SHALL
23 PROVIDE ANNUAL PROGRAM-LEVEL REPORTS TO DISTRICT ATTORNEY'S
24 OFFICES AND SUBMIT A CONSOLIDATED STATEWIDE REPORT ANNUALLY TO
25 THE GOVERNOR AND TO THE JUDICIARY COMMITTEES OF THE SENATE AND
26 THE HOUSE OF REPRESENTATIVES, THE HEALTH AND HUMAN SERVICES
27 COMMITTEE OF THE SENATE, AND THE PUBLIC HEALTH CARE AND HUMAN

1 SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY
2 SUCCESSOR COMMITTEES. NOTWITHSTANDING THE PROVISIONS OF SECTION
3 24-1-136 (11)(a)(I), THESE REPORTS CONTINUE INDEFINITELY.

4 (7) A FORMULA MUST BE ESTABLISHED FOR THE PURPOSE OF
5 ALLOCATING MONEY TO EACH JUDICIAL DISTRICT IN THE STATE OF
6 COLORADO FOR JUVENILE DIVERSION PROGRAMS. The executive director
7 of the department of public safety is authorized to accept and expend on
8 behalf of the state any funds, grants, gifts, or donations from any private
9 or public source for the purpose of providing restorative justice programs;
10 except that no gift, grant, or donation shall be accepted if the conditions
11 attached to it require the expenditure thereof in a manner contrary to law.

12 (8) (a) The director may implement a behavioral or mental health
13 ~~disorder~~ screening program to screen juveniles who participate in the
14 juvenile diversion program. If the director chooses to implement a
15 behavioral or mental health ~~disorder~~ screening program, the director shall
16 use the ~~standardized behavioral or mental health disorder~~ screening
17 ~~developed~~ TOOL SELECTED pursuant to ~~section 16-11.9-102~~ SECTION
18 24-20-602 (1)(b) and conduct the screening in accordance with
19 procedures established pursuant to ~~said section~~ THAT SECTION.

20 (b) Prior to implementation of a behavioral or mental health
21 ~~disorder~~ screening program pursuant to this subsection (8), if
22 implementation of the program would require an increase in
23 appropriations, the director shall submit to the joint budget committee a
24 request for funding in the amount necessary to implement the behavioral
25 or mental health ~~disorder~~ screening program. If implementation of the
26 behavioral or mental health ~~disorder~~ screening program would require an
27 increase in appropriations, implementation of the program is conditional

1 upon approval of the funding request.

2 **SECTION 8.** In Colorado Revised Statutes, 19-2-307, **amend** (2)
3 as follows:

4 **19-2-307. Juvenile intensive supervision program - elements.**

5 (2) The judicial department, with the assistance of a juvenile intensive
6 supervision advisory committee, shall develop assessment criteria for
7 placement in the juvenile intensive supervision program, INCLUDING THE
8 RESULTS OF A VALIDATED RISK AND NEEDS ASSESSMENT TOOL, and
9 judicial department guidelines for implementation of the program and
10 measurement of the outcome of the program. The advisory committee is
11 appointed by the state court administrator and includes, but is not limited
12 to, representatives of the division of youth services in the department of
13 human services and the division of criminal justice of the department of
14 public safety.

15 **SECTION 9.** In Colorado Revised Statutes, **add** 19-2-507.5 as
16 follows:

17 **19-2-507.5. Limitations on detention. DETENTION IS NOT**
18 **PERMITTED FOR THE FOLLOWING:**

19 (a) JUVENILES WHO HAVE NOT COMMITTED, OR HAVE NOT BEEN
20 ACCUSED OF COMMITTING, A DELINQUENT ACT UNLESS OTHERWISE FOUND
21 IN CONTEMPT OF COURT;

22 (b) DELINQUENT AND NONDELINQUENT JUVENILES WHO HAVE
23 BEEN PLACED IN THE LEGAL CUSTODY OF A COUNTY DEPARTMENT OF
24 HUMAN OR SOCIAL SERVICES PURSUANT TO A PETITION IN DEPENDENCY OR
25 NEGLECT AND ARE SOLELY AWAITING OUT-OF-HOME PLACEMENT;

26

27 **(c)** JUVENILES WHO AT ADMISSION REQUIRE MEDICAL CARE, ARE

1 INTOXICATED, OR ARE UNDER THE INFLUENCE OF DRUGS, TO AN EXTENT
2 THAT CUSTODY OF THE JUVENILE IS BEYOND THE SCOPE OF THE DETENTION
3 FACILITY'S MEDICAL SERVICE CAPACITY;

4 (d) JUVENILES WHO ARE SOLELY ASSESSED AS SUICIDAL OR
5 EXHIBIT BEHAVIOR PLACING THEM AT IMMINENT RISK OF SUICIDE; AND

6 (e) JUVENILES WHO HAVE NOT COMMITTED A DELINQUENT ACT BUT
7 PRESENT AN IMMINENT DANGER TO SELF OR OTHERS OR APPEAR TO BE
8 GRAVELY DISABLED AS A RESULT OF A MENTAL HEALTH CONDITION OR AN
9 INTELLECTUAL AND DEVELOPMENTAL DISABILITY.

10 (2) A JUVENILE COURT SHALL NOT ORDER A JUVENILE WHO IS TEN
11 YEARS OF AGE AND OLDER BUT LESS THAN THIRTEEN YEARS OF AGE TO
12 DETENTION UNLESS THE JUVENILE HAS BEEN ARRESTED FOR A FELONY OR
13 WEAPONS CHARGE PURSUANT TO SECTION 18-12-102, 18-12-105,
14 18-12-106, OR 18-12-108.5. A PREADJUDICATION SERVICE PROGRAM
15 CREATED PURSUANT TO SECTION 19-2-302 SHALL EVALUATE A JUVENILE
16 DESCRIBED IN THIS SUBSECTION (2). THE EVALUATION MAY RESULT IN THE
17 JUVENILE:

18 (a) REMAINING IN THE CUSTODY OF A PARENT OR LEGAL
19 GUARDIAN;

20 (b) BEING PLACED IN THE TEMPORARY LEGAL CUSTODY OF KIN,
21 FOR PURPOSES OF A KINSHIP FOSTER CARE HOME OR NONCERTIFIED KINSHIP
22 CARE PLACEMENT, AS DEFINED IN SECTION 19-1-103 (71.3), OR OTHER
23 SUITABLE PERSON UNDER SUCH CONDITIONS AS THE COURT MAY IMPOSE;

24 (c) BEING PLACED IN A TEMPORARY SHELTER FACILITY; OR

25 (d) BEING REFERRED TO A LOCAL COUNTY DEPARTMENT OF HUMAN
26 OR SOCIAL SERVICES FOR ASSESSMENT FOR PLACEMENT.

27 (3) A JUVENILE SHALL NOT BE PLACED IN DETENTION SOLELY:

- 1 (a) DUE TO LACK OF SUPERVISION ALTERNATIVES, SERVICE
2 OPTIONS, OR MORE APPROPRIATE FACILITIES;
- 3 (b) DUE TO THE COMMUNITY'S INABILITY TO PROVIDE TREATMENT
4 OR SERVICES;
- 5 (c) DUE TO A LACK OF SUPERVISION IN THE HOME OR COMMUNITY;
- 6 (d) IN ORDER TO ALLOW A PARENT, GUARDIAN, OR LEGAL
7 CUSTODIAN TO AVOID HIS OR HER LEGAL RESPONSIBILITY;
- 8 (e) DUE TO A RISK OF THE JUVENILE'S SELF-HARM;
- 9 (f) IN ORDER TO ATTEMPT TO PUNISH, TREAT, OR REHABILITATE
10 THE JUVENILE;
- 11 (g) DUE TO A REQUEST BY A VICTIM, LAW ENFORCEMENT, OR THE
12 COMMUNITY;
- 13 (h) IN ORDER TO PERMIT MORE CONVENIENT ADMINISTRATIVE
14 ACCESS TO THE JUVENILE;
- 15 (i) IN ORDER TO FACILITATE FURTHER INTERROGATION OR
16 INVESTIGATION; OR
- 17 (j) AS A RESPONSE TO TECHNICAL VIOLATIONS OF PROBATION
18 UNLESS THE RESULTS OF A DETENTION SCREENING INSTRUMENT INDICATE
19 THAT THE JUVENILE POSES A SUBSTANTIAL RISK OF SERIOUS HARM TO
20 OTHERS OR IF THE APPLICABLE GRADUATED RESPONSES SYSTEM ADOPTED
21 PURSUANT TO SECTION 19-2-925 ALLOWS FOR SUCH A PLACEMENT.

22 **SECTION 10.** In Colorado Revised Statutes, 19-2-507, **amend**
23 (2), (3), and (4) as follows:

24 **19-2-507. Duty of officer - screening teams - notification -**
25 **release or detention.** (2) (a) ~~The law enforcement officer or the court~~
26 ~~shall detain the juvenile if the law enforcement officer or the court~~
27 ~~determines that the juvenile's immediate welfare or the protection of the~~

1 ~~community requires detainment. In determining whether a juvenile~~
2 ~~requires detention, the law enforcement officer or the court shall follow~~
3 ~~criteria for the detention of juvenile offenders which criteria are~~
4 ~~established in accordance with section 19-2-212, and shall make efforts~~
5 ~~to keep the juvenile with his or her parent, guardian, or legal custodian~~ IF
6 THE LAW ENFORCEMENT OFFICER DOES NOT RELEASE THE JUVENILE TO THE
7 CARE OF SUCH JUVENILE'S PARENTS, LEGAL GUARDIAN, KIN, OR OTHER
8 RESPONSIBLE ADULT, THE SCREENING TEAM SHALL ADMINISTER A
9 VALIDATED DETENTION SCREENING INSTRUMENT DEVELOPED OR ADOPTED
10 PURSUANT TO SECTION 19-2-212. THE LAW ENFORCEMENT OFFICER,
11 SCREENING TEAM, OR JUVENILE COURT SHALL NOT REMOVE THE JUVENILE
12 FROM THE CUSTODY OF THE PARENT OR LEGAL GUARDIAN PURSUANT TO
13 THIS SECTION UNLESS THE SCREENING TEAM OR THE JUVENILE COURT:

14 (I) (A) FIRST FINDS THAT A VALIDATED DETENTION SCREENING
15 INSTRUMENT SELECTED OR ADOPTED PURSUANT TO SECTION 19-2-212 HAS
16 BEEN ADMINISTERED AND THE JUVENILE SCORED AS DETENTION-ELIGIBLE;
17 OR

18 (B) THERE ARE GROUNDS TO OVERRIDE THE RESULTS OF THE
19 DETENTION SCREENING INSTRUMENT BASED ON THE CRITERIA DEVELOPED
20 IN ACCORDANCE WITH SECTION 19-2-212; AND

21 (II) FINDS THAT THE JUVENILE POSES A SUBSTANTIAL RISK OF
22 SERIOUS HARM TO OTHERS OR A SUBSTANTIAL RISK OF FLIGHT FROM
23 PROSECUTION AND FINDS THAT COMMUNITY-BASED ALTERNATIVES TO
24 DETENTION ARE INSUFFICIENT TO REASONABLY MITIGATE THAT RISK.
25 FLIGHT FROM PROSECUTION IS DISTINGUISHED FROM SIMPLE FAILURE TO
26 APPEAR AND MUST GENERALLY BE EVIDENCED BY A DEMONSTRATED
27 RECORD OF REPEAT, RECENT WILLFUL FAILURES TO APPEAR AT A

1 SCHEDULED COURT APPEARANCE.

2 (b) THE DETENTION SCREENING INSTRUMENT MUST BE
3 ADMINISTERED BY THE SCREENING TEAM FOR EACH JUVENILE UNDER
4 CONSIDERATION FOR DETENTION AND MUST BE ADMINISTERED BY A
5 SCREENER WHO HAS COMPLETED TRAINING TO ADMINISTER THE
6 DETENTION SCREENING INSTRUMENT.

7 (c) ANY INFORMATION CONCERNING A JUVENILE THAT IS OBTAINED
8 DURING THE ADMINISTRATION OF THE DETENTION SCREENING INSTRUMENT
9 MUST BE USED SOLELY FOR THE PURPOSE OF MAKING A RECOMMENDATION
10 TO THE COURT REGARDING THE CONTINUED DETENTION OF THE JUVENILE.
11 THE INFORMATION IS NOT SUBJECT TO SUBPOENA OR OTHER COURT
12 PROCESS, FOR USE IN ANY OTHER PROCEEDING, OR FOR ANY OTHER
13 PURPOSE.

14 (d) COURT RECORDS AND DIVISION OF YOUTH SERVICES RECORDS
15 MUST INCLUDE DATA ON DETENTION SCREENING SCORES AND, IF THE
16 SCORE DOES NOT MANDATE DETENTION, THE EXPLANATION FOR THE
17 OVERRIDE PLACING THE JUVENILE IN DETENTION.

18 (e) A JUVENILE WHO MUST BE TAKEN FROM HIS OR HER HOME BUT
19 WHO DOES NOT REQUIRE PHYSICAL RESTRICTION MUST BE GIVEN
20 TEMPORARY CARE WITH HIS OR HER GRANDPARENT, KIN, OR OTHER
21 SUITABLE PERSON; IN A TEMPORARY SHELTER FACILITY DESIGNATED BY
22 THE COURT; OR WITH THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL
23 SERVICES AND MUST NOT BE PLACED IN DETENTION.

24 (f) THE SCREENING TEAM AND THE JUVENILE COURT SHALL USE
25 THE RESULTS FROM THE DETENTION SCREENING INSTRUMENT IN MAKING
26 A RELEASE DETERMINATION. RELEASE OPTIONS INCLUDE ALLOWING A
27 JUVENILE TO RETURN HOME WITH NO SUPERVISION, OR WITH LIMITED

1 SUPERVISION SUCH AS A LOCATION MONITORING DEVICE, OR A REFERRAL
2 TO A PREADJUDICATION ALTERNATIVE TO DETENTION OR SERVICE
3 PROGRAM ESTABLISHED PURSUANT TO SECTION 19-2-302.

4 (3) (a) The juvenile ~~shall~~ MUST be released to the care of ~~such~~ THE
5 juvenile's parents, KIN, or other responsible adult, unless a determination
6 has been made in accordance with subsection (2) of this section that ~~such~~
7 THE juvenile's ~~immediate welfare or the protection of the community~~
8 SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS requires that ~~such~~ THE
9 juvenile be detained. The court may make reasonable orders as conditions
10 of ~~said release which conditions may include participation in a~~
11 ~~preadjudication service program established pursuant to section 19-2-302~~
12 PURSUANT TO SECTION 19-2-508 (5). In addition, the court may provide
13 that any violation of such orders ~~shall~~ MAY subject the juvenile to
14 contempt sanctions of the court. The parent, KIN, or other person to whom
15 the juvenile is released ~~shall be~~ IS required to sign a written promise, on
16 forms supplied by the court, to bring the juvenile to the court at a time set
17 or to be set by the court. Failure, without good cause, to comply with the
18 promise ~~shall subject~~ SUBJECTS the juvenile's parent or any other person
19 to whom the juvenile is released to contempt sanctions of the court.

20 (b) PARENTS OR LEGAL GUARDIANS OF A JUVENILE RELEASED
21 FROM DETENTION PURSUANT TO THIS SECTION SHALL COMPLETE THE
22 RELATIVE INFORMATION FORM DESCRIBED IN SECTION 19-2-212 (1)(h) NO
23 LATER THAN THE NEXT HEARING ON THE MATTER.

24 (4) (a) Except as provided in ~~paragraph (b) of this subsection (4)~~
25 SUBSECTION (4)(b) OF THIS SECTION, A LAW ENFORCEMENT OFFICER SHALL
26 NOT DETAIN a juvenile ~~shall not be detained by law enforcement officials~~
27 any longer than is reasonably necessary to obtain basic identification

1 information and to contact his or her parents, guardian, or legal custodian.

2 (b) If he or she is not released as provided in subsection (3) of this
3 section, he or she ~~shall~~ MUST be taken directly to the court or to the place
4 of detention, a temporary holding facility, ~~or~~ a TEMPORARY shelter
5 designated by the court, OR A PREADJUDICATION SERVICE PROGRAM
6 ESTABLISHED PURSUANT TO SECTION 19-2-302 without unnecessary delay.

7 **SECTION 11.** In Colorado Revised Statutes, **amend** 19-2-508 as
8 follows:

9 **19-2-508. Detention and temporary shelter - hearing - time**
10 **limits - findings - review - confinement with adult offenders -**
11 **restrictions.** ~~(1) A juvenile who must be taken from his or her home but~~
12 ~~who does not require physical restriction must be given temporary care~~
13 ~~in a shelter facility designated by the court or the county department of~~
14 ~~human or social services and must not be placed in detention.~~

15 ~~(2)(a)~~ (1) Unless placement is prohibited pursuant to ~~subsection~~
16 ~~(2)(b) of this section~~ SECTION 19-2-507.5, when a juvenile is placed in a
17 detention facility, in a temporary holding facility, or in a TEMPORARY
18 shelter facility designated by the court, the screening team shall promptly
19 ~~so~~ notify the court, the district attorney, and the local office of the state
20 public defender. The screening team shall also notify a parent or legal
21 guardian or, if a parent or legal guardian cannot be located within the
22 county, the person with whom the juvenile has been residing and inform
23 him or her of the right to a prompt hearing to determine whether the
24 juvenile is to be detained further. The court shall hold the detention
25 hearing within forty-eight hours, excluding Saturdays, Sundays, and legal
26 holidays. For a juvenile being held in detention on a warrant for violating
27 a valid court order on a status offense, the court shall hold the detention

1 hearing within twenty-four hours, excluding Saturdays, Sundays, and
2 legal holidays.

3 ~~(b) A juvenile who is ten years of age and older but less than~~
4 ~~thirteen years of age may not be ordered to detention unless the juvenile~~
5 ~~has been arrested for a felony or weapons charge pursuant to section~~
6 ~~18-12-102, 18-12-105, 18-12-106, or 18-12-108.5. A preadjudication~~
7 ~~service program created pursuant to section 19-2-302 shall evaluate a~~
8 ~~juvenile described in this subsection (2)(b). The evaluation may result in~~
9 ~~the juvenile:~~

10 ~~(I) Remaining in the custody of a parent, guardian, or legal~~
11 ~~custodian; or~~

12 ~~(II) Being placed in the temporary legal custody of kin, for~~
13 ~~purposes of a kinship foster care home or noncertified kinship care~~
14 ~~placement, as defined in section 19-1-103 (71.3), or other suitable person~~
15 ~~under such conditions as the court may impose; or~~

16 ~~(III) Being placed in a shelter facility; or~~

17 ~~(IV) Being referred to a local county department of human or~~
18 ~~social services for assessment for placement.~~

19 ~~(2.5) (2) A juvenile who is detained for committing a delinquent~~
20 ~~act shall MUST be represented at the detention hearing by counsel. If the~~
21 ~~juvenile has not retained his or her own counsel, the court shall appoint~~
22 ~~the office of the state public defender or, in the case of a conflict, the~~
23 ~~office of alternate defense counsel to represent the juvenile. This~~
24 ~~appointment shall continue CONTINUES if the court appoints the office of~~
25 ~~the state public defender or the office of alternate defense counsel~~
26 ~~pursuant to section 19-2-706 (2)(a) unless:~~

27 ~~(a) The juvenile retains his or her own counsel; or~~

1 (b) The juvenile makes a knowing, intelligent, and voluntary
2 waiver of his or her right to counsel, as described in section 19-2-706
3 (2)(c).

4 (3) (a) (I) A juvenile taken into custody pursuant to this ~~article~~
5 ARTICLE 2 and placed in a detention or TEMPORARY shelter facility or a
6 temporary holding facility is entitled to a hearing within forty-eight hours,
7 excluding Saturdays, Sundays, and legal holidays, of such placement to
8 determine if he or she should be detained. The time of the detention
9 hearing must allow defense counsel sufficient time to consult with the
10 juvenile before the detention hearing. This consultation may be performed
11 by secure electronic means if the conditions under which the electronic
12 consultation is held allow the consultation to be confidential. The time in
13 which the hearing must be held may be extended for a reasonable time by
14 order of the court upon good cause shown.

15 ~~(1.5)~~ (II) The law enforcement agency that arrested the juvenile
16 shall promptly provide to the court and to defense counsel the affidavit
17 supporting probable cause for the arrest and the arrest report, if the arrest
18 report is available, and the screening team shall promptly provide to the
19 court and to defense counsel ~~any screening material~~ RESULTS FROM THE
20 DETENTION RISK SCREENING prepared pursuant to the juvenile's arrest.
21 Upon completion of the detention hearing, the defense shall return any
22 materials received pursuant to this ~~subparagraph (1.5)~~ SUBSECTION
23 (3)(a)(II) unless the appointment is continued at the conclusion of the
24 hearing.

25 ~~(H)~~ (III) The only purposes of a detention hearing are to determine
26 if a juvenile should be detained further and to define conditions under
27 which he or she may be released, if his or her release is appropriate. A

1 detention hearing shall not be combined with a preliminary hearing or a
2 first advisement. Due to the limited scope of a detention hearing, the
3 representation of a juvenile by appointed counsel at a detention hearing
4 does not, by itself, create a basis for disqualification in the event that such
5 counsel is subsequently appointed to represent another individual whose
6 case is related to the juvenile's case.

7 (HH) (IV) With respect to this section, the court may further detain
8 the juvenile only if the court finds from the information provided at the
9 hearing that:

10 (A) PROBABLE CAUSE EXISTS TO BELIEVE THAT THE DELINQUENT
11 ACT CHARGED WAS COMMITTED BY THE JUVENILE;

12 (B) ON AND AFTER THIRTY DAYS AFTER THE SCREENING
13 INSTRUMENT HAS BEEN DEVELOPED OR ADOPTED PURSUANT TO SECTION
14 19-2-212, CONDUCT VALIDATED DETENTION SCREENING INSTRUMENT HAS
15 BEEN ADMINISTERED AND THE JUVENILE SCORED AS DETENTION-ELIGIBLE;
16 OR THERE ARE GROUNDS TO OVERRIDE THE RESULT OF THE DETENTION
17 SCREENING INSTRUMENT BASED ON THE CRITERIA DEVELOPED IN
18 ACCORDANCE WITH SECTION 19-2-212; AND

19 (C) The juvenile ~~is a danger to himself or herself or to the~~
20 ~~community, except that~~ POSES A SUBSTANTIAL RISK OF SERIOUS HARM TO
21 OTHERS OR A SUBSTANTIAL RISK OF FLIGHT FROM PROSECUTION AND
22 COMMUNITY-BASED ALTERNATIVES TO DETENTION ARE INSUFFICIENT TO
23 REASONABLY MITIGATE THAT RISK. FLIGHT FROM PROSECUTION IS
24 DISTINGUISHED FROM SIMPLE FAILURE TO APPEAR AND MUST GENERALLY
25 BE EVIDENCED BY A DEMONSTRATED RECORD OF REPEAT, RECENT WILLFUL
26 FAILURES TO APPEAR AT A SCHEDULED COURT APPEARANCE.

27 (V) A COURT SHALL NOT ORDER FURTHER DETENTION FOR a

1 juvenile who is ten years of age and older but less than thirteen years of
2 age ~~may not be ordered to further detention~~ unless the juvenile has been
3 arrested or adjudicated for a felony or weapons charge pursuant to section
4 18-12-102, 18-12-105, 18-12-106, or 18-12-108.5. The court shall receive
5 any information having probative value regardless of its admissibility
6 under the rules of evidence. In determining whether a juvenile requires
7 detention, the court shall consider ~~any record of any prior adjudications~~
8 ~~of the juvenile~~ THE RESULTS OF THE DETENTION SCREENING INSTRUMENT.

9 There is a rebuttable presumption that a juvenile ~~is a danger to himself or~~
10 ~~herself or to the community~~ POSES A SUBSTANTIAL RISK OF SERIOUS HARM
11 TO OTHERS if:

12 (A) The juvenile is alleged to have committed a felony
13 enumerated as a crime of violence pursuant to section 18-1.3-406; ~~€R.S.;~~
14 or

15 (B) The juvenile is alleged to have used, or possessed and
16 threatened to use, a firearm during the commission of any felony offense
17 against a person, as such offenses are described in article 3 of title 18;
18 ~~€R.S.;~~ or

19 (C) The juvenile is alleged to have committed possessing a
20 dangerous or illegal weapon, as described in section 18-12-102; ~~€R.S.;~~
21 possession of a defaced firearm, as described in section 18-12-103;
22 ~~€R.S.;~~ unlawfully carrying a concealed weapon, as described in section
23 18-12-105; ~~€R.S.;~~ unlawfully carrying a concealed weapon on school,
24 college, or university grounds, as described in section 18-12-105.5;
25 ~~€R.S.;~~ prohibited use of weapons, as described in section 18-12-106;
26 ~~€R.S.;~~ illegal discharge of a firearm, as described in section 18-12-107.5;
27 ~~€R.S.;~~ or illegal possession of a handgun by a juvenile, as described in

1 section 18-12-108.5. C.R.S.

2 ~~(HH.5)~~ (VI) Notwithstanding the provisions of ~~subparagraph (HH)~~
3 ~~of this paragraph (a)~~ SUBSECTION (3)(a)(IV) OF THIS SECTION, there shall
4 be IS no presumption under ~~sub-subparagraph (C) of subparagraph (HH)~~
5 ~~of this paragraph (a)~~ SUBSECTION (3)(a)(IV)(C) OF THIS SECTION that a
6 juvenile is a danger to himself or herself or the community POSES A
7 SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS if the item in the
8 possession of the juvenile is alleged to be a BB gun, a pellet gun, or a gas
9 gun.

10 ~~(IV)~~ (VII) Except as provided in ~~subsection (3)(a)(IV.5)~~
11 SUBSECTION (3)(a)(IX) of this section, at the conclusion of the hearing,
12 the court shall enter one of the following orders, while ensuring efforts
13 are made to keep the juvenile with his or her parent, guardian, or legal
14 custodian:

15 (A) That the juvenile be released to the custody of a parent,
16 guardian, ~~or~~ legal custodian, KIN, OR OTHER SUITABLE PERSON without the
17 posting of bond;

18 (B) That the juvenile be placed in a TEMPORARY shelter facility;

19 (C) That bail be set and that the juvenile be released upon the
20 posting of that bail;

21 (D) That no bail be set and that the juvenile be detained without
22 bail upon a finding that such juvenile is a danger to himself or herself or
23 ~~to the community~~ POSES A SUBSTANTIAL RISK OF SERIOUS HARM TO
24 OTHERS. Any juvenile who is detained without bail must be tried on the
25 charges in the petition filed pursuant to ~~subparagraph (V) of this~~
26 ~~paragraph (a)~~ SUBSECTION (3)(a)(IX) OF THIS SECTION within the time
27 limits set forth in section 19-2-108, unless the juvenile is deemed to have

1 waived the time limit for an adjudicatory trial pursuant to section
2 19-2-107 (4).

3 (E) That no bail be set and that, upon the court's finding that the
4 juvenile is a danger to himself or herself or to the community ~~POSES A~~
5 ~~SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS,~~ the juvenile be placed
6 in a preadjudication service program established pursuant to section
7 19-2-302. This ~~sub-subparagraph (E) shall~~ SUBSECTION (3)(a)(VII)(E)
8 DOES not apply to any case in which the juvenile's alleged offense is one
9 of the offenses described in ~~subparagraph (III) of this paragraph (a)~~
10 SUBSECTION (3)(a)(IV) OF THIS SECTION.

11 ~~(IV.5)~~ (VIII) A preadjudication service program created pursuant
12 to section 19-2-302 shall evaluate a juvenile described in ~~subsection~~
13 ~~(2)(b)~~ SUBSECTION (8) of this section. The evaluation may result in the
14 juvenile:

15 (A) Remaining in the custody of a parent, guardian, or legal
16 custodian; or

17 (B) Being placed in the temporary legal custody of kin, for
18 purposes of a kinship foster care home or noncertified kinship care
19 placement, as defined in section 19-1-103 (71.3), or other suitable person
20 under such conditions as the court may impose; or

21 (C) Being placed in a TEMPORARY shelter facility; or

22 (D) Being referred to a local county department of human or
23 social services for assessment for placement.

24 ~~(V)~~ (IX) When the court orders further detention of the juvenile
25 or placement of the juvenile in a preadjudication service program after a
26 detention hearing, the district attorney shall file a petition alleging the
27 juvenile to be a delinquent within seventy-two hours after the detention

1 hearing, excluding Saturdays, Sundays, and legal holidays. The juvenile
2 ~~shall~~ MUST be held or ~~shall~~ MUST participate in a preadjudication service
3 program pending a hearing on the petition. Upon a showing of good
4 cause, the court may extend such time for the filing of charges.

5 (~~VH~~) (X) Following the detention hearing, if the court orders that
6 the juvenile be released and, as a condition of such release, requires the
7 juvenile to attend school, the court shall notify the school district in which
8 the juvenile is enrolled of such requirement.

9 (~~VH~~) (XI) If the court orders further detention of a juvenile
10 pursuant to the provisions of this section, ~~said~~ THE order ~~shall~~ MUST
11 contain specific findings as follows:

12 (A) Whether placement of the juvenile out of his or her home
13 would be in the juvenile's and the community's best interests;

14 (B) Whether reasonable efforts have been made to prevent or
15 eliminate the need for removal of the juvenile from the home, whether it
16 is reasonable that such efforts not be provided due to the existence of an
17 emergency situation that requires the immediate removal of the juvenile
18 from the home, or whether such efforts not be required due to the
19 circumstances described in section 19-1-115 (7); and

20 (C) Whether procedural safeguards to preserve parental rights
21 have been applied in connection with the removal of the juvenile from the
22 home, any change in the juvenile's placement in a community placement,
23 or any determination affecting parental visitation of the juvenile.

24 (b) (I) If it appears that any juvenile being held in detention or
25 TEMPORARY shelter may have an intellectual and developmental
26 disability, as provided in article 10.5 of title 27, the court or detention
27 personnel shall refer the juvenile to the nearest community-centered board

1 for an eligibility determination. If it appears that any juvenile being held
2 in a detention or TEMPORARY shelter facility pursuant to the provisions of
3 this article 2 may have a mental health disorder, as provided in sections
4 27-65-105 and 27-65-106, the intake personnel or other appropriate
5 personnel shall contact a mental health professional to do a mental health
6 hospital placement prescreening on the juvenile. The court shall be
7 notified of the contact and may take appropriate action. If a mental health
8 hospital placement prescreening is requested, it ~~shall~~ MUST be conducted
9 in an appropriate place accessible to the juvenile and the mental health
10 professional. A request for a mental health hospital placement
11 prescreening must not extend the time within which a detention hearing
12 must be held pursuant to this section. If a detention hearing has been set
13 but has not yet occurred, the mental health hospital placement
14 prescreening ~~shall~~ MUST be conducted prior to the hearing; except that the
15 prescreening must not extend the time within which a detention hearing
16 must be held.

17 (II) If a juvenile has been ordered detained pending an
18 adjudication, disposition, or other court hearing and the juvenile
19 subsequently appears to have a mental health disorder, as provided in
20 section 27-65-105 or 27-65-106, the intake personnel or other appropriate
21 personnel shall contact the court with a recommendation for a mental
22 health hospital placement prescreening. A mental health hospital
23 placement prescreening ~~shall~~ MUST be conducted at any appropriate place
24 accessible to the juvenile and the mental health professional within
25 twenty-four hours of the request, excluding Saturdays, Sundays, and legal
26 holidays.

27 (III) When the mental health professional finds, as a result of the

1 prescreening, that the juvenile may have a mental health disorder, the
2 mental health professional shall recommend to the court that the juvenile
3 be evaluated pursuant to section 27-65-105 or 27-65-106.

4 (IV) Nothing in this subsection (3)(b) precludes the use of
5 emergency procedures pursuant to section 27-65-105 (1).

6 (c) (I) A juvenile taken to a detention or TEMPORARY shelter
7 facility or a temporary holding facility pursuant to section 19-2-502 as the
8 result of an allegedly delinquent act that constitutes any of the offenses
9 described in ~~subparagraph (III) of paragraph (a) of this subsection (3)~~
10 ~~SUBSECTION (3)(a)(IV) OF THIS SECTION~~ shall not be released from such
11 facility if a law enforcement agency has requested that a detention hearing
12 be held to determine whether the juvenile's ~~immediate welfare or the~~
13 ~~protection of the community~~ SUBSTANTIAL RISK OF SERIOUS HARM TO
14 OTHERS requires that the juvenile be detained. A juvenile shall not
15 thereafter be released from detention except after a hearing, reasonable
16 advance notice of which has been given to the district attorney, alleging
17 new circumstances concerning the further detention of the juvenile.

18 (II) Following a detention hearing held in accordance with
19 ~~subparagraph (I) of this paragraph (c)~~ SUBSECTION (3)(c)(I) OF THIS
20 SECTION, a juvenile who is to be tried as an adult for criminal proceedings
21 pursuant to a direct filing or transfer shall not be held at any adult jail or
22 pretrial facility unless the district court finds, after a hearing held pursuant
23 to ~~subparagraph (IV), (V), or (VI) of this paragraph (c)~~ SUBSECTION
24 (3)(c)(IV), (3)(c)(V), OR (3)(c)(VI) OF THIS SECTION, that an adult jail is
25 the appropriate place of confinement for the juvenile.

26 (III) In determining whether an adult jail is the appropriate place
27 of confinement for the juvenile, the district court shall consider the

1 following factors:

2 (A) The age of the juvenile;

3 (B) Whether, in order to provide physical separation from adults,
4 the juvenile would be deprived of contact with other people for a
5 significant portion of the day or would not have access to recreational
6 facilities or age-appropriate educational opportunities;

7 (C) The juvenile's current emotional state, intelligence, and
8 developmental maturity, including any emotional and psychological
9 trauma, and the risk to the juvenile caused by his or her placement in an
10 adult jail, which risk may be evidenced by mental health or psychological
11 assessments or screenings made available to the district attorney and to
12 defense counsel;

13 (D) Whether detention in a juvenile facility will adequately serve
14 the need for community protection pending the outcome of the criminal
15 proceedings;

16 (E) Whether detention in a juvenile facility will negatively impact
17 the functioning of the juvenile facility by compromising the goals of
18 detention to maintain a safe, positive, and secure environment for all
19 juveniles within the facility;

20 (F) The relative ability of the available adult and juvenile
21 detention facilities to meet the needs of the juvenile, including the
22 juvenile's need for mental health and educational services;

23 (G) Whether the juvenile presents an imminent risk of **SERIOUS**
24 harm to ~~himself or herself~~ or others within a juvenile facility;

25 (H) The physical maturity of the juvenile; and

26 (I) Any other relevant factors.

27 (IV) After charges are filed directly in district court against a

1 juvenile pursuant to section 19-2-517 or a juvenile is transferred to
2 district court pursuant to section 19-2-518, the division of youth services
3 may petition the district court to transport the juvenile to an adult jail. The
4 district court shall hold a hearing on the place of pretrial detention for the
5 juvenile as soon as practicable, but no later than twenty-one days after the
6 receipt of the division's petition to transport. The district attorney, sheriff,
7 or juvenile may file a response to the petition and participate in the
8 hearing. The juvenile shall remain in a juvenile detention facility pending
9 hearing and decision by the district court.

10 (V) If a juvenile is placed in the division of youth services and is
11 being tried in district court, the division of youth services may petition the
12 court for an immediate hearing to terminate juvenile detention placement
13 if the juvenile's placement in a juvenile detention facility presents an
14 imminent danger to the other juveniles or to staff at the detention facility.
15 In making its determination, the court shall review the factors set forth in
16 subsection (3)(c)(III) of this section.

17 (VI) If the district court determines that an adult jail is the
18 appropriate place of confinement for the juvenile, the juvenile may
19 petition the court for a review hearing. The juvenile may not petition for
20 a review hearing within thirty days after the initial confinement decision
21 or within thirty days after any subsequent review hearing. Upon receipt
22 of the petition, the court may set the matter for a hearing if the juvenile
23 has alleged facts or circumstances that, if true, would warrant
24 reconsideration of the juvenile's placement in an adult jail based upon the
25 factors set forth in ~~subparagraph (III) of this paragraph (c)~~ SUBSECTION
26 (3)(c)(III) OF THIS SECTION and the factors previously relied upon by the
27 court.

1 ~~(3.5) Repealed.~~

2 (4) (a) No jail shall receive a juvenile for detention following a
3 detention hearing pursuant to this section unless the juvenile has been
4 ordered by the court to be held for criminal proceedings as an adult
5 pursuant to a transfer or unless the juvenile is to be held for criminal
6 proceedings as an adult pursuant to a direct filing. No juvenile under the
7 age of fourteen and, except upon order of the court, no juvenile fourteen
8 years of age or older shall be detained in a jail, lockup, or other place
9 used for the confinement of adult offenders. The exception for detention
10 in a jail ~~shall be used~~ APPLIES only if the juvenile is being held for
11 criminal proceedings as an adult pursuant to a direct filing or transfer.

12 (b) Whenever a juvenile is held pursuant to a direct filing or
13 transfer in a facility where adults are held, the juvenile ~~shall~~ MUST be
14 physically segregated from the adult offenders.

15 ~~(b.5)~~ (c) (I) When a juvenile who is to be held for criminal
16 proceedings as an adult pursuant to a direct filing or transfer of charges,
17 as provided in sections 19-2-517 and 19-2-518, respectively, is received
18 at a jail or other facility for the detention of adult offenders, the official
19 in charge of the jail or facility, or his or her designee, shall, as soon as
20 practicable, contact the person designated pursuant to section 22-32-141,
21 ~~Č.R.S.~~, by the school district in which the jail or facility is located to
22 request that the school district provide educational services for the
23 juvenile for the period during which the juvenile is held at the jail or
24 facility. The school district shall provide the educational services in
25 accordance with the provisions of section 22-32-141. ~~Č.R.S.~~ The official,
26 in cooperation with the school district, shall provide an appropriate and
27 safe environment to the extent practicable in which the juvenile may

1 receive educational services.

2 (II) Notwithstanding the provisions of ~~subparagraph (I) of this~~
3 ~~paragraph (b.5)~~ SUBSECTION (4)(c)(I) OF THIS SECTION, if either the
4 official in charge of the jail or facility or the school district determines
5 that an appropriate and safe environment cannot be provided for a
6 specific juvenile, the official and the school district ~~shall be~~ ARE exempt
7 from the requirement to provide educational services to the juvenile until
8 such time as an environment that is determined to be appropriate and safe
9 by both the official and the school district can be provided. If the school
10 district will not be providing educational services to a juvenile because
11 of the lack of an appropriate and safe environment, the official in charge
12 of the jail or facility shall notify the juvenile, his or her parent or legal
13 guardian, the juvenile's defense attorney, and the court having jurisdiction
14 over the juvenile's case.

15 (III) The official in charge of the jail or facility for the detention
16 of adult offenders, or his or her designee, in conjunction with each school
17 district that provides educational services at the jail or facility, shall
18 annually collect nonidentifying data concerning:

19 (A) The number of juveniles held at the jail or facility who are
20 awaiting criminal proceedings as an adult pursuant to a direct filing or
21 transfer of charges, as provided in sections 19-2-517 and 19-2-518,
22 respectively, for the year;

23 (B) The length of stay of each of the juveniles in the jail or
24 facility;

25 (C) The number of the juveniles in the jail or facility who received
26 educational services pursuant to this ~~paragraph (b.5)~~ SUBSECTION (4)(c);

27 (D) The number of days on which school districts provided

1 educational services to the juveniles in the jail or facility and the number
2 of hours for which school districts provided the educational services each
3 day;

4 (E) The number of juveniles in the jail or facility who were
5 exempt from receiving educational services pursuant to section 22-32-141
6 (2)(c), (2)(e), (2)(f), and (2)(g); ~~C.R.S.~~

7 (F) The number of juveniles in the jail or facility who had
8 previously been determined pursuant to section 22-20-108 ~~C.R.S.~~, to be
9 eligible for special education services and had an individualized
10 education program; and

11 (G) The number of juveniles in the jail or facility who, while
12 receiving educational services at the jail or facility, were determined
13 pursuant to section 22-20-108 ~~C.R.S.~~, to be eligible for special education
14 services and had subsequently received an individualized education
15 program.

16 (IV) The official in charge of the jail or facility shall submit the
17 information collected pursuant to ~~subparagraph (III) of this paragraph~~
18 ~~(b.5) SUBSECTION (4)(c)(III) OF THIS SECTION~~ to the division of criminal
19 justice in the department of public safety. The division of criminal justice
20 shall make the information available to a member of the public upon
21 request.

22 ~~(e)~~ (d) The official in charge of a jail or other facility for the
23 detention of adult offenders shall immediately inform the court that has
24 jurisdiction of the juvenile's alleged offense when a juvenile who is or
25 appears to be under eighteen years of age is received at the facility, except
26 for a juvenile ordered by the court to be held for criminal proceedings as
27 an adult.

1 ~~(d)~~ (e) (I) Any juvenile arrested and detained for an alleged
2 violation of any article of title 42, ~~C.R.S.~~, or for any alleged violation of
3 a municipal or county ordinance, and not released on bond, ~~shall~~ MUST be
4 taken before a judge with jurisdiction of such violation within forty-eight
5 hours for the fixing of bail and conditions of bond pursuant to
6 ~~subparagraph (IV) of paragraph (a) of subsection (3)~~ SUBSECTION
7 (3)(a)(VII) of this section. A juvenile may be detained in a jail, lockup,
8 or other place used for the confinement of adult offenders only for
9 processing for no longer than six hours and during such time ~~shall~~ MUST
10 be placed in a setting that is physically segregated by sight and sound
11 from the adult offenders, and in no case may the juvenile be detained in
12 such place overnight. After six hours, the juvenile may be further
13 detained only in a juvenile detention facility operated by or under contract
14 with the department of human services. In calculating time ~~under~~
15 PURSUANT TO this subsection (4), Saturdays, Sundays, and legal holidays
16 ~~shall be~~ ARE included.

17 (II) A sheriff or police chief who violates the provisions of
18 ~~subparagraph (I) of this paragraph (d)~~ SUBSECTION (4)(e)(I) OF THIS
19 SECTION may be subject to a civil fine of no more than one thousand
20 dollars. The decision to fine ~~shall~~ MUST be based on prior violations of
21 the provisions of ~~subparagraph (I) of this paragraph (d)~~ SUBSECTION
22 (4)(e)(I) OF THIS SECTION by the sheriff or police chief and the willingness
23 of the sheriff or police chief to address the violations in order to comply
24 with ~~subparagraph (I) of this paragraph (d)~~ SUBSECTION (4)(e)(I) OF THIS
25 SECTION.

26 ~~(e)~~ (f) The official in charge of a jail, lockup, or other facility for
27 the confinement of adult offenders that receives a juvenile for detention

1 should, wherever possible, take such measures as are reasonably
2 necessary to restrict the confinement of any such juvenile with known
3 past or current affiliations or associations with any gang so as to prevent
4 contact with other inmates at such jail, lockup, or other facility. The
5 official should, wherever possible, also take such measures as are
6 reasonably necessary to prevent recruitment of new gang members from
7 among the general inmate population. For purposes of this ~~paragraph (e)~~
8 SUBSECTION (4)(f), "gang" is defined in section 19-1-103 (52).

9 ~~(f)~~ (g) Any person who is eighteen years of age or older who is
10 being detained for a delinquent act or criminal charge over which the
11 juvenile court has jurisdiction, or for which charges are pending in district
12 court pursuant to a direct filing or transfer if the person has not already
13 been transferred to the county jail pursuant to the provisions of
14 ~~subparagraph (IV) of paragraph (c) of subsection (3)~~ SUBSECTION
15 (3)(c)(IV) of this section, shall be detained in the county jail in the same
16 manner as if such person is charged as an adult.

17 ~~(g)~~ (h) A juvenile court shall not order a juvenile offender who is
18 under eighteen years of age at the time of sentencing to enter a secure
19 setting or secure section of an adult jail or lockup as a disposition for an
20 offense or as a means of modifying the juvenile offender's behavior.

21 (5) A juvenile has the right to bail as limited by the provisions of
22 this section.

23 (6) Except for a juvenile described in ~~subsection (2)(b) of this~~
24 ~~section~~ SECTION 19-2-507.5(2), the court may also issue temporary orders
25 for legal custody as provided in section 19-1-115.

26 (7) Any law enforcement officer, employee of the division of
27 youth services, or another person acting under the direction of the court

1 who in good faith transports any juvenile, releases any juvenile from
2 custody pursuant to a written policy of a court, releases any juvenile
3 pursuant to any written criteria established pursuant to this title 19, or
4 detains any juvenile pursuant to court order or written policy or criteria
5 established pursuant to this title 19 is immune from civil or criminal
6 liability that might otherwise result by reason of such act. For purposes
7 of any proceedings, civil or criminal, the good faith of any such person is
8 presumed.

9 (8) (a) A juvenile who allegedly commits a status offense or is
10 convicted of a status offense shall not be held in a secure area of a jail or
11 lockup.

12 (b) A sheriff or police chief who violates the provisions of
13 ~~paragraph (a) of this subsection (8)~~ SUBSECTION (8)(a) OF THIS SECTION
14 may be subject to a civil fine of no more than one thousand dollars. The
15 decision to fine ~~shall~~ MUST be based on prior violations of the provisions
16 of ~~paragraph (a) of this subsection (8)~~ SUBSECTION (8)(a) OF THIS SECTION
17 by the sheriff or police chief and the willingness of the sheriff or police
18 chief to address the violations in order to comply with ~~paragraph (a) of~~
19 ~~this subsection (8)~~ SUBSECTION (8)(a) OF THIS SECTION.

20 **SECTION 12.** In Colorado Revised Statutes, 19-2-509, **amend**
21 (2), (3), (4)(b), and (7) as follows:

22 **19-2-509. Bail.** (2) In lieu of a bond, a juvenile who the court
23 determines ~~is a danger to himself or herself or to the community~~ POSES A
24 SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS may be placed in a
25 preadjudication service program established pursuant to section 19-2-302.

26 (3) Any application for the revocation or modification of the
27 amount, type, or conditions of bail ~~shall~~ MUST be made in accordance

1 with section 16-4-109; ~~C.R.S.~~, except that the presumption described in
2 ~~section 19-2-508 (3)(a)(III) shall~~ SECTION 19-2-508 (3)(a)(IV) MUST
3 continue to apply for the purposes of this section.

4 (4) (b) In setting, modifying, or continuing any bail bond, it ~~shall~~
5 MUST be a condition that the released juvenile appear at any place and
6 upon any date to which the proceeding is transferred or continued. Further
7 conditions of every bail bond ~~shall~~ MUST be that the released juvenile not
8 commit any delinquent acts or harass, intimidate, or threaten any potential
9 witnesses. The judge or magistrate may set any other conditions or
10 limitations on the release of the juvenile as are reasonably necessary for
11 the protection of ~~the juvenile and~~ the community. Any juvenile who is
12 held without bail or whose bail or bail bond is revoked or increased under
13 an order entered at any time after the initial detention hearing pursuant to
14 subsection (3) of this section and who remains in custody or detention,
15 must be tried on the charges on which the bail is denied or the bail or bail
16 bond is revoked or increased within sixty days after the entry of such
17 order or within sixty days after the juvenile's entry of a plea, whichever
18 date is earlier; except that, if the juvenile requests a jury trial pursuant to
19 section 19-2-107, the provisions of section 19-2-107 (4) ~~shall~~ apply.

20 (7) The parent, guardian, or legal custodian for any juvenile
21 released on bond pursuant to this section or any other responsible adult
22 who secures a personal recognizance bond for a juvenile pursuant to
23 subsection (6) of this section may petition the court, prior to forfeiture or
24 exoneration of the bond, to revoke the bond and remand the juvenile into
25 custody if the parent, guardian, legal custodian, or other responsible adult
26 determines that he or she is unable to control the juvenile. The court shall
27 apply the presumption specified in ~~section 19-2-508 (3)(a)(III)~~ SECTION

1 19-2-508 (3)(a)(IV) in determining whether to revoke the bond.

2 **SECTION 13.** In Colorado Revised Statutes, 19-2-514, **add**
3 (3)(c) as follows:

4 **19-2-514. Summons - issuance - contents - service.**

5 (3) (c) PARENTS OR LEGAL GUARDIANS OF A JUVENILE WHO IS THE
6 SUBJECT OF A JUVENILE PROCEEDING SHALL COMPLETE THE RELATIVE
7 INFORMATION FORM DESCRIBED IN SECTION 19-2-212 (1)(a)(VII) NO
8 LATER THAN SEVEN BUSINESS DAYS AFTER THE HEARING OR PRIOR TO THE
9 JUVENILE'S NEXT HEARING, WHICHEVER OCCURS FIRST.

10 **SECTION 14.** In Colorado Revised Statutes, 19-2-710, **amend**
11 (2), (6), and (7) as follows:

12 **19-2-710. Mental health services for juvenile - how and when**

13 **issue raised - procedure - definitions.** (2) After the party advises the
14 court of the party's belief that the juvenile could benefit from mental
15 health services, the court shall immediately order a mental health
16 screening of the juvenile pursuant to section 16-11.9-102 C.R.S. USING
17 THE MENTAL HEALTH SCREENING TOOL SELECTED PURSUANT TO SECTION
18 24-20-602 (1)(b), unless the court already has sufficient information to
19 determine whether the juvenile could benefit from mental health services
20 or unless a mental health screening of the juvenile has been completed
21 within the last three months. BEFORE SENTENCING A JUVENILE, THE COURT
22 SHALL ORDER A MENTAL HEALTH SCREENING, USING THE MENTAL HEALTH
23 SCREENING TOOL SELECTED PURSUANT TO SECTION 24-20-602 (1)(b), OR
24 MAKE A FINDING THAT THE SCREENING WOULD NOT PROVIDE INFORMATION
25 THAT WOULD BE HELPFUL IN SENTENCING THE JUVENILE. The delinquency
26 proceedings shall not be stayed or suspended pending the results of the
27 mental health screening ordered pursuant this section, however, the court

1 may continue the dispositional and sentencing hearing to await the results
2 of the mental health screening.

3 (6) Evidence or treatment obtained as a result of a mental health
4 screening or assessment ordered pursuant to this section, INCLUDING ANY
5 INFORMATION OBTAINED FROM THE JUVENILE IN THE COURSE OF A MENTAL
6 HEALTH SCREENING OR ASSESSMENT, shall BE USED ONLY TO DETERMINE
7 WHAT MENTAL HEALTH TREATMENT, IF ANY, TO PROVIDE TO THE
8 JUVENILE, AND WHETHER THE JUVENILE JUSTICE OR ANOTHER SERVICE
9 SYSTEM IS MOST APPROPRIATE TO PROVIDE THIS TREATMENT, AND MUST
10 NOT BE USED FOR ANY OTHER PURPOSE. THE MENTAL HEALTH SCREENING
11 OR ASSESSMENT AND ANY INFORMATION OBTAINED IN THE COURSE OF THE
12 MENTAL HEALTH SCREENING OR ASSESSMENT IS NOT SUBJECT TO
13 SUBPOENA OR ANY OTHER COURT PROCESS FOR USE IN ANY OTHER COURT
14 PROCEEDING AND IS not be admissible on the issues raised by a plea of not
15 guilty unless the juvenile places his or her mental health at issue. If the
16 juvenile places his or her mental health at issue, then either party may
17 introduce evidence obtained as a result of a mental health screening or
18 assessment. THE COURT SHALL KEEP ANY MENTAL HEALTH SCREENING OR
19 ASSESSMENT IN THE COURT FILE UNDER SEAL.

20 (7) For purposes of this section:

21 (a) "Assessment" means an objective process used to collect
22 pertinent information in order to identify a juvenile who may have mental
23 health needs AND IDENTIFY THE LEAST RESTRICTIVE AND MOST
24 APPROPRIATE SERVICES AND TREATMENT.

25 (b) "Juvenile could benefit from mental health services" means a
26 juvenile exhibits one or more of the following characteristics:

27 (I) A chronic or significant lack of impulse control or of

- 1 judgment;
- 2 (II) Significant abnormal behaviors under normal circumstances;
- 3 (III) ~~A history of suspensions, expulsions, or repeated truancy~~
4 ~~from school settings;~~
- 5 (IV) Severe or frequent changes in sleeping or eating patterns or
6 in levels of activity;
- 7 (V) A pervasive mood of unhappiness or of depression; or
- 8 (VI) ~~A history of involvement with, or treatment in, two or more~~
9 ~~state or local governmental agencies, including but not limited to juvenile~~
10 ~~justice, youth corrections, or child welfare~~ THAT INCLUDES MENTAL
11 HEALTH TREATMENT, A SUICIDE ATTEMPT, OR THE USE OF PSYCHOTROPIC
12 MEDICATION.

13 (c) "SCREENING" MEANS A SHORT VALIDATED MENTAL HEALTH
14 SCREENING TO IDENTIFY JUVENILES WHO MAY HAVE MENTAL HEALTH
15 NEEDS ADOPTED BY THE JUVENILE JUSTICE REFORM COMMITTEE PURSUANT
16 TO SECTION 24-20-602 (1)(b).

17 **SECTION 15.** In Colorado Revised Statutes, 19-2-905, **amend**
18 (1)(a) introductory portion and (1)(a)(VII) as follows:

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

- 27 (VII) The juvenile's family, KIN, AND PERSONS HAVING A

1 SIGNIFICANT RELATIONSHIP WITH THE JUVENILE;

2 **SECTION 16.** In Colorado Revised Statutes, 19-2-906.5, **amend**
3 (1.5)(b) and (1.5)(c); and **add** (1)(d) and (1.5)(d) as follows:

4 **19-2-906.5. Orders - community placement - reasonable**
5 **efforts required - reviews.** (1) If the court orders legal custody of a
6 juvenile to a county department of human or social services pursuant to
7 the provisions of this article 2, the order must contain specific findings as
8 follows:

9 (d) WHETHER REASONABLE EFFORTS HAVE BEEN MADE TO
10 IDENTIFY KIN OR A SUITABLE ADULT WITH WHOM TO PLACE THE JUVENILE.

11 (1.5) For all hearings and reviews concerning the juvenile, the
12 court shall ensure that notice is provided to the juvenile and to the
13 following persons with whom the juvenile is placed:

14 (b) Pre-adoptive parents; ~~or~~

15 (c) Relatives; OR

16 (d) KIN, AS DEFINED IN SECTION 19-1-103 (71.3).

17 **SECTION 17.** In Colorado Revised Statutes, 19-2-921, **add** (3.3)
18 as follows:

19 **19-2-921. Commitment to department of human services.**

20 (3.3) (a) ON OR BEFORE JANUARY 1, 2021, THE DEPARTMENT OF HUMAN
21 SERVICES, IN CONSULTATION WITH THE JUVENILE JUSTICE REFORM
22 COMMITTEE ESTABLISHED PURSUANT TO SECTION 24-20-601, SHALL
23 DEVELOP A LENGTH OF STAY MATRIX AND ESTABLISH CRITERIA TO GUIDE
24 THE RELEASE OF JUVENILES FROM A STATE FACILITY THAT ARE BASED ON:

25 (I) A JUVENILE'S RISK OF REOFFENDING, AS DETERMINED BY THE
26 RESULTS OF A VALIDATED RISK AND NEEDS ASSESSMENT ADOPTED
27 PURSUANT TO SECTION 24-20-602 (1)(a);

1 (II) THE SERIOUSNESS OF THE OFFENSE FOR WHICH THE JUVENILE
2 WAS ADJUDICATED DELINQUENT;

3 (III) THE JUVENILE'S PROGRESS IN MEETING TREATMENT GOALS;
4 AND

5 (IV) OTHER CRITERIA AS DETERMINED BY THE DEPARTMENT AND
6 THE JUVENILE JUSTICE REFORM COMMITTEE.

7 (b) IN MAKING RELEASE AND DISCHARGE DECISIONS, THE
8 DEPARTMENT OF HUMAN SERVICES SHALL USE THE MATRIX AND RELEASE
9 CRITERIA DEVELOPED PURSUANT TO THIS SUBSECTION (3.3).

10 **SECTION 18.** In Colorado Revised Statutes, **amend** 19-2-925 as
11 follows:

12 **19-2-925. Probation - terms - release - revocation - graduated**
13 **responses system - report.** (1) (a) The terms and conditions of probation
14 must be specified by rules or orders of the court. The court, as a condition
15 of probation for a juvenile who is ten years of age or older but less than
16 eighteen years of age on the date of the sentencing hearing, may impose
17 a commitment or detention. The aggregate length of any such
18 commitment or detention, whether continuous or at designated intervals,
19 must not exceed forty-five days; except that such limit ~~must~~ DOES not
20 apply to any placement out of the home through a county department of
21 human or social services. Each juvenile placed on probation must be
22 given a written statement of the terms and conditions of his or her
23 probation and have the terms and conditions fully explained to him or her.

24 (b) The court, as a condition of probation for a ~~juvenile~~ YOUTH
25 eighteen years of age or older at the time of sentencing for delinquent acts
26 committed prior to his or her eighteenth birthday, may impose as a
27 condition of probation a sentence to the county jail that shall not exceed

1 ninety days; except that such sentence may be for a period of up to one
2 hundred eighty days if the court orders the juvenile YOUTH released for
3 school attendance, job training, or employment.

4 (2) (a) CONDITIONS OF PROBATION SHALL BE CUSTOMIZED TO EACH
5 JUVENILE BASED ON THE GUIDELINES DEVELOPED BY THE COMMITTEE ON
6 JUVENILE JUSTICE REFORM PURSUANT TO SECTION 24-20-602. The court
7 shall, as minimum conditions of probation, order that the juvenile:

8 (a) (I) Not violate any federal or state statutes, municipal
9 ordinances, or orders of the court;

10 ~~(b) Not consume or possess any alcohol or use any controlled~~
11 ~~substance without a prescription;~~

12 ~~(c) (II) Not use or possess a firearm, a dangerous or illegal~~
13 ~~weapon, or an explosive or incendiary device, unless granted written~~
14 ~~permission by the court or probation officer;~~

15 ~~(d) Attend school or an educational program or work regularly at~~
16 ~~suitable employment, and, if the juvenile has an individualized education~~
17 ~~program pursuant to section 22-20-108, C.R.S., the court may order the~~
18 ~~juvenile to comply with his or her individualized education program,~~
19 ~~taking into account the intellectual functioning, adaptive behavior, and~~
20 ~~emotional behaviors associated with the juvenile's disabilities, and subject~~
21 ~~to a manifestation determination pursuant to section 22-33-106(1)(c),~~
22 ~~C.R.S.; except that the court shall not require any such juvenile to attend~~
23 ~~a school from which he or she has been expelled without the prior~~
24 ~~approval of that school's local board of education;~~

25 ~~(e) (III) Report to a probation officer at reasonable times as~~
26 ~~directed by the court or probation officer;~~

27 ~~(f) (IV) Permit the probation officer to visit the juvenile at~~

1 reasonable times at his or her home or elsewhere;

2 ~~(g)~~ (V) Remain within the jurisdiction of the court, unless granted
3 permission to leave by the court or the probation officer;

4 ~~(h)~~ (VI) Answer all reasonable inquiries by the probation officer
5 and promptly notify the probation officer of any change in address or
6 employment;

7 ~~(i)~~ (VII) Make restitution as ordered by the court;

8 ~~(j)~~ (VIII) Pay the victim compensation fee as ordered by the court;

9 ~~(k)~~ (IX) Pay the surcharge levied pursuant to section 24-4.2-104
10 (1)(a)(I); ~~C.R.S.~~;

11 ~~(l)~~ (X) May be evaluated to determine whether the juvenile would
12 be suitable for restorative justice practices that would be a part of the
13 juvenile's probation program; except that the court may not order
14 participation in restorative justice practices if the juvenile was adjudicated
15 a delinquent for unlawful sexual behavior as defined in section 16-22-102
16 (9), ~~C.R.S.~~, a crime in which the underlying factual basis involves
17 domestic violence as defined in section 18-6-800.3 (1), ~~C.R.S.~~, stalking
18 as defined in section 18-3-602, ~~C.R.S.~~, or violation of a protection order
19 as defined in section 18-6-803.5. ~~C.R.S.~~

20 (b) THE COURT SHALL USE THE RESULTS FROM A VALIDATED RISK
21 AND NEEDS ASSESSMENT ADOPTED BY THE JUVENILE JUSTICE REFORM
22 COMMITTEE PURSUANT TO SECTION 24-20-602 (1)(b) TO INFORM THE
23 COURT OF ADDITIONAL CONDITIONS OF PROBATION, AS NECESSARY.

24 (3) (a) The court may periodically review the terms and conditions
25 of probation and the progress of each juvenile placed on probation.
26 Counsel for the juvenile does not have to be present at any probation
27 review hearing unless notified by the court that a petition to revoke

1 probation has been filed.

2 (b) The court may release a juvenile from probation PRIOR TO THE
3 COMPLETION OF HIS OR HER TERM OF PROBATION, PURSUANT TO SECTION
4 19-2-925, or modify the terms and conditions of his or her probation at
5 any time, but any juvenile who has complied satisfactorily with the terms
6 and conditions of his or her probation for a period of two years shall be
7 released from probation, and the jurisdiction of the court shall be
8 terminated.

9 (4) BEFORE JANUARY 1, 2021, THE STATE COURT ADMINISTRATOR
10 SHALL ESTABLISH RULES TO DEVELOP A STATEWIDE SYSTEM OF
11 STRUCTURED COMMUNITY-BASED GRADUATED RESPONSES, INCLUDING
12 INCENTIVES AND SANCTIONS, TO GUIDE PROBATION OFFICERS IN
13 DETERMINING HOW BEST TO MOTIVATE POSITIVE JUVENILE BEHAVIOR
14 CHANGE AND THE APPROPRIATE RESPONSE TO A VIOLATION OF TERMS AND
15 CONDITIONS OF JUVENILE PROBATION. GRADUATED RESPONSES MEANS AN
16 ACCOUNTABILITY-BASED SERIES OF SANCTIONS AND SERVICES DESIGNED
17 TO RESPOND TO A JUVENILE'S VIOLATION OF PROBATION QUICKLY,
18 CONSISTENTLY, AND PROPORTIONALLY AND INCENTIVES TO MOTIVATE
19 POSITIVE BEHAVIOR CHANGE AND SUCCESSFUL COMPLETION OF PROBATION
20 AND HIS OR HER TREATMENT GOALS. JUVENILE PROBATION SHALL ADOPT
21 AND USE A STATE JUVENILE GRADUATED RESPONSES AND INCENTIVES
22 SYSTEM DEVELOPED PURSUANT TO THIS SUBSECTION (4) OR DEVELOP AND
23 USE A LOCALLY DEVELOPED SYSTEM THAT IS ALIGNED TO BEST PRACTICES.
24 POLICIES AND PROCEDURES FOR THE GRADUATED RESPONSES SYSTEM
25 MUST:

26 (a) INCLUDE INCENTIVES THAT ENCOURAGE THE COMPLETION OF
27 TREATMENT MILESTONES AS WELL AS COMPLIANCE WITH THE TERMS AND

1 CONDITIONS OF A JUVENILE'S PROBATION AND THAT REWARD BEHAVIOR
2 ALIGNED WITH THE EXPECTATIONS OF SUPERVISION AND THE JUVENILE'S
3 CASE PLAN; AND

4 (b) REQUIRE THAT A RESPONSE TO A JUVENILE'S VIOLATION OF THE
5 TERMS AND CONDITIONS OF HIS OR HER SUPERVISION TAKE INTO
6 CONSIDERATION:

7 (I) THE RISK OF THE JUVENILE TO REOFFEND, AS DETERMINED BY
8 THE RESULTS OF A VALIDATED RISK AND NEEDS ASSESSMENT;

9 (II) THE PREVIOUS HISTORY OF VIOLATIONS AND THE UNDERLYING
10 CAUSE OF THE JUVENILE'S BEHAVIOR LEADING TO THE VIOLATION;

11 (III) THE SEVERITY OF THE CURRENT VIOLATION;

12 (IV) THE JUVENILE'S CASE PLAN; AND

13 (V) THE PREVIOUS RESPONSES BY THE JUVENILE TO PAST
14 VIOLATIONS.

15 (5) WHENEVER A PROBATION OFFICE HAS REASONABLE CAUSE TO
16 BELIEVE THAT A JUVENILE HAS COMMITTED A VIOLATION OF THE TERMS
17 AND CONDITIONS OF PROBATION AND THAT GRADUATED RESPONSES
18 DEVELOPED PURSUANT TO SUBSECTION (4) OF THIS SECTION HAVE
19 PREVIOUSLY BEEN APPLIED OR WHEN THE NATURE OF THE VIOLATION
20 POSES A SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS, THE PROBATION
21 OFFICER, FOLLOWING THE APPROVAL OF HIS OR HER CHIEF PROBATION
22 OFFICER OR THE CHIEF'S DESIGNEE, SHALL PETITION THE COURT FOR
23 REVOCAION AND SHALL FILE WRITTEN INFORMATION WITH THE COURT
24 CONCERNING THE JUVENILE'S VIOLATION BEHAVIOR HISTORY AND THE
25 RESPONSES APPLIED PURSUANT TO THE GRADUATED RESPONSE SYSTEM
26 PURSUANT TO SUBSECTION (4) OF THIS SECTION.

27 (6) UNLESS THERE IS REASON TO BELIEVE THAT A JUVENILE WOULD

1 NOT APPEAR, WOULD INTERFERE WITH THE JUVENILE JUSTICE PROCESS, OR
2 POSES SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS, PROBATION
3 OFFICERS SHALL ISSUE A SUMMONS, OR OTHER METHOD APPROVED BY
4 LOCAL COURT RULE, RATHER THAN A WARRANT WHEN FILING A PETITION
5 FOR REVOCATION.

6 (7) THE STATE COURT ADMINISTRATOR SHALL COLLECT DATA
7 RELATED TO THE USE OF THE GRADUATED RESPONSES AND INCENTIVES
8 SYSTEM AND REPORT THIS DATA ANNUALLY TO THE JUDICIARY
9 COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, THE
10 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, AND THE
11 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
12 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, AND THE CHIEF
13 JUSTICE OF THE COLORADO SUPREME COURT. NOTWITHSTANDING THE
14 PROVISIONS OF SECTION 24-1-136 (11)(a)(I), THE REPORTS TO THE
15 COMMITTEES CONTINUE INDEFINITELY. DATA COLLECTED BY THE STATE
16 COURT ADMINISTRATOR MUST INCLUDE AT A MINIMUM THE TYPES OF
17 RESPONSES AND INCENTIVES THAT WERE ISSUED, THE NUMBER OF FORMAL
18 VIOLATIONS FILED, AND THE BEHAVIOR RESULTING IN THE VIOLATION.

19 ~~(4)~~ (8) (a) When it is alleged that a juvenile has violated the terms
20 and conditions of his or her probation, AND GRADUATED RESPONSES HAVE
21 BEEN IMPOSED AND EXHAUSTED, PURSUANT TO SUBSECTION (7) OF THIS
22 SECTION, the court shall set a hearing on the alleged violation and shall
23 give notice to the juvenile and his or her parents, guardian, or other legal
24 custodian and any other parties to the proceeding as provided in section
25 19-2-514.

26 (b) The juvenile and his or her parents, guardian, or other legal
27 custodian shall be given a written statement concerning the alleged

1 violation and shall have the right to be represented by counsel at the
2 hearing and shall be entitled to the issuance of compulsory process for the
3 attendance of witnesses.

4 (c) When the juvenile has been taken into custody because of the
5 alleged violation, the provisions of sections 19-2-507, 19-2-507.5, and
6 19-2-508 shall apply.

7 (d) (I) The hearing on the alleged violation shall be conducted as
8 provided in section 19-1-106.

9 (II) Subject to the provisions of section 19-2-907, if the court
10 finds that the juvenile violated the terms and conditions of probation, it
11 may modify the terms and conditions of probation, revoke probation, or
12 take such other action permitted by this ~~article~~ ARTICLE 2 that is in the
13 best interest of the juvenile and the public.

14 (III) If the court finds that the juvenile did not violate the terms
15 and conditions of his or her probation as alleged, it shall dismiss the
16 proceedings and continue the juvenile on probation under the terms and
17 conditions previously prescribed.

18 (e) If the court revokes the probation of a person over eighteen
19 years of age, in addition to other action permitted by this ~~article~~ ARTICLE
20 2, the court may sentence him or her to the county jail for a period not to
21 exceed one hundred eighty days during which time he or she may be
22 released during the day for school attendance, job training, or
23 employment, as ordered by the court; except that, if the sentence imposed
24 exceeds ninety days, the court shall order the person released for school
25 attendance, job training, or employment while serving his or her sentence.

26 (5) (9) Following specification of the terms and conditions of
27 probation, where the conditions of probation include requiring the

1 juvenile to attend school, the court shall notify the school district in which
2 the juvenile is enrolled of such requirement.

3 **SECTION 19.** In Colorado Revised Statutes, **add** 19-2-925.2 as
4 follows:

5 **19-2-925.2. Juvenile probation standards - development.**

6 (1) BEFORE JULY 1, 2021, THE STATE COURT ADMINISTRATOR, IN
7 CONSULTATION WITH JUDGES, THE JUDICIAL BRANCH, DISTRICT
8 ATTORNEYS, DEFENSE COUNSEL, THE DELIVERY OF THE CHILD WELFARE
9 SERVICES TASK FORCE CREATED IN SECTION 26-5-105.8, AND OTHER
10 INTERESTED PARTIES SHALL ESTABLISH STATEWIDE STANDARDS FOR
11 JUVENILE PROBATION SUPERVISION AND SERVICES THAT ARE ALIGNED
12 WITH RESEARCH-BASED PRACTICES AND BASED ON THE JUVENILE'S RISK OF
13 REOFFENDING AS DETERMINED BY A VALIDATED RISK AND NEEDS
14 ASSESSMENT TOOL ADOPTED PURSUANT TO SECTION 24-20-602. THE
15 STATE COURT ADMINISTRATOR SHALL AT LEAST ANNUALLY PROVIDE
16 TRAINING TO JUVENILE PROBATION ON THE ADOPTION AND
17 IMPLEMENTATION OF THESE STANDARDS. JUVENILE STANDARDS MUST
18 INCLUDE, BUT NEED NOT BE LIMITED TO:

19 (a) GUIDELINES TO SUPPORT JUVENILE PROBATION IN ADOPTING
20 THE MOST EFFECTIVE STAFFING AND WORKLOADS IN ORDER TO ALLOCATE
21 PROBATION RESOURCES MOST APPROPRIATELY;

22 (b) STANDARDS FOR MINIMUM CASE CONTACTS, INCLUDING
23 CONTACTS WITH JUVENILES AS WELL AS THEIR FAMILY MEMBERS;

24 (c) (I) COMMON ELEMENTS FOR WRITTEN INDIVIDUALIZED CASE
25 PLANS FOR EACH JUVENILE PLACED UNDER THE SUPERVISION OF A
26 PROBATION OFFICER. IN DEVELOPING SUCH A CASE PLAN, JUVENILE
27 PROBATION SHALL USE, BUT NEED NOT BE LIMITED TO:

- 1 (A) THE RESULTS OF A VALIDATED RISK AND NEEDS ASSESSMENT;
- 2 (B) THE RESULTS OF A VALIDATED MENTAL HEALTH SCREENING,
3 AND FULL ASSESSMENT IF CONDUCTED;
- 4 (C) THE TRAUMA, IF ANY, EXPERIENCED BY THE JUVENILE;
- 5 (D) THE EDUCATION LEVEL OF THE JUVENILE AND ANY
6 INTELLECTUAL AND DEVELOPMENTAL DISABILITY;
- 7 (E) THE SERIOUSNESS OF THE OFFENSE COMMITTED BY THE
8 JUVENILE; AND
- 9 (F) ANY RELEVANT INFORMATION PROVIDED BY THE FAMILY OF
10 THE JUVENILE, INCLUDING THE PRO-SOCIAL INTERESTS OF THE JUVENILE.
- 11 (II) A CASE PLAN DEVELOPED PURSUANT TO THIS SECTION MUST:
- 12 (A) ADDRESS THE RISKS THE JUVENILE PRESENTS AND THE
13 JUVENILE'S SERVICE NEEDS BASED ON THE RESULTS OF THE VALIDATED
14 RISK AND NEEDS ASSESSMENT, INCLUDING SPECIFIC TREATMENT GOALS;
- 15 (B) SPECIFY THE LEVEL OF SUPERVISION AND INTENSITY OF
16 SERVICES THAT THE JUVENILE SHALL RECEIVE;
- 17 (C) PROVIDE REFERRALS TO TREATMENT PROVIDERS THAT MAY
18 ADDRESS THE JUVENILE'S RISKS AND NEEDS;
- 19 (D) BE DEVELOPED IN CONSULTATION WITH THE JUVENILE AND
20 THE JUVENILE'S FAMILY OR GUARDIAN;
- 21 (E) SPECIFY THE RESPONSIBILITIES OF EACH PERSON OR AGENCY
22 INVOLVED WITH THE JUVENILE; AND
- 23 (F) PROVIDE FOR THE FULL REENTRY OF THE JUVENILE INTO THE
24 COMMUNITY;
- 25 (d) (I) CRITERIA AND POLICIES FOR THE EARLY TERMINATION OF
26 JUVENILES UNDER THE SUPERVISION OF JUVENILE PROBATION.
- 27 (II) JUVENILE PROBATION AND THE JUVENILE COURT SHALL

1 CONSIDER THE FOLLOWING FACTORS, AMONG OTHERS, IN DETERMINING
2 THE EARLY TERMINATION OF SUPERVISION:

3 (A) THE SERIOUSNESS OF THE OFFENSE COMMITTED BY THE
4 JUVENILE RESULTING IN PLACEMENT UNDER THE SUPERVISION OF A
5 PROBATION OFFICER;

6 (B) THE RESULTS OF A VALIDATED RISK AND NEEDS ASSESSMENT,
7 WHICH SHALL BE CONDUCTED AT LEAST EVERY SIX MONTHS TO DETERMINE
8 WHETHER THE JUVENILE'S RISK OF REOFFENDING OR RISK SCORES IN KEY
9 DOMAINS HAVE BEEN REDUCED;

10 (C) THE JUVENILE'S PROGRESS IN MEETING THE GOALS OF THE
11 JUVENILE'S INDIVIDUALIZED CASE PLAN; AND

12 (D) THE JUVENILE'S OFFENSE HISTORY, IF ANY, DURING THE
13 JUVENILE'S PROBATION TERM.

14 (e) COMMON CRITERIA FOR WHEN JUVENILE PROBATION OFFICERS
15 MAY RECOMMEND THE USE OF OUT-OF-HOME PLACEMENTS AND
16 COMMITMENT TO THE DIVISION OF YOUTH SERVICES. THE COURT SHALL
17 CONSIDER THE RESULTS OF A VALIDATED RISK AND NEEDS ASSESSMENT,
18 A VALIDATED MENTAL HEALTH SCREENING, AND, IF APPLICABLE, A FULL
19 MENTAL HEALTH ASSESSMENT CONDUCTED PURSUANT TO SECTION
20 24-20-602 TO MAKE DECISIONS CONCERNING THE PLACEMENT OF THE
21 JUVENILE.

22 **SECTION 20.** In Colorado Revised Statutes, 19-2-1002, **amend**
23 (2)(b) as follows:

24 **19-2-1002. Juvenile parole.** (2) (b) (I) The board or hearing
25 panel shall take into consideration the results of the ~~objective~~ VALIDATED
26 risk AND NEEDS assessment administered by the department of human
27 services.

1 (II) IN MAKING RELEASE AND DISCHARGE DECISIONS, THE BOARD
2 OR HEARING PANEL SHALL USE THE LENGTH OF STAY MATRIX AND RELEASE
3 CRITERIA DEVELOPED PURSUANT TO SECTION 19-2-921 (3.3).

4 **SECTION 21.** In Colorado Revised Statutes, 19-1-108, **amend**
5 (3)(a.5) as follows:

6 **19-1-108. Magistrates - qualifications - duties.**

7 (3) (a.5) Magistrates shall conduct hearings in the manner provided for
8 the hearing of cases by the court. During the initial advisement of the
9 rights of any party, the magistrate shall inform the party that, except as
10 provided in this subsection (3), he or she has the right to a hearing before
11 the judge in the first instance and that he or she may waive that right but
12 that, by waiving that right, he or she is bound by the findings and
13 recommendations of the magistrate, subject to a request for review as
14 provided in subsection (5.5) of this section. The right to require a hearing
15 before a judge ~~shall~~ DOES not apply to hearings at which a child is advised
16 of his or her rights pursuant to section 19-2-706; detention hearings held
17 pursuant to ~~sections 19-2-507 and~~ SECTIONS 19-2-507, 19-2-507.5, AND
18 19-2-508; preliminary hearings held pursuant to section 19-2-705;
19 temporary custody hearings held pursuant to section 19-3-403;
20 proceedings held pursuant to article 4 of this ~~title~~ TITLE 19; and support
21 proceedings held pursuant to article 6 of this ~~title~~ TITLE 19. In proceedings
22 held pursuant to article 4 or 6 of this ~~title~~ TITLE 19, contested final orders
23 regarding allocation of parental responsibilities may be heard by the
24 magistrate only with the consent of all parties.

25 **SECTION 22.** In Colorado Revised Statutes, 19-1-115, **amend**
26 (6.7) as follows:

27 **19-1-115. Legal custody - guardianship - placement out of the**

1 **home - petition for review for need of placement.** (6.7) Any time the
2 court enters an order related to out-of-home placement pursuant to
3 ~~paragraphs (a), (b), and (c) of subsection (6) or paragraph (b) of~~
4 ~~subsection (6.5) of this section; paragraph (f) of subsection (8) of this~~
5 ~~section; section 19-2-508 (3)(a)(VII)(A) and (3)(a)(VII)(B) SUBSECTIONS~~
6 ~~(6)(a) TO (6)(c) OR SUBSECTION (6.5)(b) OF THIS SECTION; SUBSECTION~~
7 ~~(8)(f) OF THIS SECTION; SECTION 19-2-508 (3)(a)(XI)(A) AND~~
8 ~~(3)(a)(XI)(B); section 19-2-906.5 (1)(a), (1)(b), and (3)(a)(III); or section~~
9 ~~19-3-702 (3.5)(b) and (6)(a)(II), the order shall be~~ IS effective as of the
10 date the findings were made by the court, notwithstanding the date that a
11 written order may be signed by the court. Written orders entered pursuant
12 to ~~paragraphs (a), (b), and (c) of subsection (6) or paragraph (b) of~~
13 ~~subsection (6.5) of this section; paragraph (f) of subsection (8) of this~~
14 ~~section; section 19-2-508 (3)(a)(VII)(A) and (3)(a)(VII)(B) SUBSECTIONS~~
15 ~~(6)(a) TO (6)(c) OR SUBSECTION (6.5)(b) OF THIS SECTION; SUBSECTION~~
16 ~~(8)(f) OF THIS SECTION; SECTION 19-2-508 (3)(a)(XI)(A) AND~~
17 ~~(3)(a)(XI)(B); section 19-2-906.5 (1)(a), (1)(b), and (3)(a)(III); or section~~
18 ~~19-3-702 (3.5)(b) and (6)(a)(II) shall~~ MUST state "the effective date of this
19 order is" and ~~shall~~ MUST not use the words "nunc pro tunc".

20 **SECTION 23.** In Colorado Revised Statutes, 19-2-108, **amend**
21 (2) introductory portion and (2)(b) as follows:

22 **19-2-108. Speedy trial - procedural schedule.** (2) In bringing
23 an adjudicatory action against a juvenile pursuant to this ~~article~~ ARTICLE
24 2, the district attorney and the court shall comply with the deadlines for:

25 (b) Filing the petition, as specified in ~~section 19-2-508 (3)(a)(V)~~
26 SECTION 19-2-508 (3)(a)(IX);

27 **SECTION 24.** In Colorado Revised Statutes, 19-2-309.5, **amend**

1 (5) as follows:

2 **19-2-309.5. Community accountability program - legislative**
3 **declaration - creation.** (5) If a juvenile in the first component of the
4 program would substantially benefit, the division of youth services shall
5 notify the local department of probation who may petition the court for
6 an extension of up to fifteen days in addition to the initial sixty-day period
7 for the first component of the program. The period of time a juvenile
8 spends in the second component of the program must not exceed one
9 hundred twenty days. The entire period of a juvenile's participation in the
10 program must not exceed the length of the juvenile's probation sentence.
11 Whenever a juvenile fails to progress through or complete the first or
12 second component of the program, the juvenile is subject to the
13 provisions of ~~section 19-2-925 (4)~~ SECTION 19-2-925 (8) for violating a
14 condition of probation.

15 **SECTION 25.** In Colorado Revised Statutes, 19-2-503, **amend**
16 (1) as follows:

17 **19-2-503. Issuance of a lawful warrant taking a juvenile into**
18 **custody.** (1) A lawful warrant taking a juvenile into custody may be
19 issued pursuant to this section by any judge of a court of record or by a
20 juvenile magistrate upon receipt of an affidavit relating facts sufficient to
21 establish probable cause to believe that a delinquent act has been
22 committed and probable cause to believe that a particular juvenile
23 committed that act. Upon receipt of such affidavit, the judge or magistrate
24 shall issue a lawful warrant commanding any peace officer to take the
25 juvenile named in the affidavit into custody and to take him or her
26 without unnecessary delay before the nearest judge of the juvenile court
27 or magistrate as provided in ~~section 19-2-508 (4)(d)~~ SECTION 19-2-508

1 (4)(e)(I).

2 **SECTION 26.** In Colorado Revised Statutes, 19-2-706, **amend**
3 (1)(b) as follows:

4 **19-2-706. Advisement - right to counsel - waiver of right to**
5 **counsel.** (1) (b) If the respondent has made an early application for
6 appointed counsel for the juvenile and the office of the state public
7 defender has made a preliminary determination that the juvenile is
8 eligible for appointed counsel as set forth in section 21-1-103 C.R.S., or
9 if the court has appointed counsel for the juvenile pursuant to ~~section~~
10 ~~19-2-508 (2.5)~~ SECTION 19-2-508 (2), an attorney from the office of the
11 state public defender or, in the case of a conflict, from the office of
12 alternate defense counsel, shall be available to represent the juvenile at
13 the juvenile's first appearance, as described in ~~paragraph (a) of this~~
14 ~~subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION.

15 **SECTION 27.** In Colorado Revised Statutes, 19-2-911, **amend**
16 (2) as follows:

17 **19-2-911. Sentencing - alternative services - detention.** (2) In
18 the case of a juvenile who has been adjudicated a juvenile delinquent for
19 the commission of one of the offenses described in ~~section 19-2-508~~
20 ~~(3)(a)(HH)~~ SECTION 19-2-508 (3)(a)(IV), the court shall sentence the
21 juvenile to a minimum mandatory period of detention of not fewer than
22 five days.

23 **SECTION 28.** In Colorado Revised Statutes, 22-32-141, **amend**
24 (2)(a) and (2)(e) as follows:

25 **22-32-141. Student awaiting trial as adult - educational**
26 **services - definitions.** (2) (a) Except as otherwise provided in ~~paragraphs~~
27 ~~(e) to (g) of this subsection (2)~~ SUBSECTIONS (2)(c) TO (2)(g) OF THIS

1 SECTION, if a juvenile is held in a jail or other facility for the detention of
2 adult offenders pending criminal proceedings as an adult, the school
3 district in which the jail or facility is located shall provide educational
4 services for the juvenile upon request of the official in charge of the jail
5 or facility, or his or her designee, pursuant to ~~section 19-2-508 (4)(b.5)~~,
6 ~~C.R.S.~~ SECTION 19-2-508 (4)(c)(I). A school district may provide
7 educational services directly using one or more of its employees or may
8 ensure that educational services are provided through a board of
9 cooperative services, an administrative unit, or otherwise through contract
10 with a person or entity.

11 (e) If a school district or the official in charge of the jail or facility
12 determines as provided in ~~section 19-2-508 (4)(b.5)(II), C.R.S.~~, SECTION
13 19-2-508 (4)(c)(II) that an appropriate and safe environment for school
14 district employees or contractors is not available in which to provide
15 educational services to a specific juvenile, the school district is exempt
16 from the requirement of providing educational services to the juvenile
17 until such time as both the school district and the official in charge of the
18 jail or facility determine that an appropriate and safe environment for
19 school district employees or contractors is available. If the school district
20 will not be providing educational services to a juvenile because of the
21 lack of an appropriate and safe environment for school district employees
22 or contractors, the official in charge of the jail or facility shall notify the
23 juvenile, his or her parent or legal guardian, the juvenile's defense
24 attorney, and the court having jurisdiction over the juvenile's case.

25 **SECTION 29.** In Colorado Revised Statutes, 22-33-107.5,
26 **amend** (1)(a) and (1)(b) as follows:

27 **22-33-107.5. Notice of failure to attend.** (1) Except as

1 otherwise provided in subsection (2) of this section, a school district shall
2 notify the appropriate court or parole board if a student fails to attend all
3 or any portion of a school day, where the school district has received
4 notice from the court or parole board:

5 (a) Pursuant to ~~section 19-2-508 (3)(a)(VI), C.R.S.~~, SECTION
6 19-2-508 (3)(a)(X) that the student is required to attend school as a
7 condition of release pending an adjudicatory trial;

8 (b) Pursuant to section 17-22.5-404, 18-1.3-204 (2.3), 19-2-907
9 (4), ~~19-2-925 (5)~~, **19-2-925 (9)**, or 19-2-1002 (1) or (3) ~~C.R.S.~~, that the
10 student is required to attend school as a condition of or in connection with
11 any sentence imposed by the court, including a condition of probation or
12 parole; or

13 **SECTION 30.** In Colorado Revised Statutes, 42-4-1706, **amend**
14 (2)(a) as follows:

15 **42-4-1706. Juveniles - convicted - arrested and incarcerated**
16 **- provisions for confinement.** (2) (a) Notwithstanding any other
17 provision of law, a child, as defined in section 19-1-103 (18), ~~C.R.S.~~,
18 arrested and incarcerated for an alleged misdemeanor traffic offense
19 ~~under this article~~ PURSUANT TO THIS ARTICLE 4, and not released on bond,
20 shall be taken before a county judge who has jurisdiction of such offense
21 within forty-eight hours for fixing of bail and conditions of bond pursuant
22 to ~~section 19-2-508 (4)(d), C.R.S.~~ SECTION 19-2-508 (4)(e). Such child
23 shall not be confined in a jail, lockup, or other place used for the
24 confinement of adult offenders for longer than seventy-two hours, after
25 which the child may be further detained only in a juvenile detention
26 facility operated by or under contract with the department of human
27 services. In calculating time under this subsection (2), Saturdays,

1 Sundays, and court holidays ~~shall~~ MUST be included.

2 **SECTION 31.** In Colorado Revised Statutes, 2-3-1203, **add**
3 **(13)(a)(V)** as follows:

4 **2-3-1203. Sunset review of advisory committees - legislative**
5 **declaration - definition - repeal.** (13)(a) The following statutory
6 authorizations for the designated advisory committees are scheduled for
7 repeal on September 1, 2022:

8 (V) THE JUVENILE JUSTICE REFORM COMMITTEE CREATED
9 PURSUANT TO SECTION 24-20-601.

10 **SECTION 32. Appropriation.** (1) For the 2019-20 state fiscal
11 year, \$68,598 is appropriated to the judicial department. This
12 appropriation is from the general fund and is based on an assumption that
13 the department will require an additional 0.8 FTE. To implement this act,
14 the department may use this appropriation for probation programs.

15 (2) For the 2019-20 state fiscal year, \$500,000 is appropriated to
16 the department of human services for use by the division of youth
17 services. This appropriation is from the general fund. To implement this
18 act, the division may use this appropriation for personal services related
19 to administration.

20 (3) For the 2019-20 state fiscal year, \$6,315 is appropriated to the
21 legislative department. This appropriation is from the general fund. To
22 implement this act, the department may use this appropriation for the
23 general assembly.

24 **SECTION 33. Effective date.** This act takes effect July 1, 2019;
25 except that sections 9, 10, and 11 of this act take effect July 1, 2020.

26 **SECTION 34. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.