

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

**PREAMENDED**

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

LLS NO. 23-0510.04 Alana Rosen x2606

**HOUSE BILL 23-1187**

---

**HOUSE SPONSORSHIP**

**Bacon and Amabile,**

**SENATE SPONSORSHIP**

**Gonzales and Fields,**

---

**House Committees**  
Judiciary

**Senate Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING ALTERNATIVES IN THE CRIMINAL JUSTICE SYSTEM FOR**  
102 **PREGNANT PERSONS.**

---

**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>.)*

In determining bond or alternative sentences for a pregnant or postpartum defendant (defendant), the bill requires the court to consider whether the defendant poses a substantial risk to the public and whether that substantial risk outweighs the risks of incarceration.

If a defendant is arrested or in custody at a county jail or correctional facility, the defendant may request a pregnancy test following

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

admission to the county jail or correctional facility. A sheriff or department of corrections staffperson shall provide a pregnancy test to the defendant within 24 hours after the request. Requesting the test, taking the test, and results of the test are confidential medical information and must not to be disclosed, except when the defendant receives medical care.

The bill allows a court to consider the following forms of alternative sentencing for the defendant:

- A diversion;
- A deferred judgment and sentence;
- A stay of execution (stay); or
- An unaccompanied furlough (furlough).

If the defendant is convicted of a new crime or violates substantive conditions imposed by a court while a stay or furlough is imposed, the court may add conditions, issue warrants, end the stay or furlough, or continue the stay or furlough.

On or before December 1, 2024, and on or before each December 1 thereafter, the judicial branch is required to submit an annual report to the judiciary committees of the house of representatives and the senate, or their successor committees, with information on, among other things, the total number of defendants who were sentenced or released.

The bill applies to pregnant or postpartum juveniles (juvenile). In determining commitment, bond, or alternative sentences for a juvenile, the bill requires the court to consider whether the juvenile poses a substantial risk to the public and whether that substantial risk outweighs the risks of commitment. The bill allows the following forms of alternative sentencing for the juvenile:

- A diversion;
- A deferred judgment and sentence;
- A stay; or
- A furlough.

On or before December 1, 2024, and on or before each December 1 thereafter, the department of human services is required to submit an annual report to the judiciary committees of the house of representatives and the senate, or their successor committees, with information on, among other things, the total number of juveniles who were sentenced or released.

Current law requires a court to admit in a criminal proceeding information that is reported by mandatory reporters related to a defendant's substance use discovered in the course of medical care related to pregnancy. The bill eliminates the requirement.

1           **SECTION 1.** In Colorado Revised Statutes, **add** 18-1.3-103.7 as  
2 follows:

3           **18-1.3-103.7. Alternative options for pregnant and postpartum**  
4 **people - legislative declaration - definitions.** (1) (a) THE GENERAL  
5 ASSEMBLY FINDS AND DECLARES THAT:

6           (I) THERE IS AN INCREASING FEMALE POPULATION IN PRISONS AND  
7 JAILS;

8           (II) WHILE NO SYSTEM IS PERFECT IN RESPONDING TO THE MEDICAL  
9 CONDITIONS OF PREGNANCY, CORRECTIONAL FACILITIES AND COUNTY  
10 JAILS ARE PARTICULARLY ILL-EQUIPPED TO DO SO;

11           (III) DURING CRIMINAL CASES INVOLVING A PREGNANT OR  
12 POSTPARTUM DEFENDANT, THE PHYSICAL AND MENTAL HEALTH NEEDS OF  
13 THE PREGNANT DEFENDANT OR THE POSTPARTUM DEFENDANT AND  
14 NEWBORN MUST BE CONSIDERED AT ALL STAGES OF THE PROCEEDING AS  
15 A MATTER OF COMMUNITY HEALTH AND SAFETY;

16           (IV) TIMELY ATTENTION TO MEDICAL CONDITIONS AND MENTAL  
17 HEALTH DURING THE PERINATAL PERIOD CAN IMPROVE HEALTH AND  
18 WELFARE FOR MULTIPLE GENERATIONS OF A FAMILY UNIT;

19           (V) PREGNANCY IS A TIME-SENSITIVE PROCESS THAT HAS MANY  
20 POTENTIAL OUTCOMES AND VARIATIONS. A PREGNANT PERSON MAY FEEL  
21 HEALTHY AND EXPERIENCE NO COMPLICATIONS. A PREGNANT PERSON MAY  
22 ALSO EXPERIENCE SUDDEN, HARMFUL MEDICAL CONDITIONS, SUCH AS  
23 PREECLAMPSIA OR PLACENTAL ABRUPTION, OR DEVELOP COMPLEX  
24 MEDICAL CONDITIONS THAT RESULT IN THE EARLY TERMINATION OF A  
25 PREGNANCY OR THREATEN THE LIFE OF THE PREGNANT PERSON, SUCH AS  
26 AN ECTOPIC PREGNANCY. AT ANY STAGE OF THE PERINATAL PERIOD,  
27 SITUATIONS CAN OCCUR THAT CAUSE LONG-TERM PHYSICAL AND MENTAL

1 HEALTH TRAUMA FOR THE PREGNANT PERSON.

2 (VI) CRIMINAL PROCEEDINGS ARE NOT RESPONSIVE TO THE  
3 TIMELINE OR COMPLEXITY OF THE PERINATAL PERIOD;

4 (VII) WHEN A SUBSTANCE USE DISORDER INTERSECTS WITH A  
5 PREGNANCY, IT IS BEST HANDLED AS A HEALTH CONDITION. INCREASING  
6 THE TIME A PREGNANT PERSON WITH A SUBSTANCE USE DISORDER IS IN A  
7 CORRECTIONAL FACILITY OR COUNTY JAIL IS COUNTER TO PUBLIC HEALTH  
8 AND MAY DRIVE THE PREGNANT PERSON AWAY FROM MEDICAL CARE AND  
9 SUPPORT SERVICES.

10 (VIII) THE END OF THE PREGNANCY DOES NOT IMMEDIATELY  
11 TERMINATE THE EFFECTS OF THE PREGNANCY ON THE PERSON WHO WAS  
12 PREGNANT;

13 (IX) THE POSTPARTUM PERIOD IS AN ESSENTIAL TIME FRAME FOR  
14 BOTH THE PERSON WHO GAVE BIRTH AND THE NEWBORN. IT IS AN  
15 OPPORTUNITY FOR THE NEWBORN:

16 (A) TO DEVELOP HEALTHY PHYSIOLOGIC RESPONSES; AND

17 (B) TO BENEFIT FROM THE ATTACHMENT AND BONDING THAT  
18 OCCURS DURING THIS PERIOD;

19 (X) BONDING BETWEEN A NEWBORN AND PARENT DURING THE  
20 POSTPARTUM PERIOD CAN IMPROVE CONDITIONS FOR OTHER CHILDREN  
21 AND CARE PROVIDERS IN THE SAME FAMILY UNIT AND PREVENT CHILD  
22 ABUSE AND NEGLECT; AND

23 (XI) BONDING BETWEEN A NEWBORN AND A PARENT CAN IMPROVE  
24 THE OVERALL HEALTH OF THE NEWBORN AND THE PARENT AND MAY  
25 PREVENT OR REDUCE LONG-TERM HEALTH RISKS THAT MAY BE INCREASED  
26 BY SEPARATING THE NEWBORN FROM THE PARENT. FOR EXAMPLE:

27 (A) A POSTPARTUM PERSON WHO DOES NOT BREASTFEED OR

1 CHESTFEED A NEWBORN MAY HAVE AN INCREASED LIKELIHOOD OF  
2 PREMENOPAUSAL BREAST CANCER, OVARIAN CANCER, OR TYPE 2  
3 DIABETES;

4 (B) A NEWBORN WHO IS NOT BREASTFED OR CHESTFED MAY HAVE  
5 AN INCREASED LIKELIHOOD OF CHILDHOOD OBESITY, ASTHMA, TYPE 1 OR  
6 TYPE 2 DIABETES, LEUKEMIA, OR SUDDEN INFANT DEATH SYNDROME; AND

7 (C) A CHILD WHO IS SEPARATED FROM ANY PARENT MAY  
8 EXPERIENCE STRESS HORMONES, WHICH MAY LEAD TO DIFFICULTY  
9 SLEEPING, DEVELOPMENTAL REGRESSION, HEART DISEASE, HYPERTENSION,  
10 OBESITY, DIABETES, OR DECREASED LIFE SPAN. A NEWBORN WHO IS  
11 SEPARATED FROM A PARENT MAY ALSO EXPERIENCE PERMANENT  
12 ARCHITECTURAL CHANGES IN THE BRAIN, INCLUDING A LOWER  
13 INTELLIGENCE QUOTIENT OR AN INCREASED LIKELIHOOD OF DEPRESSION,  
14 SUICIDAL IDEATION, OR ADDICTION TO ALCOHOL OR GAMBLING.

15 (b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT ALL  
16 ALTERNATIVES TO PROSECUTION, COMMITMENT, AND INCARCERATION OF  
17 A PREGNANT OR POSTPARTUM PERSON MUST BE CONSIDERED, INCLUDING  
18 A STAY OF CRIMINAL PROCEEDINGS OR SENTENCING TO REDUCE THE  
19 LIKELIHOOD OF NEGATIVE HEALTH AND SOCIAL OUTCOMES FOR THE  
20 PARENT, NEWBORN CHILD, AND COMMUNITY.

21 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
22 REQUIRES:

23 (a) "NEWBORN" MEANS A PERSON WHO HAS BEEN BORN AND WHO  
24 IS LESS THAN ONE YEAR OLD.

25 (b) "POSTPARTUM PERIOD" MEANS A PERIOD OF ONE YEAR AFTER  
26 THE END OF A PREGNANCY, REGARDLESS OF WHETHER THE PREGNANCY  
27 ENDS WITH A LIVE BIRTH.

1 (c) "PREGNANT OR POSTPARTUM DEFENDANT" MEANS A PERSON  
2 WHO IS PREGNANT OR IN A POSTPARTUM PERIOD WHO HAS BEEN ACCUSED  
3 OR CONVICTED OF A CRIME.

4 (d) "STAY OF EXECUTION" MEANS DELAYING THE IMPOSITION OF  
5 A SENTENCE OR THE INCARCERATION PORTION OF THE SENTENCE FOR A  
6 PREGNANT OR POSTPARTUM DEFENDANT UNTIL AFTER THE SENTENCE IS  
7 ANNOUNCED BY A COURT.

8 (e) "UNACCOMPANIED FURLOUGH" MEANS A PERIOD OF  
9 TEMPORARY RELEASE FOR A PREGNANT OR POSTPARTUM DEFENDANT  
10 FROM SERVING A SENTENCE OF INCARCERATION IN A CORRECTIONAL  
11 FACILITY OR COUNTY JAIL THAT DOES NOT REQUIRE A SHERIFF OR  
12 DEPARTMENT OF CORRECTIONS STAFFPERSON TO ACCOMPANY THE  
13 PREGNANT OR POSTPARTUM DEFENDANT.

14 (3) (a) THERE IS A PRESUMPTION AGAINST DETENTION AND  
15 INCARCERATION OF A PREGNANT OR POSTPARTUM DEFENDANT. AFTER THE  
16 APPLICATION OF THE APPLICABLE LEGAL STANDARD SET FORTH IN  
17 SUBSECTIONS (3)(a)(I) TO (3)(a)(VI) OF THIS SECTION, THE COURT SHALL  
18 ONLY DETAIN OR INCARCERATE THE PREGNANT OR POSTPARTUM  
19 DEFENDANT WHEN THE COURT MAKES SPECIFIC FINDINGS ON THE RECORD  
20 THAT THE PREGNANT OR POSTPARTUM DEFENDANT POSES A SUBSTANTIAL  
21 RISK TO THE PUBLIC AND THAT SUBSTANTIAL RISK TO THE PUBLIC  
22 OUTWEIGHS THE RISK OF INCARCERATION. THE COURT SHALL APPLY THE  
23 PRESUMPTION DESCRIBED IN THIS SUBSECTION (3)(a) TO A PREGNANT OR  
24 POSTPARTUM DEFENDANT IN DETERMINING WHETHER TO:

25 (I) ISSUE BOND PURSUANT TO ARTICLE 4 OF TITLE 16;

26 (II) ACCEPT A DIVERSION AGREEMENT PURSUANT TO SECTION  
27 18-1.3-101;

1 (III) ACCEPT OR CONTINUE A DEFERRED JUDGMENT PURSUANT TO  
2 SECTION 18-1.3-102;

3 (IV) IMPOSE A SENTENCE PURSUANT TO SECTION 18-1-102.5,  
4 INCLUDING WHETHER TO GRANT PROBATION PURSUANT TO PART 2 OF THIS  
5 ARTICLE 1.3;

6 (V) IMPOSE AN ALTERNATIVE SENTENCE PURSUANT TO SECTION  
7 18-1.3-104 OR 18-1.3-106; OR

8 (VI) GRANT AN UNACCOMPANIED FURLOUGH OR A STAY OF  
9 EXECUTION PURSUANT TO THIS SECTION.

10 (b) A COURT SHALL NOT USE A PREGNANT OR POSTPARTUM  
11 DEFENDANT'S PREGNANCY OR POSTPARTUM PERIOD AS A BASIS FOR  
12 IMPOSING A GREATER RESTRICTION ON THE DEFENDANT'S LIBERTY THAN  
13 A SIMILARLY SITUATED DEFENDANT WHO IS NOT PREGNANT OR  
14 POSTPARTUM, INCLUDING WHEN A PREGNANT OR POSTPARTUM DEFENDANT  
15 HAS A SUBSTANCE USE DISORDER.

16 (4) (a) A PERSON WHO MAY BE PREGNANT OR POSTPARTUM WHO  
17 IS ARRESTED OR IN CUSTODY IN A COUNTY JAIL OR CORRECTIONAL  
18 FACILITY MAY REQUEST A PREGNANCY TEST UPON OR FOLLOWING  
19 ADMISSION TO THE COUNTY JAIL OR CORRECTIONAL FACILITY. STAFF AT  
20 THE COUNTY JAIL OR CORRECTIONAL FACILITY SHALL PROVIDE A  
21 PREGNANCY TEST UPON REQUEST AND ALLOW THE PERSON TO TAKE THE  
22 PREGNANCY TEST WITHIN TWENTY-FOUR HOURS AFTER THE REQUEST.

23 (b) REQUESTING A PREGNANCY TEST, TAKING A PREGNANCY TEST,  
24 AND THE RESULTS OF A PREGNANCY TEST ARE CONFIDENTIAL MEDICAL  
25 INFORMATION. THIS CONFIDENTIAL MEDICAL INFORMATION MUST NOT BE  
26 DISCLOSED TO OUTSIDE PARTIES UNLESS THE INFORMATION IS REQUIRED  
27 FOR THE PERSON TO RECEIVE MEDICAL CARE OR TO ALLOW STAFF AT THE

1 COUNTY JAIL OR CORRECTIONAL FACILITY TO PROVIDE NECESSARY CARE.

2 (c) IF A PERSON IS REPRESENTED BY AN ATTORNEY IN A CRIMINAL  
3 PROCEEDING AND THE COUNTY JAIL OR CORRECTIONAL FACILITY HAS A  
4 SIGNED MEDICAL RELEASE FROM THE PERSON, THE COUNTY JAIL OR  
5 CORRECTIONAL FACILITY SHALL GIVE NOTICE TO THE PERSON'S ATTORNEY  
6 WITHIN FORTY-EIGHT HOURS, EXCLUDING STATE HOLIDAYS AND  
7 WEEKENDS, CONCERNING THE PERSON'S REQUEST FOR A PREGNANCY TEST  
8 PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION.

9 (5) (a) A PREGNANT OR POSTPARTUM DEFENDANT MAY RAISE THE  
10 ISSUE OF THE DEFENDANT'S PREGNANCY OR POSTPARTUM PERIOD AT ANY  
11 TIME DURING CRIMINAL PROCEEDINGS OR WHILE SERVING A SENTENCE. IF  
12 THE PREGNANCY OR POSTPARTUM PERIOD IS RAISED, THE PREGNANT OR  
13 POSTPARTUM DEFENDANT SHALL PROVIDE NOTICE TO THE DISTRICT  
14 ATTORNEY BY PROVIDING EVIDENCE OF THE PREGNANCY OR THE START OF  
15 THE POSTPARTUM PERIOD WITH A LIMITED WAIVER OF PRIVILEGE. A  
16 POSITIVE PREGNANCY TEST OR MEDICAL RECORD CONFIRMING PREGNANCY  
17 OR THE END OF PREGNANCY, OR A BIRTH CERTIFICATE OF A NEWBORN, IS  
18 PRIMA FACIE EVIDENCE OF PREGNANCY OR THE START OF THE POSTPARTUM  
19 PERIOD.

20 (b) IF THE PROSECUTION CONTESTS THAT THE DEFENDANT IS  
21 PREGNANT OR IN A POSTPARTUM STATE, THE COURT SHALL HOLD A  
22 HEARING TO MAKE A DETERMINATION AS SOON AS PRACTICABLE, BUT NO  
23 LATER THAN FOURTEEN DAYS AFTER THE ISSUE IS RAISED, UNLESS THE  
24 DEFENDANT REQUESTS THE HEARING BE HELD LATER THAN FOURTEEN  
25 DAYS AFTER THE ISSUE IS RAISED. IF THE DEFENDANT REQUESTS A LATER  
26 HEARING, THE COURT SHALL MAKE THE DETERMINATION WITHIN THE  
27 TIMELINE REQUESTED. THE COURT SHALL HOLD THE HEARING



1 IMMEDIATELY IF THE CIRCUMSTANCES OF THE DEFENDANT OR THE  
2 DEFENDANT'S NEWBORN REQUIRE IT. THE DEFENDANT SHALL PROVE, BY  
3 A PREPONDERANCE OF THE EVIDENCE, THAT THE DEFENDANT IS A  
4 PREGNANT OR POSTPARTUM DEFENDANT.

5 (c) THE COURT SHALL PROTECT MEDICAL INFORMATION PROVIDED  
6 TO THE COURT AS CONFIDENTIAL MEDICAL INFORMATION. A DEFENDANT'S  
7 WAIVER OF MEDICAL PRIVILEGE TO PRESENT MEDICAL EVIDENCE OF  
8 PREGNANCY OR THE END OF A PREGNANCY IN COURT IS LIMITED TO  
9 INFORMATION RELEVANT TO DETERMINE WHETHER THE DEFENDANT IS OR  
10 WAS PREGNANT AND WHETHER THE PREGNANCY HAS ENDED.

11 (6) (a) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, A  
12 COURT SHALL NOT:

13 (I) SET OR RELEASE THE PREGNANT OR POSTPARTUM DEFENDANT  
14 ON BOND IF THE PREGNANT OR POSTPARTUM DEFENDANT IS INELIGIBLE FOR  
15 BOND; OR

16 (II) ACCEPT AN AGREEMENT OR IMPOSE AN ALTERNATIVE  
17 SENTENCE IF THE PREGNANT OR POSTPARTUM DEFENDANT IS INELIGIBLE  
18 FOR A DIVERSION PROGRAM, DEFERRED JUDGMENT, PROBATIONARY  
19 SENTENCE, OR ANOTHER FORM OF ALTERNATIVE SENTENCE.

20 (b) THE COURT SHALL IMPOSE ANY MANDATORY SENTENCE  
21 REQUIRED BY LAW ON A PREGNANT OR POSTPARTUM DEFENDANT, BUT THE  
22 COURT MAY GRANT A STAY OF EXECUTION OR UNACCOMPANIED FURLOUGH  
23 AS SET FORTH IN SUBSECTION (7) OF THIS SECTION.

24 (7) (a) ANY PREGNANT OR POSTPARTUM DEFENDANT MAY  
25 REQUEST A STAY OF EXECUTION OR UNACCOMPANIED FURLOUGH BY FILING  
26 A WRITTEN REQUEST TO THE COURT IF THE PREGNANT OR POSTPARTUM  
27 DEFENDANT IS DETAINED OR INCARCERATED IN A COUNTY JAIL OR

1 CORRECTIONAL FACILITY FOR ANY PERIOD OF TIME THROUGH THE END OF  
2 THE PREGNANCY OR THE POSTPARTUM PERIOD.

3 (b) THE COURT SHALL HOLD A HEARING TO DETERMINE THE  
4 MATTER AS SOON AS PRACTICABLE, BUT NO LATER THAN FOURTEEN DAYS  
5 AFTER THE PREGNANT OR POSTPARTUM DEFENDANT REQUESTS A STAY OF  
6 EXECUTION OR UNACCOMPANIED FURLOUGH, UNLESS THE PREGNANT OR  
7 POSTPARTUM DEFENDANT REQUESTS A LATER HEARING. IF THE PREGNANT  
8 OR POSTPARTUM DEFENDANT REQUESTS A LATER HEARING, THE COURT  
9 SHALL MAKE THE DETERMINATION WITHIN THE TIMELINE REQUESTED. THE  
10 COURT SHALL HOLD THE HEARING IMMEDIATELY IF THE CIRCUMSTANCES  
11 OF THE PREGNANT OR POSTPARTUM DEFENDANT OR NEWBORN REQUIRE IT.  
12 THE DEFENDANT SHALL PROVE, BY A PREPONDERANCE OF THE EVIDENCE,  
13 THAT THE DEFENDANT IS A PREGNANT OR POSTPARTUM DEFENDANT.

14 (c) IN RULING UPON THE PREGNANT OR POSTPARTUM DEFENDANT'S  
15 REQUEST PURSUANT TO SUBSECTION (7)(b) OF THIS SECTION, THE COURT  
16 SHALL APPLY THE PRESUMPTION SET FORTH IN SUBSECTION (3)(a) OF THIS  
17 SECTION.

18 (d) THE DISTRICT ATTORNEY AND THE COURT SHALL COMPLY WITH  
19 THE REQUIREMENTS OF THE "VICTIM RIGHTS ACT" PURSUANT TO PART 3  
20 OF ARTICLE 4.1 OF TITLE 24 IN ANY PROCEEDING CONDUCTED PURSUANT  
21 TO THIS SECTION.

22 (e) NOTWITHSTANDING THIS SECTION, A PREGNANT OR  
23 POSTPARTUM DEFENDANT WHO IS INELIGIBLE FOR BAIL PURSUANT TO  
24 SECTION 16-4-101 OR 16-4-201.5 IS NOT ELIGIBLE FOR A STAY OF  
25 EXECUTION OR UNACCOMPANIED FURLOUGH.

26 (f) IF THE COURT GRANTS A STAY OF EXECUTION OR  
27 UNACCOMPANIED FURLOUGH, THE COURT MAY ORDER A PRETRIAL

1 SERVICES PROGRAM, AS DESCRIBED IN SECTION 16-4-106, TO SUPERVISE  
2 THE PREGNANT OR POSTPARTUM DEFENDANT BY IMPOSING THE LEAST  
3 RESTRICTIVE CONDITIONS NECESSARY TO ENSURE THE PREGNANT OR  
4 POSTPARTUM DEFENDANT SERVES THE SENTENCE OR TO PROTECT PUBLIC  
5 SAFETY DURING THE UNACCOMPANIED FURLOUGH. IF THE PREGNANT OR  
6 POSTPARTUM DEFENDANT IS GRANTED A STAY OF EXECUTION OR  
7 UNACCOMPANIED FURLOUGH FROM A SENTENCE OF INCARCERATION THAT  
8 ALSO INCLUDES PROBATION, THE COURT MAY REQUIRE THE PREGNANT OR  
9 POSTPARTUM DEFENDANT TO COMPLY WITH CONDITIONS OF PROBATION  
10 DURING THE PERIOD OF THE STAY OF EXECUTION OR UNACCOMPANIED  
11 FURLOUGH.

12 (g) IF THE PREGNANT OR POSTPARTUM DEFENDANT IS CHARGED  
13 WITH A NEW VIOLATION OR THE COURT RECEIVES A VERIFIED MOTION  
14 FROM THE DISTRICT ATTORNEY OR AN AGENCY RESPONSIBLE FOR  
15 SUPERVISING THE PREGNANT OR POSTPARTUM DEFENDANT THAT  
16 ESTABLISHES A PRIMA FACIE CASE THAT THE PREGNANT OR POSTPARTUM  
17 DEFENDANT HAS VIOLATED THE CONDITIONS OF THE STAY OF EXECUTION  
18 OR UNACCOMPANIED FURLOUGH AND PRESENTS A SUBSTANTIAL RISK TO  
19 PUBLIC SAFETY, THE COURT SHALL SET A HEARING AND REQUIRE THE  
20 PREGNANT OR POSTPARTUM DEFENDANT TO APPEAR. AFTER THE HEARING,  
21 THE COURT MAY END THE STAY OF EXECUTION OR UNACCOMPANIED  
22 FURLOUGH, ADD NEW CONDITIONS, ISSUE A WARRANT, OR CONTINUE THE  
23 STAY OF EXECUTION OR UNACCOMPANIED FURLOUGH.

24



25 **SECTION 2.** In Colorado Revised Statutes, **amend** 13-25-136 as  
26 follows:

27 **13-25-136. Criminal actions - prenatal drug and alcohol**

1 **screening - admissibility of evidence.** A court shall not admit in a  
2 criminal proceeding information relating to substance use ~~not otherwise~~  
3 ~~required to be reported pursuant to section 19-3-304,~~ obtained as part of  
4 a screening or test performed to determine pregnancy or to provide  
5 prenatal or postpartum care, up to one year postpartum, or if a pregnant  
6 or parenting ~~woman~~ PERSON discloses substance use during pregnancy  
7 while seeking or participating in behavioral health treatment. This section  
8 does not prohibit prosecution of any claim or action related to such  
9 substance use based on evidence obtained through methods other than  
10 those described in this section.

11 **SECTION 3.** In Colorado Revised Statutes, 16-4-103, **add** (7) as  
12 follows:

13 **16-4-103. Setting and selection type of bond - criteria.** (7) AT  
14 THE FIRST APPEARANCE OF A PREGNANT OR POSTPARTUM DEFENDANT, AS  
15 DEFINED IN SECTION 18-1.3-103.7, TO SET BOND, THE COURT OR PERSON  
16 DESIGNATED BY THE COURT TO SET BOND SHALL CONSIDER THE  
17 DEFENDANT'S PREGNANCY OR POSTPARTUM STATUS WHEN SETTING BOND  
18 PURSUANT TO THE RESTRICTIONS SET FORTH IN SECTION 19 OF ARTICLE II  
19 OF THE STATE CONSTITUTION AND SECTION 16-4-101.

20 **SECTION 4.** In Colorado Revised Statutes, 17-27-103, **add**  
21 (5)(d) as follows:

22 **17-27-103. Community corrections boards - establishment -**  
23 **duties.** (5) (d) A COMMUNITY CORRECTIONS BOARD SHALL EXPEDITE A  
24 DECISION TO ACCEPT AN OFFENDER WHO IS A PREGNANT OR POSTPARTUM  
25 DEFENDANT, AS DEFINED IN SECTION 18-1.3-103.7, IF THE PREGNANT OR  
26 POSTPARTUM DEFENDANT DID NOT RAISE THE ISSUE OF THE PREGNANCY  
27 OR POSTPARTUM PERIOD PRIOR TO A REQUEST FOR COMMUNITY

1 CORRECTIONS PLACEMENT.

2 **SECTION 5.** In Colorado Revised Statutes, 17-27.5-102, **add**  
3 (3.5) as follows:

4 **17-27.5-102. Minimum standards and criteria for the**  
5 **operation of intensive supervision programs.** (3.5) NOTWITHSTANDING  
6 SUBSECTION (3) OF THIS SECTION, A PREGNANT OR POSTPARTUM  
7 DEFENDANT, AS DEFINED IN SECTION 18-1.3-103.7, IS ELIGIBLE AT ANY  
8 POINT IN THE PREGNANT OR POSTPARTUM DEFENDANT'S SENTENCE FOR  
9 PLACEMENT IN AN INTENSIVE SUPERVISION PROGRAM. A PREGNANT OR  
10 POSTPARTUM DEFENDANT WHO WAS PLACED IN AN INTENSIVE SUPERVISION  
11 PROGRAM BUT HAS MORE THAN ONE HUNDRED EIGHTY DAYS REMAINING  
12 UNTIL THE PREGNANT OR POSTPARTUM DEFENDANT'S PAROLE ELIGIBILITY  
13 DATE BEFORE THE END OF THE POSTPARTUM PERIOD, AS DEFINED IN  
14 SECTION 18-1.3-103.7, IS ALLOWED TO REMAIN IN THE INTENSIVE  
15 SUPERVISION PROGRAM UNTIL REACHING PAROLE ELIGIBILITY. UPON  
16 REACHING PAROLE ELIGIBILITY, A PREGNANT OR POSTPARTUM DEFENDANT  
17 MAY BE REMOVED FROM THE INTENSIVE SUPERVISION PROGRAM.

18 **SECTION 6.** In Colorado Revised Statutes, 18-1.3-101, **amend**  
19 (3)(b) as follows:

20 **18-1.3-101. Pretrial diversion - appropriation - repeal.**  
21 (3) **Guidelines for eligibility.** Each district attorney that uses state  
22 money for a diversion program pursuant to this section shall adopt  
23 policies and guidelines delineating eligibility criteria for pretrial  
24 diversion, including types and levels of offenses so long as those offenses  
25 are consistent with subsections (5) to (7) of this section, and may agree  
26 to diversion in any case in which there exists sufficient admissible  
27 evidence to support a conviction. In determining whether an individual

1 is appropriate for diversion, the district attorney shall consider:

2 (b) Any special characteristics or circumstances of the defendant,  
3 which may include whether the defendant has a mental health or other  
4 behavioral health disorder OR WHETHER THE DEFENDANT IS A PREGNANT  
5 OR POSTPARTUM DEFENDANT, AS DEFINED IN SECTION 18-1.3-103.7;

6 **SECTION 7.** In Colorado Revised Statutes, **add** 19-2.5-1118.5  
7 as follows:

8 **19-2.5-1118.5. Sentencing - alternative options for pregnant**  
9 **and postpartum juveniles - legislative declaration - definitions.**

10 (1) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

11

12 (I) WHILE NO SYSTEM IS PERFECT IN RESPONDING TO THE MEDICAL  
13 CONDITIONS OF PREGNANCY, JUVENILE FACILITIES ARE PARTICULARLY  
14 ILL-EQUIPPED TO DO SO;

15 (II) DURING JUVENILE DELINQUENCY CASES INVOLVING A  
16 PREGNANT OR POSTPARTUM JUVENILE, THE PHYSICAL AND MENTAL  
17 HEALTH NEEDS OF THE PREGNANT JUVENILE OR POSTPARTUM JUVENILE  
18 AND NEWBORN MUST BE CONSIDERED AT ALL STAGES OF THE PROCEEDING  
19 AS A MATTER OF COMMUNITY HEALTH AND SAFETY;

20 (III) TIMELY ATTENTION TO MEDICAL CONDITIONS AND MENTAL  
21 HEALTH DURING THE PERINATAL PERIOD CAN IMPROVE HEALTH AND  
22 WELFARE FOR MULTIPLE GENERATIONS OF A FAMILY UNIT;

23 (IV) PREGNANCY IS A TIME-SENSITIVE PROCESS THAT HAS MANY  
24 POTENTIAL OUTCOMES AND VARIATIONS. A PREGNANT PERSON MAY FEEL  
25 HEALTHY AND EXPERIENCE NO COMPLICATIONS. A PREGNANT PERSON MAY  
26 ALSO EXPERIENCE SUDDEN, HARMFUL MEDICAL CONDITIONS, SUCH AS  
27 PREECLAMPSIA OR PLACENTAL ABRUPTION, OR DEVELOP COMPLEX

1 MEDICAL CONDITIONS THAT RESULT IN THE EARLY TERMINATION OF A  
2 PREGNANCY OR THREATEN THE LIFE OF THE PREGNANT PERSON, SUCH AS  
3 AN ECTOPIC PREGNANCY. AT ANY STAGE OF THE PERINATAL PERIOD,  
4 SITUATIONS CAN OCCUR THAT CAUSE LONG-TERM PHYSICAL AND MENTAL  
5 HEALTH TRAUMA FOR THE PREGNANT PERSON.

6 (V) ADJUDICATORY PROCEEDINGS ARE NOT RESPONSIVE TO THE  
7 TIMELINE OR COMPLEXITY OF THE PERINATAL PERIOD;

8 (VI) WHEN A SUBSTANCE USE DISORDER INTERSECTS WITH A  
9 PREGNANCY, IT IS BEST HANDLED AS A HEALTH CONDITION. INCREASING  
10 THE TIME A PREGNANT PERSON WITH A SUBSTANCE USE DISORDER IS IN A  
11 JUVENILE FACILITY IS COUNTER TO PUBLIC HEALTH AND MAY DRIVE THE  
12 PREGNANT PERSON AWAY FROM MEDICAL CARE AND SUPPORT SERVICES.

13 (VII) THE END OF PREGNANCY DOES NOT IMMEDIATELY  
14 TERMINATE THE EFFECTS OF THE PREGNANCY ON THE PERSON WHO WAS  
15 PREGNANT;

16 (VIII) THE POSTPARTUM PERIOD IS AN ESSENTIAL TIME FRAME FOR  
17 BOTH THE PERSON WHO GAVE BIRTH AND THE NEWBORN. IT IS AN  
18 OPPORTUNITY FOR THE NEWBORN:

19 (A) TO DEVELOP HEALTHY PHYSIOLOGIC RESPONSES; AND

20 (B) TO BENEFIT FROM THE ATTACHMENT AND BONDING THAT  
21 OCCURS DURING THIS PERIOD;

22 (IX) BONDING BETWEEN A NEWBORN AND PARENT DURING THE  
23 POSTPARTUM PERIOD CAN IMPROVE CONDITIONS FOR OTHER CHILDREN  
24 AND CARE PROVIDERS IN THE SAME FAMILY UNIT AND PREVENT CHILD  
25 ABUSE AND NEGLECT; AND

26 (X) BONDING BETWEEN A NEWBORN AND A PARENT CAN IMPROVE  
27 THE OVERALL HEALTH OF THE NEWBORN AND THE PARENT AND MAY

1 PREVENT OR REDUCE LONG-TERM HEALTH RISKS THAT MAY BE INCREASED  
2 BY SEPARATING THE NEWBORN FROM THE PARENT. FOR EXAMPLE:

3 (A) A POSTPARTUM PERSON WHO DOES NOT BREASTFEED OR  
4 CHESTFEED A NEWBORN MAY HAVE AN INCREASED LIKELIHOOD OF  
5 PREMENOPAUSAL BREAST CANCER, OVARIAN CANCER, OR TYPE 2  
6 DIABETES;

7 (B) A NEWBORN WHO IS NOT BREASTFED OR CHESTFED MAY HAVE  
8 AN INCREASED LIKELIHOOD OF CHILDHOOD OBESITY, ASTHMA, TYPE 1 OR  
9 TYPE 2 DIABETES, LEUKEMIA, OR SUDDEN INFANT DEATH SYNDROME; AND

10 (C) A CHILD WHO IS SEPARATED FROM ANY PARENT MAY  
11 EXPERIENCE STRESS HORMONES, WHICH MAY LEAD TO DIFFICULTY  
12 SLEEPING, DEVELOPMENTAL REGRESSION, HEART DISEASE, HYPERTENSION,  
13 OBESITY, DIABETES, OR DECREASED LIFE SPAN. A NEWBORN WHO IS  
14 SEPARATED FROM A PARENT MAY ALSO EXPERIENCE PERMANENT  
15 ARCHITECTURAL CHANGES IN THE BRAIN, INCLUDING A LOWER  
16 INTELLIGENCE QUOTIENT OR AN INCREASED LIKELIHOOD OF DEPRESSION,  
17 SUICIDAL IDEATION, OR ADDICTION TO ALCOHOL OR GAMBLING.

18 (b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT ALL  
19 ALTERNATIVES TO JUVENILE PROCEEDINGS, ADJUDICATION, AND  
20 COMMITMENT OF A PREGNANT OR POSTPARTUM JUVENILE MUST BE  
21 CONSIDERED, INCLUDING A STAY OF CRIMINAL PROCEEDINGS OR  
22 SENTENCING TO REDUCE THE LIKELIHOOD OF NEGATIVE HEALTH AND  
23 SOCIAL OUTCOMES FOR THE PARENT, NEWBORN CHILD, AND COMMUNITY.

24 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
25 REQUIRES:

26 (a) "JUVENILE" MEANS A PERSON WHO IS UNDER EIGHTEEN YEARS  
27 OF AGE WHEN THE DELINQUENT ACT IS COMMITTED AND UNDER



1 TWENTY-ONE YEARS OF AGE AT THE TIME OF SENTENCING.

2 (b) "NEWBORN" MEANS A PERSON WHO HAS BEEN BORN AND WHO  
3 IS LESS THAN ONE YEAR OLD.

4 (c) "POSTPARTUM PERIOD" MEANS A PERIOD OF ONE YEAR AFTER  
5 THE END OF A PREGNANCY, REGARDLESS OF WHETHER THE PREGNANCY  
6 ENDS WITH A LIVE BIRTH.

7 (d) "PREGNANT OR POSTPARTUM JUVENILE" MEANS A JUVENILE  
8 WHO IS PREGNANT OR IN A POSTPARTUM PERIOD WHO HAS BEEN ACCUSED  
9 OF A DELINQUENT ACT.

10 (e) "STAY OF EXECUTION" MEANS DELAYING THE IMPOSITION OF  
11 A SENTENCE OR THE COMMITMENT PORTION OF THE SENTENCE FOR A  
12 PREGNANT OR POSTPARTUM JUVENILE UNTIL AFTER IT IS ANNOUNCED BY  
13 A COURT.

14 (f) "UNACCOMPANIED FURLOUGH" MEANS A PERIOD OF  
15 TEMPORARY RELEASE FOR A PREGNANT OR POSTPARTUM JUVENILE FROM  
16 SERVING A SENTENCE OF DETENTION OR COMMITMENT IN A JUVENILE  
17 FACILITY THAT DOES NOT REQUIRE A JUVENILE FACILITY STAFFPERSON OR  
18 A SHERIFF TO ACCOMPANY THE PREGNANT OR POSTPARTUM JUVENILE.

19 (3) (a) THERE IS A PRESUMPTION AGAINST DETENTION AND  
20 COMMITMENT OF A PREGNANT OR POSTPARTUM JUVENILE. AFTER THE  
21 APPLICATION OF THE APPLICABLE LEGAL STANDARD SET FORTH IN  
22 SUBSECTIONS (3)(a)(I) TO (3)(a)(VI) OF THIS SECTION, THE COURT SHALL  
23 ONLY DETAIN OR COMMIT THE PREGNANT OR POSTPARTUM JUVENILE WHEN  
24 THE COURT MAKES SPECIFIC FINDINGS ON THE RECORD THAT THE  
25 PREGNANT OR POSTPARTUM JUVENILE POSES A SUBSTANTIAL RISK TO THE  
26 PUBLIC AND THAT SUBSTANTIAL RISK TO THE PUBLIC OUTWEIGHS THE RISK  
27 OF COMMITMENT OR DETAINMENT. THE COURT SHALL APPLY THE

1 PRESUMPTION DESCRIBED IN THIS SUBSECTION (3)(a) TO A PREGNANT OR  
2 POSTPARTUM JUVENILE IN DETERMINING WHETHER TO:

3 (I) ISSUE BOND PURSUANT TO SECTION 19-2.5-306;

4 (II) ACCEPT ENTRY INTO THE JUVENILE DIVERSION PROGRAM  
5 PURSUANT TO SECTION 19-2.5-402;

6 (III) ACCEPT OR CONTINUE DEFERRED JUDGMENTS PURSUANT TO  
7 SECTION 18-1.3-102;

8 (IV) IMPOSE A SENTENCE PURSUANT TO SECTION 19-2.5-1103,  
9 INCLUDING WHETHER TO GRANT JUVENILE PROBATION PURSUANT TO  
10 SECTION 19-2.5-1106;

11 (V) IMPOSE AN ALTERNATIVE SENTENCE PURSUANT TO SECTION  
12 19-2.5-1113; OR

13 (VI) GRANT AN UNACCOMPANIED FURLOUGH OR STAY OF  
14 EXECUTION PURSUANT TO THIS SECTION.

15 (b) A COURT SHALL NOT USE A PREGNANT OR POSTPARTUM  
16 JUVENILE'S PREGNANCY OR POSTPARTUM PERIOD AS A BASIS FOR IMPOSING  
17 A GREATER RESTRICTION ON THE JUVENILE'S LIBERTY THAN A SIMILARLY  
18 SITUATED JUVENILE WHO IS NOT PREGNANT OR POSTPARTUM, INCLUDING  
19 CIRCUMSTANCES IN WHICH A PREGNANT OR POSTPARTUM JUVENILE HAS A  
20 SUBSTANCE USE DISORDER.

21 (4) (a) A JUVENILE WHO MAY BE PREGNANT WHO IS ARRESTED OR  
22 IN CUSTODY IN A JUVENILE FACILITY MAY REQUEST A PREGNANCY TEST  
23 UPON OR FOLLOWING ADMISSION TO THE JUVENILE FACILITY. STAFF AT THE  
24 JUVENILE FACILITY SHALL PROVIDE A PREGNANCY TEST UPON REQUEST  
25 AND ALLOW THE JUVENILE TO TAKE THE PREGNANCY TEST WITHIN  
26 TWENTY-FOUR HOURS AFTER THE REQUEST.

27 (b) REQUESTING A PREGNANCY TEST, TAKING A PREGNANCY TEST,

1 AND THE RESULTS OF A PREGNANCY TEST ARE CONFIDENTIAL MEDICAL  
2 INFORMATION. THIS CONFIDENTIAL MEDICAL INFORMATION MUST NOT BE  
3 DISCLOSED TO OUTSIDE PARTIES UNLESS THE INFORMATION IS REQUIRED  
4 FOR THE JUVENILE TO RECEIVE MEDICAL CARE OR TO ALLOW STAFF AT THE  
5 JUVENILE FACILITY TO PROVIDE NECESSARY CARE.

6 (c) IF A JUVENILE IS REPRESENTED BY AN ATTORNEY IN A CRIMINAL  
7 PROCEEDING AND THE JUVENILE FACILITY HAS A SIGNED MEDICAL RELEASE  
8 FROM THE JUVENILE, THE JUVENILE FACILITY SHALL NOTIFY THE  
9 JUVENILE'S ATTORNEY WITHIN FORTY-EIGHT HOURS, EXCLUDING STATE  
10 HOLIDAYS AND WEEKENDS, CONCERNING THE JUVENILE'S REQUEST FOR A  
11 PREGNANCY TEST PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION.

12 (5) (a) A PREGNANT OR POSTPARTUM JUVENILE MAY RAISE THAT  
13 THE JUVENILE IS PREGNANT OR POSTPARTUM AT ANY TIME DURING  
14 ADJUDICATORY PROCEEDINGS OR WHILE SERVING A SENTENCE. IF THE  
15 PREGNANCY OR POSTPARTUM PERIOD IS RAISED, THE PREGNANT OR  
16 POSTPARTUM JUVENILE SHALL PROVIDE NOTICE TO THE DISTRICT  
17 ATTORNEY BY PROVIDING EVIDENCE OF THE PREGNANCY OR THE START OF  
18 THE POSTPARTUM PERIOD WITH A LIMITED WAIVER OF PRIVILEGE. A  
19 POSITIVE PREGNANCY TEST OR MEDICAL RECORD CONFIRMING PREGNANCY  
20 OR THE END OF PREGNANCY, OR A BIRTH CERTIFICATE OF A NEWBORN, IS  
21 PRIMA FACIE EVIDENCE OF PREGNANCY OR THE START OF THE POSTPARTUM  
22 PERIOD.

23 (b) IF THE PROSECUTION CONTESTS THAT THE JUVENILE IS  
24 PREGNANT OR POSTPARTUM, THE COURT SHALL HOLD A HEARING TO MAKE  
25 A DETERMINATION AS SOON AS PRACTICABLE, BUT NO LATER THAN  
26 FOURTEEN DAYS AFTER THE ISSUE IS RAISED, UNLESS THE JUVENILE  
27 REQUESTS THE HEARING BE HELD LATER THAN FOURTEEN DAYS AFTER THE

1 ISSUE IS RAISED. IF THE JUVENILE REQUESTS A LATER HEARING, THE COURT  
2 SHALL MAKE THE DETERMINATION WITHIN THE TIMELINE AS REQUESTED.  
3 THE COURT SHALL HOLD THE HEARING IMMEDIATELY IF THE  
4 CIRCUMSTANCES OF THE JUVENILE OR THE JUVENILE'S NEWBORN REQUIRE  
5 IT. THE JUVENILE SHALL PROVE, BY A PREPONDERANCE OF THE EVIDENCE,  
6 THAT THE JUVENILE IS A PREGNANT OR POSTPARTUM JUVENILE.

7 (c) THE COURT SHALL PROTECT MEDICAL INFORMATION PROVIDED  
8 TO THE COURT AS CONFIDENTIAL MEDICAL INFORMATION. A JUVENILE'S  
9 WAIVER OF MEDICAL PRIVILEGE TO PRESENT MEDICAL EVIDENCE OF  
10 PREGNANCY OR THE END OF A PREGNANCY IN COURT IS LIMITED TO  
11 INFORMATION RELEVANT TO DETERMINE WHETHER THE JUVENILE IS OR  
12 WAS PREGNANT AND WHETHER THE PREGNANCY HAS ENDED.

13 (6) (a) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, A  
14 COURT SHALL NOT:

15 (I) SET OR RELEASE THE PREGNANT OR POSTPARTUM JUVENILE ON  
16 BOND IF THE PREGNANT OR POSTPARTUM JUVENILE IS INELIGIBLE FOR  
17 BOND; OR

18 (II) ACCEPT OR IMPOSE AN ALTERNATIVE SENTENCE IF THE  
19 PREGNANT OR POSTPARTUM JUVENILE IS INELIGIBLE FOR A DIVERSION  
20 PROGRAM, DEFERRED JUDGMENT, PROBATIONARY SENTENCE, OR ANOTHER  
21 FORM OF ALTERNATIVE SENTENCE.

22 (b) THE COURT SHALL IMPOSE ANY MANDATORY SENTENCE  
23 REQUIRED BY LAW ON A PREGNANT OR POSTPARTUM JUVENILE, BUT THE  
24 COURT MAY GRANT A STAY OF EXECUTION OR UNACCOMPANIED FURLOUGH  
25 AS SET FORTH IN SUBSECTION (7) OF THIS SECTION.

26 (7) (a) ANY PREGNANT OR POSTPARTUM JUVENILE MAY REQUEST  
27 A STAY OF EXECUTION OR UNACCOMPANIED FURLOUGH BY FILING A

1 WRITTEN REQUEST TO THE COURT IF THE PREGNANT OR POSTPARTUM  
2 JUVENILE IS DETAINED OR COMMITTED IN A JUVENILE FACILITY FOR ANY  
3 PERIOD OF TIME THROUGH THE END OF THE PREGNANCY OR THE  
4 POSTPARTUM PERIOD.

5 (b) THE COURT SHALL HOLD A HEARING TO DETERMINE THE  
6 MATTER AS SOON AS PRACTICABLE, BUT NO LATER THAN FOURTEEN DAYS  
7 AFTER THE PREGNANT OR POSTPARTUM JUVENILE REQUESTS A STAY OF  
8 EXECUTION OR UNACCOMPANIED FURLOUGH, UNLESS THE PREGNANT OR  
9 POSTPARTUM JUVENILE REQUESTS A LATER HEARING. IF THE PREGNANT OR  
10 POSTPARTUM JUVENILE REQUESTS A LATER HEARING, THE COURT SHALL  
11 MAKE THE DETERMINATION WITHIN THE TIMELINE REQUESTED. THE COURT  
12 SHALL HOLD THE HEARING IMMEDIATELY IF THE CIRCUMSTANCES OF THE  
13 PREGNANT OR POSTPARTUM JUVENILE OR NEWBORN REQUIRE IT. THE  
14 JUVENILE SHALL PROVE, BY A PREPONDERANCE OF THE EVIDENCE, THAT  
15 THE JUVENILE IS A PREGNANT OR POSTPARTUM JUVENILE.

16 (c) IN RULING UPON THE PREGNANT OR POSTPARTUM JUVENILE'S  
17 REQUEST PURSUANT TO SUBSECTION (7)(b) OF THIS SECTION, THE COURT  
18 SHALL APPLY THE PRESUMPTION SET FORTH IN SUBSECTION (3)(a) OF THIS  
19 SECTION.

20 (d) THE DISTRICT ATTORNEY AND THE COURT SHALL COMPLY WITH  
21 THE REQUIREMENTS OF THE "VICTIM RIGHTS ACT" PURSUANT TO PART 3  
22 OF ARTICLE 4.1 OF TITLE 24 IN ANY PROCEEDING CONDUCTED PURSUANT  
23 TO THIS SECTION.

24 (e) NOTWITHSTANDING THIS SECTION, A PREGNANT OR  
25 POSTPARTUM JUVENILE WHO IS INELIGIBLE FOR BAIL PURSUANT TO  
26 SECTION 19-2.5-306 IS NOT ELIGIBLE FOR A STAY OF EXECUTION OR  
27 UNACCOMPANIED FURLOUGH.

1           (f) IF THE COURT GRANTS A STAY OF EXECUTION OR  
2 UNACCOMPANIED FURLOUGH, THE COURT MAY ORDER STAFF FROM THE  
3 JUVENILE DIVERSION PROGRAM ESTABLISHED IN SECTION 19-2.5-402 TO  
4 SUPERVISE THE PREGNANT OR POSTPARTUM JUVENILE BY IMPOSING THE  
5 LEAST RESTRICTIVE CONDITIONS NECESSARY TO ENSURE THE PREGNANT  
6 OR POSTPARTUM JUVENILE SERVES THE SENTENCE OR TO PROTECT PUBLIC  
7 SAFETY DURING THE UNACCOMPANIED FURLOUGH. IF THE PREGNANT OR  
8 POSTPARTUM JUVENILE IS GRANTED A STAY OF EXECUTION OR  
9 UNACCOMPANIED FURLOUGH FROM A SENTENCE OF COMMITMENT THAT  
10 ALSO INCLUDES PROBATION, THE COURT MAY REQUIRE THE PREGNANT OR  
11 POSTPARTUM JUVENILE TO COMPLY WITH CONDITIONS OF PROBATION  
12 DURING THE PERIOD OF THE STAY OF EXECUTION OR UNACCOMPANIED  
13 FURLOUGH.

14           (g) IF THE PREGNANT OR POSTPARTUM JUVENILE IS CHARGED WITH  
15 A NEW VIOLATION OR THE COURT RECEIVES A VERIFIED MOTION FROM THE  
16 DISTRICT ATTORNEY OR ANY AGENCY RESPONSIBLE FOR SUPERVISING THE  
17 PREGNANT OR POSTPARTUM JUVENILE THAT ESTABLISHES A PRIMA FACIE  
18 CASE THAT THE PREGNANT OR POSTPARTUM JUVENILE HAS VIOLATED THE  
19 CONDITIONS OF THE STAY OF EXECUTION OR UNACCOMPANIED FURLOUGH  
20 AND PRESENTS A SUBSTANTIAL RISK TO PUBLIC SAFETY, THE COURT SHALL  
21 SET A HEARING AND REQUIRE THE PREGNANT OR POSTPARTUM JUVENILE  
22 TO APPEAR. AFTER THE HEARING, THE COURT MAY END THE STAY OF  
23 EXECUTION OR UNACCOMPANIED FURLOUGH, ADD NEW CONDITIONS, ISSUE  
24 A WARRANT, OR CONTINUE THE STAY OF EXECUTION OR UNACCOMPANIED  
25 FURLOUGH.

26



27

**SECTION 8.** In Colorado Revised Statutes, 19-2.5-306, **amend**

1 (4)(a) as follows:

2 **19-2.5-306. Conditions of release - personal recognizance**

3 **bond.** (4) (a) In determining the conditions of release for the juvenile, the  
4 judge or magistrate fixing the same shall consider the criteria set forth in  
5 section 16-4-103 OR 19-2.5-1118.5.

6 **SECTION 9. Safety clause.** The general assembly hereby finds,  
7 determines, and declares that this act is necessary for the immediate  
8 preservation of the public peace, health, or safety.