

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0062.02 Jacob Baus x2173

HOUSE BILL 25-1146

HOUSE SPONSORSHIP

Bird and Woog,

SENATE SPONSORSHIP

(None),

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES TO ENSURE THAT SUFFICIENT JUVENILE
102 DETENTION BEDS ARE AVAILABLE TO ADDRESS JUVENILE CRIME
103 IN PROPORTION TO ANNUAL JUVENILE DETENTION PROJECTIONS,
104 AND, IN CONNECTION THEREWITH, SETTING THE JUVENILE
105 DETENTION BED CAP AT TWO HUNDRED FIFTY-FOUR JUVENILE
106 DETENTION BEDS IN THE 2025-26 STATE FISCAL YEAR; AND IN
107 SUBSEQUENT STATE FISCAL YEARS, USING AN AUTOMATIC
108 DETERMINATION OF THE NUMBER OF JUVENILE DETENTION BEDS
109 THAT REFLECTS THE JUVENILE DETENTION AVERAGE DAILY
110 POPULATION PROJECTION.

Bill Summary

(Note: This summary applies to this bill as introduced and does

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.

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>.)

For the 2025-26 state fiscal year, and for each state fiscal year thereafter, the bill requires the general assembly to appropriate \$1,980,137 from the general fund to the department of human services (department) for youth who are detained and can be placed in environments other than detention. Under current law, the department is required to use \$1,359,982 of its annual appropriation for temporary emergency detention beds for juveniles. The bill repeals this requirement.

Under current law, only 215 juvenile detention beds are allowed statewide. The bill:

- For the 2025-26 state fiscal year, increases this cap to 254 juvenile detention beds; and
- For the 2026-27 state fiscal year, and each state fiscal year thereafter, sets the cap at 125% of the juvenile detention average daily population projection (projection).

The cap excludes juveniles who are in detention for committing a delinquent act that would constitute a class 1 felony if it were committed by an adult. The bill requires the division of criminal justice in the department of public safety to include the projection in an existing report.

The bill requires the general assembly to annually appropriate \$1,359,982, plus any additional amount necessary to fully fund the projection, to the department for juvenile detention beds.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-2.5-1407.3,
3 **amend** (1); and **repeal** (4) as follows:

4 **19-2.5-1407.3. Appropriation to the department of human**
5 **services - allocation to judicial districts - provider incentives -**
6 **appropriation.** (1) ~~For state fiscal year 2023-24, and for each state fiscal~~
7 ~~year thereafter, the general assembly shall appropriate three million three~~
8 ~~hundred forty thousand one hundred nineteen dollars from the general~~
9 ~~fund to the department for youth who are detained or can be placed in lieu~~
10 ~~of detention.~~ FOR THE 2025-26 STATE FISCAL YEAR, AND FOR EACH STATE

1 FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE
2 ONE MILLION NINE HUNDRED EIGHTY THOUSAND ONE HUNDRED
3 THIRTY-SEVEN DOLLARS FROM THE GENERAL FUND TO THE DEPARTMENT
4 FOR YOUTH WHO ARE DETAINED AND CAN BE PLACED IN ENVIRONMENTS
5 OTHER THAN JUVENILE DETENTION.

6 ~~(4) (a) Of the money appropriated pursuant to subsection (1) of~~
7 ~~this section, the department shall use one million three hundred fifty-nine~~
8 ~~thousand nine hundred eighty-two dollars for the provision of temporary~~
9 ~~emergency detention beds described in subsection (4)(b) of this section.~~

10 ~~(b) Twenty-two temporary emergency detention beds are available~~
11 ~~statewide. A temporary emergency detention bed does not count toward~~
12 ~~the limit of juvenile detention beds available pursuant to section~~
13 ~~19-2.5-1514. The department shall annually allocate the number of~~
14 ~~temporary emergency detention beds to each catchment area in the state~~
15 ~~created pursuant to section 19-2.5-1513. A temporary emergency~~
16 ~~detention bed may be made available to a judicial district pursuant to a~~
17 ~~court order issued pursuant to, and subject to the restrictions set forth in,~~
18 ~~subsection (4)(c) of this section.~~

19 ~~(c) (I) The district attorney of a judicial district or a county~~
20 ~~department of human or social services may petition the court no later~~
21 ~~than the next business day after the juvenile is detained to exceed the~~
22 ~~number of juvenile detention beds allocated to a judicial district pursuant~~
23 ~~to section 19-2.5-1405 for the period of time before the detention hearing~~
24 ~~for the juvenile who would utilize the requested temporary emergency~~
25 ~~detention bed, if:~~

26 ~~(A) When all statutorily available detention beds allocated to the~~
27 ~~judicial district and any judicial district sharing the same facility are fully~~

1 utilized, the judicial district is presented with a juvenile who is charged
2 with committing a delinquent act who screens into detention based on the
3 current detention screening instrument;

4 (B) Each bed loaned by the judicial district to another judicial
5 district, as described in section 19-2.5-1405 (1)(b), has been relinquished
6 to the loaning judicial district;

7 (C) No detention beds are available within the judicial district's
8 catchment area; and

9 (D) There are no available juvenile detention beds in any facility
10 within fifty miles of the initial receiving juvenile detention facility. This
11 subsection (4)(c)(I)(D) does not apply to a petition for a temporary
12 emergency detention bed if: The point of arrest of the juvenile was fifty
13 miles or more from the initial receiving juvenile detention facility; or if
14 the petition is for a juvenile to utilize a bed at the juvenile's initial
15 receiving facility when the juvenile is returned to the initial receiving
16 facility because the juvenile was utilizing a bed borrowed from another
17 judicial district and the borrowed bed is no longer available for use by the
18 juvenile.

19 (H) Upon receipt of a petition to exceed the number of juvenile
20 detention beds allocated to a judicial district filed pursuant to this
21 subsection (4)(c), a court shall issue an order permitting a judicial district
22 to exceed the number of juvenile detention beds allocated to the
23 catchment area up to the number of temporary emergency detention beds
24 allocated to the catchment area by the department if the court specifically
25 finds that the following circumstances exist:

26 (A) No detention beds are available in the catchment area;

27 (B) There is a legal basis for detaining each juvenile who is

1 ~~detained in the judicial district, which may include for each juvenile~~
2 ~~screened that the detention screening instrument does not support release~~
3 ~~because the juvenile presents a substantial risk of serious harm to others~~
4 ~~or is a flight risk from prosecution;~~

5 ~~(C) Services are not available for any juvenile currently placed in~~
6 ~~detention in the judicial district that would mitigate the substantial risk of~~
7 ~~serious harm to others presented by the juvenile or the juvenile's risk of~~
8 ~~flight from prosecution; and~~

9 ~~(D) Other forms of community-based supervision for the~~
10 ~~incoming juvenile are not sufficient to mitigate the substantial risk of~~
11 ~~serious harm to others presented by the juvenile or the juvenile's risk of~~
12 ~~flight from prosecution.~~

13 ~~(H) If a detention bed within the judicial district's allocation that~~
14 ~~is under the statewide detention bed cap becomes available, the juvenile~~
15 ~~utilizing a temporary emergency detention bed shall revert to the~~
16 ~~nonemergency detention bed and the requirements in this subsection (4)~~
17 ~~no longer apply. If a detention bed becomes available within the judicial~~
18 ~~district's catchment area but at a different facility, the juvenile may, at the~~
19 ~~discretion of the judicial district, remain in the temporary emergency~~
20 ~~detention bed in lieu of transferring to the nonemergency detention bed~~
21 ~~in a different facility.~~

22 ~~(IV) On the fifth business day following the issuance or renewal~~
23 ~~of each court order issued pursuant to this subsection (4)(c), if the~~
24 ~~circumstances described in subsection (4)(c)(I) of this section exist and~~
25 ~~the juvenile remains detained in the temporary emergency detention bed,~~
26 ~~the person who filed the initial petition pursuant to subsection (4)(c)(I) of~~
27 ~~this section, or the person's designee, shall inform the court that the~~

1 ~~circumstances still exist and the juvenile remains detained in the~~
2 ~~temporary emergency detention bed. At the time of informing the court,~~
3 ~~the person shall also provide the court with updated information about the~~
4 ~~circumstances the court is required to find pursuant to subsection~~
5 ~~(4)(c)(II) of this section. Upon notification from the person, the court~~
6 ~~shall hold a hearing to determine whether to renew the order. The court~~
7 ~~may renew its order for an additional five days if it makes the findings~~
8 ~~required in subsection (4)(c)(II) of this section for issuance of a court~~
9 ~~order.~~

10 **SECTION 2.** In Colorado Revised Statutes, **amend** 19-2.5-1514
11 as follows:

12 **19-2.5-1514. Juvenile detention bed cap - appropriation -**
13 **definition.** (1) ~~For the fiscal year 2021-22 and each fiscal year thereafter,~~
14 ~~the number of available juvenile detention beds statewide is limited to~~
15 ~~two hundred fifteen.~~ FOR THE 2025-26 STATE FISCAL YEAR, THE NUMBER
16 OF AVAILABLE JUVENILE DETENTION BEDS STATEWIDE IS LIMITED TO TWO
17 HUNDRED FIFTY-FOUR.

18 (2) (a) FOR THE 2026-27 STATE FISCAL YEAR, AND EACH STATE
19 FISCAL YEAR THEREAFTER, THE NUMBER OF AVAILABLE JUVENILE
20 DETENTION BEDS STATEWIDE IS LIMITED TO ONE HUNDRED TWENTY-FIVE
21 PERCENT OF THE JUVENILE DETENTION AVERAGE DAILY POPULATION
22 PROJECTION.

23 (b) AS USED IN THIS SECTION, "JUVENILE DETENTION AVERAGE
24 DAILY POPULATION PROJECTION" MEANS THE JUVENILE DETENTION
25 AVERAGE DAILY POPULATION PROJECTION FOR THE APPLICABLE STATE
26 FISCAL YEAR THAT IS PUBLISHED IN THE DIVISION OF CRIMINAL JUSTICE IN
27 THE DEPARTMENT OF PUBLIC SAFETY'S REPORT TO THE DIRECTOR OF THE

1 LEGISLATIVE COUNCIL PURSUANT TO SECTION 24-33.5-503 (1)(m).

2 (3) A DETENTION BED THAT IS OCCUPIED BY A JUVENILE WHO IS
3 HELD IN DETENTION FOR COMMITTING A DELINQUENT ACT THAT WOULD
4 CONSTITUTE A CLASS 1 FELONY IF IT WERE COMMITTED BY AN ADULT,
5 WHETHER OR NOT THE JUVENILE'S CASE HAS BEEN DIRECT-FILED OR
6 TRANSFERRED TO DISTRICT COURT PURSUANT TO SECTION 19-2.5-801 OR
7 19-2.5-802, DOES NOT COUNT TOWARD THE LIMIT OF JUVENILE DETENTION
8 BEDS AVAILABLE PURSUANT TO THIS SECTION.

9 (4) FOR THE 2025-26 STATE FISCAL YEAR, AND FOR EACH STATE
10 FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE
11 TO THE DEPARTMENT OF HUMAN SERVICES FOR THE PROVISION OF
12 JUVENILE DETENTION BEDS STATEWIDE, AT A MINIMUM, ONE MILLION
13 THREE HUNDRED FIFTY-NINE THOUSAND NINE HUNDRED EIGHTY-TWO
14 DOLLARS PLUS THE ADDITIONAL AMOUNT NECESSARY TO FULLY FUND THE
15 NUMBER OF AVAILABLE JUVENILE DETENTION BEDS STATEWIDE,
16 INCLUDING BEDS THAT ARE OCCUPIED BY JUVENILES WHO ARE HELD IN
17 DETENTION FOR COMMITTING A DELINQUENT ACT THAT WOULD
18 CONSTITUTE A CLASS 1 FELONY IF IT WERE COMMITTED BY AN ADULT,
19 WHETHER OR NOT THE JUVENILE'S CASE HAS BEEN DIRECT-FILED OR
20 TRANSFERRED TO DISTRICT COURT PURSUANT TO SECTION 19-2.5-801 OR
21 19-2.5-802, FOR THE APPLICABLE BUDGET YEAR.

22 **SECTION 3.** In Colorado Revised Statutes, 24-33.5-503, **amend**
23 (1)(m) as follows:

24 **24-33.5-503. Duties of division - definition.** (1) The division has
25 the following duties:

26 (m) (I) To provide information to the director of research of the
27 legislative council concerning population projections, research data, and

1 other information relating to the projected long-range needs of
2 correctional facilities and juvenile detention facilities and any other
3 related data requested by the director.

4 (II) BEGINNING IN THE 2025-26 STATE FISCAL YEAR, AND EACH
5 STATE FISCAL YEAR THEREAFTER, THE INFORMATION CONCERNING
6 POPULATION PROJECTIONS PROVIDED PURSUANT TO THIS SECTION MUST
7 INCLUDE THE JUVENILE DETENTION AVERAGE DAILY POPULATION
8 PROJECTION.

9 (III) FOR PURPOSES OF THIS SUBSECTION (1)(m), UNLESS THE
10 CONTEXT OTHERWISE REQUIRES, "JUVENILE DETENTION AVERAGE DAILY
11 POPULATION PROJECTION" MEANS, FOR THE NEXT STATE FISCAL YEAR, THE
12 PROJECTED NUMBER OF CONFINED JUVENILES WHO ARE HELD IN
13 DETENTION EACH DAY FOR A YEAR, DIVIDED BY THE NUMBER OF DAYS IN
14 THE YEAR.

15 (IV) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136
16 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS
17 SUBSECTION (1)(m) CONTINUES INDEFINITELY.

18 **SECTION 4.** In Colorado Revised Statutes, 19-2.5-1404, **amend**
19 **(3)(d)(I); and repeal (3)(d)(II) as follows:**

20 **19-2.5-1404. Working group for criteria for placement of**
21 **juvenile offenders - establishment of formula - review of criteria -**
22 **report.** (3) (d) Beginning for state fiscal year 2023-24, and for each
23 fiscal year thereafter, the state department shall collect data statewide
24 concerning the following:

25 (I) The demographic information, including race, ethnicity,
26 gender, age, sexual orientation, gender identity, and disability status, to
27 the extent the information is available, of the youth in each detention

1 facility who are eligible for release from a detention facility without an
2 additional court order if services or a placement are available for the
3 youth but who are being held in detention due to lack of available
4 services or placement; AND

5 (II) ~~The number of temporary emergency detention beds,~~
6 ~~described in section 19-2.5-1407.3 (4), used each day in each catchment~~
7 ~~area; and~~

8 **SECTION 5. Effective date.** This act takes effect July 1, 2025.

9 **SECTION 6. Safety clause.** The general assembly finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, or safety or for appropriations for
12 the support and maintenance of the departments of the state and state
13 institutions.