

CHAPTER 171

COURTS

SENATE BILL 17-241

BY SENATOR(S) Tate, Kerr, Martinez Humenik, Moreno, Zenzinger;
also REPRESENTATIVE(S) Hooton, Arndt, Nordberg, Thurlow, Gray, Kraft-Tharp, Liston, Lontine.

AN ACT**CONCERNING THE SCHEDULED REPEAL OF REPORTS BY THE JUDICIAL DEPARTMENT TO THE GENERAL ASSEMBLY.**

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

SECTION 1. In Colorado Revised Statutes, 13-1-137, **amend** (1) introductory portion as follows:

13-1-137. Reporting of data concerning juvenile proceedings. (1) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the judicial branch shall report annually to the judiciary committees of the house of representatives and senate, or to any successor committees, information concerning:

SECTION 2. In Colorado Revised Statutes, 13-3-115, **amend** (6) as follows:

13-3-115. Diversion funding committee. (6) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), by January 31, 2015, and each January 31 thereafter, the judicial department shall provide to the joint budget committee a status report that includes the information required by subsection (5) of this section.

SECTION 3. In Colorado Revised Statutes, 13-91-105, **amend** (1)(i) as follows:

13-91-105. Duties of the office of the child's representative - guardian ad litem programs - CASA programs. (1) In addition to any responsibilities assigned to it by the chief justice, the office of the child's representative shall:

(i) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), report the activities of the office of the child's representative to the members of the general assembly and to the state court administrator's office, together with the reports specified in paragraph (h)

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

of this subsection (1), on or before September 1, 2001, and on or before September 1 of each year thereafter.

SECTION 4. In Colorado Revised Statutes, 13-92-104, **amend** (1)(e) as follows:

13-92-104. Duties of the office of the respondent parents' counsel. (1) The office has the following duties, at a minimum:

(e) Annually reviewing and evaluating the office's performance to determine whether the office is effectively and efficiently meeting the goals of improving child and family well-being and the duties set forth in this section. The report must be submitted on or before January 1, 2017, and annually thereafter, to ~~the members of the general assembly and~~ the state court administrator's office.

SECTION 5. In Colorado Revised Statutes, 16-4-106, **amend** (6) introductory portion as follows:

16-4-106. Pretrial services programs. (6) Commencing July 1, 2012, each pretrial services program established pursuant to this section shall provide an annual report to the judicial department no later than November 1 of each year, regardless of whether the program existed prior to May 31, 1991. NOTWITHSTANDING SECTION 24-1-136(11)(a)(I), the judicial department shall present an annual combined report to the house and senate judiciary committees of the house of representatives and the senate, or any successor committees, of the general assembly. The report to the judicial department must include, but is not limited to, the following information:

SECTION 6. In Colorado Revised Statutes, 18-1.3-1011, **amend** (1) introductory portion as follows:

18-1.3-1011. Annual report. (1) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), on or before November 1, 2000, and on or before each November 1 thereafter, the department of corrections, the department of public safety, and the judicial department shall submit a report to the judiciary committees of the house of representatives and the senate, or any successor committees, and to the joint budget committee of the general assembly specifying, at a minimum:

SECTION 7. In Colorado Revised Statutes, 18-3-414.5, **amend** (4) introductory portion as follows:

18-3-414.5. Sexually violent predators - assessment - annual report. (4) On or before January 15, 2008, and, NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), on or before January 15 each year thereafter, the judicial department and the department of corrections shall jointly submit to the judiciary committees of the senate and the house of representatives, or any successor committees, to the division of criminal justice in the department of public safety, and to the governor a report specifying the following information:

SECTION 8. In Colorado Revised Statutes, 19-2-907, **amend** (5)(a) as follows:

19-2-907. Sentencing schedule - options. (5) (a) Except as otherwise provided in section 19-2-601 for an aggravated juvenile offender, if the court finds that

placement out of the home is necessary and is in the best interests of the juvenile and the community, the court shall place the juvenile, following the criteria established pursuant to section 19-2-212, in the facility or setting that most appropriately meets the needs of the juvenile, the juvenile's family, and the community. In making its decision as to proper placement, the court shall utilize the evaluation for placement prepared pursuant to section 19-1-107 or the evaluation for placement required by section 19-1-115 (8)(e). Any placement recommendation in the evaluation prepared by the county department of social services shall be accorded great weight as the placement that most appropriately meets the needs of the juvenile, the juvenile's family, and the community. Such recommendation prepared by the county department of social services shall set forth specific facts and reasons for the placement recommendation. If the evaluation for placement recommends placement in a facility located in Colorado that can provide appropriate treatment and that will accept the juvenile, then the court shall not place the juvenile in a facility outside this state. If the court places the juvenile in a facility located in Colorado other than one recommended by the evaluation for placement, in a facility located outside this state in accordance with the evaluation for placement, or in a facility in which the average monthly cost exceeds the amount established by the general assembly in the general appropriation bill, it shall make specific findings of fact, including the monthly cost of the facility in which such juvenile is placed, relating to its placement decision. A copy of such findings shall be sent to the chief justice of the supreme court, who shall, NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), report monthly to the joint budget committee and annually to the house and senate committees on health and human services, or any successor committees, on such placements. If the court commits the juvenile to the department of human services, it shall not make a specific placement, nor shall the provisions of this subsection (5) relating to specific findings of fact be applicable.

SECTION 9. Effective date. (1) Except as otherwise provided in this section, this act takes effect upon passage.

(2) Section 4 of this act takes effect January 2, 2020.

SECTION 10. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 28, 2017