

HOUSE COMMITTEE OF REFERENCE REPORT

_____ April 7, 2021
Chair of Committee Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB21-066 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 8, after line 1 add:

2 "(d) FOR THE PURPOSES OF THIS SUBSECTION (5), WHEN
3 COLLECTING DEMOGRAPHIC DATA FROM A YOUTH, DISTRICT ATTORNEYS'
4 OFFICES, GOVERNMENTAL UNITS, AND NONGOVERNMENTAL AGENCIES
5 SHALL PROVIDE THE YOUTH WITH AN OPTION TO DECLINE TO DISCLOSE
6 DEMOGRAPHIC INFORMATION."

7 Page 10, after line 10 insert:

8 "**SECTION 6.** In Colorado Revised Statutes, 19-2.5-402, **repeal**
9 **as added by Senate Bill 21-059** (4)(b) as follows:

10 **19-2.5-402. [Formerly 19-2-303] Juvenile diversion program**
11 **- authorized - report - legislative declaration - definitions.** (4) District
12 attorneys' offices or the offices' designees shall:

13 (b) ~~Use the results of the risk screening to inform:~~

14 ~~(I) Eligibility for participation in a juvenile diversion program;~~

15 ~~(II) The level and intensity of supervision for juvenile diversion;~~

16 ~~(III) The length of supervision for juvenile diversion; and~~

17 ~~(IV) What services, if any, may be offered to a juvenile.~~

18 ~~Professionals involved with the juvenile's needs, treatment, and service~~
19 ~~planning, including district attorneys, public defenders, probation, and~~
20 ~~state and local governmental entities, such as the state or county~~
21 ~~departments of human or social services, may collaborate to provide~~
22 ~~appropriate diversion services in jurisdictions where they are not currently~~

1 available:

2 **SECTION 7.** In Colorado Revised Statutes, 19-2.5-402, **amend**
3 **as added by Senate Bill 21-059** (7) as follows:

4 **19-2.5-402. [Formerly 19-2-303] Juvenile diversion program -**
5 **authorized - report - legislative declaration - definitions.** (7) ~~A~~
6 ~~formula must be established for the purpose of allocating money to~~ THE
7 FORMULA ESTABLISHED BY THE DIVISION OF CRIMINAL JUSTICE IN THE
8 DEPARTMENT OF PUBLIC SAFETY MUST BE USED TO ALLOCATE MONEY
9 WITHIN each judicial district in the state of Colorado for juvenile
10 diversion programs. ~~The executive director of the department of public~~
11 ~~safety is authorized to accept and expend on behalf of the state any~~
12 ~~money, grants, gifts, or donations from any private or public source for~~
13 ~~the purpose of providing restorative justice programs, except that a gift,~~
14 ~~grant, or donation shall not be accepted if the conditions attached to it~~
15 ~~require the expenditure in a manner contrary to law.~~ THE DIVISION OF
16 CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY SHALL REVIEW
17 THE FORMULA EVERY THREE YEARS. THE DIVISION OF CRIMINAL JUSTICE
18 SHALL PRIORITIZE FUNDING FOR PROGRAMS THAT INCLUDE RESTORATIVE
19 JUSTICE PRACTICES. THE DIVISION OF CRIMINAL JUSTICE MAY CONTRACT
20 WITH DISTRICT ATTORNEYS' OFFICES, GOVERNMENTAL UNITS, AND
21 NONGOVERNMENTAL AGENCIES FOR REASONABLE AND NECESSARY
22 EXPENSES FOR SERVICES TO SERVE EACH JUDICIAL DISTRICT TO UTILIZE IN
23 DIVERTING JUVENILES AND TO PROVIDE SERVICES, IF WARRANTED, FOR
24 ELIGIBLE JUVENILES THROUGH COMMUNITY-BASED PROGRAMS THAT
25 PROVIDE AN ALTERNATIVE TO ENTRY INTO THE FORMAL LEGAL SYSTEM, A
26 PETITION FILED PURSUANT TO SECTION 19-2-512, OR AN ADJUDICATORY
27 HEARING HELD PURSUANT TO SECTION 19-2-804."

28 Renumber succeeding sections accordingly.

29 Page 10, strike line 12 and substitute "except that:

30 (1) Section 3 of this act takes effect July 1, 2023, only if Senate
31 Bill 21-059 does not becomes law.

32 (2) Section 6 of this act takes effect only if Senate Bill 21-059
33 becomes law, in which case section 6 takes effect upon the effective date
34 of this act or Senate Bill 21-059, whichever is later; and

35 (3) Section 7 of this act takes effect only if Senate Bill 21-059
36 becomes law, in which case section 7 takes effect July 1, 2023."

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