

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

**PREAMENDED**

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

LLS NO. 21-0492.01 Jacob Baus x2173

**SENATE BILL 21-071**

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**SENATE SPONSORSHIP**

**Buckner,**

**HOUSE SPONSORSHIP**

**(None),**

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**Senate Committees**

Judiciary  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING MEASURES TO LIMIT THE DETENTION OF JUVENILES.**

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**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 prohibits the imposition of secured monetary or property conditions on a bond for juveniles charged with or accused of committing a delinquent act.

The bill reduces the juvenile detention bed cap from 327 beds to 188 beds beginning in fiscal year 2021-22.

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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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-2-503, **amend** (3)  
3 as follows:

4 **19-2-503. Issuance of a lawful warrant taking a juvenile into**  
5 **custody.** (3) A warrant for the arrest of a juvenile for violation of the  
6 conditions of probation or of a ~~bail~~ bond may be issued by any judge of  
7 a court of record or juvenile magistrate upon the report of a juvenile  
8 probation officer or upon the verified complaint of any person,  
9 establishing to the satisfaction of the judge or juvenile magistrate  
10 probable cause to believe that a condition of probation or of a ~~bail~~ bond  
11 has been violated and that the arrest of the juvenile is reasonably  
12 necessary. The warrant may be executed by any juvenile probation officer  
13 or by a peace officer authorized to execute warrants in the county in  
14 which the juvenile is found. If the warrant is for a juvenile found in  
15 contempt of court in a truancy proceeding, the court shall follow the  
16 procedures set forth in section 22-33-108 (7).

17 **SECTION 2.** In Colorado Revised Statutes, 19-2-508, **amend** (3)  
18 (a)(VII) introductory portion, (3)(a)(VII)(C), (4)(e)(I), and (5) as follows:

19 **19-2-508. Detention and temporary shelter - hearing - time**  
20 **limits - findings - review - confinement with adult offenders -**  
21 **restrictions.** (3) (a) (VII) Except as provided in subsection (3)(a)(IX) of  
22 this section, at the conclusion of the hearing, the court shall enter one of  
23 the following orders, while ensuring efforts are made to keep the juvenile  
24 with ~~his or her~~ THE JUVENILE'S parent, guardian, or legal custodian:

25 (C) That ~~bail~~ AN UNSECURED PERSONAL RECOGNIZANCE BOND be  
26 set and that the juvenile be released ACCORDINGLY; ~~upon the posting of~~  
27 ~~that bail;~~

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

15 (5) A juvenile has the right to ~~bail~~ BOND as limited by the  
16 provisions of this section.

17 **SECTION 3.** In Colorado Revised Statutes, 19-2-509, **amend** (1)  
18 introductory portion, (2), (3), (4), (6), (7), and (8); **repeal** (5); and **add**  
19 (10) as follows:

20 **19-2-509. Personal recognizance bond.** (1) Unless the district  
21 attorney consents, ~~no~~ A juvenile charged or accused of having committed  
22 a delinquent act that constitutes a felony or a class 1 misdemeanor shall  
23 NOT be released without ~~a bond or on a~~ AN UNSECURED personal  
24 recognizance bond, if:

25 (2) In lieu of ~~a~~ AN UNSECURED PERSONAL RECOGNIZANCE bond,  
26 a juvenile who the court determines poses a substantial risk of serious  
27 harm to others may be placed in a preadjudication service program

1 established pursuant to section 19-2-302.

2 (3) Any application for the revocation or modification of the  
3 ~~amount, type, or conditions of bail~~ AN UNSECURED PERSONAL  
4 RECOGNIZANCE BOND must be made in accordance with section 16-4-109;  
5 except that the presumption described in section 19-2-508 (3)(a)(IV) must  
6 continue to apply for the purposes of this section.

7 (4) (a) In determining the ~~type of bond and~~ conditions of release  
8 for the juvenile, the judge or magistrate fixing the same shall consider the  
9 criteria set forth in section 16-4-103. ~~C.R.S.~~

10 (b) In setting, modifying, or continuing ~~any bail~~ AN UNSECURED  
11 PERSONAL RECOGNIZANCE bond, it must be a condition that the released  
12 juvenile appear at any place and upon any date to which the proceeding  
13 is transferred or continued. Further conditions of ~~every bail~~ THE  
14 UNSECURED PERSONAL RECOGNIZANCE bond must be that the released  
15 juvenile not commit any delinquent acts or harass, intimidate, or threaten  
16 any potential witnesses. EXCEPT AS DESCRIBED IN SUBSECTION (10) OF  
17 THIS SECTION, the judge or magistrate may set any other conditions or  
18 limitations on the release of the juvenile as are reasonably necessary for  
19 the protection of the community. Any juvenile who is held ~~without bail~~  
20 ~~or whose bail or bail bond is revoked or increased under an order entered~~  
21 ~~at any time after the initial detention hearing pursuant to subsection (3)~~  
22 ~~of this section and who~~ OR remains in custody or detention must be tried  
23 on the charges ~~on which the bail is denied or the bail or bail bond is~~  
24 ~~revoked or increased~~ within sixty days after the entry of such order A  
25 COURT ORDER DETAINING THE JUVENILE or within sixty days after the  
26 juvenile's entry of a plea, whichever date is earlier; except that, if the  
27 juvenile requests a jury trial pursuant to section 19-2-107, ~~the provisions~~

1 of section 19-2-107 (4) ~~apply~~ APPLIES.

2 (5) A surety or security on a bail bond may be subject to forfeiture  
3 only if the juvenile fails to appear for any scheduled court proceedings,  
4 of which the juvenile received proper notice.

5 (6) The court ~~may~~ SHALL NOT order that any personal  
6 recognizance bond be secured by ~~the personal obligation~~ MONETARY OR  
7 PROPERTY CONDITIONS of the juvenile, ~~and his or her~~ THE JUVENILE'S  
8 ~~parents~~ PARENT, guardian, legal custodian, or other responsible adult.

9 (7) The parent, guardian, or legal custodian, for any juvenile  
10 released on bond pursuant to this section or any other responsible adult  
11 who secures FOR A JUVENILE RELEASED ON a personal recognizance bond  
12 for a juvenile pursuant to subsection (6) of this section may petition the  
13 court prior to forfeiture or exoneration of the bond, to revoke the bond  
14 and remand the juvenile into custody if the parent, guardian, legal  
15 custodian, or other responsible adult determines that he or she is unable  
16 to control the juvenile. The court shall apply the presumption specified in  
17 section 19-2-508 (3)(a)(IV) in determining whether to revoke the  
18 PERSONAL RECOGNIZANCE bond.

19 (8) A juvenile may be released on AN UNSECURED PERSONAL  
20 RECOGNIZANCE bond, or as otherwise provided in this section regardless  
21 of whether the juvenile appears in court pursuant to a summons or a  
22 warrant.

23 (10) A JUDGE OR MAGISTRATE MAY ONLY IMPOSE AN UNSECURED  
24 PERSONAL RECOGNIZANCE BOND WITHOUT MONETARY OR PROPERTY  
25 CONDITIONS TO SECURE THE JUVENILE'S FUTURE APPEARANCE. A JUDGE OR  
26 MAGISTRATE SHALL NOT IMPOSE A BOND WITH SECURED MONETARY OR  
27 PROPERTY CONDITIONS FOR A JUVENILE.

1           **SECTION 4.** In Colorado Revised Statutes, 19-2-1201, **amend**  
2 (4); and **add** (5) as follows:

3           **19-2-1201. Juvenile detention bed cap.** (4) For the fiscal year  
4 ~~2019-20 and each fiscal year thereafter~~ YEARS 2019-20 AND 2020-21, the  
5 number of available juvenile detention beds statewide is limited to three  
6 hundred twenty-seven.

7           (5) FOR THE FISCAL YEAR 2021-22 AND EACH FISCAL YEAR  
8 THEREAFTER, THE NUMBER OF AVAILABLE JUVENILE DETENTION BEDS  
9 STATEWIDE IS LIMITED TO TWO HUNDRED FIFTEEN.

10           **SECTION 5.** In Colorado Revised Statutes, 19-2-1202, **amend**  
11 (1) introductory portion and (1)(b) as follows:

12           **19-2-1202. Working group - allocation of beds.** (1) The  
13 executive director of the department of human services and the state court  
14 administrator in the judicial department, or a designee of such persons, in  
15 consultation with the division of criminal justice of the department of  
16 public safety, the office of state planning and budgeting, the Colorado  
17 district attorneys ATTORNEYS' council, and law enforcement  
18 representatives, shall form a working group which THAT shall carry out  
19 the following duties:

20           (b) The working group shall develop a mechanism for judicial  
21 districts within the same catchment area to loan detention beds to other  
22 judicial districts within the catchment area in cases of need.

23           **SECTION 6.** In Colorado Revised Statutes, 19-2-1303, **amend**  
24 (4) as follows:

25           **19-2-1303. Procedure after determination of competency or**  
26 **incompetency.** (4) A determination under subsection (2) of this section  
27 that a juvenile is incompetent to proceed ~~shall~~ MUST not preclude the

1 court from considering the release of the juvenile on ~~bait~~ BOND upon  
2 compliance with the standards and procedures for such release prescribed  
3 by statute. At any hearing to determine eligibility for release on ~~bait~~  
4 BOND, the court may consider any effect the juvenile's incompetency may  
5 have on the juvenile's ability to insure his or her presence for trial.

6 SECTION 7. In Colorado Revised Statutes, add part 14 to article  
7 2 of title 19 as follows:

8 PART 14

9 ALTERNATIVES TO DETENTION WORKING GROUP

10 19-2-1401. Working group - alternatives to detention - duties

11 - report. (1) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN  
12 SERVICES, OR HIS OR HER DESIGNEE, SHALL FORM AN ALTERNATIVES TO  
13 DETENTION WORKING GROUP, REFERRED TO IN THIS SECTION AS THE  
14 "WORKING GROUP", TO EXAMINE THE AVAILABILITY OF ALTERNATIVES TO  
15 YOUTH DETENTION AND THE USE OF DETENTION BEDS, AND NECESSARY  
16 INVESTMENTS IN ALTERNATIVES TO DETENTION.

17 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN  
18 SERVICES, OR HIS OR HER DESIGNEE, SHALL APPOINT THE FOLLOWING  
19 MEMBERS TO SERVE ON THE WORKING GROUP:

20 (a) THE DIRECTOR OF THE DIVISION OF YOUTH SERVICES, OR HIS OR  
21 HER DESIGNEE;

22 (b) THE DIRECTOR OF THE OFFICE OF CHILDREN, YOUTH, AND  
23 FAMILIES, OR HIS OR HER DESIGNEE;

24 (c) THE EMPLOYEE OF THE DEPARTMENT OF HUMAN SERVICES WHO  
25 ADMINISTERS THE MONEY APPROPRIATED PURSUANT TO SECTION 19-2-310,  
26 OR HIS OR HER DESIGNEE;

27 (d) THREE REPRESENTATIVES OF COUNTY DEPARTMENTS;

1           (e) TWO REPRESENTATIVES OF ORGANIZATIONS THAT ADVOCATE  
2 FOR YOUTH INVOLVED IN THE JUVENILE JUSTICE SYSTEM;

3           (f) ONE REPRESENTATIVE OF A DISTRICT ATTORNEY'S OFFICE;

4           (g) ONE REPRESENTATIVE OF THE OFFICE OF THE STATE PUBLIC  
5 DEFENDER;

6           (h) ONE REPRESENTATIVE OF THE JUDICIAL BRANCH;

7           (i) ONE PERSON WHO WAS A YOUTH IN THE CUSTODY OF A DIVISION  
8 OF YOUTH SERVICES FACILITY; AND

9           (j) ANY ADDITIONAL MEMBERS AS DETERMINED APPROPRIATE.

10          (3) THE WORKING GROUP SHALL CONVENE BY AUGUST 1, 2021,  
11 AND MEET AT LEAST SEMI-ANNUALLY THEREAFTER.

12          (4) IN PERFORMING THE DUTIES DESCRIBED IN THIS SECTION, THE  
13 WORKING GROUP SHALL CONSIDER AVAILABLE DATA CONCERNING:

14           (a) THE CONTINUUM OF IN-HOME AND OUT-OF-HOME PLACEMENT  
15 OPTIONS AND SUPPORTS FOR ALLEGED JUVENILE OFFENDERS, INCLUDING  
16 THE CURRENT AVAILABLE CAPACITIES OF THE OPTIONS AND SUPPORTS;

17           (b) THE OUTCOMES ASSOCIATED WITH THE LENGTH OF STAY FOR  
18 ALLEGED AND ADJUDICATED OFFENDERS PLACED IN:

19           (I) DETENTION FACILITIES;

20           (II) RESIDENTIAL TREATMENT FACILITIES, INCLUDING BUT NOT  
21 LIMITED TO QUALIFIED RESIDENTIAL TREATMENT PROGRAMS,  
22 NONQUALIFIED RESIDENTIAL TREATMENT PROGRAMS, RESIDENTIAL  
23 COMMUNITY PLACEMENTS, AND SHELTER PLACEMENTS;

24           (III) A FAMILY-TYPE PLACEMENT, INCLUDING BUT NOT LIMITED TO  
25 FOSTER CARE HOMES; AND

26           (IV) A FAMILY HOME; AND

27           (c) THE OUTCOMES FOR ALLEGED AND ADJUDICATED JUVENILE



1 OFFENDERS FOR IN-HOME AND OUT-OF-HOME PLACEMENTS BASED ON  
2 CATEGORIES OF CHARGES, AGE, AND RISK LEVEL.

3 (5) THE DEPARTMENT OF HUMAN SERVICES SHALL MONITOR AND  
4 REPORT TO THE WORKING GROUP INFORMATION REGARDING:

5 (a) THE DEMAND FOR AND AVAILABILITY OF PLACEMENTS THAT  
6 PROVIDE AN ALTERNATIVE TO DETENTION IN EACH JUDICIAL DISTRICT AND  
7 STATEWIDE;

8 (b) THE NUMBER OF YOUTH CURRENTLY IN DETENTION WHO ARE  
9 AWAITING PLACEMENT IN A COMMUNITY SETTING;

10 (c) THE STATUS OF PERFORMANCE STANDARDS AND OUTCOME  
11 MEASURES DEVELOPED PURSUANT TO SUBSECTION (6) OF THIS SECTION;

12 AND

13 (d) THE STATUS OF IMPLEMENTATION OF EFFORTS GUIDED BY THE  
14 WORKING GROUP PURSUANT TO SUBSECTIONS (7) AND (8) OF THIS SECTION.

15 (6) BY JULY 1, 2022, THE WORKING GROUP SHALL DEVELOP  
16 PERFORMANCE STANDARDS AND OUTCOME MEASURES TO MONITOR THE  
17 NUMBER OF ALTERNATIVE PLACEMENTS, RANGE OF SERVICES OFFERED BY  
18 SUCH PLACEMENTS, AND COMMUNITY-BASED SERVICES AVAILABLE TO  
19 MEET THE NEEDS OF JUVENILES IN EACH JUDICIAL DISTRICT AND COUNTY.

20 THE WORKING GROUP SHALL DETERMINE WHETHER AND HOW SPECIFIC  
21 OUTCOME MEASURES MUST BE REPORTED, INCLUDING BUT NOT LIMITED TO  
22 MEASURES OF RECIDIVISM, VIOLATIONS OF CONDITIONS OF RELEASE,  
23 PERFORMANCE IN SCHOOL, FUTURE OUT-OF-HOME PLACEMENTS, AND  
24 RETURN TO HOME OR KIN'S HOME.

25 (7) THE WORKING GROUP SHALL ADVISE THE DEPARTMENT OF  
26 HUMAN SERVICES CONCERNING POLICIES, PROCEDURES, AND BEST  
27 PRACTICES RELATED TO ALTERNATIVES TO DETENTION.

1           (8) (a) BEGINNING IN 2023, AND EACH YEAR THEREAFTER, THE  
2           DEPARTMENT OF HUMAN SERVICES SHALL INCLUDE AN UPDATE  
3           REGARDING THE WORKING GROUP'S FINDINGS IN ITS REPORT TO THE  
4           MEMBERS OF THE APPLICABLE COMMITTEES OF REFERENCE IN THE SENATE  
5           AND HOUSE OF REPRESENTATIVES AS REQUIRED BY THE "STATE  
6           MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT  
7           (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2. THE  
8           REPORT CONCERNING THE WORKING GROUP'S FINDINGS MUST INCLUDE THE  
9           FOLLOWING:

10           (I) AN ANALYSIS OF THE PERFORMANCE STANDARDS AND  
11           OUTCOME MEASURES DEVELOPED BY THE WORKING GROUP PURSUANT TO  
12           SUBSECTION (6) OF THIS SECTION;

13           (II) THE NUMBER OF YOUTH CURRENTLY IN DETENTION AWAITING  
14           PLACEMENT IN A COMMUNITY SETTING;

15           (III) THE CAPACITY, NEEDS, AND BARRIERS TO SUPPORTIVE  
16           ALTERNATIVE PLACEMENTS;

17           (IV) AN ANALYSIS OF THE AVAILABILITY OF, DEMAND FOR, AND  
18           AVAILABILITY AND USE OF FUNDING FOR ALTERNATIVE PLACEMENTS AND  
19           RESIDENTIAL TREATMENT FACILITIES, INCLUDING BUT NOT LIMITED TO  
20           QUALIFIED RESIDENTIAL TREATMENT PROGRAMS, NONQUALIFIED  
21           RESIDENTIAL TREATMENT PROGRAMS, RESIDENTIAL COMMUNITY  
22           PLACEMENTS, AND SHELTER PLACEMENTS;

23           (V) AN ANALYSIS OF THE NUMBER OF YOUTH PLACED IN AN  
24           ALTERNATIVE PLACEMENT AND THE LENGTH OF STAY IN THE PLACEMENTS;

25           (VI) AN ANALYSIS OF THE INVOLVEMENT OF JUVENILES AND THEIR  
26           FAMILIES, AND THE JUVENILES' AND FAMILIES' SATISFACTION WITH,  
27           ALTERNATIVE PLACEMENTS;

1           (VII) AN ANALYSIS OF THE AVAILABILITY OF AND NEED FOR  
2           COMMUNITY-BASED SERVICES IN EACH JUDICIAL DISTRICT AND COUNTY,  
3           TO ASSIST IN KEEPING CHILDREN IN THE FAMILY HOME, AND THE TYPES OF  
4           COMMUNITY-BASED SERVICES OFFERED IN EACH JUDICIAL DISTRICT AND  
5           COUNTY;

6           (VIII) AN ANALYSIS OF THE AVAILABLE MONEY FOR  
7           COMMUNITY-BASED SERVICES IN EACH JUDICIAL DISTRICT AND HOW IT IS  
8           USED, INCLUDING THE AMOUNT OF MONEY SPENT ON DIFFERENT TYPES OF  
9           COMMUNITY-BASED SERVICES;

10           (IX) AN ANALYSIS AND TRACKING OF ALLEGED AND ADJUDICATED  
11           JUVENILE OFFENDERS WHO ARE PLACED IN OR SERVED BY COUNTY  
12           DEPARTMENTS THROUGH CHILD WELFARE SYSTEMS, AND THE IMPACT ON  
13           THOSE COUNTY DEPARTMENTS;

14           (X) RECOMMENDATIONS TO ENHANCE THE CONTINUUM OF  
15           COMMUNITY-BASED SERVICES AND PLACEMENT OPTIONS FOR ALLEGED  
16           AND ADJUDICATED JUVENILE OFFENDERS, INCLUDING RECOMMENDATIONS  
17           TO IMPROVE AVAILABILITY AND QUALITY OF SHELTER FACILITIES;  
18           FAMILY-TYPE PLACEMENTS, INCLUDING BUT NOT LIMITED TO FOSTER  
19           CARE; AND COMMUNITY-BASED SERVICES FOR JUVENILES;

20           (XI) RECOMMENDATIONS REGARDING THE REDUCTION OF  
21           AVAILABLE DETENTION BEDS AND THE ALLOCATION OF DETENTION BEDS  
22           ACROSS THE STATE; AND

23           (XII) RECOMMENDATIONS FOR FUTURE DATA COLLECTION AND  
24           REPORTING.

25           (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORT  
26           REQUIRED IN THIS SUBSECTION (8) CONTINUES INDEFINITELY.

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