

CHAPTER 79

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 22-1211

BY REPRESENTATIVE(S) Soper and Gonzales-Gutierrez, Duran, Exum, Gray, Hooton, Jodeh, Lontine, McCluskie, Ricks, Snyder, Van Winkle, Bacon, Lindsay;
also SENATOR(S) Lee and Gardner, Buckner, Gonzales, Lundeen, Pettersen, Story, Fenberg.

AN ACT

CONCERNING THE CONTINUATION OF THE COMMITTEE ON JUVENILE JUSTICE REFORM, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATION CONTAINED IN THE 2021 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES TO SUNSET THE COMMITTEE ON JUVENILE JUSTICE REFORM.

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

SECTION 1. In Colorado Revised Statutes, 24-33.5-2402, **add** (1.5) as follows:

24-33.5-2402. Juvenile justice reform committee - duties. (1.5) THE COMMITTEE SHALL COMPLETE THE TASKS IDENTIFIED IN SUBSECTIONS (1)(a)(II)(B), (1)(a)(II)(C), (1)(a)(II)(D), AND (1)(e)(III) OF THIS SECTION BEFORE THE REPEAL OF THE COMMITTEE.

SECTION 2. In Colorado Revised Statutes, **amend** 24-33.5-2403 as follows:

24-33.5-2403. Repeal of part. This part 24 is repealed, effective ~~September 1~~ DECEMBER 31, 2022. Before its repeal, this part 24 is scheduled for review in accordance with section 2-3-1203.

SECTION 3. In Colorado Revised Statutes, **repeal** part 24 of article 33.5 of title 24.

SECTION 4. In Colorado Revised Statutes, 2-3-1203, **repeal** (13)(a)(V) as follows:

2-3-1203. Sunset review of advisory committees - legislative declaration - definition - repeal. (13) (a) The following statutory authorizations for the

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

designated advisory committees are scheduled for repeal on September 1, 2022:

~~(V) The juvenile justice reform committee created pursuant to section 24-33.5-2401;~~

SECTION 5. In Colorado Revised Statutes, 19-2.5-402, **amend** (4)(a) and (8)(a) as follows:

19-2.5-402. Juvenile diversion program - authorized - report - allocation of money - legislative declaration - definitions. (4) District attorneys' offices or the office's designees shall:

(a) On and after January 1, 2021, conduct a risk screening using a risk screening tool selected pursuant to section 24-33.5-2402 (1)(c), AS IT EXISTED PRIOR TO ITS REPEAL IN 2022, for all juveniles referred to the district attorney pursuant to section 19-2.5-201, unless the juvenile is currently committed or on parole, a determination has already been made to divert the juvenile, OR the district attorney declines to file charges, dismisses the case, or charges the juvenile with a class 1 or class 2 felony. The district attorney's office shall conduct the risk screening or contract with an alternative agency that has been formally designated by the district attorney's office to conduct the screening, in which case the results of the screening must be made available to the district attorney's office. The entity conducting the screening shall make the results of the risk screening available to the juvenile and the juvenile's family. All individuals using the risk screening tool must receive training on the appropriate use of the tool. The risk screening tool is for informing decisions about diversion. The risk screening tool and any information obtained from a juvenile in the course of any screening, including any admission, confession, or incriminating evidence, obtained from a juvenile in the course of any screening or assessment in conjunction with proceedings pursuant to this section or made in order to participate in a diversion or restorative justice program is not admissible into evidence in any adjudicatory hearing in which the juvenile is accused and is not subject to subpoena or any other court process for use in any other proceeding or for any other purpose.

(8) (a) The director may implement a behavioral or mental health screening program to screen juveniles who participate in the juvenile diversion program. If the director chooses to implement a behavioral or mental health screening program, the director shall use the mental health screening tool selected pursuant to section 24-33.5-2402 (1)(b), AS IT EXISTED PRIOR TO ITS REPEAL IN 2022, and conduct the screening in accordance with procedures established pursuant to that section.

SECTION 6. In Colorado Revised Statutes, 19-2.5-612, **amend** (2) and (7)(c) as follows:

19-2.5-612. Mental health services for juvenile - how and when issue raised - procedure - definitions. (2) After the party advises the court of the party's belief that the juvenile could benefit from mental health services, the court shall immediately order a mental health screening of the juvenile pursuant to section 16-11.9-102 using the mental health screening tool selected pursuant to section 24-33.5-2402 (1)(b), AS IT EXISTED PRIOR TO ITS REPEAL IN 2022, unless the court already has sufficient information to determine whether the juvenile could benefit from mental health services or unless a mental health screening of the juvenile has

been completed within the last three months. Before sentencing a juvenile, the court shall order a mental health screening using the mental health screening tool selected pursuant to section 24-33.5-2402 (1)(b), AS IT EXISTED PRIOR TO ITS REPEAL IN 2022, or make a finding that the screening would not provide information that would be helpful in sentencing the juvenile. The court shall not stay or suspend delinquency proceedings pending the results of the mental health screening ordered pursuant to this section. However, the court may continue the dispositional and sentencing hearing to await the results of the mental health screening.

(7) For purposes of this section:

(c) "Screening" means a short validated mental health screening adopted by the COMMITTEE ON juvenile justice reform ~~committee~~ pursuant to section 24-33.5-2402 (1)(b), AS IT EXISTED PRIOR TO ITS REPEAL IN 2022, to identify juveniles who may have mental health needs.

SECTION 7. In Colorado Revised Statutes, 19-2.5-1108, **amend** (2)(a) introductory portion and (2)(b) as follows:

19-2.5-1108. Probation - terms - release - revocation - graduated responses system - rules - report - definition. (2) (a) Conditions of probation must be customized to each juvenile based on the guidelines developed by the committee on juvenile justice reform pursuant to section 24-33.5-2402, AS IT EXISTED PRIOR TO ITS REPEAL IN 2022. The court shall, as minimum conditions of probation, order that the juvenile:

(b) The court shall use the results from a validated risk and needs assessment adopted by the COMMITTEE ON juvenile justice reform ~~committee~~ pursuant to section 24-33.5-2402, AS IT EXISTED PRIOR TO ITS REPEAL IN 2022, to inform the court of additional conditions of probation, as necessary.

SECTION 8. In Colorado Revised Statutes, 19-2.5-1109, **amend** (1) introductory portion and (1)(e) as follows:

19-2.5-1109. Juvenile probation standards - development. (1) Before July 1, 2021, the state court administrator, in consultation with judges, the judicial branch, district attorneys, defense counsel, the delivery of child welfare services task force created in section 26-5-105.8, and other interested parties shall establish statewide standards for juvenile probation supervision and services that are aligned with research-based practices and based on the juvenile's risk of reoffending, as determined by a validated risk and needs assessment tool adopted pursuant to section 24-33.5-2402, AS IT EXISTED PRIOR TO ITS REPEAL IN 2022. The state court administrator shall at least annually provide training to juvenile probation on the adoption and implementation of these standards. Juvenile standards must include, but need not be limited to:

(e) Common criteria for when juvenile probation officers may recommend the use of out-of-home placements and commitment to the division of youth services. The court shall consider the results of a validated risk and needs assessment, a validated mental health screening, and, if applicable, a full mental health assessment

conducted pursuant to section ~~24-33.5-2402~~ to make decisions concerning the juvenile's placement.

SECTION 9. In Colorado Revised Statutes, 19-2.5-1117, **amend** (7)(a) introductory portion, (7)(a)(I), and (7)(a)(IV) as follows:

19-2.5-1117. Sentencing - commitment to the department of human services - definitions. (7) (a) On or before January 1, 2021, the department of human services, in consultation with the COMMITTEE ON juvenile justice reform ~~committee~~ established pursuant to section 24-33.5-2401, AS IT EXISTED PRIOR TO ITS REPEAL IN 2022, shall develop a length of stay matrix and establish criteria to guide the release of juveniles from a state facility that are based on:

(I) A juvenile's risk of reoffending, as determined by the results of a validated risk and needs assessment adopted pursuant to section 24-33.5-2402 (1)(a), AS IT EXISTED PRIOR TO ITS REPEAL IN 2022;

(IV) Other criteria as determined by the department. ~~and the juvenile justice reform committee.~~

SECTION 10. In Colorado Revised Statutes, 19-2.5-1402, **amend** (4)(b) as follows:

19-2.5-1402. Juvenile community review board. (4) (b) The board shall review the juvenile's case file and make a decision regarding residential community placement, taking into consideration the results of a validated risk and needs assessment adopted pursuant to section 24-33.5-2402 (1), AS IT EXISTED PRIOR TO ITS REPEAL IN 2022, by the department of human services, the criteria established by the juvenile community review board based on the interests of the community, and guidance established by the department of human services in consultation with the COMMITTEE ON juvenile justice reform ~~committee~~ established pursuant to section 24-33.5-2401, AS IT EXISTED PRIOR TO ITS REPEAL IN 2022. The criteria must be based upon researched factors that have been demonstrated to be correlative to risk to the community.

SECTION 11. Act subject to petition - effective date. Sections 3 through 10 of this act take effect December 31, 2022, and the remainder of this act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor; except that sections 2 through 9 of this act take effect December 31, 2022.

Approved: April 7, 2022