

SB108_L.001

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB19-108 be amended as follows:

- 1 Amend printed bill, page 3, line 18, after "JUDGE" insert "OR
2 MAGISTRATE".
- 3 Page 3, line 19, after "JUDGE" insert "OR MAGISTRATE".
- 4 Page 4, line 2, strike "FOURTEEN" and substitute "TWELVE".
- 5 Page 4, line 4, strike "ATTORNEYS;" and substitute "ATTORNEYS WHO
6 REGULARLY APPEAR IN JUVENILE COURT MATTERS;".
- 7 Page 4, strike lines 5 and 6 and substitute:
8 "(B) A REPRESENTATIVE OF THE OFFICE OF THE STATE PUBLIC
9 DEFENDER AND A REPRESENTATIVE OF THE OFFICE OF THE ALTERNATE
10 DEFENSE COUNSEL, BOTH OF WHOM SPECIALIZE IN JUVENILE DEFENSE;".
- 11 Page 4, strike line 7.
- 12 Reletter succeeding sub-subparagraphs accordingly.
- 13 Page 4, line 15, strike "AND".
- 14 Page 4, strike line 16 and substitute:
15 "(G) ONE JUVENILE OR FORMER JUVENILE WHO WAS CHARGED
16 WITH A DELINQUENT ACT; AND".
- 17 Page 4, after line 16, insert:
18 "(H) A REPRESENTATIVE OF THE OFFICE OF COLORADO'S CHILD
19 PROTECTION OMBUDSMAN.
20 (IX) THREE PERSONS WHO OVERSEE JUVENILE PROBATION
21 APPOINTED BY THE CHIEF JUSTICE;".
- 22 Page 4, line 20, strike "COMMITTEE" and substitute "GOVERNOR".
- 23 Page 5, line 4, after "SUBCOMMITTEES" insert "THAT MAY INCLUDE
24 INDIVIDUALS OTHER THAN MEMBERS OF THE COMMITTEE".
- 25 Page 5, line 10, strike "ASSESSMENT" and substitute "ASSESSMENT. THE
26 COMMITTEE SHALL DETERMINE IF ONE TOOL MUST BE USED BY THE ENTIRE
27 JUVENILE JUSTICE SYSTEM OR IF THE JUDICIAL DEPARTMENT OR DIVISION
28 OF YOUTH SERVICES MAY USE DIFFERENT VALIDATED TOOLS. THE TOOL OR
29 TOOLS MUST BE USED".

- 1 Page 5, line 20, after "ASSESSMENT" insert "TOOL OR TOOLS".
- 2 Page 5, line 23, strike "JURISDICTIONS." and substitute "JURISDICTIONS
3 AND MAY CONSIDER A VALIDATED TOOL OR TOOLS ALREADY BEING USED
4 IN THE STATE."
- 5 Page 6, line 1, strike "CONDUCTED;" and substitute "CONDUCTED PRIOR TO
6 DISPOSITION, WHILE IN THE CUSTODY OF THE DIVISION OF YOUTH
7 SERVICES, OR UNDER JUVENILE PROBATION SUPERVISION;"
- 8 Page 6, line 18, strike "AND".
- 9 Page 6, line 20, strike "ASSESSMENTS" and substitute "ASSESSMENTS;"
- 10 Page 6, strike lines 21 and 22 and substitute:
11 "(H) CALCULATE THE FISCAL COST OF COLLECTING AND
12 REPORTING THE DATA REQUIRED BY SUBSECTION (1)(a)(II)(G) OF THIS
13 SECTION AND REPORT THE COST TO THE OFFICE OF STATE PLANNING AND
14 BUDGETING."
- 15 Page 6, line 24, after "TO" insert "BE USED TO".
- 16 Page 6, strike line 26 and 27 and substitute "DISPOSITION. THE TOOL OR
17 TOOLS MAY BE A VALIDATED TOOL OR TOOLS ALREADY BEING USED IN THE
18 STATE."
- 19 Page 7, strike lines 1 through 10.
- 20 Page 7, line 19, after "TOOL" insert "OR TOOLS".
- 21 Page 7, line 20, after "TOOL" insert "OR TOOLS".
- 22 Page 7, line 23, strike "INCLUDE, WITHOUT LIMITATION," and substitute
23 "INCLUDE".
- 24 Page 8, strike lines 6 through 8 and substitute "PART OF THE
25 CONTRACTING REQUIREMENTS;"
- 26 Page 8, line 26, after "STATUTES," insert "APPROPRIATIONS,"
- 27 Page 9, after line 1, insert:
28 **"24-20-603. Repeal. THIS PART 6 IS REPEALED, EFFECTIVE**

1 SEPTEMBER 1, 2022. BEFORE ITS REPEAL, THIS PART 6 IS SCHEDULED FOR
2 REVIEW IN ACCORDANCE WITH SECTION 2-3-1203."

3 Page 9, line 10, strike "services, by a specific program." and substitute
4 "services, by a specific program OR ACTIVITY,".

5 Page 9, strike lines 11 and 12 and substitute "PROVIDED BY DISTRICT
6 ATTORNEY'S OFFICES, GOVERNMENTAL UNITS, OR NONGOVERNMENTAL
7 UNITS. THE GOAL OF DIVERSION IS TO PREVENT".

8 Page 9, strike lines 25 through 27 and page 10, strike line 1 and substitute
9 "defined in section 18-1-901 (3)(o.5). C.R.S., and as deemed suitable by
10 the probation department or a designated restorative justice practices
11 facilitator. Restorative justice practices shall be conducted by facilitators
12 recommended by the district attorney."

13 Page 11, line 7, strike "HOME" and substitute "HOME, FAMILY, OR OTHER
14 RESPONSIBLE ADULT".

15 Page 11, line 8, after "IN" insert "ADOPTING SECTION 19-2-507.5 AND".

16 Page 11, line 9, strike "19-2-212" and substitute "19-2-212, 19-2-507,".

17 Page 11, line 16, after "(1)" insert "(a)".

18 Page 11, strike lines 18 through 24 and substitute "such persons, in
19 consultation with SHALL FORM A WORKING GROUP THAT MUST INCLUDE
20 REPRESENTATIVES FROM:

21 (I) The division of criminal justice of the department of public
22 safety;

23 (II) The office of state planning and budgeting;

24 (III) The Colorado district attorneys council;

25 (IV) Law enforcement; representatives;

26 (V) THE PUBLIC DEFENDER'S OFFICE AND THE OFFICE OF
27 ALTERNATE DEFENSE COUNSEL;

28 (VI) THE OFFICE OF THE CHILD REPRESENTATIVE;

29 (VII) JUVENILE PROBATION;

30 (VIII) JUVENILE COURT JUDGES AND MAGISTRATES; and
31 representatives of

32 (IX) Local and county governments, INCLUDING COUNTY
33 DEPARTMENTS OF HUMAN OR SOCIAL SERVICES. shall form a

34 (b) THE working group that shall carry out the following duties:".

- 1 Page 11, line 25, strike "(a)" and substitute "~~(a)~~ (I)".
- 2 Reletter succeeding paragraphs and sub-subparagraphs and renumber
3 succeeding subparagraphs accordingly.
- 4 Page 12, line 21, after "ADOPT" insert "BY A MAJORITY VOTE OF THE
5 WORKING GROUP".
- 6 Page 13, line 2, after "ON" insert "DISABILITY,".
- 7 Page 13, line 13, strike "To" and substitute "BEFORE JANUARY 1, 2021,
8 TO".
- 9 Page 13, line 17, strike "To" and substitute "BEFORE JANUARY 1, 2021,
10 TO".
- 11 Page 14, line 16, strike "To" and substitute "BEFORE JANUARY 1, 2021,
12 TO".
- 13 Page 14, strike line 25 and substitute "JUVENILE IS ELIGIBLE FOR
14 DETENTION.".
- 15 Page 15, line 5, strike "To" and substitute "BEFORE JANUARY 1, 2021, TO"
16 and strike "FORM AFFIDAVIT" and substitute "INFORMATION FORM".
- 17 Page 15, lines 6 and 7, strike "FORM AFFIDAVIT" and substitute
18 "INFORMATION FORM".
- 19 Page 15, line 9, strike "FORM AFFIDAVIT" and substitute "INFORMATION
20 FORM".
- 21 Page 15, strike line 13 and substitute "COMPLETELY; AND".
- 22 Page 16, line 15, strike "AND" and substitute "OR".
- 23 Page 16, line 17, strike "AFFIDAVIT" and substitute "INFORMATION FORM"
24 and strike "(1)(h)" and substitute "(1)(a)(VII)".
- 25 Page 16, line 19, after "FIRST." insert "IF AVAILABLE, THE SCREENING
26 TEAM OR PREADJUDICATION SERVICE PROGRAM SHALL FILE THE ORIGINAL
27 COMPLETED INFORMATION FORM WITH THE COURT. IF THE INFORMATION
28 FORM HAS NOT BEEN COMPLETED AT THE TIME OF THE DETENTION
29 HEARING, THE COURT SHALL DIRECT THE PARENT OR LEGAL GUARDIAN TO

1 IMMEDIATELY COMPLETE THE FORM AND FILE IT WITH THE COURT. THE
2 SCREENING TEAM, PREADJUDICATION SERVICE PROGRAM, OR THE COURT
3 SHALL DELIVER A COPY OF THE INFORMATION REPORT TO THE DIVISION OF
4 YOUTH SERVICES; THE GUARDIAN AD LITEM, IF ANY; AND THE COUNTY
5 DEPARTMENT OF HUMAN OR SOCIAL SERVICES NO LATER THAN FIVE
6 BUSINESS DAYS AFTER THE DATE OF THE DETENTION HEARING."

7 Page 17, line 6, after "WITHOUT" insert "FORMAL".

8 Page 17, line 14, after "NO" insert "FORMAL".

9 Page 19, line 20, strike "FUNDS" and substitute "MONEY" and strike
10 "THAT" and substitute "AND".

11 Page 19, line 22, after "AGENCIES" insert "TO SERVE EACH JUDICIAL
12 DISTRICT" and after "provide" insert "REASONABLE AND NECESSARY".

13 Page 20, line 8, after "OFFICES" insert "OR THEIR DESIGNEES".

14 Page 20, line 11, strike "CONDUCT" and substitute "ON AND AFTER THIRTY
15 DAYS AFTER THE TOOL IS SELECTED, CONDUCT".

16 Page 20, line 13, strike "24-20-602" and substitute "24-20-602 (1)(c)".

17 Page 20, line 14, strike "19-2-510." and substitute "19-2-510 UNLESS A
18 DETERMINATION HAS ALREADY BEEN MADE TO DIVERT THE JUVENILE."

19 Page 20, strike lines 21 through 27 and substitute "THE TOOL. THE RISK
20 SCREENING TOOL IS TO BE USED TO INFORM ABOUT DECISIONS ABOUT
21 DIVERSION. THE RISK SCREENING TOOL AND ANY INFORMATION OBTAINED
22 FROM A JUVENILE IN THE COURSE OF ANY SCREENING, INCLUDING ANY
23 ADMISSION, CONFESSION, OR INCRIMINATING EVIDENCE, OBTAINED FROM
24 A JUVENILE IN THE COURSE OF ANY SCREENING OR ASSESSMENT IN
25 CONJUNCTION WITH PROCEEDINGS UNDER THIS SECTION OR MADE IN
26 ORDER TO PARTICIPATE IN A DIVERSION OR RESTORATIVE JUSTICE
27 PROGRAM IS NOT ADMISSIBLE INTO EVIDENCE IN ANY ADJUDICATORY
28 HEARING IN WHICH THE JUVENILE IS ACCUSED AND IS NOT SUBJECT TO
29 SUBPOENA OR ANY OTHER COURT PROCESS FOR USE IN ANY OTHER
30 PROCEEDING OR FOR ANY OTHER PURPOSE."

31 Page 21, strike lines 1 and 2.

32 Page 21, strike lines 11 through 13 and substitute:

- 1 "(IV) WHAT SERVICES, IF ANY, MAY BE OFFERED TO THE JUVENILE.
2 PROFESSIONALS INVOLVED WITH THE JUVENILE'S NEEDS, TREATMENT, AND
3 SERVICE PLANNING, INCLUDING DISTRICT ATTORNEYS,".
- 4 Page 21, line 16, strike "TREATMENT AND".
- 5 Page 22, line 27, strike "AND".
- 6 Page 22, after line 27, insert:
7 "(h) CHILD WELFARE INVOLVEMENT; AND".
- 8 Reletter succeeding paragraph accordingly.
- 9 Page 22, line 14, strike "JUSTICE" and substitute "JUSTICE, IN
10 COLLABORATION WITH DISTRICT ATTORNEYS OR DIVERSION PROGRAM
11 DIRECTORS WHO ACCEPT FORMULA MONEY AND PROGRAMS PROVIDING
12 JUVENILE DIVERSION SERVICES,".
- 13 Page 23, line 10, strike "PROVIDE" and substitute "OFFER".
- 14 Page 25, line 7, strike "19-2-506.5" and substitute "19-2-507.5".
- 15 Page 25, strike lines 9 through 11 and substitute:
16 "**19-2-507.5. Limitations on detention.** DETENTION IS NOT
17 PERMITTED FOR THE FOLLOWING:".
- 18 Page 25, strike lines 20 through 23.
- 19 Reletter succeeding paragraphs accordingly.
- 20 Page 26, line 5, strike "CONDITION." and substitute "CONDITION OR AN
21 INTELLECTUAL AND DEVELOPMENTAL DISABILITY.".
- 22 Page 30, line 18, strike "FORM AFFIDAVIT" and substitute "INFORMATION
23 FORM".
- 24 Page 31, line 12, strike "19-2-506.5," and substitute "19-2-507.5,".
- 25 Page 34, line 7, strike "THE" and substitute "ON AND AFTER THIRTY DAYS
26 AFTER THE SCREENING INSTRUMENT HAS BEEN DEVELOPED OR ADOPTED
27 PURSUANT TO SECTION 19-2-212, CONDUCT".
- 28 Page 47, line 16, strike "19-2-506.5 (2)," and substitute "19-2-507.5 (2),".

- 1 Page 49, line 24, strike "AND" and substitute "OR".
- 2 Page 49, line 26, strike "FORM AFFIDAVIT" and substitute "INFORMATION
3 FORM" and strike "(1)(h)" and substitute "(1)(a)(VII)".
- 4 Page 50, line 3, strike "(2)" and substitute "(2), (6),".
- 5 Page 50, strike lines 7 through 9 and substitute "health services, the court
6 shall immediately order a mental health screening of the juvenile pursuant
7 to section 16-11.9-102 ~~C.R.S.~~ USING".
- 8 Page 50, line 14, after "months." insert "BEFORE SENTENCING A JUVENILE,
9 THE COURT SHALL ORDER A MENTAL HEALTH SCREENING, USING THE
10 MENTAL HEALTH SCREENING TOOL SELECTED PURSUANT TO SECTION
11 24-20-602 (1)(b), OR MAKE A FINDING THAT THE SCREENING WOULD NOT
12 PROVIDE INFORMATION THAT WOULD BE HELPFUL IN SENTENCING THE
13 JUVENILE.".
- 14 Page 50, after line 18, insert:
15 "(6) Evidence or treatment obtained as a result of a mental health
16 screening or assessment ordered pursuant to this section, INCLUDING ANY
17 INFORMATION OBTAINED FROM THE JUVENILE IN THE COURSE OF A MENTAL
18 HEALTH SCREENING OR ASSESSMENT, shall BE USED ONLY TO DETERMINE
19 WHAT MENTAL HEALTH TREATMENT, IF ANY, TO PROVIDE TO THE
20 JUVENILE, AND WHETHER THE JUVENILE JUSTICE OR ANOTHER SERVICE
21 SYSTEM IS MOST APPROPRIATE TO PROVIDE THIS TREATMENT, AND MUST
22 NOT BE USED FOR ANY OTHER PURPOSE. THE MENTAL HEALTH SCREENING
23 OR ASSESSMENT AND ANY INFORMATION OBTAINED IN THE COURSE OF THE
24 MENTAL HEALTH SCREENING OR ASSESSMENT IS NOT SUBJECT TO
25 SUBPOENA OR ANY OTHER COURT PROCESS FOR USE IN ANY OTHER COURT
26 PROCEEDING AND IS not be admissible on the issues raised by a plea of not
27 guilty unless the juvenile places his or her mental health at issue. If the
28 juvenile places his or her mental health at issue, then either party may
29 introduce evidence obtained as a result of a mental health screening or
30 assessment. THE COURT SHALL KEEP ANY MENTAL HEALTH SCREENING OR
31 ASSESSMENT IN THE COURT FILE UNDER SEAL.".
- 32 Page 51, strike line 13 and substitute "NEEDS ADOPTED BY THE JUVENILE
33 JUSTICE REFORM COMMITTEE PURSUANT TO SECTION 24-20-602 (1)(b).".
- 34 Page 55, line 18, after "ASSESSMENT" insert "ADOPTED BY THE JUVENILE
35 JUSTICE REFORM COMMITTEE PURSUANT TO SECTION 24-20-602 (1)(b)"
36 and strike "IDENTIFY" and substitute "INFORM THE COURT OF".

- 1 Page 57, strike lines 11 through 20 and substitute:
2 "(5) WHENEVER A PROBATION OFFICE HAS REASONABLE CAUSE TO
3 BELIEVE THAT A JUVENILE HAS COMMITTED A VIOLATION OF THE TERMS
4 AND CONDITIONS OF PROBATION AND THAT GRADUATED RESPONSES
5 DEVELOPED PURSUANT TO SUBSECTION (4) OF THIS SECTION HAVE
6 PREVIOUSLY BEEN APPLIED OR WHEN THE NATURE OF THE VIOLATION
7 POSES A SUBSTANTIAL RISK OF SERIOUS HARM TO OTHERS, THE PROBATION
8 OFFICER, FOLLOWING THE APPROVAL OF HIS OR HER CHIEF PROBATION
9 OFFICER OR THE CHIEF'S DESIGNEE, SHALL PETITION THE COURT FOR
10 REVOCATION AND SHALL FILE WRITTEN INFORMATION WITH THE COURT
11 CONCERNING THE JUVENILE'S VIOLATION BEHAVIOR HISTORY AND THE
12 RESPONSES APPLIED PURSUANT TO THE GRADUATED RESPONSE SYSTEM
13 PURSUANT TO SUBSECTION (4) OF THIS SECTION."
- 14 Page 58, line 26, strike "*19-2-506.5*," and substitute "*19-2-507.5*."
- 15 Page 62, line 10, strike "WITHOUT LIMITATION".
- 16 Page 63, line 10, strike "19-2-506.5," and substitute "19-2-507.5,".
- 17 Page 68, after line 21, insert:
18 "**SECTION 31.** In Colorado Revised Statutes, 2-3-1203, **add**
19 (13)(a)(V) as follows:
20 **2-3-1203. Sunset review of advisory committees - legislative**
21 **declaration - definition - repeal.** (13)(a) The following statutory
22 authorizations for the designated advisory committees are scheduled for
23 repeal on September 1, 2022:
24 (V) THE JUVENILE JUSTICE REFORM COMMITTEE CREATED
25 PURSUANT TO SECTION 24-20-601."
- 26 Renumber succeeding section accordingly.

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