

SB21-071

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Buckner

1 Amend the Judiciary Committee Report, dated March 11, 2021, page 1,
2 strike lines 3 and 4 and substitute:

3 "Page 4, strike lines 19 through 24 and substitute "the protection of the
4 community. Any juvenile who is ORDERED held ~~without bail or whose~~
5 ~~bail or bail bond is revoked or increased under~~ AT THE DETENTION
6 HEARING OR PURSUANT TO an order entered at any time after the initial
7 detention hearing ~~pursuant to subsection (3) of this section~~ and who
8 remains in custody or detention must be tried on the charges ~~on which the~~
9 ~~bail is denied or the bail or bail bond is revoked or increased~~ within sixty
10 days after the entry of ~~such~~ THE COURT order DETAINING THE JUVENILE
11 or".

12 Page 2, strike lines 16 through 38.

13 Strike pages 3 and 4.

14 Page 5, strike lines 1 through 24 and substitute:

15 ""**SECTION 7.** In Colorado Revised Statutes, 19-2-212, **amend**
16 (1)(a) introductory portion, (1)(a)(VIII), (1)(a)(IX), and (1)(b)(I); and **add**
17 (1)(a)(X), (1)(a)(XI), (1)(a)(XII), (1)(a)(XIII), (1)(a.5), and (3) as follows:

18 **19-2-212. Working group for criteria for placement of juvenile**
19 **offenders - establishment of formula - review of criteria - report.**
20 (1) (a) The executive director of the department of human services and
21 the state court administrator of the judicial department, or any designees
22 of such persons, shall form a working group that ~~must include~~ INCLUDES
23 representatives from:

24 (VIII) Juvenile court judges and magistrates; ~~and~~

25 (IX) Local and county governments, including AT LEAST THREE
26 REPRESENTATIVES FROM county departments of human or social services;

27 (X) THE DIVISION OF YOUTH SERVICES;

28 (XI) THE DIVISION OF CHILD WELFARE;

29 (XII) THE LOCAL JUVENILE SERVICES PLANNING COMMITTEES,
30 CREATED IN SECTION 19-2-211; AND

31 (XIII) ORGANIZATIONS THAT ADVOCATE FOR YOUTH INVOLVED IN
32 THE JUVENILE JUSTICE SYSTEM.

33 (a.5) THE WORKING GROUP MUST ALSO INCLUDE AT LEAST TWO
34 PERSONS DIRECTLY AFFECTED BY THE INCARCERATION OF YOUTH, OF
35 WHOM, AT LEAST ONE PERSON WHO IS OR WAS A YOUTH IN THE CUSTODY
36 OF A DIVISION OF YOUTH SERVICES FACILITY.

1 (b) The working group shall carry out the following duties:
2 (I) To establish a set of criteria for both detention and
3 commitment for the purposes of determining which juvenile offenders are
4 appropriate for placement in the physical or legal custody of the
5 department of human services. Such criteria must conform with section
6 19-2-508. This set of criteria, when adopted by the department of human
7 services and the judicial department, must promote a more uniform
8 system of determining which juveniles should be placed in the physical
9 custody of the department of human services or in the legal custody of the
10 department of human services so that decisions for such placement of a
11 juvenile are made based upon a uniform set of criteria throughout the
12 state. In addition, the criteria shall specifically take into account the
13 educational needs of the juvenile and ensure the juvenile's access to
14 appropriate educational services. The working group established pursuant
15 to this subsection (1) shall hold a meeting at least ~~once~~ FOUR TIMES each
16 year and as necessary to review and propose revision to the criteria
17 established pursuant to this subsection (1) and the formula created
18 pursuant to subsection (1)(b)(V) of this section.
19 (3) (a) ON OR BEFORE OCTOBER 31, 2021, AND AT LEAST FOUR
20 TIMES EACH YEAR THEREAFTER AND AS NECESSARY TO PERFORM THE
21 DUTIES DESCRIBED IN THIS SUBSECTION (3), THE WORKING GROUP SHALL
22 CONVENE FOR THE PURPOSE OF EXAMINING THE AVAILABILITY OF
23 ALTERNATIVES TO YOUTH DETENTION AND THE USE OF DETENTION BEDS,
24 AND EXAMINING NECESSARY INVESTMENTS IN ALTERNATIVES TO YOUTH
25 DETENTION, INCLUDING LESS RESTRICTIVE PLACEMENTS THAT SERVE
26 ALLEGED AND ADJUDICATED JUVENILE OFFENDERS AND
27 COMMUNITY-BASED SERVICES THAT ALLOW ALLEGED AND ADJUDICATED
28 JUVENILE OFFENDERS TO LIVE WITH FAMILY OR KIN. THE WORKING GROUP
29 SHALL CARRY OUT THE FOLLOWING DUTIES:
30 (I) BY OCTOBER 31, 2022, THE WORKING GROUP SHALL DEVELOP
31 PERFORMANCE STANDARDS AND OUTCOME MEASURES TO EVALUATE THE
32 DEGREE TO WHICH ALLEGED AND ADJUDICATED OFFENDERS ARE IN THE
33 LEAST RESTRICTIVE SETTING WITH APPROPRIATE SERVICES. THE
34 PERFORMANCE STANDARDS AND OUTCOME MEASURES MUST:
35 (A) EVALUATE WHETHER THE NUMBER OF ALTERNATIVE
36 PLACEMENTS, RANGE OF SERVICES OFFERED BY SUCH PLACEMENTS, AND
37 COMMUNITY-BASED SERVICES AVAILABLE MEET THE NEEDS OF YOUTH IN
38 EACH JUDICIAL DISTRICT AND COUNTY; AND
39 (B) DETERMINE WHETHER AND HOW SPECIFIC DATA AND OUTCOME
40 MEASURES MUST BE REPORTED TO EVALUATE THE EFFICACY OF LESS
41 RESTRICTIVE PLACEMENTS AND COMMUNITY-BASED SERVICES.
42 (II) THE WORKING GROUP SHALL ADVISE THE DEPARTMENT OF
43 HUMAN SERVICES CONCERNING POLICIES, PROCEDURES, AND BEST

1 PRACTICES RELATED TO SERVING YOUTH IN THE LEAST RESTRICTIVE
2 SETTING.

3 (III) THE WORKING GROUP SHALL REVIEW THE DATA PROVIDED BY
4 THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO SUBSECTION (3)(b)
5 OF THIS SECTION, AND PROVIDE RECOMMENDATIONS:

6 (A) TO ENHANCE THE CONTINUUM OF COMMUNITY-BASED
7 SERVICES AND PLACEMENT OPTIONS FOR ALLEGED AND ADJUDICATED
8 JUVENILE OFFENDERS, INCLUDING RECOMMENDATIONS TO IMPROVE
9 AVAILABILITY AND QUALITY OF LESS RESTRICTIVE ALTERNATIVE
10 PLACEMENTS AND COMMUNITY-BASED SERVICES FOR YOUTH;

11 (B) REGARDING ANY FURTHER REDUCTION OF AVAILABLE
12 DETENTION BEDS AND THE ALLOCATION OF DETENTION BEDS ACROSS THE
13 STATE; AND

14 (C) FOR FUTURE DATA COLLECTION AND REPORTING TO ASSIST THE
15 WORKING GROUP IN COMPLETING ITS DUTIES.

16 (b) ON OR BEFORE JULY 1, 2023, AND ON OR BEFORE JULY 1 EACH
17 YEAR THEREAFTER, THE DEPARTMENT OF HUMAN SERVICES SHALL SUBMIT
18 A REPORT TO THE WORKING GROUP, THE JUDICIARY COMMITTEES OF THE
19 SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR
20 COMMITTEES, AND THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE
21 SENATE AND THE PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES
22 COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR
23 COMMITTEES, INCLUDING:

24 (I) AN ANALYSIS OF THE DATA COLLECTED IN ACCORDANCE WITH
25 THE PERFORMANCE STANDARDS AND OUTCOME MEASURES DEVELOPED
26 PURSUANT TO SUBSECTION (3)(a)(I) OF THIS SECTION, AND AN ANALYSIS
27 OF THE PROGRESS TOWARD MEETING THE PERFORMANCE STANDARDS AND
28 OUTCOME MEASURES DEVELOPED PURSUANT TO SUBSECTION (3)(a)(I) OF
29 THIS SECTION;

30 (II) THE STATUS OF IMPLEMENTATION OF EFFORTS GUIDED BY THE
31 WORKING GROUP'S RECOMMENDATIONS PURSUANT TO SUBSECTION
32 (3)(a)(II) OF THIS SECTION;

33 (III) AN ANALYSIS OF THE CONTINUUM OF IN-HOME AND OUT-OF-
34 HOME PLACEMENT OPTIONS AND SUPPORTS FOR ALLEGED JUVENILE
35 OFFENDERS, INCLUDING THE CURRENT AVAILABILITY CAPACITIES OF THE
36 OPTIONS AND SUPPORTS, INCLUDING:

37 (A) AN ANALYSIS OF THE AVAILABILITY OF AND DEMAND FOR LESS
38 RESTRICTIVE ALTERNATIVE PLACEMENTS IN EACH JUDICIAL DISTRICT AND
39 COUNTY, INCLUDING BUT NOT LIMITED TO RESIDENTIAL TREATMENT
40 FACILITIES, QUALIFIED RESIDENTIAL TREATMENT PROGRAMS,
41 NONQUALIFIED RESIDENTIAL TREATMENT PROGRAMS, RESIDENTIAL
42 COMMUNITY PLACEMENTS, SHELTER PLACEMENTS, AND FAMILY-TYPE
43 SETTINGS, INCLUDING BUT NOT LIMITED TO FOSTER CARE;

- 1 (B) AN ANALYSIS OF THE AVAILABILITY AND USE OF FUNDING FOR
2 LESS RESTRICTIVE ALTERNATIVE PLACEMENTS IN EACH JUDICIAL DISTRICT
3 AND COUNTY, INCLUDING BUT NOT LIMITED TO RESIDENTIAL TREATMENT
4 FACILITIES, QUALIFIED RESIDENTIAL TREATMENT PROGRAMS,
5 NONQUALIFIED RESIDENTIAL TREATMENT PROGRAMS, RESIDENTIAL
6 COMMUNITY PLACEMENTS, SHELTER PLACEMENTS, AND FAMILY-TYPE
7 SETTINGS, INCLUDING BUT NOT LIMITED TO FOSTER CARE;
- 8 (C) AN ANALYSIS OF THE AVAILABILITY OF AND DEMAND FOR
9 COMMUNITY-BASED SERVICES IN EACH JUDICIAL DISTRICT AND COUNTY
10 OFFERED TO ALLEGED AND ADJUDICATED JUVENILE OFFENDERS THAT
11 ASSIST IN ALLOWING CHILDREN TO LIVE WITH FAMILY OR KIN, INCLUDING
12 THE TYPES OF COMMUNITY-BASED SERVICES AVAILABLE AND CAPACITY
13 FOR EACH TYPE OF SERVICE IN EACH JUDICIAL DISTRICT AND COUNTY; AND
- 14 (D) AN ANALYSIS OF THE AVAILABILITY AND USE OF FUNDING FOR
15 COMMUNITY-BASED SERVICES IN EACH JUDICIAL DISTRICT AND COUNTY
16 OFFERED TO ALLEGED AND ADJUDICATED JUVENILE OFFENDERS,
17 INCLUDING THE AMOUNT OF FUNDING SPENT ON DIFFERENT TYPES OF
18 SERVICES.
- 19 (IV) AN ANALYSIS OF BARRIERS TO PLACING YOUTH IN LESS
20 RESTRICTIVE ALTERNATIVE PLACEMENTS;
- 21 (V) THE NUMBER OF YOUTH IN DETENTION AWAITING PLACEMENT
22 IN A LESS RESTRICTIVE COMMUNITY SETTING;
- 23 (VI) THE NUMBER OF YOUTH IN DETENTION CHARGED BY DIRECT
24 FILING PURSUANT TO SECTION 19-2-517 BY JUDICIAL DISTRICT OR COUNTY,
25 AND THE AVERAGE LENGTH OF STAY IN DETENTION FOR THESE YOUTH;
- 26 (VII) AN ANALYSIS OF THE NUMBER OF YOUTH PLACED IN LESS
27 RESTRICTIVE ALTERNATIVE PLACEMENTS, INCLUDING BUT NOT LIMITED TO
28 RESIDENTIAL TREATMENT FACILITIES, QUALIFIED RESIDENTIAL TREATMENT
29 PROGRAMS, NONQUALIFIED RESIDENTIAL TREATMENT PROGRAMS,
30 RESIDENTIAL COMMUNITY PLACEMENTS, SHELTER PLACEMENTS, AND
31 FAMILY-TYPE SETTINGS, INCLUDING BUT NOT LIMITED TO FOSTER CARE,
32 AND THE LENGTH OF STAY IN THESE PLACEMENTS FOR ALLEGED AND
33 ADJUDICATED OFFENDERS;
- 34 (VIII) AN ANALYSIS OF THE INVOLVEMENT OF YOUTH AND THEIR
35 FAMILIES, AND THEIR SATISFACTION WITH LESS RESTRICTIVE ALTERNATIVE
36 PLACEMENTS;
- 37 (IX) AN ANALYSIS OF THE NUMBER OF ALLEGED AND ADJUDICATED
38 JUVENILE OFFENDERS WHO ARE SERVED BY COUNTY HUMAN SERVICES
39 DEPARTMENTS THROUGH THEIR CHILD WELFARE SYSTEMS, PLACEMENT
40 OUTCOMES FOR THESE YOUTH, AND THE IMPACT ON THOSE COUNTY
41 DEPARTMENTS; AND
- 42 (X) THE RECOMMENDATIONS OF THE WORKING GROUP MADE
43 PURSUANT TO SUBSECTION (3)(a)(III) OF THIS SECTION.

1 (c) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORT
2 REQUIRED IN SUBSECTION (3)(b) OF THIS SECTION CONTINUES
3 INDEFINITELY."."

** *** ** *** **