

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0748.01 Jane Ritter x4342

**HOUSE BILL 17-1207**

**HOUSE SPONSORSHIP**

**Lee**, Arndt, Beckman, Buckner, Coleman, Exum, Herod, Hooton, Lawrence, Melton, Michaelson Jenet, Pabon, Pettersen, Salazar, Singer, Weissman

**SENATE SPONSORSHIP**

**Priola**,

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE REQUIREMENT FOR THE DEPARTMENT OF HUMAN**  
102         **SERVICES TO PLACE A JUVENILE WHO IS TEN YEARS OF AGE AND**  
103         **OLDER BUT LESS THAN THIRTEEN YEARS OF AGE IN A DETENTION**  
104         **FACILITY UNLESS THE JUVENILE IS CHARGED WITH A SERIOUS**  
105         **OFFENSE.**

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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 creates provisions that remove the requirements for the department of human services to receive, detain, or provide care for any

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

juvenile who is 10 years of age and older but less than 13 years of age, unless the juvenile has been arrested or adjudicated for a felony or a weapons charge that is a misdemeanor or felony. Provisions remain in statute for other programs and services for the age group that will no longer require placement of the juvenile in a detention facility.

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

2           **SECTION 1.** In Colorado Revised Statutes, **amend** 19-2-310 as  
3 follows:

4           **19-2-310. Appropriations to department of human services for**  
5           **services to juveniles.** (1) The general assembly shall appropriate ~~moneys~~  
6           MONEY for the provision of services to juveniles to the department of  
7           human services. ~~which~~ THE DEPARTMENT OF HUMAN SERVICES shall  
8           allocate such ~~moneys~~ MONEY by each judicial district in the state. Such  
9           appropriation and allocation shall be made based upon the formula  
10          developed in section 19-2-212 (1)(b). The department of human services  
11          shall administer ~~such~~ THE appropriated ~~moneys~~ ~~The~~ ~~moneys~~ MONEY. THE  
12          MONEY appropriated to the department of human services for allocation  
13          by each judicial district ~~shall~~ MUST be expended in ~~such~~ THE judicial  
14          district by the department of human services for services to juveniles that  
15          are intended to prevent the juvenile from being held in detention prior to  
16          adjudication, sentenced to detention, or committed to the department of  
17          human services or to reduce the length of time the juvenile is held in  
18          preadjudication or postadjudication detention or held in a commitment  
19          facility operated under section 19-2-403. If a judicial district has a local  
20          juvenile services planning committee, the expenditure of ~~moneys~~ MONEY  
21          for juvenile services in ~~such~~ THE judicial district shall be made in  
22          accordance with the plan developed pursuant to section 19-2-211.

23           (2) FOR THE PURPOSES OF THIS SECTION, A "JUVENILE" ALSO

1 INCLUDES A YOUTH TEN YEARS OF AGE AND OLDER BUT LESS THAN  
2 THIRTEEN YEARS OF AGE WHO RECEIVED A DISTRICT COURT FILING AND  
3 WHO OTHERWISE COULD NOT BE DETAINED.

4 **SECTION 2.** In Colorado Revised Statutes, 19-2-402, **amend**  
5 (1)(a); and **add** (1)(c) as follows:

6 **19-2-402. Juvenile detention services and facilities to be**  
7 **provided by department of human services - education.**  
8 (1) (a) EXCEPT AS PROVIDED IN SUBSECTION (1)(c) OF THIS SECTION, THE  
9 DEPARTMENT OF HUMAN SERVICES SHALL PROVIDE detention services for  
10 temporary care of a juvenile, pursuant to this ~~article~~, ~~shall be provided by~~  
11 ~~the department of human services, which~~ ARTICLE 2. THE DEPARTMENT  
12 OF HUMAN SERVICES shall consult on a regular basis with the court in any  
13 district where a detention facility is located concerning the detention  
14 program at that facility. The department OF HUMAN SERVICES may use  
15 staff secure facilities to provide preadjudication and postadjudication  
16 detention services.

17 (c) THE DEPARTMENT OF HUMAN SERVICES IS NOT REQUIRED TO  
18 RECEIVE AND PROVIDE CARE FOR ANY JUVENILE WHO IS TEN YEARS OF AGE  
19 AND OLDER BUT LESS THAN THIRTEEN YEARS OF AGE, UNLESS SUCH  
20 JUVENILE HAS BEEN ARRESTED OR ADJUDICATED FOR A FELONY OR  
21 WEAPONS CHARGE PURSUANT TO SECTION 18-12-102, 18-12-105, OR  
22 18-12-106.

23 **SECTION 3.** In Colorado Revised Statutes, 19-2-508, **amend** (2)  
24 and (3)(a)(III) introductory portion as follows:

25 **19-2-508. Detention and shelter - hearing - time limits -**  
26 **findings - review - confinement with adult offenders - restrictions.**

27 (2) (a) UNLESS PLACEMENT IS PROHIBITED PURSUANT TO SUBSECTION

1       (2)(b) OF THIS SECTION, when a juvenile is placed in a detention facility,  
2       in a temporary holding facility, or in a shelter facility designated by the  
3       court, the screening team shall promptly so notify the court, the district  
4       attorney, and the local office of the state public defender. The screening  
5       team shall also notify a parent or legal guardian or, if a parent or legal  
6       guardian cannot be located within the county, the person with whom the  
7       juvenile has been residing and inform him or her of the right to a prompt  
8       hearing to determine whether the juvenile is to be detained further. The  
9       court shall hold the detention hearing within forty-eight hours, excluding  
10      Saturdays, Sundays, and legal holidays. For a juvenile being held in  
11      detention on a warrant for violating a valid court order on a status  
12      offense, the court shall hold the detention hearing within twenty-four  
13      hours, excluding Saturdays, Sundays, and legal holidays.

14                   (b) A JUVENILE WHO IS TEN YEARS OF AGE AND OLDER BUT LESS  
15      THAN THIRTEEN YEARS OF AGE MAY NOT BE ORDERED TO DETENTION  
16      UNLESS THE JUVENILE HAS BEEN ARRESTED FOR A FELONY OR WEAPONS  
17      CHARGE PURSUANT TO SECTION 18-12-102, 18-12-105, OR 18-12-106.

18                   (3) (a) (III) With respect to this section, the court may further  
19      detain the juvenile only if the court finds from the information provided  
20      at the hearing that the juvenile is a danger to himself or herself or to the  
21      community; EXCEPT THAT A JUVENILE WHO IS TEN YEARS OF AGE AND  
22      OLDER BUT LESS THAN THIRTEEN YEARS OF AGE MAY NOT BE ORDERED TO  
23      FURTHER DETENTION UNLESS THE JUVENILE HAS BEEN ARRESTED OR  
24      ADJUDICATED FOR A FELONY OR WEAPONS CHARGE PURSUANT TO SECTION  
25      18-12-102, 18-12-105, OR 18-12-106. THE COURT SHALL RECEIVE any  
26      information having probative value ~~shall be received~~ regardless of its  
27      admissibility under the rules of evidence. In determining whether a

1 juvenile requires detention, the court shall consider any record of any  
2 prior adjudications of the juvenile. There ~~shall be~~ is a rebuttable  
3 presumption that a juvenile is a danger to himself or herself or to the  
4 community if:

5 **SECTION 4.** In Colorado Revised Statutes, 19-2-911, **amend** (1)  
6 as follows:

7 **19-2-911. Sentencing - alternative services - detention.**  
8 (1) Except as otherwise provided in section 19-2-601 for an aggravated  
9 juvenile offender and except as provided in subsection (2) of this section,  
10 the court may sentence the juvenile to alternative services funded through  
11 section 19-2-212 or other alternative services programs. If a juvenile who  
12 is ~~twelve~~ THIRTEEN years of age or older fails to make satisfactory  
13 progress in the alternative services to which he or she is sentenced or if  
14 the court finds that a sentence to alternative services would be contrary  
15 to the community interest, the court may sentence any juvenile  
16 adjudicated for an offense that would constitute a class 3, class 4, class 5,  
17 or class 6 felony or a misdemeanor WEAPONS CHARGE if committed by an  
18 adult to detention for a period not to exceed forty-five days. Release for  
19 purposes of work, therapy, education, or other good cause may be granted  
20 by the court. The court may not sentence to detention any juvenile  
21 adjudicated for an offense that would constitute a class 1 or class 2 felony  
22 if committed by an adult.

23 **SECTION 5. Safety clause.** The general assembly hereby finds,  
24 determines, and declares that this act is necessary for the immediate  
25 preservation of the public peace, health, and safety.