

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 17-0271.01 Kristen Forrestal x4217

**SENATE BILL 17-241**

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**SENATE SPONSORSHIP**

**Tate**, Kerr, Martinez Humenik, Moreno

**HOUSE SPONSORSHIP**

**Hooton**, Arndt, Nordberg, Thurlow

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**Senate Committees**

Judiciary

**House Committees**

Judiciary

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**A BILL FOR AN ACT**

101     **CONCERNING THE SCHEDULED REPEAL OF REPORTS BY THE JUDICIAL**

102     **DEPARTMENT TO THE GENERAL ASSEMBLY.**

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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/>.)*

**Statutory Revision Committee.** Pursuant to section 24-1-136 (11)(a)(I), Colorado Revised Statutes, any report that is required to be made to the general assembly by an executive agency or the judicial branch on a periodic basis expires on the day after the third anniversary of the date on which the first report was due unless the general assembly, acting by bill, continues the requirement. The bill addresses reporting

HOUSE  
Amended 2nd Reading  
April 7, 2017

SENATE  
3rd Reading Unamended  
March 30, 2017

SENATE  
Amended 2nd Reading  
March 29, 2017

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.*

requirements of the judiciary department.

**Sections 1 and 5 through 7** of the bill repeal reports that were scheduled to repeal according to section 24-1-136 (11)(a)(I). Currently there are no repeal dates listed in the organic statutes.

**Sections 2, 3, and 4** of the bill amend the organic statute to remove a requirement to send a report to the general assembly after the scheduled repeal date specified in section 24-1-136 (11)(a)(I).

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

2           **SECTION 1.** In Colorado Revised Statutes, 13-1-137, **amend (1)**

3           introductory portion as follows:

4           **13-1-137. Reporting of data concerning juvenile proceedings.**

5           (1) **NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the judicial branch**  
6           **shall report annually to the judiciary committees of the house of**  
7           **representatives and senate, or to any successor committees, information**  
8           **concerning:**

9           **SECTION 2.** In Colorado Revised Statutes, 13-3-115, **amend (6)**

10          as follows:

11           **13-3-115. Diversion funding committee.** (6) **NOTWITHSTANDING**  
12          **SECTION 24-1-136 (11)(a)(I), by January 31, 2015, and each January 31**  
13          **thereafter, the judicial department shall provide to the joint budget**  
14          **committee a status report that includes the information required by**  
15          **subsection (5) of this section.**

16           **SECTION 3.** In Colorado Revised Statutes, 13-91-105, **amend**

17          (1)(i) as follows:

18           **13-91-105. Duties of the office of the child's representative -**  
19          **guardian ad litem programs - CASA programs.** (1) In addition to any  
20          responsibilities assigned to it by the chief justice, the office of the child's  
21          representative shall:

22           (i) **NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), report the**

1 activities of the office of the child's representative to the members of the  
2 general assembly and to the state court administrator's office, together  
3 with the reports specified in paragraph (h) of this subsection (1), on or  
4 before September 1, 2001, and on or before September 1 of each year  
5 thereafter.

6 **SECTION 4.** In Colorado Revised Statutes, 13-92-104, **amend**  
7 (1)(e) as follows:

8 **13-92-104. Duties of the office of the respondent parents'**  
9 **counsel.** (1) The office has the following duties, at a minimum:

10 (e) Annually reviewing and evaluating the office's performance  
11 to determine whether the office is effectively and efficiently meeting the  
12 goals of improving child and family well-being and the duties set forth in  
13 this section. The report must be submitted on or before January 1, 2017,  
14 and annually thereafter, to ~~the members of the general assembly and the~~  
15 state court administrator's office.

16 **SECTION 5.** In Colorado Revised Statutes, 16-4-106, **amend** (6)  
17 introductory portion as follows:

18 **16-4-106. Pretrial services programs.** (6) Commencing July 1,  
19 2012, each pretrial services program established pursuant to this section  
20 shall provide an annual report to the judicial department no later than  
21 November 1 of each year, regardless of whether the program existed prior  
22 to May 31, 1991. **NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), the**  
23 **judicial department shall present an annual combined report to the house**  
24 **and senate judiciary committees of the house of representatives and the**  
25 **senate, or any successor committees, of the general assembly. The report**  
26 **to the judicial department must include, but is not limited to, the**  
27 **following information:**

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**SECTION 6. In Colorado Revised Statutes, 18-1.3-1011, amend**

3                   (1) introductory portion as follows:

4                   **18-1.3-1011. Annual report.** (1) NOTWITHSTANDING SECTION  
5                   24-1-136 (11)(a)(I), on or before November 1, 2000, and on or before  
6                   each November 1 thereafter, the department of corrections, the  
7                   department of public safety, and the judicial department shall submit a  
8                   report to the judiciary committees of the house of representatives and the  
9                   senate, or any successor committees, and to the joint budget committee  
10                   of the general assembly specifying, at a minimum:

11                   **SECTION 7. In Colorado Revised Statutes, 18-3-414.5, amend**

12                   (4) introductory portion as follows:

13                   **18-3-414.5. Sexually violent predators - assessment - annual**  
14                   **report.** (4) On or before January 15, 2008, and, NOTWITHSTANDING  
15                   SECTION 24-1-136 (11)(a)(I), on or before January 15 each year thereafter,  
16                   the judicial department and the department of corrections shall jointly  
17                   submit to the judiciary committees of the senate and the house of  
18                   representatives, or any successor committees, to the division of criminal  
19                   justice in the department of public safety, and to the governor a report  
20                   specifying the following information:

21                   **SECTION 8. In Colorado Revised Statutes, 19-2-907, amend**

22                   (5)(a) as follows:

23                   **19-2-907. Sentencing schedule - options.** (5) (a) Except as  
24                   otherwise provided in section 19-2-601 for an aggravated juvenile  
25                   offender, if the court finds that placement out of the home is necessary  
26                   and is in the best interests of the juvenile and the community, the court  
27                   shall place the juvenile, following the criteria established pursuant to

1 section 19-2-212, in the facility or setting that most appropriately meets  
2 the needs of the juvenile, the juvenile's family, and the community. In  
3 making its decision as to proper placement, the court shall utilize the  
4 evaluation for placement prepared pursuant to section 19-1-107 or the  
5 evaluation for placement required by section 19-1-115 (8)(e). Any  
6 placement recommendation in the evaluation prepared by the county  
7 department of social services shall be accorded great weight as the  
8 placement that most appropriately meets the needs of the juvenile, the  
9 juvenile's family, and the community. Such recommendation prepared by  
10 the county department of social services shall set forth specific facts and  
11 reasons for the placement recommendation. If the evaluation for  
12 placement recommends placement in a facility located in Colorado that  
13 can provide appropriate treatment and that will accept the juvenile, then  
14 the court shall not place the juvenile in a facility outside this state. If the  
15 court places the juvenile in a facility located in Colorado other than one  
16 recommended by the evaluation for placement, in a facility located  
17 outside this state in accordance with the evaluation for placement, or in  
18 a facility in which the average monthly cost exceeds the amount  
19 established by the general assembly in the general appropriation bill, it  
20 shall make specific findings of fact, including the monthly cost of the  
21 facility in which such juvenile is placed, relating to its placement  
22 decision. A copy of such findings shall be sent to the chief justice of the  
23 supreme court, who shall, NOTWITHSTANDING SECTION 24-1-136  
24 (11)(a)(I), report monthly to the joint budget committee and annually to  
25 the house and senate committees on health and human services, or any  
26 successor committees, on such placements. If the court commits the  
27 juvenile to the department of human services, it shall not make a specific

1 placement, nor shall the provisions of this subsection (5) relating to  
2 specific findings of fact be applicable.

3 **SECTION 9. Effective date.** (1) Except as otherwise provided  
4 in this section, this act takes effect upon passage.

5 (2) Section 4 of this act takes effect January 2, 2020.

6 **SECTION 10. Safety clause.** The general assembly hereby finds,  
7 determines, and declares that this act is necessary for the immediate  
8 preservation of the public peace, health, and safety.