

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0271.01 Kristen Forrestal x4217

SENATE BILL 17-241

SENATE SPONSORSHIP

Tate, Kerr, Martinez Humenik, Moreno

HOUSE SPONSORSHIP

Hooton, Arndt, Nordberg, Thurlow

Senate Committees

Judiciary

House Committees

Judiciary

A BILL FOR AN ACT

101 **CONCERNING THE SCHEDULED REPEAL OF REPORTS BY THE JUDICIAL
102 DEPARTMENT TO THE GENERAL ASSEMBLY.**

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

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.

SENATE
3rd Reading Unamended
March 30, 2017

SENATE
Amended 2nd Reading
March 29, 2017

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).

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.