

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

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

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.

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, **repeal** 13-1-137 as
3 follows:

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

5 (1) ~~The judicial branch shall report annually to the judiciary committees~~
6 ~~of the house of representatives and senate, or to any successor~~
7 ~~committees, information concerning:~~

8 (a) ~~The number of juvenile delinquency cases;~~

9 (b) ~~The number of juvenile delinquency cases that involved an~~
10 ~~appointment of counsel;~~

11 (c) ~~The number of juvenile cases that involved a waiver of~~
12 ~~counsel;~~

13 (d) ~~The status of recommended reviews to juvenile court rules,~~
14 ~~forms, and chief justice directives regarding the representation of children~~
15 ~~in juvenile delinquency courts; and~~

16 (e) ~~The number of juvenile delinquency cases that involved a~~
17 ~~detention hearing, the number of juveniles who were released after the~~
18 ~~detention hearing, and the number of juveniles who remained in detention~~
19 ~~after the detention hearing.~~

20 **SECTION 2.** In Colorado Revised Statutes, 13-3-115, **amend** (6)
21 as follows:

22 **13-3-115. Diversion funding committee.** (6) NOTWITHSTANDING

1 SECTION 24-1-136 (11)(a)(I), by January 31, 2015, and each January 31
2 thereafter, the judicial department shall provide to the joint budget
3 committee a status report that includes the information required by
4 subsection (5) of this section.

5 **SECTION 3.** In Colorado Revised Statutes, 13-91-105, **amend**
6 (1)(i) as follows:

7 **13-91-105. Duties of the office of the child's representative -**
8 **guardian ad litem programs - CASA programs.** (1) In addition to any
9 responsibilities assigned to it by the chief justice, the office of the child's
10 representative shall:

11 (i) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), report the
12 activities of the office of the child's representative to the members of the
13 general assembly and to the state court administrator's office, together
14 with the reports specified in paragraph (h) of this subsection (1), on or
15 before September 1, 2001, and on or before September 1 of each year
16 thereafter.

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

19 **13-92-104. Duties of the office of the respondent parents'**
20 **counsel.** (1) The office has the following duties, at a minimum:

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

27 **SECTION 5.** In Colorado Revised Statutes, 16-4-106, **amend** (6)

1 introductory portion as follows:

2 **16-4-106. Pretrial services programs.** (6) Commencing July 1,
3 2012, each pretrial services program established pursuant to this section
4 shall provide an annual report to the judicial department no later than
5 November 1 of each year, regardless of whether the program existed prior
6 to May 31, 1991. ~~The judicial department shall present an annual~~
7 ~~combined report to the house and senate judiciary committees of the~~
8 ~~house of representatives and the senate, or any successor committees, of~~
9 ~~the general assembly.~~ The report to the judicial department must include,
10 but is not limited to, the following information:

11 **SECTION 6.** In Colorado Revised Statutes, ~~repeal~~ 18-1.3-1011
12 as follows:

13 **18-1.3-1011. Annual report.** ~~(1) On or before November 1,~~
14 ~~2000, and on or before each November 1 thereafter, the department of~~
15 ~~corrections, the department of public safety, and the judicial department~~
16 ~~shall submit a report to the judiciary committees of the house of~~
17 ~~representatives and the senate, or any successor committees, and to the~~
18 ~~joint budget committee of the general assembly specifying, at a minimum:~~

19 ~~(a) The impact on the prison population, the parole population,~~
20 ~~and the probation population in the state due to the extended length of~~
21 ~~incarceration and supervision provided for in sections 18-1.3-1004,~~
22 ~~18-1.3-1006, and 18-1.3-1008;~~

23 ~~(b) The number of offenders placed in the intensive supervision~~
24 ~~parole program and the intensive supervision probation program and the~~
25 ~~length of supervision of offenders in said programs;~~

26 ~~(c) The number of sex offenders sentenced pursuant to this part~~
27 ~~10 who received parole release hearings and the number released on~~

1 ~~parole during the preceding twelve months, if any;~~

2 (d) The number of sex offenders sentenced pursuant to this part
3 10 who received parole or probation discharge hearings and the number
4 discharged from parole or probation during the preceding twelve months,
5 if any;

6 (e) The number of sex offenders sentenced pursuant to this part
7 10 who received parole or probation revocation hearings and the number
8 whose parole or probation was revoked during the preceding twelve
9 months, if any;

10 (f) A summary of the evaluation instruments developed by the
11 management board and use of the evaluation instruments in evaluating
12 sex offenders pursuant to this part 10;

13 (g) The availability of sex offender treatment providers
14 throughout the state, including location of the treatment providers, the
15 services provided, and the amount paid by offenders and by the state for
16 the services provided, and the manner of regulation and review of the
17 services provided by sex offender treatment providers;

18 (h) The average number of sex offenders sentenced pursuant to
19 this part 10 that participated in phase I and phase II of the department's
20 sex offender treatment and monitoring program during each month of the
21 preceding twelve months;

22 (i) The number of sex offenders sentenced pursuant to this part 10
23 who were denied admission to treatment in phase I and phase II of the
24 department's sex offender treatment and monitoring program for reasons
25 other than length of remaining sentence during each month of the
26 preceding twelve months;

27 (j) The number of sex offenders sentenced pursuant to this part 10

1 who were terminated from phase I and phase II of the department's sex
2 offender treatment and monitoring program during the preceding twelve
3 months and the reason for termination in each case;

4 (k) The average length of participation by sex offenders sentenced
5 pursuant to this part 10 in phase I and phase II of the department's sex
6 offender treatment and monitoring program during the preceding twelve
7 months;

8 (l) The number of sex offenders sentenced pursuant to this part 10
9 who were denied readmission to phase I and phase II of the department's
10 sex offender treatment and monitoring program after having previously
11 been terminated from the program during the preceding twelve months;

12 (m) The number of sex offenders sentenced pursuant to this part
13 10 who were recommended by the department's sex offender treatment
14 and monitoring program to the parole board for release on parole during
15 the preceding twelve months and whether the recommendation was
16 followed in each case; and

17 (n) The number of sex offenders sentenced pursuant to this part
18 10 who were recommended by the department's sex offender treatment
19 and monitoring program for placement in community corrections during
20 the preceding twelve months and whether the recommendation was
21 followed in each case.

22 **SECTION 7.** In Colorado Revised Statutes, 18-3-414.5, amend
23 (4) introductory portion as follows:

24 **18-3-414.5. Sexually violent predators - assessment - annual
25 report.** (4) On or before January 15, 2008, and on or before January 15
26 each year thereafter, the judicial department and the department of
27 corrections shall jointly submit to the judiciary committees of the senate

1 and the house of representatives, or any successor committees, to the
2 division of criminal justice in the department of public safety and to the
3 governor a report specifying the following information:

4 **SECTION 8.** In Colorado Revised Statutes, 19-2-907, **amend**
5 (5)(a) as follows:

6 **19-2-907. Sentencing schedule - options.** (5) (a) Except as
7 otherwise provided in section 19-2-601 for an aggravated juvenile
8 offender, if the court finds that placement out of the home is necessary
9 and is in the best interests of the juvenile and the community, the court
10 shall place the juvenile, following the criteria established pursuant to
11 section 19-2-212, in the facility or setting that most appropriately meets
12 the needs of the juvenile, the juvenile's family, and the community. In
13 making its decision as to proper placement, the court shall utilize the
14 evaluation for placement prepared pursuant to section 19-1-107 or the
15 evaluation for placement required by section 19-1-115 (8)(e). Any
16 placement recommendation in the evaluation prepared by the county
17 department of social services shall be accorded great weight as the
18 placement that most appropriately meets the needs of the juvenile, the
19 juvenile's family, and the community. Such recommendation prepared by
20 the county department of social services shall set forth specific facts and
21 reasons for the placement recommendation. If the evaluation for
22 placement recommends placement in a facility located in Colorado that
23 can provide appropriate treatment and that will accept the juvenile, then
24 the court shall not place the juvenile in a facility outside this state. If the
25 court places the juvenile in a facility located in Colorado other than one
26 recommended by the evaluation for placement, in a facility located
27 outside this state in accordance with the evaluation for placement, or in

1 a facility in which the average monthly cost exceeds the amount
2 established by the general assembly in the general appropriation bill, it
3 shall make specific findings of fact, including the monthly cost of the
4 facility in which such juvenile is placed, relating to its placement
5 decision. A copy of such findings shall be sent to the chief justice of the
6 supreme court. ~~who shall report monthly to the joint budget committee~~
7 ~~and annually to the house and senate committees on health and human~~
8 ~~services, or any successor committees, on such placements.~~ If the court
9 commits the juvenile to the department of human services, it shall not
10 make a specific placement, nor shall the provisions of this subsection (5)
11 relating to specific findings of fact be applicable.

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

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

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