

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. 17-0748.01 Jane Ritter x4342

**HOUSE BILL 17-1207**

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**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  
Appropriations

**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, AND, IN CONNECTION THEREWITH, REDUCING AN  
106           APPROPRIATION.**

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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

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.*

department of human services to receive, detain, or provide care for any 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 ~~money~~  
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 ~~money~~ 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 ~~money~~. The ~~money~~ 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 ~~money~~ 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.

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

7                   **19-2-402. Juvenile detention services and facilities to be**  
8                   **provided by department of human services - education.**

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

18 (c) THE DEPARTMENT OF HUMAN SERVICES IS NOT REQUIRED TO  
19 RECEIVE AND PROVIDE CARE FOR ANY JUVENILE WHO IS TEN YEARS OF AGE  
20 AND OLDER BUT LESS THAN THIRTEEN YEARS OF AGE, UNLESS SUCH  
21 JUVENILE HAS BEEN ARRESTED OR ADJUDICATED FOR A FELONY OR  
22 WEAPONS CHARGE PURSUANT TO SECTION 18-12-102, 18-12-105,  
23 18-12-106, OR 18-12-108.5.

24                   **SECTION 3.** In Colorado Revised Statutes, 19-2-507, **amend** (2)  
25                   as follows:

26 **19-2-507. Duty of officer - screening teams - notification -**  
27 **release or detention. (2) The juvenile shall be detained if The law**

1 enforcement officer or the court SHALL DETAIN THE JUVENILE IF THE LAW  
2 ENFORCEMENT OFFICER OR THE COURT determines that the juvenile's  
3 immediate welfare or the protection of the community require that the  
4 juvenile be detained REQUIRES DETAINMENT. In determining whether a  
5 juvenile requires detention, the law enforcement officer or the court shall  
6 follow criteria for the detention of juvenile offenders which criteria are  
7 established in accordance with section 19-2-212, AND SHALL MAKE A  
8 REASONABLE EFFORT, AS DEFINED IN SECTION 19-1-103 (89), TO KEEP THE  
9 JUVENILE WITH HIS OR HER PARENT, GUARDIAN, OR LEGAL CUSTODIAN.

10 **SECTION 4.** In Colorado Revised Statutes, 19-2-508, amend (2),  
11 (3)(a)(III) introductory portion, and (3)(a)(IV) introductory portion as  
12 follows:

13 **19-2-508. Detention and shelter - hearing - time limits -**  
14 **findings - review - confinement with adult offenders - restrictions.**  
15 (2) (a) UNLESS PLACEMENT IS PROHIBITED PURSUANT TO SUBSECTION  
16 (2)(b) OF THIS SECTION, when a juvenile is placed in a detention facility,  
17 in a temporary holding facility, or in a shelter facility designated by the  
18 court, the screening team shall promptly so notify the court, the district  
19 attorney, and the local office of the state public defender. The screening  
20 team shall also notify a parent or legal guardian or, if a parent or legal  
21 guardian cannot be located within the county, the person with whom the  
22 juvenile has been residing and inform him or her of the right to a prompt  
23 hearing to determine whether the juvenile is to be detained further. The  
24 court shall hold the detention hearing within forty-eight hours, excluding  
25 Saturdays, Sundays, and legal holidays. For a juvenile being held in  
26 detention on a warrant for violating a valid court order on a status  
27 offense, the court shall hold the detention hearing within twenty-four

1 hours, excluding Saturdays, Sundays, and legal holidays.

2 (b) A JUVENILE WHO IS TEN YEARS OF AGE AND OLDER BUT LESS  
3 THAN THIRTEEN YEARS OF AGE MAY NOT BE ORDERED TO DETENTION  
4 UNLESS THE JUVENILE HAS BEEN ARRESTED FOR A FELONY OR WEAPONS  
5 CHARGE PURSUANT TO SECTION 18-12-102, 18-12-105, 18-12-106, OR  
6 18-12-108.5.

7 (3) (a) (III) With respect to this section, the court may further  
8 detain the juvenile only if the court finds from the information provided  
9 at the hearing that the juvenile is a danger to himself or herself or to the  
10 community; EXCEPT THAT A JUVENILE WHO IS TEN YEARS OF AGE AND  
11 OLDER BUT LESS THAN THIRTEEN YEARS OF AGE MAY NOT BE ORDERED TO  
12 FURTHER DETENTION UNLESS THE JUVENILE HAS BEEN ARRESTED OR  
13 ADJUDICATED FOR A FELONY OR WEAPONS CHARGE PURSUANT TO SECTION  
14 18-12-102, 18-12-105, 18-12-106, OR 18-12-108.5. THE COURT SHALL  
15 RECEIVE any information having probative value ~~shall be received~~  
16 regardless of its admissibility under the rules of evidence. In determining  
17 whether a juvenile requires detention, the court shall consider any record  
18 of any prior adjudications of the juvenile. There ~~shall be~~ is a rebuttable  
19 presumption that a juvenile is a danger to himself or herself or to the  
20 community if:

21 (IV) At the conclusion of the hearing, the court shall enter one of  
22 the following orders, WHILE MAKING A REASONABLE EFFORT, AS DEFINED  
23 IN SECTION 19-1-103 (89), TO KEEP THE JUVENILE WITH HIS OR HER  
24 PARENT, GUARDIAN, OR LEGAL CUSTODIAN:

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

27 **19-2-911. Sentencing - alternative services - detention.**

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

16       **SECTION 6. Appropriation - adjustments to 2017 long bill.** To  
17       implement this act, the general fund appropriation made in the annual  
18       general appropriation act for the 2017-18 state fiscal year to the  
19       department of human services for use by the division of youth corrections  
20       for institutional programs is decreased by \$160,270.

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