

Report to the Colorado General Assembly:

RECOMMENDATIONS FOR 1988

JUVENILE OFFENDERS



COLORADO LEGISLATIVE COUNCIL

**RESEARCH PUBLICATION NO. 314
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COLORADO LEGISLATIVE COUNCIL
RECOMMENDATIONS FOR 1988

COMMITTEE ON
JUVENILE OFFENDERS

Legislative Council
Report to the
Colorado General Assembly

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To Members of the Fifty-sixth Colorado General Assembly:

Submitted herewith is the final report of the Committee on Juvenile Offenders. The committee was appointed by the Legislative Council pursuant to House Joint Resolution No. 1032, 1987 session.

At its meeting on November 18, the Legislative Council reviewed this report. A motion to forward the report and recommendations of the Committee on Juvenile Offenders to the Fifty-sixth General Assembly was also approved.

Respectfully submitted,

/s/ Senator Ted L. Strickland
Chairman, Colorado Legislative
Council

TLS/pn

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COMMITTEE ON JUVENILE OFFENDERS

Committee Charge

House Joint Resolution 1032 (1987 Session) directed that the Legislative Council appoint an interim committee to conduct an in-depth study of procedures for handling juvenile offenders from the time of arrest to incarceration. The study was to include but not be limited to:

- a) postarrest procedures for detention pending court disposition;
- b) court procedures for trial and disposition, including the role of court administrators and probation officers in processing juvenile offenders;
- c) placement of juvenile offenders in all programs of the Division of Youth Services and other disposition alternatives such as probation, placement in private facilities, or other detention settings; and
- d) an examination of follow-up services provided juveniles upon release from custody.

Committee Activities

As a result of testimony and committee discussion during the initial meeting, the committee determined that the focus of its study would: 1) consider restructuring the juvenile justice system to eliminate any duplication of services; 2) clarify in statute the agency responsible for the delivery of certain services to juvenile offenders to ensure their placement in an appropriate facility; and 3) standardize procedures and services for processing juveniles through the justice system to achieve statewide uniformity in the delivery of services. Committee members were divided into subcommittees for the purpose of making recommendations to the entire committee relative to the three major problem areas.

The full committee met seven times and the subcommittees met on numerous occasions. Throughout the interim, committee discussion centered on the following issues.

Committee Findings

- * The juvenile justice system operates without uniform written criteria for detention intake procedures. Consequently, these procedures vary from county to county.
- * Similar treatment services such as counseling and education may be provided to a juvenile throughout the juvenile justice process by various agencies with little coordination between these agencies.
- * Under the Children's Code, Title 19, C.R.S., the agency responsible for providing nonsecure/secure services for detention of youth prior to a detention hearing (the Division of Youth Services (DYS) or the Department of Social Services) is unclear. Therefore, juvenile offenders are placed wherever resources are available rather than in a proper placement setting.
- * The assessment of juveniles to determine the type of placement and treatment may occur at intake, during probation, and commitment. Assessments are provided by the courts, their probation departments, and DYS without utilization of a statewide common assessment instrument. Each agency's assessment process differs because the system does not have in place a common classification system for placement of juveniles.
- * Juveniles who are adjudicated delinquent may not always be placed in an appropriate facility by DYS because of a lack of bed space.
- * Agencies involved in the juvenile justice system are not mandated to share information on a particular juvenile offender.
- * Under the present juvenile justice system, similar functions such as probation and parole are performed by two separate departments.
- * Some juvenile delinquents are released on parole early from a secure institutional setting because of a lack of bed space.

Other concerns raised during the interim deliberations were: removing juveniles from adult jails; making early intervention resources available to juveniles through diversion programs; providing sufficient bed space for secure and nonsecure facilities; making on-going improvements to the Children's Code; and mainstreaming juvenile delinquents into the adult court system.

Numerous individuals involved in the juvenile justice system met with the committee -- the Division of Youth Services, the Division of Mental Health, the Department of Social Services, the Judicial Department, the Division of Criminal Justice, district attorneys, judges, members of the Jefferson County Children's Task Force, law enforcement officers, diversion program administrators, representatives of county sheriff's offices, and other interested persons. Barry Krisberg with the National Council on Crime and

Delinquency provided an overview of juvenile justice systems in other states.

The committee recommends seven bills and one resolution for consideration in the 1988 legislative session. The bills introduced will:

- 1) restructure the delivery of services to juveniles and clarify statutory responsibility by agencies in the system;
- 2) standardize procedures and services for processing juveniles;
- 3) implement a common classification system to determine placement of juveniles and their service needs during a staff assessment;
- 4) authorize the court to become more involved in the decision making process for placement and transfer of juveniles; and
- 5) reorganize the juvenile parole system including the Juvenile Parole Board and the Division of Juvenile Parole.

Committee Recommendations

Bills Relating to the Juvenile Justice System

Concerning a Restructure of the Service Delivery by Public Agencies Responsible for the Physical Care of Juvenile Offenders -- Bill 1

Bill 1 implements a uniform process for delivery of services to juveniles and clarifies statutory responsibilities by agencies providing services to juveniles. A summary of the major provisions of the bill follows.

Intake screening procedures. An "intake screener" is appointed by the chief judge in a judicial district as an officer of the court. Such person may be an employee of the Judicial Department, the Department of Institutions, or of a county department of social services. Intake screeners are required to use a common assessment instrument, criteria, and guidelines to evaluate and determine whether a juvenile taken into temporary custody should be placed in a secure (detention) or nonsecure (shelter) facility or released. The assessment instrument, criteria, and guidelines are developed through the coordinated efforts of the Department of Institutions (DOI), the Judicial Department, the Department of Social Services (DOSS), representatives of the directors of the county departments of social services, district attorneys, and sheriffs.

Statewide standardization of intake procedures will assist intake screeners in evaluating juveniles in a uniform and consistent manner.

Agency responsible for juveniles. The Department of Institutions is the agency responsible for the physical custody of a juvenile from the time he is taken into temporary custody up to fourteen days after arrest. This designation makes nonsecure/secure detention placements a responsibility of DOI during this period.

This provision clarifies the lines of responsibility for nonsecure/secure care of juvenile offenders between the Department of Institutions, DOSS, and the courts. Presently, the Colorado Children's Code does not specify the agency responsible for providing nonsecure detention services to juveniles.

Temporary legal custody/transfer. The temporary legal custody of a juvenile is transferred after the first fourteen days from DOI to the county department of social services if nonsecure care is ordered by the court. If secure care is ordered, legal custody will remain with the Department of Institutions. This provision clarifies the agency responsible for administering nonsecure residential programs for juveniles following a detention hearing and preceding an adjudicatory hearing.

Staff assessment. Bill 1 provides for a staff assessment after a detention hearing and prior to an adjudicatory hearing. The

assessment is conducted by the Departments of Social Services and Institutions and when appropriate, with assistance of the probation department, school personnel, and the Division of Mental Health. The staff assessment is to determine the appropriate level of care and services to be provided a juvenile delinquent after the first fourteen days pending court disposition. The agencies are to submit a joint recommendation to the court for its approval.

This staff assessment allows agencies involved in the juvenile justice system to discuss and become familiar with a particular juvenile's case.

Additional staff assessment. Another staff assessment is required utilizing statewide placement criteria once a juvenile is adjudicated delinquent and prior to his sentencing. This assessment will aid in determining the type of secure facility and the services a juvenile delinquent should be provided as part of his treatment plan during commitment to DOI.

Standardized placement criteria. Bill 1 requires that standardized statewide placement criteria be developed jointly by youth service agencies such as DOI, state and county departments of social services, the Department of Education, the Judicial Department, district attorneys, and sheriffs.

The creation of these criteria will allow agencies to submit recommendations prior to a court order for placement of a juvenile who has been adjudicated delinquent. The agencies involved in the process will be better prepared to assume custody of a juvenile. Presently, the court acts on the recommendation of the probation department that conducts a social history on the juvenile.

Confidentiality guidelines. Confidentiality guidelines are established for the sharing of case information between agencies. A youth is protected by limiting the disclosure of records only to youth-serving professionals.

Concerning an Independent Study of the Juvenile Justice System -- Bill 2

Juvenile justice system study. Bill 2 requires that the Legislative Council contract a study of the juvenile justice system by an independent agency. The bill specifies what the scope of this study should include and that the designated independent agency must work under the guidance of a standing legislative committee or an interim committee of the Legislative Council. Progress reports are to be submitted to the oversight committee and a final report is to be delivered to the General Assembly no later than January 1, 1990. No estimate is made of the cost of such a study.

The committee was concerned over the lack of sufficient time to properly address problem areas within the juvenile justice system.

Because the system in Colorado has been viewed as a model system by other states, the committee decided that a study should be conducted by an independent agency. A study, objective in its findings and recommendations, may be difficult to achieve if conducted by agencies directly involved in the system.

Concerning a Definition of "Diversion" for the Purposes of the "Colorado Children's Code" -- Bill 3

Definition of diversion. Bill 3 defines the term "diversion" as a decision made by a person of authority in the juvenile justice system which prevents further involvement of a juvenile in the legal system. A juvenile may be diverted from the system at one of three points: (1) at the pre-trial stage as an alternative to the filing of a delinquency petition; (2) at the post-adjudication level as an adjunct to probation services following an adjudicatory hearing; or (3) at the disposition stage as a part of sentencing.

The services provided through diversion programs may include, but are not limited to, diagnostic needs assessment, restitution programs, community service, job training and placement, specialized tutoring, recreational activities, general counseling, and follow-up activities.

The meaning of diversion, the various types of diversion programs available, and when the programs are used in the legal process are often misunderstood. Bill 3 defines the term "diversion," clarifies when a juvenile may be diverted out of the legal system, and lists the types of services provided under such programs.

Concerning a Reorganization of the Juvenile Parole System and Providing for a Transfer of Certain Juvenile Parole Functions from the Department of Institutions to the Judicial Department and the Department of Public Safety -- Bill 4

Reorganization of juvenile parole board. The Juvenile Parole Board is reorganized in Bill 4. The number of board members is reduced and board members are prohibited from holding any other state or local government office or employment. In addition, Bill 4 eliminates the juvenile parole hearing panel under the Juvenile Parole Board and the use of administrative law judges in parole proceedings. The duties of the panel and these judges are transferred to the parole board members. The Juvenile Parole Board is transferred from the Department of Institutions to the Department of Public Safety.

The intent of the reorganization and the administrative transfer of the board is to create a parole system which bases parole decisions on whether a juvenile poses a threat to society and his ability to adjust to a community setting rather than on available bed space in an institution. The transfer of the board will make it independent of the agency responsible for the custody of committed juvenile delinquents.

Juvenile parole division/board transfer. The powers, duties, and functions of the Division of Juvenile Parole are transferred in Bill 4 from DOI to the Judicial Department and the Juvenile Parole Board is transferred to the Department of Public Safety. The titles of juvenile parole officers are changed to juvenile probation officers. These provisions parallel Bill 5.

Such a transfer will combine two similar functions (probation and parole) under the same department.

Length of juvenile parole. The length of juvenile parole is set at a maximum of two years following a juvenile's commitment. This change allows a juvenile delinquent to be supervised for a longer time after release into the community.

Notice of parole hearing. Bill 4 directs that notice of a parole hearing be given to the court, the district attorney, and the defense counsel. It also authorizes that notice of a parole hearing be given to law enforcement personnel, the probation department, and the Department of Social Services upon request.

These requirements provide that a community be alerted that a committed juvenile delinquent is being considered for parole. Thus public agencies are provided with an opportunity to comment on a parole decision.

Concerning the Reorganization of Certain Post-adjudication Functions Relating to Juvenile Offenders, the Transfer of These Functions from the Department of Institutions to the Judicial Department and for Notice of Transfers of Juveniles and for a Streamlined Process for Parole Proceedings -- Bill 5

Examination/evaluation function. Bill 5 transfers from DOI to the Judicial Department the function of examining and evaluating juveniles. This function is to be performed by the probation department prior to sentencing of any juvenile. Recommendations based on this examination and evaluation must be submitted to the court.

An in-depth examination and evaluation of a juvenile offender will aid in determining placement of a juvenile committed to DOI. The transfer of resources under the Department of Institutions to the Judicial Department will also eliminate the duplication of functions.

Transfer of Division of Juvenile Parole. Bill 5 transfers to the Judicial Department the powers, duties, and functions of the Division of Juvenile Parole (DOI). The titles of juvenile parole officers are changed to juvenile probation officers.

This transfer allows probation officers to perform the same function as parole officers in areas of the state where parole officers are not stationed and eliminates duplicate administration.

Reorganization of Juvenile Parole Board. Bill 5 eliminates the use of hearing panels and administrative law judges in parole proceedings and transfers their duties to the Juvenile Parole Board. This bill is recommended to streamline juvenile parole proceedings and to create a more independent parole hearing process.

Court involvement -- placement decisions. Bill 5 mandates that the placement of a juvenile committed to DOI be consistent with any order of the court, including a determination of whether a juvenile will be placed in a community setting or a secure setting. The court becomes involved in determining whether a juvenile is ready for a community setting and not a threat to society or himself.

Notification procedures for transfer of juveniles. Bill 5 requires that written notice be given to the court and the district attorney before any juvenile delinquent is transferred from a secure facility to a nonsecure facility. The court or the district attorney may set a hearing to review the proposed transfer. This process allows interested parties to comment on a decision to transfer a juvenile into the community.

Joint Resolution A

The juvenile justice system is complex and has major problems which are difficult to solve during a single interim study. Continuation of a study of the juvenile justice system would better enable the General Assembly to carefully identify whether there is a lack of resources, the need for standardization of services provided to juvenile offenders, and other problem areas not addressed in detail during the interim.

Joint Resolution A directs that the committee continue its study during the Second Regular Session and in the interim of the Fifty-sixth General Assembly. The committee is to report its recommendations and findings to the First Regular Session of the Fifty-seventh General Assembly.

Background Report

I. Processing of Juvenile Offenders Through the Legal System

The current Colorado juvenile justice proceedings for handling juvenile offenders from the time of temporary custody or arrest to commitment are summarized below.

Temporary Custody

Juveniles may be placed in temporary custody by law enforcement officers when a lawful warrant has been executed or without a court order if reasonable grounds exist to believe that a juvenile has committed a delinquent act. A delinquent act is defined as a violation of any federal or state law, county or municipal ordinance, or lawful order of the court, except nonfelony state traffic, game and fish, and parks and recreation laws or regulations. Temporary custody does not constitute an arrest or initiate a police record. (Colorado Children's Code, Title 19, C.R.S.)

Notification Procedures

Once a juvenile is taken into temporary custody, a responsible person (the parent, guardian, or legal custodian) must be notified in a timely manner by the law enforcement officer. The responsible person must be informed that the juvenile has a right to a hearing within 48 hours if placed in detention. It is decided at this hearing whether the juvenile is to be detained further.

Intake Procedures

Intake is the first step in the processing of juveniles. At this time, it must be decided whether a juvenile will be held in custody or released. The chief judge in each judicial district appoints a person (intake screener) from the Judicial Department, DOI, or the county department of social services as an officer of the court. The screener then decides if the juvenile should be released to a parent, guardian, or other legal custodian, or admitted to a detention or shelter facility pending notification to the court and a detention hearing. (Colorado Rules of Juvenile Procedure, Rule 24, Shelter and Detention.)

Detention facility. Detention is the temporary care of a juvenile in a physically restrictive facility. A juvenile may be held here if the court officer (intake screener) determines that the juvenile's immediate welfare or the protection of the community requires physical restriction. A juvenile is not to be admitted to a detention facility unless a law enforcement agency requests that the

juvenile be detained because the alleged act would constitute a felony if committed by an adult.

Shelter facility. A shelter provides temporary care of a juvenile in a physically unrestrictive facility. Juveniles placed here are those who the court has assessed must be removed from their homes for their immediate welfare, but do not require physical restriction.

Release to parents. The intake screener is authorized to release a juvenile to a parent, guardian, or other legal custodian. The release of the juvenile may be made either without restriction or upon a written promise that the juvenile will be brought to the detention hearing.

Detention Hearing

If an intake screener has assessed that a juvenile is to be detained prior to his arrest, the court must hold a detention hearing within 48 hours, excluding Saturdays, Sundays, and court holidays, from the time the juvenile is taken into temporary custody. This hearing is to determine whether a juvenile should be detained further pending sentencing. If released, the court defines the conditions under which release is granted.

Closing of hearing. On conclusion of this hearing, the court must issue one of the following orders:

- 1) that the juvenile be released to the custody of a parent, guardian, or legal custodian without posting of bond;
- 2) that the juvenile be placed in a shelter facility;
- 3) that bail be set and the juvenile be released upon posting of bail; and
- 4) that bail not be set and the juvenile be detained without bail after finding that he is a danger to himself or the community. (Section 19-2-204, C.R.S.)

Further detention. If a court orders continued detention of a juvenile and before the case may proceed to court adjudication, a petition must be filed by the district attorney alleging the juvenile is delinquent and stating the facts which bring him under court jurisdiction. The juvenile is then held pending a hearing on the petition.

Advisement Hearing

The advisement hearing is the first hearing after a petition has been filed. At this time, the court advises the juvenile and the responsible person of their constitutional and legal rights. The juvenile or his legal guardian may request counsel or the court may appoint counsel.

Preliminary Hearing

A preliminary hearing is conducted to determine whether probable cause exists to believe that the delinquent act declared in the petition was committed. The district attorney or the juvenile accused of a delinquent act may request and be granted a preliminary hearing if the act is a felony or a class 1 misdemeanor. A written motion for a hearing must be filed not later than ten days after the advisement hearing and scheduled within 30 days of the filing of the motion. If a juvenile is not being held, a hearing is scheduled as promptly as the court's calendar permits. (Section 19-2-404, C.R.S.)

Juveniles' rights. During this hearing, the juvenile is not required to enter a plea of guilty or not guilty. He may cross-examine any witnesses against him and introduce evidence in his own behalf.

Probable cause. If the court determines that probable cause exists, this finding is recorded and an adjudicatory trial is scheduled. A delinquency petition is dismissed and the juvenile is discharged if probable cause does not exist. A request for review of the preliminary hearing findings may be filed by an interested party.

Adjudicatory Trial

At the adjudicatory trial, the court considers whether the allegations of the petition are supported by evidence beyond a reasonable doubt. (Section 19-2-504, C.R.S.)

Not guilty. If the juvenile is found not guilty, the court dismisses the petition and discharges the juvenile from any previous detention or restrictions.

Found guilty. If the juvenile is found guilty, the court then proceeds to sentencing or directs that a separate sentencing hearing be scheduled.

Sentencing Hearing

If a juvenile offender is found guilty, the court will hear evidence to determine the disposition of such juvenile which best serves the interests of the juvenile and the public. Such evidence is

to include, but not be limited to, a social study or other reports relating to the child's mental, physical, and social history. Unless waived by the court, the court's probation department or other agency designated by the court makes a social study report on the juvenile in question.

Upon closure of a sentencing hearing, the court may decide to: (a) continue the sentencing hearing; (b) order the juvenile to be placed out of the home; (c) grant a deferral of adjudication, at which time the court may place the juvenile under probation supervision; or (d) commit him to the Department of Institutions. (Section 19-2-701, C.R.S.)

Preliminary Investigation

Other options are utilized to keep a juvenile offender from being committed to the Department of Institutions. A high percentage of juveniles have been diverted out of the system through a preliminary investigation.

A preliminary investigation is an alternative to filing a charge against a juvenile who has been arrested for committing a crime. Upon request of the district attorney, the court may request that an investigation be completed by the court's probation department, the county department of social services, or another agency designated by the court. The investigation assesses whether further disciplinary action is required on behalf of the interests of the youth or community.

Based on the findings of the preliminary investigation, the court may: 1) decide that further legal action is not required; 2) make an informal adjustment; or 3) authorize a petition to be filed. (Section 19-2-301, C.R.S.)

Informal adjustment. The district attorney may request of the court at any time -- either before, during, or after the filing of a petition -- that a case be handled as an informal adjustment. The purpose of an informal adjustment is to promote rehabilitation of a juvenile without a charge against him. An adjustment may extend up to six months. During this period, the child and responsible person are counseled and provided guidance to promote rehabilitation. The court may also place the juvenile under the supervision of a probation department or other designated agency.

A juvenile who has previously had an informal adjustment, or who was charged with a delinquent act in the preceding twelve months, will not be granted another informal adjustment. These juveniles and others, who are not diverted elsewhere, must proceed to an advisement hearing.

Juvenile Diversion Programs

If a district attorney, police officer, or intake screener decides not to process a juvenile through the legal system, he may be referred to a diversion program. The General Assembly authorized the establishment of juvenile diversion programs to provide community-based alternatives to processing juveniles through the formal juvenile court system. Juveniles may be sent to a diversion program as an alternative to:

- filing a delinquency petition (pre-trial diversion);
- proceeding through an adjudicatory hearing (pre-adjudication diversion) when the court considers whether the allegations of a petition are supported by sufficient evidence; or
- before the disposition of a juvenile adjudicated delinquent (post-adjudication diversion). (Section 19-2-303, C.R.S.)

Diversion programs include services of diagnostic needs assessment, general counseling, specialized tutoring, community service, job training and placement, and follow-up activities.

Juveniles eligible for diversion programs are those who have been taken into temporary custody more than once for crimes which constitute misdemeanors or one time for a crime which constitutes a felony. A juvenile's record will be expunged if he abides by the diversion program requirements. However, if the diversion program is not completed, he may be sent back to court.

Before a juvenile is admitted to a diversion program, he must admit he is guilty of the offense and sign a contract agreeing to the terms of diversion. In diversion, a juvenile is intensely supervised for the duration of the contract. Therefore, a juvenile does not become immersed in the legal system. He will not be adjudicated delinquent if further crime is not committed and terms of the contracts are honored. If the juvenile is arrested for committing another offense, the original charges are filed with charges for the new offense.

See Appendix A on page 26 which is a chart of the juvenile justice system process pursuant to the Colorado Children's Code.

II. Agencies Responsible for Providing Services to Juvenile Offenders

The Department of Institutions, the Judicial Department, the Department of Public Safety, and the Department of Social Services have statutory responsibility to provide services to juvenile offenders. The following explains the services of each department.

Division of Youth Services -- Department of Institutions

The Division of Youth Services (DYS) administers programs and contracts with private agencies that provide services to juveniles aged 10 to 18 who have histories of delinquent behavior. These services range from community-based day treatment programs to secure institutional programs which include institutions, paid placement facilities (group homes), detention centers, and parole supervision. Youths committed to DYS have been adjudicated delinquent by the juvenile courts for committing offenses which would be considered a crime if committed by an adult. Upon commitment of a juvenile delinquent, DYS staff determines whether he will be sent to a secure institution or to a paid placement facility.

Institutions. The Division of Youth Services operates institutional programs which provide for care, education, job training, treatment, and rehabilitation of juveniles legally committed to its custody. These institutions vary in the level of security. DYS places juvenile delinquents who are a serious threat to society or themselves in a highly secure institutional facility. For example, the Mount View School (training school) in Jefferson County serves the most severe of the chronic youth offenders who have demonstrated a need for a high degree of security and program structure.

Paid placement facilities. Community group homes serve as alternatives to institutionalization (Institutional Paid Placement) and as a placement option for youths who are unable to return home following institutionalization (Aftercare Paid Placement). DYS contracts for these community-based corrections programs. Funds from the paid placement program are earmarked for special types of placement such as foster care and emergency care. Emergency care is offered to parolees as an alternative to their confinement in either county jails or juvenile detention centers. Other services include assisting youths in their adjustment to independent living situations and providing psychological consultation and medical services. A juvenile is placed in a community corrections program if designated by the division.

Detention centers. The DYS operates six regional secure detention centers. These centers provide temporary care and services to youths who are awaiting either court disposition after being taken into temporary custody and arrested, or execution of a court order for placement or commitment after an adjudicatory hearing. Committed

youths may be tested and evaluated at a detention facility to determine each individual's treatment needs and program placement (i.e., open or secure, institutional or community alternative).

Secure detention centers also serve youths sentenced for up to 45 days as a condition of probation. Services at these centers include intake screening, residential care, group activities, access to educational programs, and individual counseling.

Division of Juvenile Parole -- Department of Institutions

The Division of Juvenile Parole (DJP) has juvenile parole officers in each of the state's 22 judicial districts. Parole officers are responsible for supervising juvenile delinquents who are on parole from one of the facilities of the Department of Institutions.

Each juvenile is assigned a parole officer upon commitment to the department. This officer assists the youth in adjusting to an institutional or alternative treatment program. A parole officer also facilitates a juvenile's integration back into the community after release from an institutional treatment program and maintains periodic contact with the juvenile under a treatment program, on home leave, or on pre-release leave. Parole supervision is provided from the time a juvenile is released from an institution to the time of discharge from DYS jurisdiction.

The Juvenile Parole Board is petitioned for release if the parole officer and treatment staff determine that a juvenile meets the following criteria: has progressed significantly towards his treatment objectives; is not an immediate danger to himself or others; and has had a community placement plan developed for him. If granted parole, a parole officer assists to prepare the juvenile and his family for his release to home, an independent living situation, or an alternative residential placement.

Juvenile Parole Board -- Department of Institutions

The Juvenile Parole Board is comprised of seven members appointed by the Governor. Of five voting members, two are appointed from the administrative staffs of the Departments of Social Services and Institutions, one from the Department of Education, and one from the Division of Employment and Training. Two are nonvoting members, one from the Lookout Mountain School staff and the other from the Mount View School.

The Juvenile Parole Board has the authority to grant, defer, suspend, or revoke the parole of a juvenile committed to the Department of Institutions. Each juvenile is considered for parole within one year after commitment. The board also establishes criteria under which its parole decisions are made. (Section 19-2-1202, C.R.S.)

A juvenile is not to be placed on parole for longer than two years after the original grant of parole unless an extension is found to be in the best interests of the juvenile and the public subsequent to a hearing. Hearing panels consisting of one voting member of the board and an administrative law judge interview and review the record of each juvenile who comes before the board. The hearing panel may grant, defer, suspend, revoke, extend, or specify conditions of parole for each juvenile or release him from parole supervision subject to review by the entire board.

Division of Mental Health -- Department of Institutions

The Division of Mental Health (DMH) provides statewide services to chronically, critically, and seriously mentally ill persons, including juvenile delinquents. The division operates institutions and community-based programs for mentally ill patients. When a juvenile in temporary custody is diagnosed as mentally ill, a pre-screening test is conducted to affirm the diagnosis. If it is positively affirmed, the court orders admission of the juvenile into a mental hospital. If the assessment is negative, DMH will communicate with detention center personnel for placement of the juvenile.

Probation Services -- Judicial Department

Probation officers provide supervision and other services to juvenile offenders placed on probation by the court. A probation officer counsels a juvenile and performs other services directed by the court. A probation officer provides the juvenile with a written statement and explanation of the terms and conditions of his probation and keeps the court informed of the juvenile's conduct. (Section 19-2-1002, C.R.S.)

Division of Criminal Justice -- Department of Public Safety

Diversion programs. As of July 1, 1987, the Division of Criminal Justice (DCJ) has administered juvenile diversion programs previously administered by the Department of Institutions. Juvenile offenders are placed in diversion programs as an alternative to being processed through the formal juvenile court system. Diversion programs provide community-based day treatment services to youths who are referred by police, district attorneys, the courts, schools, social agencies, or parents.

Juveniles eligible for diversion services are defined as having had a minimum of two arrests for misdemeanors or one arrest for a felony charge. These criteria were developed to ensure that juveniles receiving services are those who have committed serious offenses. Services in diversion include community service, job training and placement, specialized tutoring, recreational activities, and counseling.

Data collection. In cooperation with other agencies, DCJ collects and disseminates information concerning crime and criminal justice for the purpose of analyzing problems confronting the criminal justice system and recommending solutions to those problems. (Section 24-33.5-503, C.R.S.)

Division of Services to Families and Children -- Department of Social Services

The Division of Services to Families and Children provides child welfare services such as shelter, sustenance, and guidance to youths who are likely to become juvenile delinquents if such services are not available. For example, a juvenile offender taken into temporary custody and not in need of secure care or unable to return home pending a detention hearing, should be sent (but are not always sent) to a shelter facility administered by the division under DOSS. A shelter offers temporary care to juveniles in a physically unrestricting facility. The division also licenses facilities which provide temporary residential care for juveniles diagnosed at intake as dependent and neglected youth.

Appendix B on page 27 provides statutory citations and a summary of the departments' mandate to provide services to juvenile offenders.

approximately 50 percent are adjudicated delinquents needing secure care in a detention facility, yet are placed in a nonsecure shelter facility licensed by the Department of Social Services.

Because of a lack of bed space in secure facilities, legal custody of these juveniles has been granted to the Department of Social Services rather than to DYS. Consequently, more adjudicated juveniles have been placed in shelter programs of the Department of Social Services than the department had initially anticipated. Shelter facilities were established to serve juveniles unable to return home and not requiring secure care.

Representatives of the Department of Social Services and the Division of Youth Services were concerned about clarification of their statutory responsibility in the juvenile justice system. It was proposed that DYS be responsible for the physical custody of a juvenile offender from the time he is taken into temporary custody up to fourteen days after arrest. In order to provide better placement of juveniles in nonsecure/secure facilities, Bill 1 requires DYS to provide both nonsecure and secure care to all juveniles for the first fourteen days. In addition, the bill authorizes the court to determine after the fourteen day period whether a juvenile is placed in a nonsecure residential facility with DOSS pending an adjudicatory hearing or under secure care with the Division of Youth Services.

Standardized, Statewide Placement Criteria

The assessment of juveniles to determine placement and treatment is conducted by various youth service agencies and in an inconsistent manner. For example, juvenile offenders are assessed during probation and commitment by the probation department and DYS respectively without utilization of standardized criteria. The DYS's current assessment program to determine placement and treatment of juveniles measures the level of risk and takes into consideration a juvenile's past behavior and record, his age, the number of times he has committed an offense, use of drugs and alcohol, mental health, and previous incidents of running away from home. On the other hand, the assessment procedures utilized by the courts are not based on individual needs but rather on the type of offense committed.

It is proposed that standardized, statewide placement criteria be developed jointly by DOSS, DYS, the Judicial Department, representatives of the directors of the county departments of social services, district attorneys, sheriffs, and other relevant agencies. Standardized assessment procedures are to create a common classification system for agencies to identify the appropriate level of placement and treatment needs of juveniles throughout the process. This process may eliminate inconsistencies in assessment and placement of juveniles to prevent them from reentering the system repetitively. The committee recommends the development of such criteria by youth serving agencies and law enforcement personnel under Bill 1.

Communication Among Agencies

The committee was concerned that a maze of services is offered to juveniles by public agencies which do not communicate with one another. The agencies often fail to coordinate services or share information on a particular juvenile. Many times services overlap because similar services are provided throughout the process by various departments. For example, counseling may be provided during probation, commitment, and parole by the Judicial Department and DYS without discussion between these agencies on the type and success of treatment utilized. The committee recommends that agencies be required to share case information on any juvenile offender being processed through the system. Agencies are also required to adhere to confidentiality guidelines concerning case information.

Probation/Parole Services

Another subcommittee attempted to identify segments of the system which should be restructured to avoid duplication of services and provide better protection to society. The subcommittee's recommendations focused on probation and parole services and the function of evaluating and examining juveniles prior to institutional placement. It proposed that the functions of probation and parole be combined under one department.

Consolidation of these functions is recommended to achieve the following goals: eliminate duplicate administration; strengthen continuity in service delivery by designating one department to treat the same juvenile when on probation and parole; make it easier to track juveniles through the system; and make services currently performed by parole officers, not stationed in every county of the state, available under the probation department. Bill 5 transfers the functions of the Division of Juvenile Parole from the Department of Institutions to the Judicial Department, consequently combining the parole and probation functions.

Examination/Evaluation of Juveniles

The Division of Youth Services is responsible for the examination and evaluation of juvenile delinquents after commitment to DYS and prior to institutional placement or other disposition. This function aids in determining a juvenile's placement. The subcommittee concerned with duplication of services concluded that placement decisions should be based on a juvenile's security and treatment needs rather than on the availability of bed space. In addition, court review of placement decisions will help ensure the public's safety.

The subcommittee proposed that the examination and evaluation of juveniles for placement by the court be performed by the court's probation department prior to commitment of juveniles to the Department of Institutions. It was also suggested that the court have

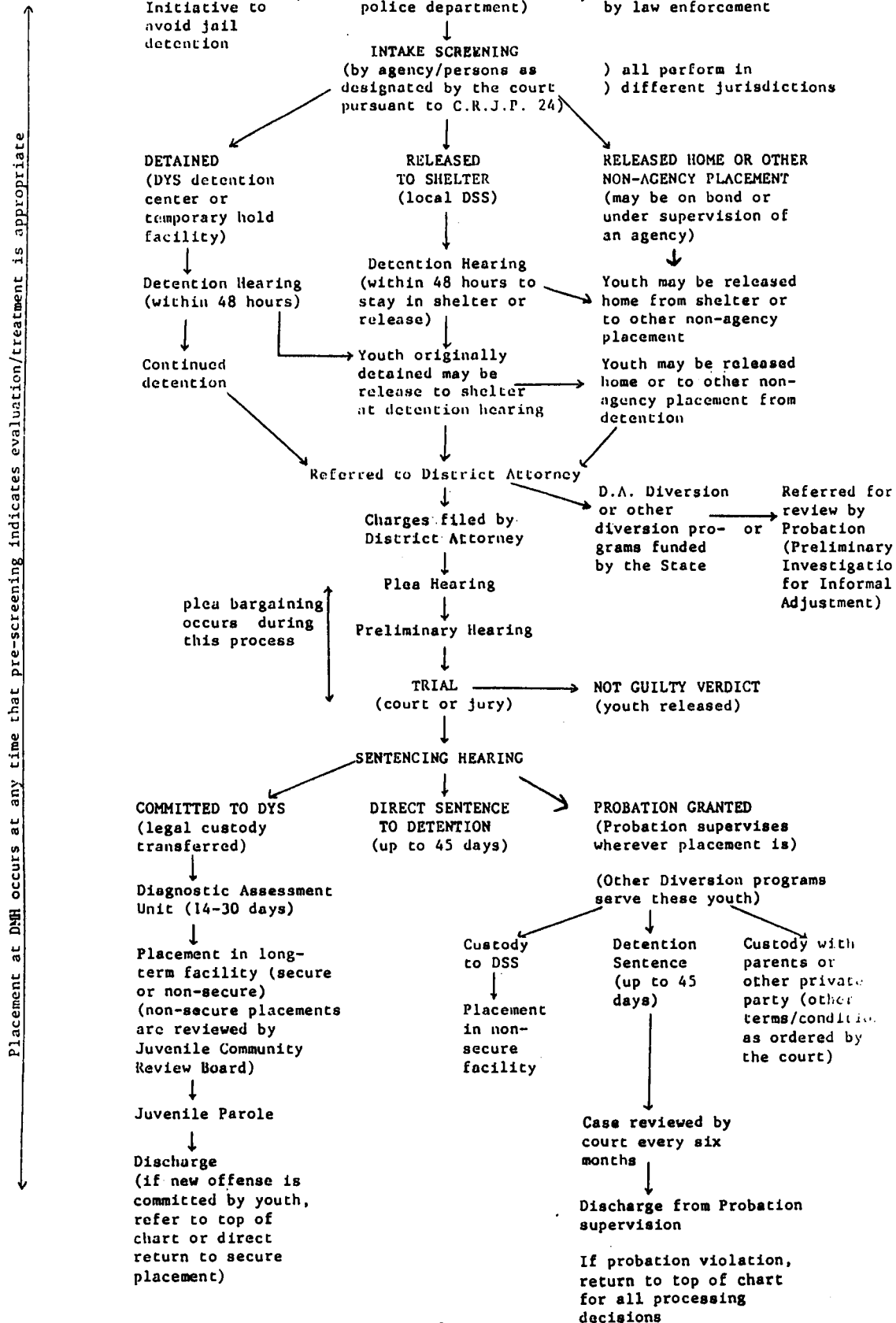
the authority to determine whether a juvenile will be placed in a community setting or a secure setting. The committee recommends Bill 5 to transfer the examination and evaluation function from DYS to the Judicial Department and requires the probation department to perform this function prior to sentencing of any juvenile. The recommendations of the examination and evaluation report are to be submitted to the court and the placement of a committed juvenile delinquent is to be consistent with any order of the court.

Juvenile Parole Board

Members of the Jefferson County Children's Task Force explained that juvenile parole proceedings are not effective. Juveniles not prepared for adjustment to a community setting are released early because of a lack of bed space. This situation poses problems for communities. The task force also asserted that the Juvenile Parole Board does not operate independently from the Department of Institutions, the agency responsible for the physical custody of committed juvenile delinquents. Therefore, parole decisions are not always based on whether a juvenile is a threat to the community or a danger to himself, but rather on the availability of resources. Another concern raised was that communities are oftentimes not made aware of a juvenile being considered for parole.

The committee recommends the reorganization of the Juvenile Parole Board to create a board independent of the agency that operates the institutional facilities. Bill 4 transfers the Juvenile Parole Board from the Department of Institutions to the Department of Public Safety. Bill 4 also authorizes that notice of parole hearings be given to law enforcement personnel, the probation departments, and the Department of Social Services.

(Delinquent Youth)

Pursuant to Colorado Children's Code
Title 19-CRS

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APPENDIX B

Statutes Concerning Departments' Responsibility for Juvenile Offenders

<u>Name</u>	<u>Statutory Citation (C.R.S.)</u>	<u>Mandate/Function of Office</u>
Division of Youth Services, Department of Institutions	19-2-101 et. seq. 19-2-704 (Juv. custody and com- mitment)	Community, Detention, and Institutional Services for Juvéniles.
Juvenile Parole Board	19-2-1201	Authority to grant, defer, suspend, or revoke paroles of juveniles committed to Department of Institutions.
Division of Parole, Depart- ment of Insti- tutions (statu- tory functions administered through Youth Services)	19-2-1204	Juvenile Parole Officers supervise parole of juve- niles committed to Depart- ment of Institutions who have been paroled by the Juvenile Parole Board.
Division of Mental Health, Department of Institutions	19-2-308	Evaluation and treatment of mentally ill juvenile offenders.
Division of Family and Children's Ser- vices, Depart- ment of Social Services	26-5-101 26-6-101	Child care licensing for residential care placement; child welfare services; provision of shelter, sustenance and guidance for children.
County Depart- ment of Social Services	19-2-204	May screen offenders taken into custody and designate temporary shelter.
Juvenile Proba- tion, Denver Juvenile Courts, and District Courts, Judi- cial Department	19-2-1001 et. seq. 13-8-111 (Denver Juvenile Court) 16-11-209 (District Courts)	Juvenile Probation Activi- ties.

BILL 1

A BILL FOR AN ACT

1 CONCERNING A RESTRUCTURE OF THE SERVICE DELIVERY BY PUBLIC
2 AGENCIES RESPONSIBLE FOR THE PHYSICAL CARE OF JUVENILE
3 OFFENDERS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Requires the development of a common assessment instrument and common criteria to be used by the intake screeners who screen juveniles taken into temporary custody.

Provides that the department of institutions is the agency responsible for the physical custody of a juvenile taken into temporary custody for a defined period. Provides that, at the end of such period, the physical custody and financial responsibility for the juvenile shall be, subject to the approval of the court, as determined by a staff assessment. Specifies the procedures for determining the temporary legal custody of the juvenile and for transferring such custody.

Requires a staff assessment to be conducted, pending adjudication, to determine the appropriate placement and treatment of the juvenile which is subject to the court's approval. Requires the staff assessment to be performed jointly by the department of institutions and the department of social services and to include other relevant agencies. Requires the development of common criteria and guidelines to be used in the staff assessment. Requires that the assessment instrument and criteria be as free as possible from racial or other bias. States that records used in the staff assessment shall be confidential; except that records of a state or other public agency and local school districts shall be available to

the agencies conducting the staff assessment.

Requires notice to all parties and a hearing prior to the removal or release of a juvenile from a secure setting to a nonsecure setting.

Authorizes an assessment using statewide criteria to be included in the social study given to the court prior to sentencing when placement out of the home is being considered. Makes the probation department responsible for submitting the report and requires the involvement of relevant agencies in the assessment.

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

2 SECTION 1. 19-2-203 (3) (b), Colorado Revised Statutes,
3 1986 Repl. Vol., as amended, is amended to read:

4 19-2-203. Duty of officer - notification - release or
5 detention. (3) (b) If he is not released as provided in
6 subsection (2) of this section, he shall be ~~taken-directly-to~~
7 ~~the-court-or-to-the-place-of-detention-or--shelter--designated~~
8 ~~by--the--court--without--unnecessary--delay~~ EVALUATED, WITHOUT
9 UNNECESSARY DELAY, BY AN INTAKE SCREENER AS DESIGNATED BY THE
10 COURT PURSUANT TO THE COLORADO RULES OF JUVENILE PROCEDURE.
11 THE INTAKE SCREENER SHALL USE THE COMMON ASSESSMENT INSTRUMENT
12 AND THE COMMON CRITERIA DEVELOPED PURSUANT TO SECTION 19-2-211
13 TO DETERMINE WHETHER THE JUVENILE SHOULD BE RELEASED TO A
14 PARENT, GUARDIAN, OR OTHER LEGAL CUSTODIAN OR ADMITTED TO A
15 DETENTION OR NONSECURE RESIDENTIAL FACILITY PENDING
16 NOTIFICATION TO THE COURT AND A DETENTION HEARING. IF THE
17 INTAKE SCREENER DETERMINES THAT THE JUVENILE SHOULD NOT BE
18 RELEASED, THE JUVENILE SHALL BE TAKEN TO THE PLACE OF
19 DETENTION OR NONSECURE RESIDENTIAL FACILITY DESIGNATED BY THE
20 INTAKE SCREENER BASED UPON THE COMMON CRITERIA DEVELOPED

1 PURSUANT TO SECTION 19-2-211.

2 SECTION 2. 19-2-204 (1) and (2), Colorado Revised
3 Statutes, 1986 Repl. Vol., as amended, are amended, and the
4 said 19-2-204 is further amended BY THE ADDITION OF A NEW
5 SUBSECTION, to read:

6 19-2-204. Detention and shelter - hearing - time limits
7 - restriction. (1) A juvenile who must be taken from his
8 home but who does not require physical restriction shall be
9 given temporary care in a ~~shelter~~ NONSECURE RESIDENTIAL
10 facility designated by the court ~~or the county department of~~
11 ~~social services~~ THROUGH THE INTAKE SCREENER AS PROVIDED IN
12 SUBSECTION (2.5) OF THIS SECTION and shall not be placed in
13 detention.

14 (2) When a juvenile is placed in a detention facility or
15 in a ~~shelter~~ NONSECURE RESIDENTIAL facility designated by the
16 court THROUGH THE INTAKE SCREENER, the law enforcement
17 official taking the juvenile into custody shall promptly so
18 notify the court. He shall also notify a parent or legal
19 guardian or, if a parent or legal guardian cannot be located
20 within the county, the person with whom the juvenile has been
21 residing and inform him of the right to a prompt hearing to
22 determine whether the juvenile is to be detained further. The
23 court shall hold such detention hearing within forty-eight
24 hours, excluding Saturdays, Sundays, and court holidays.

25 (2.5) The department of institutions is the agency
26 responsible for the physical custody of a juvenile taken into

1 temporary custody for up to fourteen days from the time the
2 juvenile is taken into temporary custody. If nonsecure
3 residential care is necessary after fourteen days, temporary
4 legal custody of the juvenile shall be transferred by the
5 court to the county department of social services as provided
6 in subparagraph (VI) of paragraph (a) of subsection (3) of
7 this section, and temporary legal custody shall no longer
8 remain with the department of institutions. If secure care is
9 necessary after fourteen days, temporary legal custody of the
10 juvenile shall not be transferred by the court to the county
11 department of social services as provided in subparagraph (VI)
12 of paragraph (a) of subsection (3) of this section, and
13 temporary legal custody of the juvenile shall remain with the
14 department of institutions.

15 SECTION 3. 19-2-204 (3) (a), Colorado Revised Statutes,
16 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A
17 NEW SUBPARAGRAPH to read:

18 19-2-204. Detention and shelter - hearing - time limits
19 - restriction. (3) (a) (VI) When the court orders further
20 detention or residential placement of the juvenile after a
21 detention hearing, the court shall order that temporary legal
22 custody of the juvenile shall remain with the department of
23 institutions for up to fourteen days from the time the
24 juvenile is taken into temporary custody. Prior to the
25 expiration of the fourteen-day period but no later than the
26 twelfth day after the juvenile is taken into temporary

1 custody, a staff assessment as required under section 19-2-212
2 shall be held. At the end of the fourteen-day period, the
3 physical custody and financial responsibility for the juvenile
4 will be, subject to the approval of the court, as determined
5 by the staff assessment pursuant to section 19-2-212. If the
6 court does not issue an order at the detention hearing
7 providing for an acceptance of the recommendations in the
8 staff assessment conducted pursuant to section 19-2-212 and
9 providing for transfer of temporary legal custody to another
10 agency and if the staff assessment recommendation is that the
11 juvenile should be placed with the county department of social
12 services or with another agency or that the level of security
13 of the juvenile needs to be changed, the court shall conduct a
14 hearing concerning the custody and care of the juvenile or,
15 when appropriate, issue an ex parte order. Notice to all
16 parties and a hearing is mandatory prior to the removal or
17 release of a juvenile from a secure setting to a nonsecure
18 setting.

19 SECTION 4. Part 2 of article 2 of title 19, Colorado
20 Revised Statutes, 1986 Repl. Vol, as amended, is amended BY
21 THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

22 19-2-211. Common assessment instrument and common
23 criteria for intake screening. (1) The department of
24 institutions, the judicial department, the department of
25 social services, including representatives of the directors of
26 county departments of social services, and representatives of

1 district attorneys and sheriffs shall develop a common
2 assessment instrument which shall be used by intake screeners
3 to evaluate and assess juveniles taken into temporary custody
4 in a uniform and consistent manner and shall also develop
5 common criteria and guidelines which shall be used by intake
6 screeners to determine whether placement or release of a
7 juvenile is appropriate based on the juvenile's assessment
8 and, if a juvenile is not released, to determine the
9 appropriate level and type of placement for a juvenile based
10 on his assessment. The common criteria and guidelines shall
11 be designed to consider such factors as whether the juvenile
12 is a danger to himself or to others and whether the juvenile
13 constitutes a risk of escape and shall be used to determine
14 what kind of security is appropriate for the particular
15 juvenile, including the use of the least restrictive setting,
16 whenever appropriate. Any variations from the common criteria
17 and guidelines shall be approved by the court.

18 (2) The development and application of the assessment
19 instrument and the common criteria and guidelines, insofar as
20 possible, shall be free of any bias with regard to race,
21 creed, sex, or color.

22 (3) The assessment instrument and common criteria and
23 guidelines shall be finalized by and implemented on and after
24 January 1, 1989.

25 19-2-212. Staff assessment required - development of
26 common criteria - confidentiality of records. (1) A staff

1 assessment concerning the appropriate placement and treatment
2 of a juvenile pending adjudication is required to be conducted
3 for any juvenile taken into temporary custody who is being
4 detained and for whom transfer of temporary legal custody is
5 being considered or who is in a nonsecure residential
6 facility. Such staff assessment shall be performed jointly by
7 the department of institutions and the county department of
8 social services for the purpose of determining the appropriate
9 level of care of the juvenile pending court disposition. When
10 necessary, the staff assessment shall also include other
11 relevant agencies, including but not limited to the probation
12 department, the local school districts, and the appropriate
13 mental health professionals if it appears that the juvenile
14 may be in need of mental health services or the nearest
15 community centered board if it appears that the juvenile may
16 be developmentally disabled. The department of institutions
17 shall notify relevant agencies of such staff assessments. The
18 staff assessment shall be conducted no later than twelve days
19 from the time the juvenile is taken into temporary custody.

20 (2) The staff assessment shall be based on common
21 criteria and guidelines developed jointly by the department of
22 institutions, the department of social services, the judicial
23 department, the department of education, and representatives
24 of district attorneys and sheriffs. The assessment criteria
25 shall be implemented on and after January 1, 1989. Before
26 being implemented, the assessment criteria shall be approved

1 by the department of institutions, department of social
2 services, and judicial department. The assessment criteria
3 shall be examined and reevaluated every two years. The
4 criteria shall be designed to consider such factors as those
5 considered by the intake screener pursuant to section 19-2-211
6 as well as the best interests of the child and the least
7 restrictive setting appropriate for the particular juvenile.
8 The assessment criteria shall not preclude maintaining the
9 placement of a juvenile in the original placement if such
10 placement is deemed appropriate for his needs.

11 (3) Any deviations from the staff assessment or the
12 common criteria and guidelines shall be approved by the court.

13 (4) Notwithstanding any other provisions of law, all
14 records concerning a juvenile for whom a staff assessment is
15 being conducted pursuant to this section shall be confidential
16 and open to inspection only upon order of the court; except
17 that, for purposes of conducting the staff assessment, records
18 pertaining to the juvenile of state and other public agencies,
19 including the local school district of the juvenile, shall be
20 available to the agencies involved in conducting the staff
21 assessment. If a release from the parent of the juvenile
22 allowing such information to be released to a state or public
23 agency conducting a staff assessment is required by any other
24 statute or law, a release shall be obtained. In circumstances
25 where such a release is not specifically required by any other
26 statute or law, the custodian of the records is encouraged to

1 obtain a release from the parent of the juvenile.

2 SECTION 5. 19-2-701 (1), Colorado Revised Statutes, 1986
3 Repl. Vol., as amended, is amended to read:

4 19-2-701. Sentencing hearing. (1) (a) After making a
5 finding of guilt, the court shall hear evidence on the
6 question of the proper disposition best serving the interests
7 of the juvenile and the public. Such evidence shall include,
8 but not necessarily be limited to, the social study and other
9 reports as provided in section 19-1-107.

10 (b) FOR PURPOSES OF THIS SUBSECTION (1), WHEN PLACEMENT
11 OUT OF THE HOME IS BEING CONSIDERED, THE SOCIAL STUDY AND
12 REPORTS REFERRED TO IN PARAGRAPH (a) OF THIS SUBSECTION (1)
13 MAY ALSO INCLUDE A RISK PROFILE, TREATMENT PROFILE, AND AN
14 EDUCATIONAL PROFILE BASED ON COMMON STATEWIDE PLACEMENT
15 CRITERIA. SUCH STATEWIDE PLACEMENT CRITERIA SHALL BE
16 DEVELOPED JOINTLY BY THE DEPARTMENT OF INSTITUTIONS,
17 DEPARTMENT OF SOCIAL SERVICES, INCLUDING REPRESENTATIVES OF
18 COUNTY DEPARTMENTS OF SOCIAL SERVICES, DEPARTMENT OF
19 EDUCATION, JUDICIAL DEPARTMENT, AND REPRESENTATIVES OF
20 DISTRICT ATTORNEYS AND SHERIFFS. SUCH STATEWIDE PLACEMENT
21 CRITERIA SHALL BE FINALIZED BY AND IMPLEMENTED ON AND AFTER
22 JANUARY 1, 1989.

23 (c) WHEN PLACEMENT OUT OF THE HOME IS BEING CONSIDERED
24 FOR A PARTICULAR JUVENILE, THE PROBATION DEPARTMENT SHALL
25 COORDINATE THE COLLECTION OF INFORMATION AND THE ASSESSMENT OF
26 THE JUVENILE USING THE PLACEMENT CRITERIA AND SHALL INVOLVE

1 THE DEPARTMENT OF INSTITUTIONS, THE COUNTY DEPARTMENT OF
2 SOCIAL SERVICES, AND THE LOCAL SCHOOL DISTRICT IN THE
3 ASSESSMENT, WHENEVER APPROPRIATE. THE PROBATION DEPARTMENT
4 SHALL SUBMIT THE RECOMMENDATIONS, SOCIAL STUDY, AND REPORTS TO
5 THE COURT FOR USE IN DETERMINING THE PROPER DISPOSITION OF THE
6 JUVENILE. A PLACEMENT OUT OF THE HOME SHALL NOT OCCUR UNTIL
7 AN ASSESSMENT CONDUCTED PURSUANT TO PARAGRAPH (b) OF THIS
8 SUBSECTION (1) HAS BEEN DONE.

9 SECTION 6. 19-2-703 (2), Colorado Revised Statutes, 1986
10 Repl. Vol., as amended, is amended to read:

11 19-2-703. Juvenile delinquent - sentencing - disposition
12 - restitution - parental liability. (2) If the court finds
13 that placement out of the home is necessary and is in the best
14 interest of the juvenile and the community, the court shall
15 place the juvenile in the facility or setting which most
16 appropriately meets the needs of the juvenile, the family, and
17 the community. In making its decision as to proper placement,
18 the court shall utilize the evaluation for placement prepared
19 pursuant to section 19-1-107 AND SECTION 19-2-701 (1) or the
20 evaluation for placement required by section 19-3-701 (5). If
21 the evaluation for placement recommends placement in a
22 facility located in Colorado which can provide appropriate
23 treatment and which will accept the juvenile, then the court
24 shall not place the juvenile in a facility outside this state.
25 If the court places the juvenile in a facility located in
26 Colorado other than one recommended by the evaluation for

1 placement, in a facility located outside this state in
2 accordance with the evaluation for placement, or in a facility
3 in which the average monthly cost exceeds the amount
4 established by the general assembly in the general
5 appropriation bill, it shall make specific findings of fact,
6 including the monthly cost of the facility in which such
7 juvenile is placed, relating to its placement decision. A
8 copy of such findings shall be sent to the chief justice of
9 the supreme court, who shall report monthly to the joint
10 budget committee and annually to the general assembly on such
11 placements. If the court commits the juvenile to the
12 department of institutions, it shall not make a specific
13 placement, nor shall the provisions of this subsection (2)
14 relating to specific findings of fact be applicable.

15 SECTION 7. Effective date. This act shall take effect
16 January 1, 1989.

17 SECTION 8. Safety clause. The general assembly hereby
18 finds, determines, and declares that this act is necessary
19 for the immediate preservation of the public peace, health,
20 and safety.

BILL 2

A BILL FOR AN ACT

1 CONCERNING AN INDEPENDENT STUDY OF THE JUVENILE JUSTICE
2 SYSTEM.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Requires the legislative council to direct that a study be undertaken of the juvenile justice system and specifies certain issues to be studied. Provides that the study shall be done by an independent agency which has experience in studying the juvenile justice system and which shall work with a standing or interim committee. Requires such agency to make quarterly reports and report its final findings and make its final recommendations to the general assembly no later than January 1, 1990.

3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. Article 1 of title 19, Colorado Revised
5 Statutes, 1986 Repl. Vol., as amended, is amended BY THE
6 ADDITION OF A NEW SECTION to read:

7 19-1-102.5. Independent study - report to general
8 assembly. (1) The general assembly hereby finds and declares
9 that certain services performed and procedures used in the

1 juvenile justice system should be clarified, less duplicative,
2 and more cost-effective. The general assembly also finds and
3 declares that the juvenile justice system is highly complex
4 and that an independent study of such system would assist in
5 detecting the areas which can be standardized and more
6 efficient.

7 (2) The legislative council shall direct that a study be
8 undertaken concerning the juvenile justice system. Such study
9 shall include, but need not be limited to, the duplication of
10 services performed by the department of institutions, the
11 department of social services, private persons, and others;
12 where standardization of sentencing, intake screening, and job
13 positions could occur; how intake screening can be bias-free;
14 why there are more minorities than nonminorities incarcerated
15 in juvenile facilities; and how the juvenile justice system
16 can be more efficient and more cost-effective and the most
17 feasible means to make the system so.

18 (3) The legislative council shall appoint an independent
19 agency to conduct the study. Such agency shall be a
20 nationally recognized agency with experience in the study of
21 juvenile justice and shall work under the guidance of a
22 standing committee or an interim committee appointed by the
23 legislative council.

24 (4) The agency appointed by the legislative council
25 shall make quarterly reports on its progress to the committee
26 designated pursuant to subsection (3) of this section and
27 shall report its final findings and make its final

1 recommendations to the general assembly no later than January
2 1, 1990.

3 (5) This section is repealed, effective January 1, 1990.

4 SECTION 2. Effective date. This act shall take effect
5 July 1, 1988.

6 SECTION 3. Safety clause. The general assembly hereby
7 finds, determines, and declares that this act is necessary
8 for the immediate preservation of the public peace, health,
9 and safety.

BILL 3

A BILL FOR AN ACT

1 CONCERNING A DEFINITION OF "DIVERSION" FOR THE PURPOSES OF THE
2 "COLORADO CHILDREN'S CODE".

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Defines "diversion" for the purposes of the "Colorado Children's Code".

3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. 19-1-103, Colorado Revised Statutes, 1986
5 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW
6 SUBSECTION to read:

7 19-1-103. Definitions. (11.5) "Diversion" means a
8 decision made by a person with authority or a delegate of that
9 person which results in specific official action of the legal
10 system not being taken in regard to a specific juvenile or
11 child and in lieu thereof providing individualized services by
12 a specific program. The goal of "diversion" is to prevent
13 further involvement of the juvenile or child in the legal

1 system. "Diversion" of a juvenile or child may take place
2 either at the prefiling level as an alternative to the filing
3 of a petition pursuant to section 19-2-304 or at the
4 postadjudication level as an adjunct to probation services
5 following an adjudicatory hearing pursuant to section 19-3-505
6 or a disposition as a part of sentencing pursuant to section
7 19-2-703. "Services", as used in this subsection (11.5),
8 includes but is not limited to diagnostic needs assessment,
9 restitution programs, community service, job training and
10 placement, specialized tutoring, constructive recreational
11 activities, general counseling and counseling during a crisis
12 situation, and follow-up activities.

13 SECTION 2. 19-2-303 (3), Colorado Revised Statutes, 1986
14 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW
15 PARAGRAPH to read:

16 19-2-303. Juvenile diversion program - authorization.
17 (3) (a.5) "Diversion" has the same meaning as that set forth
18 in section 19-1-103 (11.5).

19 SECTION 3. Safety clause. The general assembly hereby
20 finds, determines, and declares that this act is necessary
21 for the immediate preservation of the public peace, health,
22 and safety.

BILL 4

A BILL FOR AN ACT

1 CONCERNING A REORGANIZATION OF THE JUVENILE PAROLE SYSTEM, AND
2 PROVIDING FOR A TRANSFER OF CERTAIN JUVENILE PAROLE
3 FUNCTIONS FROM THE DEPARTMENT OF INSTITUTIONS TO THE
4 JUDICIAL DEPARTMENT AND THE DEPARTMENT OF PUBLIC SAFETY
5 AND MAKING A TRANSFER OF APPROPRIATIONS IN CONNECTION
6 THEREWITH.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Reorganizes the juvenile parole board by decreasing the number of members, prohibiting members from holding any other state or local government office or employment, and providing for per diem allowances for the members rather than reimbursement for expenses. Transfers the juvenile parole board from the department of institutions to the department of public safety.

Transfers the division of juvenile parole from the department of institutions to the judicial department (for allocation by the state court administrator to the probation departments). Changes the name of juvenile parole officers to juvenile probation officers. Abolishes the hearing panel and the use of administrative law judges in parole proceedings. Gives the duties of the hearing panel and the administrative law judges to the parole board members.

States that the length of juvenile parole shall be a

maximum of two years subsequent to the length of the juvenile's commitment. Directs that notice of a parole hearing be given the court, the district attorney, and the defense counsel involved. Authorizes notice of a parole hearing to be given to law enforcement personnel, the probation department, and the department of social services, upon request. Permits such agencies or persons to provide information to the board. Requires the preparation of a parole plan for each juvenile.

Eliminates the preparole release program of the department of institutions.

Makes a transfer of appropriations from the department of institutions to the judicial department to implement this act.

Makes conforming amendments and repeals.

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

2 SECTION 1. 19-2-1201 (1), (3), (5), (6), and (7),
3 Colorado Revised Statutes, 1986 Repl. Vol., as amended, are
4 amended to read:

5 19-2-1201. Juvenile parole board - membership.

6 (1) There is hereby created a juvenile parole board, referred
7 to in this part 12 as the "board", to consist of ~~seven~~ THREE
8 members appointed by the governor. THE JUVENILE PAROLE BOARD
9 SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS
10 AS IF IT WERE TRANSFERRED TO THE DEPARTMENT OF PUBLIC SAFETY
11 BY A TYPE 1 TRANSFER, AS SUCH TRANSFER IS DEFINED BY THE
12 "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE
13 24, C.R.S.

14 (3) ~~Two members--shall--be--nonvoting--members,--one~~ NO
15 ~~member to be appointed from the staff of the Lookout Mountain~~
16 ~~school and one member to be appointed from the--staff--of--the~~
17 ~~Mount--View--school~~ SHALL HOLD ANY OTHER STATE OR LOCAL
18 GOVERNMENT OFFICE OR EMPLOYMENT DURING HIS SERVICE ON THE

1 BOARD.

2 (5) The ~~juvenile--parole~~ board shall meet not less than
3 once a month, and the presence of ~~three~~ TWO voting members
4 shall constitute a quorum to transact official business.

5 (6) All members of the board shall be reimbursed for
6 expenses necessarily incurred in the performance of their
7 duties AND SHALL RECEIVE A REASONABLE PER DIEM ALLOWANCE AND
8 OTHER BENEFITS COMMENSURATE WITH THEIR DUTIES.

9 (7) Clerical and other NECESSARY STAFF assistance for
10 the board shall be furnished by the department of
11 ~~institutions, except as provided in section--19-2-1203~~ PUBLIC
12 SAFETY.

13 SECTION 2. 19-2-1201 (2), Colorado Revised Statutes,
14 1986 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH
15 AMENDMENTS, to read:

16 19-2-1201. Juvenile parole board - membership. (2) All
17 members shall be voting members having backgrounds
18 demonstrating sustained interest and competence in appropriate
19 societal responses to juvenile delinquency.

20 SECTION 3. 19-2-1202 (2) (a), (5), (6), and (7),
21 Colorado Revised Statutes, 1986 Repl. Vol., as amended, are
22 amended to read:

23 19-2-1202. Juvenile parole board - powers and duties.
24 (2) (a) The board shall grant parole to a juvenile for no
25 longer than one year without review, and no juvenile shall
26 remain on parole longer than two years after the ~~original~~
27 ~~grant-of--parole~~ EXPIRATION OF THE MAXIMUM TERM OF THAT

1 JUVENILE'S COMMITMENT; except that the board may extend parole
2 supervision for an additional period not to exceed two years
3 if such extension is found to be in the best interests of the
4 juvenile or the public after a hearing as provided in
5 subsection (3) of this section.

6 (5) The juvenile and his parents or guardian shall be
7 informed that they may be represented by counsel in any
8 hearing for the grant, modification, or revocation of a parole
9 before the board. ~~or-a-hearing-panel.~~

10 (6) The board ~~or--a--hearing--panel~~ shall consult the
11 director of the facility in which the juvenile had been placed
12 before granting a parole.

13 (7) The board ~~or--a--hearing-panel~~ shall have subpoena
14 power and the power to administer oaths.

15 SECTION 4. 19-2-1202 (3), Colorado Revised Statutes,
16 1986 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH
17 AMENDMENTS, to read:

18 19-2-1202. Juvenile parole board - powers and duties.

19 (3) (a) At least fifteen days before any parole hearing, the
20 board shall give written notice of the location, date, time,
21 and nature of the hearing and the name, current residence, and
22 date of birth of the particular juvenile being considered for
23 parole to the court, district attorney, and defense counsel
24 involved at the time of the juvenile's commitment. Upon
25 request, law enforcement personnel, the probation department,
26 and the department of social services may receive such notice
27 or information. Such agencies or entities shall be allowed to

1 provide relevant information to the board concerning the
2 hearing. Such information may be provided in writing or by an
3 appearance at the hearing.

4 (b) Before granting any parole to a juvenile, the board
5 shall be provided with a parole plan prepared by the
6 department of institutions.

7 (c) The board shall interview and review the record of
8 each juvenile who comes before the board for the granting,
9 extension, suspension, or revocation of parole.

10 SECTION 5. Part 12 of article 2 of title 19, Colorado
11 Revised Statutes, 1986 Repl. Vol., as amended, is amended BY
12 THE ADDITION OF A NEW SECTION to read:

13 19-2-1204.5. Transfer of functions relating to parole to
14 the judicial department. (1) On and after July 1, 1988, the
15 authority to execute, administer, perform, and enforce the
16 rights, powers, duties, functions, and obligations vested in
17 the division of juvenile parole in the department of
18 institutions pursuant to this part 12, as it existed prior to
19 said date, shall be transferred to the judicial department and
20 assigned to probation departments in the judicial department
21 by the state court administrator, after consultation with the
22 chief judge in each judicial district. On and after July 1,
23 1988, any officers or employees of the department of
24 institutions whose primary duties were to carry out the
25 functions specified in this part 12 prior to said date and
26 whose duties and functions concerned the duties and functions
27 transferred to the judicial department pursuant to this

1 section and whose employment in the judicial department is
2 deemed necessary by the state court administrator to carry out
3 the purposes of this part 12 shall be transferred to the
4 judicial department and become employees thereof. Such
5 employees shall retain all rights to retirement benefits
6 pursuant to the laws of this state, and their services shall
7 be deemed to have been continuous.

8 (2) On July 1, 1988, all items of property, real and
9 personal, including office furniture and fixtures, books,
10 documents, and records of the department of institutions prior
11 to said date pertaining to the duties and functions
12 transferred to the judicial department pursuant to this
13 section are transferred to the judicial department and become
14 the property thereof.

15 (3) Whenever the state department of institutions is
16 referred to or designated by a contract or other document in
17 connection with the duties and functions transferred to the
18 judicial department pursuant to this section, such reference
19 or designation shall be deemed to apply to the judicial
20 department. All contracts entered into by the department of
21 institutions prior to July 1, 1988, in connection with the
22 duties and functions transferred to the judicial department
23 pursuant to this section are hereby validated, with the
24 judicial department succeeding to all the rights and
25 obligations of such contracts. Any appropriations of funds
26 from prior fiscal years open to satisfy obligations incurred
27 pursuant to such contracts are hereby transferred and

1 appropriated to the judicial department for the payment of
2 such obligations.

3 SECTION 6. 19-2-1205, Colorado Revised Statutes, 1986
4 Repl. Vol., as amended, is amended to read:

5 19-2-1205. Powers and duties of juvenile probation
6 officers. (1) Under the direction of the ~~director---~~of
7 ~~juvenile--parole~~ CHIEF PROBATION OFFICER, the juvenile ~~parole~~
8 PROBATION officer or officers in each district established
9 ~~under-this-part-12~~ shall supervise all juveniles living in the
10 district who, having been committed to the department of
11 institutions, are on parole from one of its facilities.

12 (2) The juvenile ~~parole~~ PROBATION officer shall give to
13 each juvenile granted parole a written statement of the
14 conditions of his parole, shall explain such conditions to him
15 fully, and shall aid him to observe them. He shall have
16 periodic conferences with and reports from the juvenile. He
17 may conduct such investigations or other activities as may be
18 necessary to determine whether the conditions of parole are
19 being met and to accomplish the rehabilitation of the
20 juvenile.

21 (3) All juvenile ~~parole~~ PROBATION officers shall have
22 the powers of peace officers in performing the duties of their
23 position.

24 SECTION 7. The introductory portion to 19-2-1206 (1),
25 19-2-1206 (1) (e), (2), and (3), the introductory portion to
26 19-2-1206 (4) (a), 19-2-1206 (4) (a) (I) and (4) (b), the
27 introductory portion to 19-2-1206 (5), and 19-2-1206 (5) (b),

1 (6), (8), (9), and (10), Colorado Revised Statutes, 1986 Repl.
2 Vol., as amended, are amended to read:

3 19-2-1206. Parole violation and revocation. (1) The
4 ~~director--of--juvenile--parole~~ CHIEF PROBATION OFFICER or any
5 juvenile parole PROBATION officer may arrest any parolee when:

6 (e) He has probable cause to believe that a condition of
7 the juvenile's parole has been violated by the parolee and
8 probable cause to believe that the parolee is leaving or about
9 to leave the state, or that the parolee will fail or refuse to
10 appear before the ~~hearing--panel~~ BOARD to answer charges of
11 violations of one or more conditions of parole, or that the
12 arrest of the parolee is necessary to prevent physical harm to
13 the parolee or another person or to prevent the violation of a
14 law.

15 (2) When an alleged parole violator is taken into
16 custody, the ~~director--of--juvenile--parole~~ CHIEF PROBATION
17 OFFICER or the juvenile parole PROBATION officer shall notify
18 the parents, guardian, or legal custodian of the juvenile
19 without unnecessary delay.

20 (3) When a juvenile parole PROBATION officer has
21 reasonable grounds to believe that a condition of parole has
22 been violated by any parolee, he may issue a summons requiring
23 the parolee to appear before the ~~hearing-panel~~ BOARD at a
24 specified time and place to answer charges of violation of one
25 or more conditions of parole. Such summons, unless
26 accompanied by a copy of a complaint filed before the ~~hearing~~
27 ~~panel~~ BOARD seeking revocation or suspension of parole or

1 modification of parole conditions, shall contain a brief
2 statement of the alleged parole violation and the date and
3 place thereof. Failure of the parolee to appear before the
4 ~~hearing-panel~~ BOARD as required by such summons shall be
5 deemed a violation of a condition of parole.

6 (4) (a) If, rather than issuing a summons, a parole
7 JUVENILE PROBATION officer makes an arrest of a parolee with
8 or without a warrant or takes custody of a parolee who has
9 been arrested by another, the parole PROBATION officer shall
10 place the parolee in the nearest local juvenile detention
11 facility or shelter care facility approved by the department
12 of social services and without unnecessary delay report the
13 facts to the ~~preliminary-administrative-law-judge~~ having
14 ~~jurisdiction, as provided by section 19-2-1203,~~ A BOARD MEMBER
15 to hear and determine the question as to whether there is
16 probable cause to believe a condition of parole has been
17 violated by the parolee. Such ~~preliminary-administrative-law~~
18 ~~judge~~ BOARD MEMBER shall cause to be prepared and served,
19 within a reasonable time of the hearing, upon the parolee and
20 his parents, guardian, or legal custodian, a notice of
21 preliminary hearing on parole violation unless, upon the
22 affidavit or other showing made by the parole PROBATION
23 officer, the ~~preliminary-administrative-law-judge~~ BOARD MEMBER
24 determines that there is no sufficient grounds for revocation
25 of parole or other disciplinary action, in which event he
26 shall order the release of the parolee. In the event that the
27 notice of preliminary hearing on parole violation is issued by

1 the preliminary-administrative-law-judge BOARD MEMBER, a copy
2 of such notice shall be served on the parolee and his parents,
3 guardian, or legal custodian, by the parole PROBATION officer
4 or other person authorized to serve civil process. Such
5 notice shall contain the following information:

6 (I) The date, the place, and the time of the hearing and
7 the name of the preliminary-administrative-law-judge SITTING
8 BOARD MEMBER;

9 (b) The preliminary--administrative--law--judge BOARD
10 MEMBER shall hear such testimony as shall be offered and
11 determine whether probable cause for revocation of parole or
12 other disciplinary action has been shown. If probable cause
13 has not been shown, the preliminary-administrative--law--judge
14 BOARD MEMBER shall order the release of the parolee and shall
15 make a written report of his findings to the parole ENTIRE
16 board within ten days of the hearing. If the preliminary
17 administrative-law-judge BOARD MEMBER finds probable cause, he
18 shall order that the parolee be held to answer the charges
19 before the hearing-panel ENTIRE BOARD, and, upon the entry of
20 such order, the parole PROBATION officer shall return the
21 parolee without unnecessary delay to any of the juvenile
22 corrections facilities of the department of institutions
23 pending a hearing before the hearing-panel ENTIRE BOARD on the
24 complaint for revocation or suspension of parole.

25 (5) Within ten working days after the finding of
26 probable cause by the preliminary--administrative--law--judge
27 BOARD MEMBER, the juvenile parole PROBATION officer shall

1 complete his investigation and either:

2 (b) Recommend to the ~~director--of--the--division--of~~
3 ~~juvenile--parole~~ CHIEF PROBATION OFFICER that the parolee, if
4 detained, be released and the violation proceedings be
5 dismissed. The ~~director~~ CHIEF PROBATION OFFICER shall
6 determine whether to cause the violation proceedings to be
7 dismissed, and, if he elects to cause dismissal, the parolee
8 shall be released or notified that he is relieved of
9 obligation to appear before the ~~hearing-panel~~ BOARD. In such
10 event, the ~~director~~ CHIEF PROBATION OFFICER shall give written
11 notification to the board of his action.

12 (6) A complaint filed by a juvenile ~~parole~~ PROBATION
13 officer in which revocation of parole is sought shall contain
14 the name of the parolee, shall identify the violation charged
15 and the condition or conditions of parole alleged to have been
16 violated, including the date and approximate location thereof,
17 and shall be signed by the juvenile ~~parole~~ PROBATION officer.
18 A copy thereof shall be given to the parolee and his parents,
19 guardian, or legal custodian at least five days before a
20 hearing on the complaint is held before the ~~hearing--panel~~
21 BOARD.

22 (8) At least five days before the appearance of a
23 parolee before the ~~hearing-panel~~ BOARD, he and his parents,
24 guardian, or legal custodian shall be advised in writing by
25 the ~~director--of--the--division--of--juvenile--parole~~ CHIEF
26 PROBATION OFFICER of the nature of the charges which are
27 alleged to justify revocation or suspension of his parole and

1 the substance of the evidence sustaining the charges; he shall
2 be given a copy of the complaint unless he has already
3 received one; he shall be informed of the consequences which
4 may follow in the event his parole is revoked; and he shall be
5 advised that, if the charges are denied by him, a hearing will
6 be held before the ~~hearing-panel~~ BOARD, that, at such hearing,
7 he may testify and present witnesses and documentary evidence
8 in defense of the charges or in mitigation or explanation
9 thereof, and that he has the right to counsel at the hearing.

10 (9) At the hearing before the ~~hearing--panel~~ BOARD, if
11 the parolee denies the violation, the ~~division-of-juvenile~~
12 ~~parole~~ PROBATION DEPARTMENT shall have the burden of
13 establishing by a preponderance of the evidence the violation
14 of a condition or conditions of parole. The ~~hearing--panel~~
15 BOARD shall, when it appears that the alleged violation of
16 conditions of parole consists of an offense with which the
17 parolee is charged in a criminal case then pending, continue
18 the parole violation hearing until the termination of such
19 criminal proceeding. Any evidence having probative value
20 shall be admissible regardless of its admissibility under
21 exclusionary rules of evidence if the parolee is accorded a
22 fair opportunity to rebut hearsay evidence. The parolee shall
23 have the right to confront and to cross-examine adverse
24 witnesses unless the ~~administrative---law---~~judge BOARD
25 specifically finds good cause for not allowing confrontation.
26 (10) If the ~~hearing--panel~~ BOARD determines that a
27 violation of a condition or conditions of parole has been

1 committed, it shall hear further evidence related to the
2 disposition of the parolee. At the conclusion of the hearing,
3 the hearing-panel BOARD shall advise the parties before it of
4 its findings and ~~recommendations and of their right to request~~
5 ~~a review before the board. Such review may be held if a~~
6 ~~written request is filed within ten days after the conclusion~~
7 ~~of the hearing before the hearing panel. If a review before~~
8 ~~the board is not requested or the right to review is waived,~~
9 the CONCLUSIONS. THE findings and ~~recommendations~~ CONCLUSIONS
10 of the hearing-panel, ~~if unanimous,~~ BOARD shall ~~become~~ BE the
11 FINAL decision of the juvenile-parole board unless the board
12 on its own motion orders a review RECONSIDERATION.

13 SECTION 8. 19-2-1101, Colorado Revised Statutes, 1986
14 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW
15 SUBSECTION to read:

16 19-2-1101. Authority - placement of juveniles who are
17 committed to the department of institutions. (3) Once a
18 juvenile is committed to the department of institutions, he
19 shall remain in a facility directly operated by the department
20 of institutions or in a secure facility contracted for by the
21 department of institutions until his commitment expires as
22 provided by law, parole status is granted pursuant to part 12
23 of this article, or a community placement is approved by a
24 juvenile community review board, if one exists in the county
25 of proposed placement.

26 SECTION 9. 24-1-128.6, Colorado Revised Statutes, 1982
27 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW

1 SUBSECTION to read:

2 24-1-128.6. Department of public safety - creation.

3 (3) The juvenile parole board, created by section 19-2-1201,
4 C.R.S., shall exercise its powers and perform its duties and
5 functions as if the same were transferred by a type 1 transfer
6 to the department of public safety as the juvenile parole
7 board.

8 SECTION 10. Repeal. 19-2-1202 (4), 19-2-1203, and
9 19-2-1204, Colorado Revised Statutes, 1986 Repl. Vol., as
10 amended, and 24-1-118 (5), Colorado Revised Statutes, 1982
11 Repl. Vol., as amended, are repealed.

12 SECTION 11. Transfer authorization. The state court
13 administrator, after consultation with the executive director
14 of the department of institutions, and upon approval of the
15 governor, shall order the controller to transfer to the
16 judicial department moneys appropriated to the department of
17 institutions for the 1988-89 fiscal year, not exceeding
18 _____ dollars (\$), for the juvenile parole and
19 parole supervision functions to be performed by the judicial
20 department.

21 SECTION 12. Effective date. This act shall take effect
22 July 1, 1988.

23 SECTION 13. Safety clause. The general assembly hereby
24 finds, determines, and declares that this act is necessary
25 for the immediate preservation of the public peace, health,
26 and safety.

BILL 5

A BILL FOR AN ACT

1 CONCERNING THE REORGANIZATION OF CERTAIN POSTADJUDICATION
2 FUNCTIONS RELATING TO JUVENILE OFFENDERS, AND, IN
3 CONNECTION THEREWITH, PROVIDING FOR THE TRANSFER OF
4 CERTAIN POSTADJUDICATION FUNCTIONS FROM THE DEPARTMENT OF
5 INSTITUTIONS TO THE JUDICIAL DEPARTMENT AND FOR NOTICE OF
6 TRANSFERS OF JUVENILES AND FOR A STREAMLINED PROCESS FOR
7 PAROLE PROCEEDINGS AND MAKING A TRANSFER OF
8 APPROPRIATIONS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Transfers from the department of institutions to the judicial department (for allocation by the state court administrator to the probation departments) the function of examining and evaluating juveniles committed to the department of institutions, which function is currently performed by the department of institutions after commitment and prior to institutional placement or other disposition. Requires such transferred examination and evaluation function to be performed by the probation department prior to sentencing for any juvenile who is being considered for commitment to the department of institutions. Requires the recommendations based on the examination and evaluation to be submitted to the court with the social study and other presentence reports. Mandates that the placement of a juvenile committed to the

department of institutions shall be consistent with any order of the court, including a designation by the court of whether the juvenile shall be placed in a community setting or in a secure setting.

Requires the department of institutions to give notice to the court and the district attorney prior to transferring a juvenile from a secure facility to community placement.

Transfers from the department of institutions to the judicial department (for allocation by the state court administrator to the probation departments) the powers, duties, and functions of the division of juvenile parole.

Changes the name of juvenile parole officers to juvenile probation officers. Eliminates the use of hearing panels and administrative law judges in parole proceedings. Gives the duties of the hearing panel and the administrative law judges to the parole board members.

Makes a transfer of appropriations from the department of institutions to the judicial department to implement this act.

Makes conforming amendments and repeals.

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

2 SECTION 1. 19-2-701 (1), Colorado Revised Statutes, 1986
3 Repl. Vol., as amended, is amended to read:

4 19-2-701. Sentencing hearing. (1) (a) After making a
5 finding of guilt, the court shall hear evidence on the
6 question of the proper disposition best serving the interests
7 of the juvenile and the public. Such evidence shall include,
8 but not necessarily be limited to, the social study and other
9 reports as provided in section 19-1-107.

10 (b) FOR PURPOSES OF THIS SUBSECTION (1), WHEN COMMITMENT
11 TO THE DEPARTMENT OF INSTITUTIONS IS BEING CONSIDERED, THE
12 SOCIAL STUDY AND REPORTS REFERRED TO IN PARAGRAPH (a) OF THIS
13 SUBSECTION (1) SHALL ALSO INCLUDE AN EXAMINATION AND
14 EVALUATION CONDUCTED BY THE PROBATION DEPARTMENT PURSUANT TO
15 SECTION 19-2-1003.

16 SECTION 2. 19-2-703 (1) (a), Colorado Revised Statutes,

1 1986 Repl. Vol., as amended, is amended to read:

2 19-2-703. Juvenile delinquent - sentencing - disposition
3 - restitution - parental liability. (1) (a) The court may
4 impose any sentence, or combination of sentences when
5 appropriate, provided under this subsection (1) or subsection
6 (3) of this section; except that any juvenile delinquent
7 committed to the department of institutions may be placed in
8 the Lookout Mountain school, the Mount View school, or any
9 other training school or facility, or any other disposition
10 may be made which the department may determine as provided by
11 law AND AS CONSISTENT WITH ANY ORDER OF THE COURT, INCLUDING A
12 DESIGNATION BY THE COURT OF WHETHER THE JUVENILE SHALL BE
13 PLACED IN A COMMUNITY SETTING OR IN A SECURE SETTING. No
14 juvenile under the age of twelve years shall be committed to
15 the department of institutions.

16 SECTION 3. Part 10 of article 2 of title 19, Colorado
17 Revised Statutes, 1986 Repl. Vol., as amended, is amended BY
18 THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

19 19-2-1003. Presentence examination and evaluation of
20 juveniles being considered for institutional placement. Each
21 juvenile who has entered a plea of guilty to or who has been
22 found guilty of an allegation in the petition and who is being
23 considered for commitment to the department of institutions
24 shall be examined and evaluated by the probation department
25 prior to sentencing by the court under section 19-2-701. The
26 purpose of such examination and evaluation shall be to
27 determine and make recommendations to the court about the

1 appropriate placement of the juvenile.

2 19-2-1004. Transfer of functions relating to examination
3 and evaluation of juveniles being considered for institutional
4 placement. (1) On and after July 1, 1988, the authority to
5 execute, administer, perform, and enforce the rights, powers,
6 duties, functions, and obligations vested in the department of
7 institutions pursuant to section 19-2-1103 (1) and (2), as
8 said subsections existed prior to said date, which consisted
9 of an examination and evaluation of juveniles committed to the
10 department of institutions prior to institutional placement or
11 other disposition, shall be transferred to the judicial
12 department and assigned to probation departments in the
13 judicial department by the state court administrator, after
14 consultation with the chief judge in each judicial district.
15 On and after July 1, 1988, any officers or employees of the
16 department of institutions whose primary duties were to carry
17 out the functions specified in section 19-2-1103 (1) and (2)
18 prior to said date and whose duties and functions concerned
19 the duties and functions transferred to the judicial
20 department pursuant to this section and whose employment in
21 the judicial department is deemed necessary by the state court
22 administrator to carry out the purposes of this section and of
23 section 19-2-1003 shall be transferred to the judicial
24 department and become employees thereof. Such employees shall
25 retain all rights to retirement benefits pursuant to the laws
26 of this state, and their services shall be deemed to have been
27 continuous.

1 (2) On July 1, 1988, all items of property, real and
2 personal, including office furniture and fixtures, books,
3 documents, and records of the department of institutions
4 prior to said date pertaining to the duties and functions
5 transferred to the judicial department pursuant to this
6 section are transferred to the judicial department and become
7 the property thereof.

8 (3) Whenever the department of institutions is referred
9 to or designated by a contract or other document in connection
10 with the duties and functions transferred to the judicial
11 department pursuant to this section, such reference or
12 designation shall be deemed to apply to the judicial
13 department. All contracts entered into by the department of
14 institutions prior to July 1, 1988, in connection with the
15 duties and functions transferred to the judicial department
16 pursuant to this section are hereby validated, with the
17 judicial department succeeding to all the rights and
18 obligations of such contracts. Any appropriations of funds
19 from prior fiscal years open to satisfy obligations incurred
20 pursuant to such contracts are hereby transferred and
21 appropriated to the judicial department for the payment of
22 such obligations.

23 SECTION 4. 19-2-1103 (1) (a) and (2), Colorado Revised
24 Statutes, 1986 Repl. Vol., as amended, are amended to read:

25 19-2-1103. Juveniles committed to the department -
26 evaluation and placement. (1) (a) Each---juvenile THOSE
27 JUVENILES committed to the custody of the department of

1 institutions WHO MAY BE DEVELOPMENTALLY DISABLED OR WHO MAY
2 REQUIRE TREATMENT FOR MENTAL ILLNESS shall be examined and
3 evaluated by the department prior to institutional placement
4 or other disposition. THE PURPOSE OF SUCH EXAMINATION AND
5 EVALUATION SHALL BE TO DETERMINE WHETHER THE JUVENILE REQUIRES
6 PLACEMENT IN A STATE FACILITY FOR CHILDREN WITH DEVELOPMENTAL
7 DISABILITIES, AS DEFINED IN ARTICLE 10.5 OF TITLE 27, C.R.S.,
8 OR REQUIRES TREATMENT FOR MENTAL ILLNESS.

9 (2) Each juvenile EXAMINED AND EVALUATED AS SPECIFIED IN
10 SUBSECTION (1) OF THIS SECTION shall then be placed by the
11 department in the appropriate state institution or facility,
12 released on parole, or placed as provided in section 19-2-1109
13 or 19-2-1110, as indicated by the examination and evaluation
14 and the limitations on physical capacity or programs at the
15 respective state institutions and facilities. ALL OTHER
16 JUVENILES COMMITTED TO THE CUSTODY OF THE DEPARTMENT OF
17 INSTITUTIONS SHALL BE PLACED BY THE DEPARTMENT IN THE
18 APPROPRIATE STATE INSTITUTION OR FACILITY, RELEASED ON PAROLE,
19 OR PLACED AS PROVIDED IN SECTION 19-2-1109 OR 19-2-1110,
20 CONSISTENT WITH ANY ORDERS OF THE COURT MADE AT THE SENTENCING
21 HEARING.

22 SECTION 5. 19-2-1104 (1) and (2), Colorado Revised
23 Statutes, 1986 Repl. Vol., as amended, are amended to read:

24 19-2-1104. Juveniles committed to the department -
25 transfers. (1) The executive director of the department of
26 institutions may transfer any juvenile committed under section
27 19-2-703 among the facilities established under sections

1 19-2-1101 and 19-2-1106 to 19-2-1108; except that:

2 (a) Before any juvenile is transferred, he shall be
3 examined and evaluated, and such evaluation shall be reviewed
4 by the said executive director before he approves the
5 transfer; AND

6 (b) BEFORE ANY JUVENILE IS TRANSFERRED FROM A SECURE
7 FACILITY TO A NONSECURE FACILITY, THE COMMITTING COURT AND THE
8 DISTRICT ATTORNEY SHALL BE GIVEN WRITTEN NOTICE OF THE
9 PROPOSED TRANSFER AND THE REASONS THEREFOR AT LEAST THIRTY
10 DAYS PRIOR TO THE TRANSFER. THE COURT OR THE DISTRICT
11 ATTORNEY MAY SET THE MATTER FOR HEARING PRIOR TO THE
12 EXPIRATION OF THE THIRTY DAYS.

13 (2) When the executive director of the department of
14 institutions finds that the welfare and protection of a
15 juvenile or of others requires the juvenile's immediate
16 transfer to another facility OF THE SAME SECURITY LEVEL, he
17 shall make the transfer prior to having the juvenile examined
18 and evaluated AND PRIOR TO GIVING WRITTEN NOTICE TO THE
19 COMMITTING COURT AND THE DISTRICT ATTORNEY.

20 SECTION 6. Part 12 of article 2 of title 19, Colorado
21 Revised Statutes, 1986 Repl. Vol., as amended, is amended BY
22 THE ADDITION OF A NEW SECTION to read:

23 19-2-1204.5. Transfer of functions relating to parole to
24 the judicial department. (1) On and after July 1, 1988, the
25 authority to execute, administer, perform, and enforce the
26 rights, powers, duties, functions, and obligations vested in
27 the division of juvenile parole in the department of

1 institutions pursuant to this part 12, as it existed prior to
2 said date, shall be transferred to the judicial department and
3 assigned to probation departments in the judicial department
4 by the state court administrator, after consultation with the
5 chief judge in each judicial district. On and after July 1,
6 1988, any officers or employees of the department of
7 institutions whose primary duties were to carry out the
8 functions specified in this part 12 prior to said date and
9 whose duties and functions concerned the duties and functions
10 transferred to the judicial department pursuant to this
11 section and whose employment in the judicial department is
12 deemed necessary by the state court administrator to carry out
13 the purposes of this part 12 shall be transferred to the
14 judicial department and become employees thereof. Such
15 employees shall retain all rights to retirement benefits
16 pursuant to the laws of this state, and their services shall
17 be deemed to have been continuous.

18 (2) On July 1, 1988, all items of property, real and
19 personal, including office furniture and fixtures, books,
20 documents, and records of the department of institutions prior
21 to said date pertaining to the duties and functions
22 transferred to the judicial department pursuant to this
23 section are transferred to the judicial department and become
24 the property thereof.

25 (3) Whenever the state department of institutions is
26 referred to or designated by a contract or other document in
27 connection with the duties and functions transferred to the

1 judicial department pursuant to this section, such reference
2 or designation shall be deemed to apply to the judicial
3 department. All contracts entered into by the department of
4 institutions prior to July 1, 1988, in connection with the
5 duties and functions transferred to the judicial department
6 pursuant to this section are hereby validated, with the
7 judicial department succeeding to all the rights and
8 obligations of such contracts. Any appropriations of funds
9 from prior fiscal years open to satisfy obligations incurred
10 pursuant to such contracts are hereby transferred and
11 appropriated to the judicial department for the payment of
12 such obligations.

13 SECTION 7. 19-2-1202 (3), Colorado Revised Statutes,
14 1986 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH
15 AMENDMENTS, to read:

16 19-2-1202. Juvenile parole board - powers and duties.

17 (3) (a) At least fifteen days before any parole hearing, the
18 board shall give written notice of the location, date, time,
19 and nature of the hearing and the name, current residence, and
20 date of birth of the particular juvenile being considered for
21 parole to the court, district attorney, and defense counsel
22 involved at the time of the juvenile's commitment. Upon
23 request, law enforcement personnel, the probation department,
24 and the department of social services may receive such notice
25 or information. Such agencies or entities shall be allowed to
26 provide relevant information to the board concerning the
27 hearing. Such information may be provided in writing or by an

1 appearance at the hearing.

2 (b) Before granting any parole to a juvenile, the board
3 shall be provided with a parole plan prepared by the
4 department of institutions.

5 (c) The board shall interview and review the record of
6 each juvenile who comes before the board for the granting,
7 extension, suspension, or revocation of parole.

8 SECTION 8. 19-2-1202 (5), (6), and (7), Colorado Revised
9 Statutes, 1986 Repl. Vol., as amended, are amended to read:

10 19-2-1202. Juvenile parole board - powers and duties.

11 (5) The juvenile and his parents or guardian shall be
12 informed that they may be represented by counsel in any
13 hearing for the grant, modification, or revocation of a parole
14 before the board. ~~or-a-hearing-panel.~~

15 (6) The board ~~or--a--hearing--panel~~ shall consult the
16 director of the facility in which the juvenile had been placed
17 before granting a parole.

18 (7) The board ~~or-a-hearing--panel~~ shall have subpoena
19 power and the power to administer oaths.

20 SECTION 9. 19-2-1205, Colorado Revised Statutes, 1986
21 Repl. Vol., as amended, is amended to read:

22 19-2-1205. Powers and duties of juvenile probation

23 officers. (1) Under the direction of the ~~director--of~~
24 ~~juvenile-parole~~ CHIEF PROBATION OFFICER, the juvenile parole
25 PROBATION officer or officers in each district established
26 ~~under-this-part-12~~ shall supervise all juveniles living in the
27 district who, having been committed to the department of

1 institutions, are on parole from one of its facilities.

2 (2) The juvenile parole PROBATION officer shall give to
3 each juvenile granted parole a written statement of the
4 conditions of his parole, shall explain such conditions to him
5 fully, and shall aid him to observe them. He shall have
6 periodic conferences with and reports from the juvenile. He
7 may conduct such investigations or other activities as may be
8 necessary to determine whether the conditions of parole are
9 being met and to accomplish the rehabilitation of the
10 juvenile.

11 (3) All juvenile parole PROBATION officers shall have
12 the powers of peace officers in performing the duties of their
13 position.

14 SECTION 10. The introductory portion to 19-2-1206 (1),
15 19-2-1206 (2) and (3), the introductory portion to 19-2-1206
16 (4) (a), 19-2-1206 (4) (a) (I) and (4) (b), the introductory
17 portion to 19-2-1206 (5), and 19-2-1206 (5) (b), (6), (8),
18 (9), and (10), Colorado Revised Statutes, 1986 Repl. Vol., as
19 amended, are amended to read:

20 19-2-1206. Parole violation and revocation. (1) The
21 ~~director--of--juvenile--parole~~ CHIEF PROBATION OFFICER or any
22 juvenile parole PROBATION officer may arrest any parolee when:

23 (2) When an alleged parole violator is taken into
24 custody, the ~~director--of--juvenile--parole~~ CHIEF PROBATION
25 OFFICER or the juvenile parole PROBATION officer shall notify
26 the parents, guardian, or legal custodian of the juvenile
27 without unnecessary delay.

1 (3) When a juvenile parole PROBATION officer has
2 reasonable grounds to believe that a condition of parole has
3 been violated by any parolee, he may issue a summons requiring
4 the parolee to appear before the hearing--panel BOARD at a
5 specified time and place to answer charges of violation of one
6 or more conditions of parole. Such summons, unless
7 accompanied by a copy of a complaint filed before the hearing
8 panel BOARD seeking revocation or suspension of parole or
9 modification of parole conditions, shall contain a brief
10 statement of the alleged parole violation and the date and
11 place thereof. Failure of the parolee to appear before the
12 hearing--panel BOARD as required by such summons shall be
13 deemed a violation of a condition of parole.

14 (4) (a) If, rather than issuing a summons, a parole
15 PROBATION officer makes an arrest of a parolee with or without
16 a warrant or takes custody of a parolee who has been arrested
17 by another, the parole PROBATION officer shall place the
18 parolee in the nearest local juvenile detention facility or
19 shelter care facility approved by the department of social
20 services and without unnecessary delay report the facts to the
21 preliminary--administrative--law-judge--having-jurisdiction,--as
22 provided-by-section-19-2-1203, A BOARD MEMBER to hear and
23 determine the question as to whether there is probable cause
24 to believe THAT a condition of parole has been violated by the
25 parolee. Such preliminary--administrative--law--judge BOARD
26 MEMBER shall cause to be prepared and served, within a
27 reasonable time of the hearing, upon the parolee and his

1 parents, guardian, or legal custodian, a notice of preliminary
2 hearing on parole violation unless, upon the affidavit or
3 other showing made by the parole PROBATION officer, the
4 preliminary--administrative--law-judge BOARD MEMBER determines
5 that there is no sufficient grounds for revocation of parole
6 or other disciplinary action, in which event he shall order
7 the release of the parolee. In the event that the notice of
8 preliminary hearing on parole violation is issued by the
9 preliminary-administrative-law-judge BOARD MEMBER, a copy of
10 such notice shall be served on the parolee and his parents,
11 guardian, or legal custodian by the parole PROBATION officer
12 or other person authorized to serve civil process. Such
13 notice shall contain the following information:

14 (I) The date, the place, and the time of the hearing and
15 the name of the preliminary-administrative-law--judge SITTING
16 BOARD MEMBER;

17 (b) The preliminary--administrative--law--judge BOARD
18 MEMBER shall hear such testimony as shall be offered and
19 determine whether probable cause for revocation of parole or
20 other disciplinary action has been shown. If probable cause
21 has not been shown, the preliminary-administrative-law-judge
22 BOARD MEMBER shall order the release of the parolee and shall
23 make a written report of his findings to the parole ENTIRE
24 board within ten days of the hearing. If the preliminary
25 administrative-law-judge BOARD MEMBER finds probable cause, he
26 shall order that the parolee be held to answer the charges
27 before the hearing-panel ENTIRE BOARD, and, upon the entry of

1 such order, the parole PROBATION officer shall return the
2 parolee without unnecessary delay to any of the juvenile
3 corrections facilities of the department of institutions
4 pending a hearing before the ~~hearing-panel~~ ENTIRE BOARD on the
5 complaint for revocation or suspension of parole.

6 (5) Within ten working days after the finding of
7 probable cause by the ~~preliminary-administrative-law-judge~~
8 BOARD MEMBER, the juvenile parole PROBATION officer shall
9 complete his investigation and either:

10 (b) Recommend to the ~~director--of--the--division--of~~
11 ~~juvenile-parole~~ CHIEF PROBATION OFFICER that the parolee, if
12 detained, be released and the violation proceedings be
13 dismissed. The ~~director~~ CHIEF PROBATION OFFICER shall
14 determine whether to cause the violation proceedings to be
15 dismissed, and, if he elects to cause dismissal, the parolee
16 shall be released or notified that he is relieved of
17 obligation to appear before the ~~hearing-panel~~ BOARD. In such
18 event, the ~~director~~ CHIEF PROBATION OFFICER shall give written
19 notification to the board of his action.

20 (6) A complaint filed by a juvenile parole PROBATION
21 officer in which revocation of parole is sought shall contain
22 the name of the parolee, shall identify the violation charged
23 and the condition or conditions of parole alleged to have been
24 violated, including the date and approximate location thereof,
25 and shall be signed by the juvenile parole PROBATION officer.
26 A copy thereof shall be given to the parolee and his parents,
27 guardian, or legal custodian at least five days before a

1 hearing on the complaint is held before the hearing-panel
2 BOARD.

3 (8) At least five days before the appearance of a
4 parolee before the hearing-panel BOARD, he and his parents,
5 guardian, or legal custodian shall be advised in writing by
6 the ~~director--of--the--division--of--juvenile--parole~~ CHIEF
7 PROBATION OFFICER of the nature of the charges which are
8 alleged to justify revocation or suspension of his parole and
9 the substance of the evidence sustaining the charges; he shall
10 be given a copy of the complaint unless he has already
11 received one; he shall be informed of the consequences which
12 may follow in the event his parole is revoked; and he shall be
13 advised that, if the charges are denied by him, a hearing will
14 be held before the hearing-panel BOARD, that, at such hearing,
15 he may testify and present witnesses and documentary evidence
16 in defense of the charges or in mitigation or explanation
17 thereof, and that he has the right to counsel at the hearing.

18 (9) At the hearing before the hearing-panel BOARD, if
19 the parolee denies the violation, the ~~division--of--juvenile~~
20 ~~parole~~ PROBATION DEPARTMENT shall have the burden of
21 establishing by a preponderance of the evidence the violation
22 of a condition or conditions of parole. The hearing-panel
23 BOARD shall, when it appears that the alleged violation of
24 conditions of parole consists of an offense with which the
25 parolee is charged in a criminal case then pending, continue
26 the parole violation hearing until the termination of such
27 criminal proceeding. Any evidence having probative value

1 shall be admissible regardless of its admissibility under
2 exclusionary rules of evidence if the parolee is accorded a
3 fair opportunity to rebut hearsay evidence. The parolee shall
4 have the right to confront and to cross-examine adverse
5 witnesses unless the administrative---law---judge BOARD
6 specifically finds good cause for not allowing confrontation.

7 (10) If the hearing--panel BOARD determines that a
8 violation of a condition or conditions of parole has been
9 committed, it shall hear further evidence related to the
10 disposition of the parolee. At the conclusion of the hearing,
11 the hearing-panel BOARD shall advise the parties before it of
12 its findings and recommendations-and-of-their-right-to-request
13 a-review-before-the-board,--Such--review--may--be--held--if--a
14 written--request-is-filed-within-ten-days-after-the-conclusion
15 of-the-hearing-before-the-hearing-panel,--If-a--review--before
16 the--board--is-not-requested-or-the-right-to-review-is-waived,
17 the CONCLUSIONS. THE findings and recommendations CONCLUSIONS
18 of the hearing-panel,--if-unanimous, BOARD shall become BE the
19 FINAL decision of the juvenile-parole board unless the board
20 on its own motion orders a review RECONSIDERATION.

21 SECTION 11. Transfer authorization. The state court
22 administrator, after consultation with the executive director
23 of the department of institutions, and upon approval of the
24 governor, shall order the controller to transfer to the
25 judicial department moneys appropriated to the department of
26 institutions for the 1988-89 fiscal year, not exceeding
27 _____ dollars (\$), for the purpose of presentence

1 examinations and evaluations of juveniles to be performed by
2 the judicial department as specified in section 19-2-1003,
3 Colorado Revised Statutes, and for the juvenile parole and
4 parole supervision functions to be performed by the judicial
5 department.

6 SECTION 12. Repeal. 19-2-1201 (7), 19-2-1202 (4),
7 19-2-1203, and 19-2-1204, Colorado Revised Statutes, 1986
8 Repl. Vol., as amended, and 24-1-118 (5), Colorado Revised
9 Statutes, 1982 Repl. Vol., as amended, are repealed.

10 SECTION 13. Effective date. This act shall take effect
11 July 1, 1988.

12 SECTION 14. Safety clause. The general assembly hereby
13 finds, determines, and declares that this act is necessary
14 for the immediate preservation of the public peace, health,
15 and safety.

BILL 6

A BILL FOR AN ACT

1 CONCERNING REDUCTION OF THE MINIMUM AGE REQUIREMENTS AFFECTING
2 THE TREATMENT UNDER THE CHILDREN'S CODE OF JUVENILES WHO
3 HAVE COMMITTED SERIOUS OFFENSES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Reduces the minimum age for finding a juvenile offender to be an aggravated juvenile offender. Lowers the age at which a juvenile offender may be charged as an adult by direct filing in district court.

4 Be it enacted by the General Assembly of the State of Colorado:

5 SECTION 1. 19-2-804 (1)(b), Colorado Revised Statutes,
6 1986 Repl. Vol., as amended, is amended to read:

7 19-2-804. Aggravated juvenile offender.

8 (1) (b) ~~Sixteen~~ FIFTEEN years of age or older and is
9 adjudicated a juvenile delinquent for a delinquent act which
10 constitutes a felony and either is subsequently adjudicated a
11 juvenile delinquent for a delinquent act which constitutes a

1 crime of violence, as defined in section 16-11-309 (2),
2 C.R.S., or has his probation revoked for a delinquent act
3 which constitutes a crime of violence, as defined in section
4 16-11-309 (2), C.R.S.

5 SECTION 2. 19-2-805 (1)(b), Colorado Revised Statutes,
6 1986 Repl. Vol., as amended, is amended to read:

7 19-2-805. Direct filing. (1) (b) The juvenile has,
8 within the two previous years, been adjudicated a juvenile
9 delinquent for a delinquent act that constitutes a felony, is
10 ~~sixteen~~ FIFTEEN years of age or older, and allegedly has
11 committed a crime defined by section 18-1-105, C.R.S., as a
12 class 2 or class 3 felony, except felonies defined by section
13 18-3-403 (1) (e), C.R.S.; or

14 SECTION 3. Effective date. This act shall take effect
15 July 1, 1988.

16 SECTION 4. Safety clause. The general assembly hereby
17 finds, determines, and declares that this act is necessary
18 for the immediate preservation of the public peace, health,
19 and safety.

BILL 7

A BILL FOR AN ACT

1 CONCERNING A PROHIBITION AGAINST THE DISPENSATION TO MINORS OF
2 VIDEO TAPES OR FILM REPRESENTATIONS THE SOLE PURPOSE OF
3 WHICH IS TO DEPICT REPEATED VIOLENT ACTS, AND IN
4 CONNECTION THEREWITH, PROVIDING THAT SAID PROHIBITION BE
5 ENFORCED BY THE APPLICATION OF THE PUBLIC NUISANCE
6 PROVISIONS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Makes class 1 public nuisance provisions applicable to the dispensing to minors of video tapes or film representations the sole purpose of which is to depict repeated violent acts.

7 Be it enacted by the General Assembly of the State of Colorado:
8 SECTION 1. Article 13 of title 18, Colorado Revised
9 Statutes, 1986 Repl. Vol., as amended, is amended BY THE
10 ADDITION OF A NEW SECTION to read:
11 18-13-122. Dispensing violent films to minors - class 1

1 public nuisance. (1) No person shall sell, rent, or
2 otherwise distribute to a minor any video tape or film
3 representation the sole purpose of which is the depiction of
4 repeated violent acts resulting in serious bodily injury or
5 death. Every building or part of a building including the
6 ground upon which it is situate and all fixtures and contents
7 thereof, every vehicle, and any real property used in
8 violation of this subsection (1) shall be deemed a class 1
9 public nuisance, and the provisions relating thereto as
10 specified in part 3 of article 13 of title 16, C.R.S., shall
11 be applicable.

12 (2) For the purposes of this section, "minor" means any
13 person under eighteen years of age, and "serious bodily
14 injury" shall be defined as provided in section 18-1-901 (3)
15 (p).

16 SECTION 2. Effective date - applicability. This act
17 shall take effect July 1, 1988, and shall apply to offenses
18 committed on or after said date.

19 SECTION 3. Safety clause. The general assembly hereby
20 finds, determines, and declares that this act is necessary
21 for the immediate preservation of the public peace, health,
22 and safety.

JOINT RESOLUTION A

1 WHEREAS, An interim committee on juvenile offenders was
2 appointed during the 1987 interim to conduct an in-depth study
3 of procedures for handling juvenile offenders from the time of
4 arrest to incarceration; and

5 WHEREAS, Such interim committee, after taking testimony
6 from state agencies, experts on juvenile justice, and other
7 interested persons and after conducting its study, has
8 determined that the juvenile justice system is complex and
9 that the system has problems that are difficult to solve,
10 including questions concerning the lack of resources, and the
11 lack of standardization of services given to juveniles; and

12 WHEREAS, The interim committee has determined that the
13 state of Colorado could benefit from continued study and
14 examination of the juvenile justice system; now, therefore,

15 Be It Resolved by the House of Representatives of the
16 Fifty-sixth General Assembly of the State of Colorado, the
17 Senate concurring herein:

18 (1) That the members of the interim committee on
19 juvenile offenders be reappointed to serve as a committee to
20 study the juvenile justice system and to continue the work
21 begun by said interim committee. Such study shall continue
22 during the remainder of the second regular session and the
23 interim of the fifty-sixth general assembly.

24 (2) That the committee on juvenile offenders shall
25 report its findings and recommendations to the Legislative
26 Council, which shall report its recommendations and findings
27 to the First Regular Session of the Fifty-seventh General
28 Assembly.

29 (3) That all expenditures incurred in the conduct of the
30 study done by the committee on juvenile offenders shall be
31 approved by the chairman of the Legislative Council and paid
32 by vouchers and warrants drawn as provided by law from funds

1 allocated to the Legislative Council from appropriations made
2 by the General Assembly.