

Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0095.01 Michael Dohr

HOUSE BILL 08-1016

---

HOUSE SPONSORSHIP

**Solano**, and Stafford

SENATE SPONSORSHIP

**Boyd**, and Windels

---

**House Committees**  
Judiciary

**Senate Committees**

---

A BILL FOR AN ACT

101 CONCERNING JUVENILE JUSTICE PROCEDURES FOR JUVENILES WHO  
102 MAY BENEFIT FROM MENTAL HEALTH SERVICES.

---

**Bill Summary**

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

**Legislative Oversight Committee for the Continuing Examination of the Treatment of Persons with Mental Illness who are Involved in the Criminal and Juvenile Justice Systems.** In a juvenile delinquency proceeding, requires the court, prosecution, defense, probation officer, guardian ad litem, parent, or legal guardian who believes that the juvenile could benefit from mental health services to advise the court of the issue. Directs the court to order a mental health

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

screening when the issue is raised, unless the court has sufficient information to determine the juvenile's need for mental health services. Permits the court to order mental health treatment or services as a part of the court's disposition if an assessment finds or the court determines the juvenile could benefit from mental health services.

---

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

2 **SECTION 1.** Part 7 of article 2 of title 19, Colorado Revised  
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
4 read:

5 **19-2-710. Mental health services for juvenile - how and when**  
6 **issue raised - procedure - definitions.** (1) AT ANY STAGE OF A  
7 DELINQUENCY PROCEEDING, IF THE COURT, PROSECUTION, DEFENSE,  
8 PROBATION OFFICER, GUARDIAN AD LITEM, PARENT, OR LEGAL GUARDIAN  
9 HAS REASON TO BELIEVE THAT THE JUVENILE COULD BENEFIT FROM  
10 MENTAL HEALTH SERVICES, THE PARTY SHALL IMMEDIATELY ADVISE THE  
11 COURT OF SUCH BELIEF.

12 (2) AFTER THE PARTY ADVISES THE COURT OF THE PARTY'S BELIEF  
13 THAT THE JUVENILE COULD BENEFIT FROM MENTAL HEALTH SERVICES, THE  
14 COURT SHALL IMMEDIATELY ORDER A MENTAL HEALTH SCREENING OF THE  
15 JUVENILE PURSUANT TO SECTION 16-11.9-102, C.R.S., UNLESS THE COURT  
16 ALREADY HAS SUFFICIENT INFORMATION TO DETERMINE WHETHER THE  
17 JUVENILE COULD BENEFIT FROM MENTAL HEALTH SERVICES OR UNLESS A  
18 MENTAL HEALTH SCREENING OF THE JUVENILE HAS BEEN COMPLETED  
19 WITHIN THE LAST THREE MONTHS. THE DELINQUENCY PROCEEDINGS  
20 SHALL NOT BE STAYED OR SUSPENDED PENDING THE RESULTS OF THE  
21 MENTAL HEALTH SCREENING ORDERED PURSUANT THIS SECTION,  
22 HOWEVER, THE COURT MAY CONTINUE THE DISPOSITIONAL AND  
23 SENTENCING HEARING TO AWAIT THE RESULTS OF THE MENTAL HEALTH

1 SCREENING.

2 (3) IF THE MENTAL HEALTH SCREENING INDICATES THAT THE  
3 JUVENILE COULD BENEFIT FROM MENTAL HEALTH SERVICES, THE COURT  
4 MAY ORDER A MENTAL HEALTH ASSESSMENT.

5 (4) AT THE TIME THE COURT ORDERS A MENTAL HEALTH  
6 ASSESSMENT, THE COURT SHALL SPECIFY THE DATE UPON WHICH THE  
7 ASSESSMENT SHALL BE COMPLETED AND RETURNED TO THE COURT. THE  
8 COURT MAY ASSIGN RESPONSIBILITY FOR THE COST OF THE ASSESSMENT TO  
9 ANY PARTY HAVING LEGAL CUSTODY OR LEGAL GUARDIANSHIP OF THE  
10 JUVENILE.

11 (5) THE ASSESSMENT, AT A MINIMUM, SHALL INCLUDE AN OPINION  
12 REGARDING WHETHER THE JUVENILE COULD BENEFIT FROM MENTAL  
13 HEALTH SERVICES. IF THE ASSESSMENT CONCLUDES THAT THE JUVENILE  
14 COULD BENEFIT FROM MENTAL HEALTH SERVICES, THE ASSESSMENT SHALL  
15 IDENTIFY THE JUVENILE'S MENTAL HEALTH ISSUES AND THE APPROPRIATE  
16 SERVICES AND TREATMENT.

17 (6) EVIDENCE OR TREATMENT OBTAINED AS A RESULT OF A  
18 MENTAL HEALTH SCREENING OR ASSESSMENT ORDERED PURSUANT TO THIS  
19 SECTION SHALL NOT BE ADMISSIBLE ON THE ISSUES RAISED BY A PLEA OF  
20 NOT GUILTY.

21 (7) FOR PURPOSES OF THIS SECTION:

22 (a) "ASSESSMENT" MEANS AN OBJECTIVE PROCESS USED TO  
23 COLLECT PERTINENT INFORMATION IN ORDER TO IDENTIFY A JUVENILE  
24 WHO MAY HAVE MENTAL HEALTH NEEDS.

25 (b) "JUVENILE COULD BENEFIT FROM MENTAL HEALTH SERVICES"  
26 MEANS A JUVENILE EXHIBITS ONE OR MORE OF THE FOLLOWING  
27 CHARACTERISTICS:

1 (I) A CHRONIC OR SIGNIFICANT LACK OF IMPULSE CONTROL OR OF  
2 JUDGMENT;

3 (II) SIGNIFICANT ABNORMAL BEHAVIORS UNDER NORMAL  
4 CIRCUMSTANCES;

5 (III) A HISTORY OF SUSPENSIONS, EXPULSIONS, OR REPEATED  
6 TRUANCY FROM SCHOOL SETTINGS;

7 (IV) SEVERE OR FREQUENT CHANGES IN SLEEPING OR EATING  
8 PATTERNS OR IN LEVELS OF ACTIVITY;

9 (V) A PERVASIVE MOOD OF UNHAPPINESS OR OF DEPRESSION; OR

10 (VI) A HISTORY OF INVOLVEMENT WITH, OR TREATMENT IN, TWO  
11 OR MORE STATE OR LOCAL GOVERNMENTAL AGENCIES, INCLUDING BUT  
12 NOT LIMITED TO JUVENILE JUSTICE, YOUTH CORRECTIONS, OR CHILD  
13 WELFARE.

14 **SECTION 2.** 19-2-906, Colorado Revised Statutes, is amended  
15 BY THE ADDITION OF A NEW SUBSECTION to read:

16 **19-2-906. Sentencing hearing.** (2.5) IF THE COURT RECEIVES A  
17 MENTAL HEALTH SCREENING OR MENTAL HEALTH ASSESSMENT PURSUANT  
18 TO SECTION 19-2-710 DETERMINING THAT THE JUVENILE COULD BENEFIT  
19 FROM MENTAL HEALTH SERVICES, OR THE COURT ALREADY HAS  
20 SUFFICIENT INFORMATION TO DETERMINE THAT THE JUVENILE COULD  
21 BENEFIT FROM MENTAL HEALTH SERVICES, THE COURT MAY ORDER  
22 MENTAL HEALTH SERVICES AS A PART OF THE DISPOSITION.

23 **SECTION 3. Effective date - applicability.** This act shall take  
24 effect July 1, 2008, and shall apply to juveniles who allegedly commit  
25 offenses on or after said date.

26 **SECTION 4. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.