

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

PREAMENDED

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

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
Judiciary

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.

HOUSE
3rd Reading Unamended
January 24, 2008

HOUSE
Amended 2nd Reading
January 23, 2008

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 THE FOLLOWING NEW
4 SECTIONS to read:

5 **19-2-709.5 Implementation committees - repeal.** (1) (a) THE
6 CHIEF JUDGE OF EACH JUDICIAL DISTRICT AND THE PRESIDING JUDGE OF
7 THE JUVENILE COURT FOR THE SECOND JUDICIAL DISTRICT MAY EACH
8 APPOINT A COMMITTEE THAT SHALL DEVELOP AN IMPLEMENTATION PLAN
9 FOR SECTIONS 19-2-710 AND 19-2-906. EACH IMPLEMENTATION
10 COMMITTEE SHALL INCLUDE BUT SHALL BE NOT LIMITED TO A
11 REPRESENTATIVE OF THE DISTRICT ATTORNEY'S OFFICE, THE PUBLIC
12 DEFENDER, A COUNTY DEPARTMENT OF SOCIAL SERVICES, THE PROBATION
13 DEPARTMENT, AND A COMMUNITY MENTAL HEALTH REPRESENTATIVE.

14 (b) EACH IMPLEMENTATION COMMITTEE SHALL SUBMIT ITS
15 IMPLEMENTATION PLAN TO THE JUDICIAL DEPARTMENT BY JULY 1, 2009.

16 (c) EACH JUDICIAL DISTRICT SHALL HAVE UNTIL JULY 1, 2010, TO
17 IMPLEMENT ITS PLAN.

18 (d) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2011.

19 **19-2-710. Mental health services for juvenile - how and when**
20 **issue raised - procedure - definitions - repeal.** (1) AT ANY STAGE OF
21 A DELINQUENCY PROCEEDING, IF THE COURT, PROSECUTION, PROBATION
22 OFFICER, GUARDIAN AD LITEM, PARENT, OR LEGAL GUARDIAN HAS REASON
23 TO BELIEVE THAT THE JUVENILE COULD BENEFIT FROM MENTAL HEALTH

1 SERVICES, THE PARTY SHALL IMMEDIATELY ADVISE THE COURT OF SUCH
2 BELIEF.

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

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

19 (4) AT THE TIME THE COURT ORDERS A MENTAL HEALTH
20 ASSESSMENT, THE COURT SHALL SPECIFY THE DATE UPON WHICH THE
21 ASSESSMENT SHALL BE COMPLETED AND RETURNED TO THE COURT. THE
22 COURT MAY ASSIGN RESPONSIBILITY FOR THE COST OF THE ASSESSMENT TO
23 ANY PARTY HAVING LEGAL CUSTODY OR LEGAL GUARDIANSHIP OF THE
24 JUVENILE.

25 (5) THE ASSESSMENT, AT A MINIMUM, SHALL INCLUDE AN OPINION
26 REGARDING WHETHER THE JUVENILE COULD BENEFIT FROM MENTAL
27 HEALTH SERVICES. IF THE ASSESSMENT CONCLUDES THAT THE JUVENILE

1 COULD BENEFIT FROM MENTAL HEALTH SERVICES, THE ASSESSMENT SHALL
2 IDENTIFY THE JUVENILE'S MENTAL HEALTH ISSUES AND THE APPROPRIATE
3 SERVICES AND TREATMENT.

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

8 (7) FOR PURPOSES OF THIS SECTION:

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

12 (b) "JUVENILE COULD BENEFIT FROM MENTAL HEALTH SERVICES"
13 MEANS A JUVENILE EXHIBITS ONE OR MORE OF THE FOLLOWING
14 CHARACTERISTICS:

15 (I) A CHRONIC OR SIGNIFICANT LACK OF IMPULSE CONTROL OR OF
16 JUDGMENT;

17 (II) SIGNIFICANT ABNORMAL BEHAVIORS UNDER NORMAL
18 CIRCUMSTANCES;

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

21 (IV) SEVERE OR FREQUENT CHANGES IN SLEEPING OR EATING
22 PATTERNS OR IN LEVELS OF ACTIVITY;

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

24 (VI) A HISTORY OF INVOLVEMENT WITH, OR TREATMENT IN, TWO
25 OR MORE STATE OR LOCAL GOVERNMENTAL AGENCIES, INCLUDING BUT
26 NOT LIMITED TO JUVENILE JUSTICE, YOUTH CORRECTIONS, OR CHILD
27 WELFARE.

1 (8) (a) THE PROVISIONS OF THIS SECTION SHALL BE EFFECTIVE JULY
2 1, 2010, HOWEVER THE CHIEF JUDGE OF EACH JUDICIAL DISTRICT OR THE
3 PRESIDING JUDGE OF THE JUVENILE COURT FOR THE SECOND JUDICIAL
4 DISTRICT MAY ORDER THAT THE PROVISIONS OF THIS SECTION BE APPLIED
5 PRIOR TO JULY 1, 2010, IF THE JUDICIAL DISTRICT HAS AN
6 IMPLEMENTATION PLAN PURSUANT TO SECTION 19-2-709.5 THAT MAY BE
7 IMPLEMENTED PRIOR TO JULY 1, 2010.

8 (b) THIS SUBSECTION IS REPEALED, EFFECTIVE JULY 1, 2011.

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

11 **19-2-906. Sentencing hearing - repeal. (2.5) (a)** IF THE COURT
12 RECEIVES A MENTAL HEALTH SCREENING OR MENTAL HEALTH ASSESSMENT
13 PURSUANT TO SECTION 19-2-710 DETERMINING THAT THE JUVENILE COULD
14 BENEFIT FROM MENTAL HEALTH SERVICES, OR THE COURT ALREADY HAS
15 SUFFICIENT INFORMATION TO DETERMINE THAT THE JUVENILE COULD
16 BENEFIT FROM MENTAL HEALTH SERVICES, THE COURT MAY ORDER
17 MENTAL HEALTH SERVICES AS A PART OF THE DISPOSITION.

18 (b) (I) THE PROVISIONS OF THIS SUBSECTION (2.5) SHALL BE
19 EFFECTIVE JULY 1, 2010, HOWEVER THE CHIEF JUDGE OF EACH JUDICIAL
20 DISTRICT OR THE PRESIDING JUDGE OF THE JUVENILE COURT FOR THE
21 SECOND JUDICIAL DISTRICT MAY ORDER THAT THE PROVISIONS OF THIS
22 SUBSECTION BE APPLIED PRIOR TO JULY 1, 2010, IF THE JUDICIAL DISTRICT
23 HAS AN IMPLEMENTATION PLAN PURSUANT TO SECTION 19-2-709.5 THAT
24 MAY BE IMPLEMENTED PRIOR TO JULY 1, 2010.

25 (II) THIS PARAGRAPH IS REPEALED, EFFECTIVE JULY 1, 2011.

26 **SECTION 3. Effective date - applicability.** This act shall take
27 effect July 1, 2008, and shall apply to juvenile proceedings held on or

1 after said date. [REDACTED]

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