

HB1032_L.002

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.HB14-1032 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 19-2-507, amend
4 (5) as follows:

5 **19-2-507. Duty of officer - screening teams - notification -**
6 **release or detention.** (5) (a) As an alternative to taking a juvenile into
7 temporary custody pursuant to subsections (1), (3), and (4) of this section,
8 a law enforcement officer may, if authorized by the establishment of a
9 policy that permits such service by order of the chief judge of the judicial
10 district or the presiding judge of the Denver juvenile court, which policy
11 is established after consultation between such judge and the district
12 attorney and law enforcement officials in the judicial district, serve a
13 written promise to appear for juvenile proceedings based on any act that
14 would constitute a felony, misdemeanor, or petty offense upon the
15 juvenile and the juvenile's parent, guardian, or legal custodian.

16 (b) Such A promise to appear SERVED pursuant to PARAGRAPH (a)
17 OF this subsection (5) shall MUST state any charges against the juvenile
18 and the date, time, and place where such juvenile shall be required to
19 answer such charges. THE PROMISE TO APPEAR MUST ALSO STATE:

20 (I) THAT THE JUVENILE HAS THE RIGHT TO HAVE THE ASSISTANCE
21 OF COUNSEL;

22 (II) THAT COUNSEL WILL BE APPOINTED FOR THE JUVENILE IF THE
23 JUVENILE AND THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN
24 LACK ADEQUATE RESOURCES TO RETAIN COUNSEL OR THE JUVENILE'S
25 PARENT, GUARDIAN, OR LEGAL CUSTODIAN REFUSES TO RETAIN COUNSEL
26 FOR THE JUVENILE;

27 (III) THAT, TO DETERMINE IF THE JUVENILE IS ELIGIBLE FOR
28 COURT-APPOINTED COUNSEL, OR TO APPLY FOR COURT-APPOINTED
29 COUNSEL, THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN
30 MUST CALL THE OFFICE OF THE STATE PUBLIC DEFENDER, VISIT THE STATE
31 PUBLIC DEFENDER'S OFFICE, OR VISIT THE STATE PUBLIC DEFENDER'S
32 INTERNET WEB SITE;

33 (IV) THAT, TO AVOID DELAY IN OBTAINING COUNSEL, THE
34 JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN IS ADVISED TO
35 APPLY FOR COURT-APPOINTED COUNSEL AT LEAST FIVE DAYS BEFORE THE
36 JUVENILE'S PROMISED DATE OF APPEARANCE; AND

37 (V) THE CONTACT INFORMATION FOR THE LOCAL OFFICE OF THE



1 STATE PUBLIC DEFENDER, INCLUDING THE OFFICE'S TELEPHONE NUMBER
2 AND ADDRESS, AND THE ADDRESS OF THE INTERNET WEB SITE OF THE
3 OFFICE OF THE STATE PUBLIC DEFENDER.

4 (c) The promise to appear shall be signed by the juvenile. The
5 promise to appear shall be served upon the juvenile's parent, guardian, or
6 legal custodian by personal service or by certified mail, return receipt
7 requested. The date established for the juvenile and the juvenile's parent,
8 guardian, or legal custodian to appear shall not be earlier than seven days
9 nor later than thirty days after the promise to appear is served upon both
10 the juvenile and the juvenile's parent, guardian, or legal custodian.

11 **SECTION 2.** In Colorado Revised Statutes, 19-2-508, **amend** (2),
12 (3) (a) (I), (3) (a) (II), and (3) (a) (III) introductory portion; and **add** (2.5)
13 and (3) (a) (I.5) as follows:

14 **19-2-508. Detention and shelter - hearing - time limits -**
15 **findings - review - confinement with adult offenders - restrictions.**

16 (2) When a juvenile is placed in a detention facility, in a temporary
17 holding facility, or in a shelter facility designated by the court, the
18 screening team shall promptly so notify the court, THE DISTRICT
19 ATTORNEY, AND THE LOCAL OFFICE OF THE STATE PUBLIC DEFENDER. The
20 screening team shall also notify a parent or legal guardian or, if a parent
21 or legal guardian cannot be located within the county, the person with
22 whom the juvenile has been residing and inform him or her of the right
23 to a prompt hearing to determine whether the juvenile is to be detained
24 further. The court shall hold ~~such~~ THE detention hearing within forty-eight
25 hours, excluding Saturdays, Sundays, and legal holidays. FOR A JUVENILE
26 BEING HELD IN DETENTION ON A WARRANT FOR VIOLATING A VALID COURT
27 ORDER ON A STATUS OFFENSE, THE COURT SHALL HOLD THE DETENTION
28 HEARING WITHIN TWENTY-FOUR HOURS, EXCLUDING SATURDAYS,
29 SUNDAYS, AND LEGAL HOLIDAYS.

30 (2.5) A JUVENILE WHO IS DETAINED FOR COMMITTING A
31 DELINQUENT ACT SHALL BE REPRESENTED AT THE DETENTION HEARING BY
32 COUNSEL. IF THE JUVENILE HAS NOT RETAINED HIS OR HER OWN COUNSEL,
33 THE COURT SHALL APPOINT THE OFFICE OF THE STATE PUBLIC DEFENDER
34 OR, IN THE CASE OF A CONFLICT, THE OFFICE OF ALTERNATE DEFENSE
35 COUNSEL TO REPRESENT THE JUVENILE. THIS APPOINTMENT SHALL
36 CONTINUE IF THE COURT APPOINTS THE OFFICE OF THE STATE PUBLIC
37 DEFENDER OR THE OFFICE OF ALTERNATE DEFENSE COUNSEL PURSUANT TO
38 SECTION 19-2-706 (2) (a) UNLESS:

39 (a) THE JUVENILE RETAINS HIS OR HER OWN COUNSEL; OR

40 (b) THE JUVENILE IS CHARGED WITH AN OFFENSE FOR WHICH THE
41 JUVENILE MAY WAIVE COUNSEL AND THE JUVENILE MAKES A KNOWING,



1 INTELLIGENT, AND VOLUNTARY WAIVER OF HIS OR HER RIGHT TO COUNSEL,
2 AS DESCRIBED IN SECTION 19-2-706 (2) (c).

3 (3) (a) (I) A juvenile taken into custody pursuant to this article and
4 placed in a detention or shelter facility or a temporary holding facility
5 ~~shall be~~ is entitled to a hearing within forty-eight hours, excluding
6 Saturdays, Sundays, and legal holidays, of such placement to determine
7 if he or she should be detained. THE TIME OF THE DETENTION HEARING
8 MUST ALLOW DEFENSE COUNSEL SUFFICIENT TIME TO CONSULT WITH THE
9 JUVENILE BEFORE THE DETENTION HEARING. THIS CONSULTATION MAY BE
10 PERFORMED BY SECURE ELECTRONIC MEANS IF THE CONDITIONS UNDER
11 WHICH THE ELECTRONIC CONSULTATION IS HELD ALLOW THE
12 CONSULTATION TO BE CONFIDENTIAL. The time in which the hearing ~~shall~~
13 MUST be held may be extended for a reasonable time by order of the court
14 upon good cause shown.

15 (I.5) THE LAW ENFORCEMENT AGENCY THAT ARRESTED THE
16 JUVENILE SHALL PROMPTLY PROVIDE TO THE COURT AND TO DEFENSE
17 COUNSEL THE AFFIDAVIT SUPPORTING PROBABLE CAUSE FOR THE ARREST
18 AND THE ARREST REPORT, IF THE ARREST REPORT IS AVAILABLE, AND THE
19 SCREENING TEAM SHALL PROMPTLY PROVIDE TO THE COURT AND TO
20 DEFENSE COUNSEL ANY SCREENING MATERIAL PREPARED PURSUANT TO
21 THE JUVENILE'S ARREST.

22 (II) The ~~primary purpose~~ ONLY PURPOSES of a detention hearing
23 ~~shall be~~ ARE to determine if a juvenile should be detained further and to
24 define conditions under which he or she may be released, if his or her
25 release is appropriate. A detention hearing shall not be ~~considered~~
26 COMBINED WITH a preliminary hearing or a first advisement. DUE TO THE
27 LIMITED SCOPE OF A DETENTION HEARING, THE REPRESENTATION OF A
28 JUVENILE BY APPOINTED COUNSEL AT A DETENTION HEARING DOES NOT,
29 BY ITSELF, CREATE A CONFLICT IN THE EVENT THAT SUCH COUNSEL IS
30 SUBSEQUENTLY APPOINTED TO REPRESENT ANOTHER INDIVIDUAL WHOSE
31 CASE IS RELATED TO THE JUVENILE'S CASE.

32 (III) With respect to this section, the court may further detain the
33 juvenile ONLY if the court ~~is satisfied~~ FINDS from the information
34 ~~provided at the hearing that the juvenile is a danger to himself or herself~~
35 or to the community. Any information having probative value shall be
36 received regardless of its admissibility under the rules of evidence. In
37 determining whether a juvenile requires detention, the court shall consider
38 any record of any prior adjudications of the juvenile. There shall be a
39 rebuttable presumption that a juvenile is a danger to himself or herself or
40 to the community if:

41 **SECTION 3.** In Colorado Revised Statutes, 19-2-514, **amend** (1)



1 as follows:
2 **19-2-514. Summons - issuance - contents - service.** (1) After a
3 petition has been filed, the court shall promptly issue a summons reciting
4 briefly the substance of the petition. The summons ~~shall set forth the~~
5 ~~constitutional and legal rights of the juvenile, including the right to have~~
6 ~~an attorney present at the hearing on the petition~~ MUST ALSO STATE, IN A
7 SEPARATE BOX, IN BOLD, AND IN CAPITALIZED LETTERS, THE FOLLOWING
8 TEXT, INSERTING THE TELEPHONE NUMBER AND ADDRESS OF THE LOCAL
9 OFFICE OF THE STATE PUBLIC DEFENDER AND THE INTERNET WEB SITE
10 ADDRESS OF THE STATE PUBLIC DEFENDER, AS INDICATED:

11 1. YOU HAVE THE RIGHT TO HAVE YOUR OWN
12 LAWYER HELP YOU AT YOUR HEARING.

13 2. YOU MAY BE ELIGIBLE FOR THIS LAWYER AT
14 NO CHARGE.

15 3. TO FIND OUT IF YOU ARE ELIGIBLE, YOU OR
16 YOUR PARENT, GUARDIAN, OR LEGAL
17 CUSTODIAN SHOULD CALL THE OFFICE OF THE
18 STATE PUBLIC DEFENDER AT _____, VISIT
19 THE OFFICE OF THE STATE PUBLIC DEFENDER AT
20 _____, OR VISIT THE STATE PUBLIC
21 DEFENDER'S WEB SITE AT _____.

22 4. YOU ARE MORE LIKELY TO HAVE A FREE
23 LAWYER PRESENT AT YOUR HEARING IF YOU OR
24 YOUR PARENT, GUARDIAN, OR LEGAL
25 CUSTODIAN CALLS OR VISITS THE OFFICE OF THE
26 STATE PUBLIC DEFENDER AT LEAST FIVE DAYS
27 BEFORE YOUR HEARING.

28 **SECTION 4.** In Colorado Revised Statutes, 19-2-706, **amend** (1)
29 and (2) as follows:

30 **19-2-706. Advisement - right to counsel - waiver of right to**
31 **counsel.** (1) (a) At the JUVENILE'S first appearance before the court, after
32 ~~the filing of a petition~~ DETENTION HEARING OR AT THE FIRST APPEARANCE
33 IF THE JUVENILE APPEARS ON A SUMMONS, THE COURT SHALL ADVISE the
34 juvenile and his or her parents, guardian, or other legal custodian ~~shall be~~
35 ~~advised by the court of their~~ THE JUVENILE'S constitutional RIGHTS and
36 legal rights as set forth in rule 3 of the Colorado rules of juvenile

1 procedure, INCLUDING, BUT NOT LIMITED TO, THE RIGHT TO COUNSEL.
2 Such THE advisement shall include the possibility of restorative justice
3 practices, including victim-offender conferences if restorative justice
4 practices are available in the jurisdiction. The advisement regarding
5 restorative justice practices does not establish any right to restorative
6 justice practices on behalf of the juvenile.

7 (b) IF THE RESPONDENT HAS MADE AN EARLY APPLICATION FOR
8 APPOINTED COUNSEL FOR THE JUVENILE AND THE OFFICE OF THE STATE
9 PUBLIC DEFENDER HAS MADE A PRELIMINARY DETERMINATION THAT THE
10 JUVENILE IS ELIGIBLE FOR APPOINTED COUNSEL AS SET FORTH IN SECTION
11 21-1-103, C.R.S., OR IF THE COURT HAS APPOINTED COUNSEL FOR THE
12 JUVENILE PURSUANT TO SECTION 19-2-508 (2.5), AN ATTORNEY FROM THE
13 OFFICE OF THE STATE PUBLIC DEFENDER OR, IN THE CASE OF A CONFLICT,
14 FROM THE OFFICE OF ALTERNATE DEFENSE COUNSEL, SHALL BE AVAILABLE
15 TO REPRESENT THE JUVENILE AT THE JUVENILE'S FIRST APPEARANCE, AS
16 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1).

17 (c) IF THE RESPONDENT HAS NOT MADE AN EARLY APPLICATION
18 FOR APPOINTED COUNSEL FOR THE JUVENILE BUT THE JUVENILE REQUESTS
19 APPOINTMENT OF COUNSEL AT THE FIRST APPEARANCE, THE COURT SHALL
20 DETERMINE IF THE JUVENILE IS ELIGIBLE FOR COUNSEL PURSUANT TO
21 PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION.

22 (d) AS USED IN THIS SUBSECTION (1), UNLESS THE CONTEXT
23 OTHERWISE REQUIRES, "EARLY APPLICATION" MEANS THAT THE
24 RESPONDENT HAS CONTACTED THE OFFICE OF THE STATE PUBLIC
25 DEFENDER AND APPLIED FOR REPRESENTATION OF THE JUVENILE BY THE
26 STATE PUBLIC DEFENDER NOT LESS THAN FIVE DAYS BEFORE THE
27 JUVENILE'S SCHEDULED COURT DATE FOR THE FIRST APPEARANCE AND HAS
28 PROVIDED SUFFICIENT INFORMATION TO THE OFFICE OF THE STATE PUBLIC
29 DEFENDER TO ALLOW THAT OFFICE TO MAKE A PRELIMINARY
30 DETERMINATION OF ELIGIBILITY FOR REPRESENTATION.

31 (e) FAILURE OF THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL
32 CUSTODIAN TO APPLY FOR COURT-APPOINTED COUNSEL MAY NOT BE
33 CONSTRUED AS A WAIVER OF THE RIGHT TO COUNSEL OR ANY OTHER
34 RIGHTS HELD BY THE JUVENILE.

35 (2) (a) If the juvenile ~~or~~ AND his or her parents, guardian, or other
36 legal custodian requests counsel and the juvenile ~~or his or her parents,~~
37 ~~guardian, or other legal custodian is~~ ARE found to be without sufficient
38 financial means; INDIGENT PURSUANT TO SECTION 21-1-103 (3), C.R.S.,
39 or the juvenile's parents, guardian, or other legal custodian refuses to
40 retain counsel for said THE juvenile, or the court, on its own motion,
41 determines that counsel is necessary to protect the interests of the juvenile



1 or other parties, the court shall appoint ~~counsel~~ THE OFFICE OF STATE
2 PUBLIC DEFENDER OR, IN THE CASE OF A CONFLICT, THE OFFICE OF
3 ALTERNATE DEFENSE COUNSEL for the juvenile; EXCEPT THAT THE COURT
4 SHALL NOT APPOINT THE OFFICE OF THE STATE PUBLIC DEFENDER OR THE
5 OFFICE OF ALTERNATE DEFENSE COUNSEL IF:

- 6 (I) THE JUVENILE HAS RETAINED HIS OR HER OWN COUNSEL; OR
7 (II) THE JUVENILE HAS MADE A KNOWING, INTELLIGENT, AND
8 VOLUNTARY WAIVER OF HIS OR HER RIGHT TO COUNSEL, AS DESCRIBED IN
9 PARAGRAPH (c) OF THIS SUBSECTION (2).

10 (b) (I) If the court appoints counsel for the juvenile because of the
11 refusal of the parents, guardian, or other legal custodian to retain counsel
12 for the juvenile, the parents, guardian, or legal custodian, other than a
13 county department of social services or the department of human services,
14 shall be ordered to reimburse the court for the cost of the counsel unless
15 the court finds there was good cause for such refusal: ADVISED BY THE
16 COURT THAT IF THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN
17 IS DETERMINED NOT TO BE INDIGENT PURSUANT TO SECTION 21-1-103 (3),
18 C.R.S., THEN THE COURT WILL ORDER THE JUVENILE'S PARENT, GUARDIAN,
19 OR LEGAL CUSTODIAN, OTHER THAN A COUNTY DEPARTMENT OF HUMAN
20 SERVICES OR THE STATE DEPARTMENT OF HUMAN SERVICES, TO
21 REIMBURSE THE COURT FOR THE COST OF THE REPRESENTATION UNLESS
22 THE COURT, FOR GOOD CAUSE, WAIVES THE REIMBURSEMENT
23 REQUIREMENT. THE AMOUNT OF THE REIMBURSEMENT WILL BE A
24 PREDETERMINED AMOUNT THAT:

25 (A) SHALL BE SET BY THE SUPREME COURT, IN CONSULTATION
26 WITH THE OFFICE OF THE STATE PUBLIC DEFENDER AND THE OFFICE OF
27 ALTERNATE DEFENSE COUNSEL;

28 (B) SHALL BE INCLUDED IN THE CHIEF JUSTICE DIRECTIVE
29 CONCERNING THE APPOINTMENT OF STATE-FUNDED COUNSEL IN CRIMINAL
30 AND JUVENILE DELINQUENCY CASES; AND

31 (C) MAY BE BASED PARTLY OR ENTIRELY UPON THE STAGE A
32 PROCEEDING HAS REACHED WHEN COUNSEL IS APPOINTED, THE STAGE A
33 PROCEEDING HAS REACHED WHEN REPRESENTATION IS TERMINATED, OR
34 BOTH.

35 (II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF
36 THIS PARAGRAPH (b) TO THE CONTRARY, IF THE COURT FINDS THAT THERE
37 EXISTS A CONFLICT OF INTEREST BETWEEN THE JUVENILE AND THE
38 JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN SUCH THAT THE
39 INCOME AND ASSETS OF THE PARENT, GUARDIAN, OR LEGAL CUSTODIAN
40 ARE UNAVAILABLE TO THE JUVENILE, THEN THE COURT SHALL CONSIDER
41 ONLY THE JUVENILE'S OWN INCOME AND ASSETS FOR THE PURPOSE OF



1 DETERMINING WHETHER TO ISSUE AN ORDER FOR REIMBURSEMENT
2 PURSUANT TO THIS PARAGRAPH (b).

3 (c) EXCEPT AS DESCRIBED IN PARAGRAPH (d) OF THIS SUBSECTION
4 (2), the court may ~~appoint counsel without such request if it deems~~
5 ~~representation by counsel necessary to protect the interest of the juvenile~~
6 ~~or of other parties~~. ACCEPT A WAIVER OF COUNSEL BY A JUVENILE ONLY
7 AFTER FINDING ON THE RECORD, BASED ON A DIALOGUE CONDUCTED WITH
8 THE JUVENILE, THAT:

9 (I) THE JUVENILE IS OF A SUFFICIENT MATURITY LEVEL TO MAKE
10 A VOLUNTARY, KNOWING, AND INTELLIGENT WAIVER OF THE RIGHT TO
11 COUNSEL;

12 (II) THE JUVENILE UNDERSTANDS THE SENTENCING OPTIONS THAT
13 ARE AVAILABLE TO THE COURT IN THE EVENT OF AN ADJUDICATION OR
14 CONVICTION OF THE OFFENSE WITH WHICH THE JUVENILE IS CHARGED;

15 (III) THE JUVENILE HAS NOT BEEN COERCED BY ANY OTHER PARTY,
16 INCLUDING BUT NOT LIMITED TO THE JUVENILE'S PARENT, GUARDIAN, OR
17 LEGAL CUSTODIAN, INTO MAKING THE WAIVER;

18 (IV) THE JUVENILE UNDERSTANDS THAT THE COURT WILL PROVIDE
19 COUNSEL FOR THE JUVENILE IF THE JUVENILE'S PARENT, GUARDIAN, OR
20 LEGAL CUSTODIAN IS UNABLE OR UNWILLING TO OBTAIN COUNSEL FOR THE
21 JUVENILE; AND

22 (V) THE JUVENILE UNDERSTANDS THE POSSIBLE CONSEQUENCES
23 THAT MAY RESULT FROM AN ADJUDICATION OR CONVICTION OF THE
24 OFFENSE WITH WHICH THE JUVENILE IS CHARGED, WHICH CONSEQUENCES
25 MAY OCCUR IN ADDITION TO THE ACTUAL ADJUDICATION OR CONVICTION
26 ITSELF.

27 (d) THE COURT SHALL NOT ACCEPT A JUVENILE'S WAIVER OF HIS OR
28 HER RIGHT TO COUNSEL:

29 (I) IN ANY PROCEEDING RELATING TO A CASE IN WHICH THE
30 JUVENILE IS CHARGED WITH:

31 (A) A SEXUAL OFFENSE DESCRIBED IN PART 4 OF ARTICLE 3 OF
32 TITLE 18, C.R.S.;

33 (B) A CRIME OF VIOLENCE DESCRIBED IN SECTION 18-1.3-406 (2),
34 C.R.S.;

35 (C) AN OFFENSE FOR WHICH THE JUVENILE WILL RECEIVE A
36 MANDATORY SENTENCE UPON HIS OR HER CONVICTION OF THE OFFENSE;
37 OR

38 (D) AN OFFENSE FOR WHICH THE JUVENILE IS BEING CHARGED AS
39 A REPEAT JUVENILE OFFENDER, AS DESCRIBED IN SECTION 19-2-516 (2), AS
40 AN AGGRAVATED JUVENILE OFFENDER, AS DESCRIBED IN SECTION 19-2-516
41 (4), OR AS A MANDATORY SENTENCE OFFENDER, AS DESCRIBED IN SECTION



1 19-2-908 (1) (a);

2 (II) IF THE PROSECUTING ATTORNEY HAS ANNOUNCED THAT HE OR
3 SHE IS SEEKING DIRECT FILE PROCEEDINGS PURSUANT TO SECTION
4 19-2-517;

5 (III) IF THE PROSECUTING ATTORNEY HAS ANNOUNCED THAT HE OR
6 SHE IS SEEKING A TRANSFER PROCEEDING PURSUANT TO SECTION 19-2-518;
7 OR

8 (IV) IF THE JUVENILE IS IN THE CUSTODY OF THE STATE
9 DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT OF SOCIAL
10 SERVICES.

11 ~~(d)~~ (e) The appointment of counsel pursuant to this subsection (2)
12 shall continue until: ~~such time as~~

13 (I) The court's jurisdiction is terminated; ~~or until such time as~~

14 (II) THE JUVENILE OR THE JUVENILE'S PARENT, GUARDIAN, OR
15 LEGAL CUSTODIAN RETAINS COUNSEL FOR THE JUVENILE;

16 (III) The court finds that the juvenile or his or her parents,
17 guardian, or other legal custodian has sufficient financial means to retain
18 counsel or that the juvenile's parents, guardian, or other legal custodian
19 no longer refuses to retain counsel for the juvenile; OR

20 (IV) THE COURT FINDS THE JUVENILE HAS MADE A KNOWING,
21 INTELLIGENT, AND VOLUNTARY WAIVER OF HIS OR HER RIGHT TO COUNSEL,
22 AS DESCRIBED IN PARAGRAPH (c) OF THIS SUBSECTION (2).

23 **SECTION 5.** In Colorado Revised Statutes, 19-1-111, **add** (2.5)
24 as follows:

25 **19-1-111. Appointment of guardian ad litem.** (2.5) A COURT
26 SHALL NOT DEEM A GUARDIAN AD LITEM WHO IS APPOINTED BY THE COURT
27 FOR A JUVENILE IN A DELINQUENCY PROCEEDING PURSUANT TO
28 SUBSECTION (2) OF THIS SECTION TO BE A SUBSTITUTE FOR DEFENSE
29 COUNSEL FOR THE JUVENILE.

30 **SECTION 6.** In Colorado Revised Statutes, 21-1-103, **add** (5) as
31 follows:

32 **21-1-103. Representation of indigent persons.** (5) NOTHING IN
33 THIS SECTION MAY BE CONSTRUED TO PREVENT THE PUBLIC DEFENDER,
34 BEFORE DETERMINING INDIGENCY, FROM PROVIDING LIMITED
35 REPRESENTATION TO JUVENILES IN DETENTION HEARINGS OR ADULT
36 DEFENDANTS IN CUSTODY WHO CANNOT POST OR ARE NOT ALLOWED
37 BOND.

38 **SECTION 7.** In Colorado Revised Statutes, 19-2-103, **add** (12.5)
39 and (12.7) as follows:

40 **19-2-103. Definitions.** For purposes of this article:

41 (12.5) "OFFICE OF ALTERNATE DEFENSE COUNSEL" MEANS THE



1 OFFICE OF ALTERNATE DEFENSE COUNSEL CREATED AND EXISTING
2 PURSUANT TO SECTION 21-2-101, C.R.S.

3 (12.7) "OFFICE OF THE STATE PUBLIC DEFENDER" MEANS THE
4 OFFICE OF STATE PUBLIC DEFENDER CREATED AND EXISTING PURSUANT TO
5 SECTION 21-1-101, C.R.S.

6 **SECTION 8.** In Colorado Revised Statutes, 19-2-1004, **repeal** (4)
7 (b) as follows:

8 **19-2-1004. Parole violation and revocation.** (4) If, rather than
9 issuing a summons, a parole officer makes an arrest of a parolee with or
10 without a warrant or takes custody of a parolee who has been arrested by
11 another, the parole officer shall place the parolee in the nearest local
12 juvenile detention facility or shelter care facility approved by the
13 department of human services, if under eighteen years of age, or in the
14 nearest county jail, if eighteen years of age or older. Within forty-eight
15 hours, not including Saturdays, Sundays, and legal holidays, the parole
16 officer shall take one of the following actions:

17 (b) ~~Request a court to conduct a juvenile parole preliminary~~
18 ~~hearing as a part of a detention hearing conducted as described in section~~
19 ~~19-2-508, in which hearing the court shall make a finding as to whether~~
20 ~~there is probable cause to believe that the parolee has violated a condition~~
21 ~~of parole; or~~

22 **SECTION 9.** In Colorado Revised Statutes, 21-1-104, **add** (4) as
23 follows:

24 **21-1-104. Duties of public defender.** (4) PURSUANT TO SECTION
25 2-7-203, C.R.S., THE STATE PUBLIC DEFENDER SHALL REPORT ANNUALLY
26 TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND
27 SENATE, OR TO ANY SUCCESSOR COMMITTEES, INFORMATION CONCERNING:

28 (a) THE NUMBER OF JUVENILE DELINQUENCY CASES FOR WHICH
29 COUNSEL FROM THE OFFICE IS APPOINTED;

30 (b) THE NUMBER OF JUVENILE CASES THAT INVOLVE A CONFLICT
31 OF INTEREST;

32 (c) THE PROCESS OF SELECTING, TRAINING, AND SUPPORTING
33 ATTORNEYS WHO REPRESENT CHILDREN IN JUVENILE DELINQUENCY
34 COURT;

35 (d) THE AVERAGE LENGTH OF TIME ATTORNEYS ARE ASSIGNED TO
36 JUVENILE COURT; AND

37 (e) THE OUTCOME OF EFFORTS TO REDUCE JUVENILE COURT
38 ROTATIONS AND INCREASE OPPORTUNITIES FOR PROMOTIONAL
39 ADVANCEMENT IN SALARIES FOR ATTORNEYS IN JUVENILE COURT.

40 **SECTION 10.** In Colorado Revised Statutes, 21-2-104, **add** (3)
41 as follows:



1 **21-2-104. Duties of alternate defense counsel and contract**
2 **attorneys.** (3) PURSUANT TO SECTION 2-7-203, C.R.S., THE OFFICE OF
3 ALTERNATE DEFENSE COUNSEL SHALL REPORT ANNUALLY TO THE
4 JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE,
5 OR TO ANY SUCCESSOR COMMITTEES, INFORMATION CONCERNING:

6 (a) THE NUMBER OF JUVENILE DELINQUENCY CASES FOR WHICH
7 COUNSEL FROM THE OFFICE IS APPOINTED;

8 (b) THE NUMBER OF JUVENILE CASES THAT INVOLVE A CONFLICT
9 OF INTEREST;

10 (c) THE PROCESS OF SELECTING, TRAINING, AND SUPPORTING
11 ATTORNEYS WHO REPRESENT CHILDREN IN JUVENILE DELINQUENCY
12 COURT;

13 (d) THE AVERAGE LENGTH OF TIME ATTORNEYS ARE ASSIGNED TO
14 JUVENILE COURT; AND

15 (e) THE OUTCOME OF EFFORTS TO REDUCE JUVENILE COURT
16 ROTATIONS AND INCREASE OPPORTUNITIES FOR PROMOTIONAL
17 ADVANCEMENT IN SALARIES FOR ATTORNEYS IN JUVENILE COURT.

18 **SECTION 11.** In Colorado Revised Statutes, **add** 13-1-137 as
19 follows:

20 **13-1-137. Reporting of data concerning juvenile proceedings.**

21 (1) THE JUDICIAL BRANCH SHALL REPORT ANNUALLY TO THE JUDICIARY
22 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR TO ANY
23 SUCCESSOR COMMITTEES, INFORMATION CONCERNING:

24 (a) THE NUMBER OF JUVENILE DELINQUENCY CASES;

25 (b) THE NUMBER OF JUVENILE DELINQUENCY CASES THAT
26 INVOLVED AN APPOINTMENT OF COUNSEL;

27 (c) THE NUMBER OF JUVENILE CASES THAT INVOLVED A WAIVER OF
28 COUNSEL;

29 (d) THE STATUS OF RECOMMENDED REVIEWS TO JUVENILE COURT
30 RULES, FORMS, AND CHIEF JUSTICE DIRECTIVES REGARDING THE
31 REPRESENTATION OF CHILDREN IN JUVENILE DELINQUENCY COURTS; AND

32 (e) THE NUMBER OF JUVENILE DELINQUENCY CASES THAT
33 INVOLVED A DETENTION HEARING, THE NUMBER OF JUVENILES WHO WERE
34 RELEASED AFTER THE DETENTION HEARING, AND THE NUMBER OF

35 JUVENILES WHO REMAINED IN DETENTION AFTER THE DETENTION HEARING.

36 **SECTION 12. Safety clause.** The general assembly hereby finds,
37 determines, and declares that this act is necessary for the immediate
38 preservation of the public peace, health, and safety."

** *** ** *** **

