

**HOUSE JOURNAL**  
**SIXTY-NINTH GENERAL ASSEMBLY**  
**STATE OF COLORADO**  
**Second Regular Session**

Fifty-second Legislative Day

Friday, February 28, 2014

1 Prayer by the Reverend Richard A. Thompson, Fort Collins Area  
2 Interfaith Council.

3  
4 The Speaker called the House to order at 9:00 a.m.

5  
6 Pledge of Allegiance led by Nathaniel Larkin, Ava Larkin, Hulstrom  
7 Options District 12 Adams County, Arvada.

8  
9 The roll was called with the following result:

10  
11 Present--59.  
12 Excused--Representative(s) Lawrence, McLachlan, Schafer--3.  
13 Absent--Representative(s) Everett, Foote, Stephens--3.  
14 Present after roll call--Representative(s) Everett, Foote, Stephens.

15  
16 The Speaker declared a quorum present.

17 \_\_\_\_\_  
18  
19 On motion of Representative Rankin, the reading of the journal of  
20 February 27, 2014, was declared dispensed with and approved as  
21 corrected by the Chief Clerk.

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24  
25  
26 **THIRD READING OF BILL(S)--FINAL PASSAGE**

27  
28 The following bill(s) were considered on Third Reading. The title(s)  
29 were publicly read. Reading of the bill at length was dispensed with by  
30 unanimous consent.

31  
32 **HB14-1100** by Representative(s) Swalm and Pabon, Wilson, McCann,  
33 Fields, Gardner, Holbert, McNulty, Navarro, Rosenthal,  
34 Scott, Tyler, Williams; also Senator(s) Grantham--  
35 Concerning the use of title documents to give notice of  
36 characteristics of motor vehicles that affect a vehicle's  
37 value, and, in connection therewith, making an  
38 appropriation.

39  
40 The question being "Shall the bill pass?".  
41 A roll call vote was taken. As shown by the following recorded vote, a  
42 majority of those elected to the House voted in the affirmative and the bill  
43 was declared **passed**.

	YES	59	NO	3	EXCUSED	3	ABSENT	0
1								
2	Becker	Y	Gerou	Y	McLachlan	E	Saine	N
3	Buck	Y	Ginal	Y	McNulty	Y	Salazar	Y
4	Buckner	Y	Hamner	Y	Melton	Y	Schafer	E
5	Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	Y
6	Coram	Y	Hullinghorst	Y	Moreno	Y	Singer	Y
7	Court	Y	Humphrey	N	Murray	Y	Sonnenberg	Y
8	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	Y
9	Dore	Y	Kagan	Y	Nordberg	Y	Swalm	Y
10	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y
11	Everett	Y	Labuda	Y	Peniston	Y	Tyler	Y
12	Exum	Y	Landgraf	Y	Pettersen	Y	Vigil	Y
13	Fields	Y	Lawrence	E	Primavera	Y	Waller	Y
14	Fischer	Y	Lebsock	Y	Priola	N	Williams	Y
15	Foote	Y	Lee	Y	Rankin	Y	Wilson	Y
16	Garcia	Y	May	Y	Rosenthal	Y	Wright	Y
17	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Becker, Court, Exum, Hullinghorst,  
20 Kraft-Tharp, Labuda, Lee, Mitsch Bush, Vigil

21  
22 **SB14-076** by Senator(s) Tochtrop; also Representative(s) Becker--  
23 Concerning the creation of a hard rock mining permit  
24 issued by the division of reclamation, mining, and safety  
25 for mining operations disturbing no more than five acres  
26 of surface area.

27  
28 The question being "Shall the bill pass?".

29 A roll call vote was taken. As shown by the following recorded vote, a  
30 majority of those elected to the House voted in the affirmative and the bill  
31 was declared **passed**.

	YES	62	NO	0	EXCUSED	3	ABSENT	0
33								
34	Becker	Y	Gerou	Y	McLachlan	E	Saine	Y
35	Buck	Y	Ginal	Y	McNulty	Y	Salazar	Y
36	Buckner	Y	Hamner	Y	Melton	Y	Schafer	E
37	Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	Y
38	Coram	Y	Hullinghorst	Y	Moreno	Y	Singer	Y
39	Court	Y	Humphrey	Y	Murray	Y	Sonnenberg	Y
40	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	Y
41	Dore	Y	Kagan	Y	Nordberg	Y	Swalm	Y
42	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y
43	Everett	Y	Labuda	Y	Peniston	Y	Tyler	Y
44	Exum	Y	Landgraf	Y	Pettersen	Y	Vigil	Y
45	Fields	Y	Lawrence	E	Primavera	Y	Waller	Y
46	Fischer	Y	Lebsock	Y	Priola	Y	Williams	Y
47	Foote	Y	Lee	Y	Rankin	Y	Wilson	Y
48	Garcia	Y	May	Y	Rosenthal	Y	Wright	Y
49	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
50							Speaker	Y

51 Co-sponsor(s) added: Representative(s) Fields, Fischer, Ginal, Hamner,  
52 Hullinghorst, Labuda, Mitsch Bush, Pabon, Rankin, Saine

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**CONSIDERATION OF RESOLUTION(S)**

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**SJR14-006** by Senator(s) Jones, Nicholson, Tochtrop; also Representative(s) Exum--Concerning the Granite Mountain Interagency Hotshot firefighting crew, and, in connection therewith, honoring the service and sacrifice of the 19 members of the crew who lost their lives on June 30, 2013, while battling the Yarnell Hill Fire in Arizona.  
(Printed and placed in members' file)

On motion of Representative Exum, the resolution was read at length and **adopted** by **viva voce** vote.

Current Roll Call added as co-sponsor(s): Representative(s) Becker, Buck, Buckner, Conti, Coram, Court, DelGrosso, Dore, Duran, Everett, Fields, Fischer, Foote, Garcia, Gardner, Gerou, Ginal, Hamner, Holbert, Hulinghorst, Humphrey, Joshi, Kagan, Kraft-Tharp, Labuda, Landgraf, Lebsock, Lee, May, McCann, McNulty, Melton, Mitsch Bush, Moreno, Murray, Navarro, Nordberg, Pabon, Peniston, Pettersen, Primavera, Priola, Rankin, Rosenthal, Ryden, Saine, Salazar, Scott, Singer, Sonnenberg, Stephens, Swalm, Szabo, Tyler, Vigil, Waller, Williams, Wilson, Wright, Young, Speaker

**HJR14-1009** by Representative(s) Williams, Buckner, Exum, Fields, Melton, Salazar, Becker, Court, Duran, Ferrandino, Fischer, Foote, Garcia, Ginal, Hamner, Hulinghorst, Kagan, Kraft-Tharp, Labuda, Lebsock, Lee, May, McCann, McLachlan, Mitsch Bush, Moreno, Pabon, Peniston, Pettersen, Primavera, Rosenthal, Ryden, Schafer, Singer, Tyler, Vigil, Young; also Senator(s) Ulibarri--Concerning a request that Congress restore the federal "Voting Rights Act of 1965", as amended.  
(Printed and placed in members' file)

On motion of Representative Williams, the resolution was read at length and **adopted** by the following roll call vote:

	YES	62	NO	0	EXCUSED	3	ABSENT	0
Becker	Y	Gerou	Y	McLachlan	E	Saine	Y	
Buck	Y	Ginal	Y	McNulty	Y	Salazar	Y	
Buckner	Y	Hamner	Y	Melton	Y	Schafer	E	
Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	Y	
Coram	Y	Hulinghorst	Y	Moreno	Y	Singer	Y	
Court	Y	Humphrey	Y	Murray	Y	Sonnenberg	Y	
DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	Y	
Dore	Y	Kagan	Y	Nordberg	Y	Swalm	Y	
Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y	
Everett	Y	Labuda	Y	Peniston	Y	Tyler	Y	
Exum	Y	Landgraf	Y	Pettersen	Y	Vigil	Y	
Fields	Y	Lawrence	E	Primavera	Y	Waller	Y	
Fischer	Y	Lebsock	Y	Priola	Y	Williams	Y	
Foote	Y	Lee	Y	Rankin	Y	Wilson	Y	
Garcia	Y	May	Y	Rosenthal	Y	Wright	Y	
Gardner	Y	McCann	Y	Ryden	Y	Young	Y	
						Speaker	Y	

Co-sponsor(s) added: Representative(s) Conti, Dore, Gerou, Murray, Navarro, Scott, Wright

1 On motion of Representative Rosenthal, the House resolved itself into  
 2 Committee of the Whole for consideration of General Orders, and he was  
 3 called to the Chair to act as Chairman.

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5  
6 **GENERAL ORDERS--SECOND READING OF BILLS**

7  
8 The Committee of the Whole having risen, the Chairman reported the  
 9 titles of the following bills had been read (reading at length had been  
 10 dispensed with by unanimous consent), the bills considered and action  
 11 taken thereon as follows:

12  
13 (Amendments to the committee amendment are to the printed committee  
 14 report which was printed and placed in the members' bill file.)

15  
16  
17 **SB14-039** by Senator(s) Balmer, Guzman; also Representative(s)  
 18 McCann and Court--Concerning a grant of limited  
 19 authority to emergency medical service providers to  
 20 voluntarily provide preveterinary emergency care to  
 21 certain domesticated animals.

22  
23 Ordered revised and placed on the Calendar for Third Reading and Final  
 24 Passage.

25  
26 **HB14-1171** by Representative(s) McNulty; also Senator(s) Roberts--  
 27 Concerning rules on forensic medical evidence in sexual  
 28 assault cases.

29  
30 Ordered engrossed and placed on the Calendar for Third Reading and  
 31 Final Passage.

32  
33 **SB14-048** by Senator(s) Guzman; also Representative(s) Waller--  
 34 Concerning use of the most recent United States census  
 35 bureau mortality table as evidence of the expectancy of  
 36 continued life of any person in a civil action in Colorado.

37  
38 Ordered revised and placed on the Calendar for Third Reading and Final  
 39 Passage.

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40  
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42  
43 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

44  
45 Passed Second Reading: **SB14-039, HB14-1171, SB14-048.**

46  
47 The Chairman moved the adoption of the Committee of the Whole  
 48 Report. As shown by the following roll call vote, a majority of those  
 49 elected to the House voted in the affirmative, and the Report was  
 50 **adopted.**

51

	YES	61	NO	0	EXCUSED	4	ABSENT	0
53	Becker	Y	Gerou	Y	McLachlan	E	Saine	Y
54	Buck	Y	Ginal	Y	McNulty	Y	Salazar	Y
55	Buckner	Y	Hamner	Y	Melton	Y	Schafer	E
56	Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	Y

1	Coram	Y	Hullinghorst	Y	Moreno	Y	Singer	Y
2	Court	Y	Humphrey	Y	Murray	Y	Sonnenberg	Y
3	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	E
4	Dore	Y	Kagan	Y	Nordberg	Y	Swalm	Y
5	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y
6	Everett	Y	Labuda	Y	Peniston	Y	Tyler	Y
7	Exum	Y	Landgraf	Y	Pettersen	Y	Vigil	Y
8	Fields	Y	Lawrence	E	Primavera	Y	Waller	Y
9	Fischer	Y	Lebsock	Y	Priola	Y	Williams	Y
10	Foote	Y	Lee	Y	Rankin	Y	Wilson	Y
11	Garcia	Y	May	Y	Rosenthal	Y	Wright	Y
12	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
13							Speaker	Y

## REPORT(S) OF COMMITTEE(S) OF REFERENCE

### APPROPRIATIONS

After consideration on the merits, the Committee recommends the following:

**HB14-1002** be referred to the Committee of the Whole with favorable recommendation.

**HB14-1003** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 5, after line 26 insert:

**"SECTION 5. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2014, the sum of \$30,900, or so much thereof as may be necessary, for allocation to the taxation business group for CITA annual maintenance and support related to the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 104, strike "ACTIVITIES." and substitute "ACTIVITIES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."

**HB14-1006** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 3, after line 2 insert:

**"SECTION 2. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of revenue, for

1 the fiscal year beginning July 1, 2014, the sum of \$14,811, or so much  
2 thereof as may be necessary, for allocation to the taxation business group  
3 for CITA annual maintenance and support related to the implementation  
4 of this act.”.

5  
6 Renumber succeeding section accordingly.

7  
8 Page 1, line 103, strike “**DISTRICT.**” and substitute “**DISTRICT, AND, IN**  
9 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**”.

10  
11  
12

13 **HB14-1293** be amended as follows, and as so amended, be referred to  
14 the Committee of the Whole with favorable  
15 recommendation:

16

17 Amend printed bill, page 2, line 4, strike "\$38,173,003," and substitute  
18 "\$38,180,116,".

19

20 Page 2, line 5, strike "37,090,187" and substitute "\$37,097,300".

21

22 Page 2, line 10, strike "\$12,839,460<sup>1/2</sup>" and substitute "\$12,846,573<sup>1/2</sup>".

23

24 Page 2, line 23, strike "\$38,173,003" and substitute "\$38,180,116".

25

26 Page 3, line 3, strike "\$12,745,644" and substitute "\$12,752,757".

27

28 Page 3, line 18, strike "\$8,472," and substitute "\$25,000,".

29

30

31

32

33 On motion of Representative Hullinghorst, **HB14-1002, 1003, 1006, 1293**  
34 were made Special Orders on February 28, 2014, at 10:25 a.m.

35

36

37 The hour of 10:25 a.m., having arrived, on motion of Representative  
38 Rosenthal, the House resolved itself into Committee of the Whole for  
39 consideration of Special Orders and he was called to the Chair to act as  
40 Chairman.

41

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43

#### 44 **SPECIAL ORDERS--SECOND READING OF BILLS**

45

46 The Committee of the Whole having risen, the Chairman reported the  
47 titles of the following bills had been read (reading at length had been  
48 dispensed with by unanimous consent), the bills considered and action  
49 taken thereon as follows:

50

51 (Amendments to the committee amendment are to the printed committee  
52 report which was printed and placed in the members' bill file.)

53

54

1 **HB14-1002** by Representative(s) Young; also Senator(s) Jones,  
2 Kefalas, Nicholson--Concerning the establishment of a  
3 grant program under the "Colorado Water Quality Control  
4 Act" to repair water infrastructure impacted by a natural  
5 disaster, and, in connection therewith, making an  
6 appropriation.  
7

8 Amendment No. 1, Agriculture, Livestock & Natural Resources Report,  
9 dated February 5, 2014, and placed in member's bill file; Report also  
10 printed in House Journal, February 6, 2014, page(s) 183  
11

12 As amended, ordered engrossed and placed on the Calendar for Third  
13 Reading and Final Passage.  
14

15 **HB14-1003** by Representative(s) Nordberg and Saine, Foote,  
16 Humphrey, Singer, Sonnenberg, Young; also Senator(s)  
17 Kefalas, Lundberg, Jones--Concerning the exemption from  
18 state income tax of income that is earned by a nonresident  
19 individual working temporarily in the state to assist with  
20 disaster emergency relief activities.  
21

22 Amendment No. 1, Finance Report, dated January 29, 2014, and placed  
23 in member's bill file; Report also printed in House Journal, January 30,  
24 2014, page(s)140  
25

26 Amendment No. 2, Appropriations Report, dated February 28, 2014, and  
27 placed in member's bill file; Report also printed in House Journal,  
28 February 28, 2014, page(s) 437.  
29

30 As amended, ordered engrossed and placed on the Calendar for Third  
31 Reading and Final Passage.  
32

33 **HB14-1006** by Representative(s) Singer, Buck, Humphrey, Saine,  
34 Young; also Senator(s) Lundberg, Kefalas, Nicholson--  
35 Concerning the remittance of the marketing and promotion  
36 tax collected by lodging establishments in a local  
37 marketing district.  
38

39 Amendment No. 1, Appropriations Report, dated February 28, 2014, and  
40 placed in member's bill file; Report also printed in House Journal,  
41 February 28, 2014, page(s) 437-438  
42

43 Amendment No. 2, by Representative(s) Gerou.  
44

45 Amend printed bill, page 3, line 2, strike "DIRECTOR." and substitute  
46 "DIRECTOR; EXCEPT THAT A PERSON OR ENTITY WHO IS CURRENTLY LIABLE  
47 AND RESPONSIBLE FOR PAYMENT OF SALES TAXES ON A QUARTERLY BASIS  
48 IS NOT REQUIRED TO REMIT ON A MONTHLY BASIS."  
49

50 As amended, ordered engrossed and placed on the Calendar for Third  
51 Reading and Final Passage.  
52  
53

1 **HB14-1293** by Representative(s) Hullinghorst, Ferrandino, DelGrosso;  
 2 also Senator(s) Heath, Carroll, Cadman--Concerning  
 3 payment of expenses of the legislative department.  
 4

5 Amendment No. 1, Appropriations Report, dated February 28, 2014, and  
 6 placed in member's bill file; Report also printed in House Journal,  
 7 February 28, 2014, page(s) 438.  
 8

9 As amended, ordered engrossed and placed on the Calendar for Third  
 10 Reading and Final Passage.  
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 15 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

16  
 17 Passed Second Reading: **HB14-1002 amended, 1003 amended, 1006**  
 18 **amended, 1293 amended.**  
 19

20 The Chairman moved the adoption of the Committee of the Whole  
 21 Report. As shown by the following roll call vote, a majority of those  
 22 elected to the House voted in the affirmative, and the Report was  
 23 **adopted.**  
 24

	YES	59	NO	0	EXCUSED	6	ABSENT	0
26	Becker	Y	Gerou	Y	McLachlan	E	Saine	Y
27	Buck	Y	Ginal	Y	McNulty	Y	Salazar	Y
28	Buckner	Y	Hamner	Y	Melton	Y	Schafer	E
29	Conti	Y	Holbert	Y	Mitsch Bush	Y	Scott	Y
30	Coram	E	Hullinghorst	Y	Moreno	Y	Singer	Y
31	Court	Y	Humphrey	E	Murray	Y	Sonnenberg	Y
32	DelGrosso	Y	Joshi	Y	Navarro	Y	Stephens	Y
33	Dore	Y	Kagan	Y	Nordberg	Y	Swalm	Y
34	Duran	Y	Kraft-Tharp	Y	Pabon	Y	Szabo	Y
35	Everett	Y	Labuda	Y	Peniston	Y	Tyler	Y
36	Exum	Y	Landgraf	Y	Pettersen	Y	Vigil	Y
37	Fields	Y	Lawrence	E	Primavera	Y	Waller	Y
38	Fischer	Y	Lebsock	Y	Priola	Y	Williams	Y
39	Foote	Y	Lee	Y	Rankin	E	Wilson	Y
40	Garcia	Y	May	Y	Rosenthal	Y	Wright	Y
41	Gardner	Y	McCann	Y	Ryden	Y	Young	Y
42							Speaker	Y

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 47 House in recess. House reconvened.  
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**REPORT(S) OF COMMITTEE(S) OF REFERENCE**

**APPROPRIATIONS**

After consideration on the merits, the Committee recommends the following:

**HB14-1017** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 8, before line 18 insert:

**“SECTION 6. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2014, the sum of \$28,840, or so much thereof as may be necessary, for allocation to the taxation business group for CITA annual maintenance and support related to the implementation of this act.”.

Renumber succeeding section accordingly.

Page 1, line 106, strike “CREDIT.” and substitute “CREDIT; AND MAKING AN APPROPRIATION.”.

**HB14-1089** be referred to the Committee of the Whole with favorable recommendation.

**HB14-1148** be referred to the Committee of the Whole with favorable recommendation.

**SB14-105** be referred to the Committee of the Whole with favorable recommendation.

**SB14-107** be referred to the Committee of the Whole with favorable recommendation.

**SB14-108** be referred to the Committee of the Whole with favorable recommendation.

**SB14-120** be referred to the Committee of the Whole with favorable recommendation.

1 **BUSINESS, LABOR, ECONOMIC, & WORKFORCE DEVELOPMENT**  
2 **COMMITTEE**

3 After consideration on the merits, the Committee recommends the  
4 following:

5  
6 **HB14-1091** be postponed indefinitely.

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9 **HB14-1165** be postponed indefinitely.

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12 **HB14-1274** be referred to the Committee of the Whole with favorable  
13 recommendation.

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18 **FINANCE**

19 After consideration on the merits, the Committee recommends the  
20 following:

21  
22 **HB14-1012** be amended as follows, and as so amended, be referred to  
23 the Committee on Appropriations with favorable  
24 recommendation:

25  
26 Amend printed bill, page 4, line 8, strike "TWENTY-FIVE" and substitute  
27 "TEN".

28  
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30  
31 **SB14-104** be referred to the Committee of the Whole with favorable  
32 recommendation.

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37 **HEALTH, INSURANCE & ENVIRONMENT**

38 After consideration on the merits, the Committee recommends the  
39 following:

40  
41 **HB14-1257** be referred to the Committee of the Whole with favorable  
42 recommendation.

43  
44  
45 **HB14-1271** be amended as follows, and as so amended, be referred to  
46 the Committee of the Whole with favorable  
47 recommendation:

48  
49 Amend printed bill, page 2, strike lines 16 through 19.

50  
51 Page 3, strike line 1 and substitute "PERSON OR PERSONS, INCLUDING  
52 THOSE IDENTIFIABLE BY THEIR ASSOCIATION WITH A SPECIFIC LOCATION  
53 OR ENTITY, AGAINST THE VIOLENT BEHAVIOR OF A PERSON RECEIVING  
54 TREATMENT FROM THE MENTAL HEALTH PROVIDER,".

55  
56 Page 3, line 2, strike "PATIENT'S VIOLENT BEHAVIOR,".

1 Page 3, line 6, strike "PERSON, PERSONS, OR TARGET" and substitute  
2 "PERSON OR PERSONS, INCLUDING THOSE IDENTIFIABLE BY THEIR  
3 ASSOCIATION WITH A SPECIFIC LOCATION OR ENTITY."

4  
5 Page 3, strike line 7.

6  
7 Page 3, strike line 11 and substitute "NOTIFY THE PERSON OR PERSONS, OR  
8 THE PERSON OR PERSONS RESPONSIBLE FOR A SPECIFIC LOCATION OR  
9 ENTITY, THAT IS SPECIFICALLY".

10  
11 Page 3, strike lines 16 and 17 and substitute "PERSON OR PERSONS, OR A  
12 PERSON OR PERSONS RESPONSIBLE FOR A SPECIFIC LOCATION OR ENTITY,  
13 AGAINST OR PREDICTING THE VIOLENT BEHAVIOR OF A PERSON RECEIVING  
14 TREATMENT FROM THE MENTAL HEALTH PROVIDER."

15  
16 Page 3, line 22, strike "MENTAL HEALTH".

17  
18  
19

20 **SB14-021** be amended as follows, and as so amended, be referred to  
21 the Committee on Legislative Council with favorable  
22 recommendation:  
23

24 Amend reengrossed bill, page 4, line 6, strike "and (3);" and substitute  
25 "(3), and (5);".  
26

27 Page 7, after line 3 insert:

28 "(5) **Compensation.** Members of the task force shall serve  
29 without compensation. HOWEVER, MEMBERS OF THE TASK FORCE  
30 APPOINTED PURSUANT TO SUBPARAGRAPH (XIV) OF PARAGRAPH (c) OF  
31 SUBSECTION (1) OF THIS SECTION MAY RECEIVE REIMBURSEMENT FOR  
32 ACTUAL AND NECESSARY EXPENSES ASSOCIATED WITH THEIR DUTIES ON  
33 THE TASK FORCE."  
34  
35  
36  
37

38 **JUDICIARY**

39 After consideration on the merits, the Committee recommends the  
40 following:  
41

42 **HB14-1032** be amended as follows, and as so amended, be referred to  
43 the Committee on Appropriations with favorable  
44 recommendation:  
45

46 Amend printed bill, strike everything below the enacting clause and  
47 substitute:  
48

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

51 **19-2-507. Duty of officer - screening teams - notification -**  
52 **release or detention.** (5) (a) As an alternative to taking a juvenile into  
53 temporary custody pursuant to subsections (1), (3), and (4) of this section,  
54 a law enforcement officer may, if authorized by the establishment of a  
55 policy that permits such service by order of the chief judge of the judicial  
56 district or the presiding judge of the Denver juvenile court, which policy

1 is established after consultation between such judge and the district  
2 attorney and law enforcement officials in the judicial district, serve a  
3 written promise to appear for juvenile proceedings based on any act that  
4 would constitute a felony, misdemeanor, or petty offense upon the  
5 juvenile and the juvenile's parent, guardian, or legal custodian.

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

10 (I) THAT THE JUVENILE HAS THE RIGHT TO HAVE THE ASSISTANCE  
11 OF COUNSEL;

12 (II) THAT COUNSEL CAN BE APPOINTED FOR THE JUVENILE IF THE  
13 JUVENILE AND THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN  
14 LACK ADEQUATE RESOURCES TO RETAIN COUNSEL OR THE JUVENILE'S  
15 PARENT, GUARDIAN, OR LEGAL CUSTODIAN REFUSES TO RETAIN COUNSEL  
16 FOR THE JUVENILE;

17 (III) THAT, TO DETERMINE IF THE JUVENILE IS ELIGIBLE FOR  
18 COURT-APPOINTED COUNSEL, OR TO APPLY FOR COURT-APPOINTED  
19 COUNSEL, THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN IS  
20 ADVISED TO CALL THE OFFICE OF THE STATE PUBLIC DEFENDER, VISIT THE  
21 STATE PUBLIC DEFENDER'S OFFICE, OR VISIT THE STATE PUBLIC DEFENDER'S  
22 INTERNET WEB SITE;

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

27 (V) THE CONTACT INFORMATION FOR THE LOCAL OFFICE OF THE  
28 STATE PUBLIC DEFENDER, INCLUDING THE OFFICE'S TELEPHONE NUMBER  
29 AND ADDRESS, AND THE ADDRESS OF THE INTERNET WEB SITE OF THE  
30 OFFICE OF THE STATE PUBLIC DEFENDER.

31 (c) The promise to appear shall be signed by the juvenile. The  
32 promise to appear shall be served upon the juvenile's parent, guardian, or  
33 legal custodian by personal service or by certified mail, return receipt  
34 requested. The date established for the juvenile and the juvenile's parent,  
35 guardian, or legal custodian to appear shall not be earlier than seven days  
36 nor later than thirty days after the promise to appear is served upon both  
37 the juvenile and the juvenile's parent, guardian, or legal custodian.

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

41 **19-2-508. Detention and shelter - hearing - time limits -**  
42 **findings - review - confinement with adult offenders - restrictions.**

43 (2) When a juvenile is placed in a detention facility, in a temporary  
44 holding facility, or in a shelter facility designated by the court, the  
45 screening team shall promptly so notify the court, THE DISTRICT  
46 ATTORNEY, AND THE LOCAL OFFICE OF THE STATE PUBLIC DEFENDER. The  
47 screening team shall also notify a parent or legal guardian or, if a parent  
48 or legal guardian cannot be located within the county, the person with  
49 whom the juvenile has been residing and inform him or her of the right  
50 to a prompt hearing to determine whether the juvenile is to be detained  
51 further. The court shall hold ~~such~~ THE detention hearing within forty-eight  
52 hours, excluding Saturdays, Sundays, and legal holidays. FOR A JUVENILE  
53 BEING HELD IN DETENTION ON A WARRANT FOR VIOLATING A VALID COURT  
54 ORDER ON A STATUS OFFENSE, THE COURT SHALL HOLD THE DETENTION  
55 HEARING WITHIN TWENTY-FOUR HOURS, EXCLUDING SATURDAYS,  
56 SUNDAYS, AND LEGAL HOLIDAYS.

1 (2.5) A JUVENILE WHO IS DETAINED FOR COMMITTING A  
2 DELINQUENT ACT SHALL BE REPRESENTED AT THE DETENTION HEARING BY  
3 COUNSEL. IF THE JUVENILE HAS NOT RETAINED HIS OR HER OWN COUNSEL,  
4 THE COURT SHALL APPOINT THE OFFICE OF THE STATE PUBLIC DEFENDER  
5 OR, IN THE CASE OF A CONFLICT, THE OFFICE OF ALTERNATE DEFENSE  
6 COUNSEL TO REPRESENT THE JUVENILE. THIS APPOINTMENT SHALL  
7 CONTINUE IF THE COURT APPOINTS THE OFFICE OF THE STATE PUBLIC  
8 DEFENDER OR THE OFFICE OF ALTERNATE DEFENSE COUNSEL PURSUANT TO  
9 SECTION 19-2-706 (2) (a) UNLESS:

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

11 (b) THE JUVENILE MAKES A KNOWING, INTELLIGENT, AND  
12 VOLUNTARY WAIVER OF HIS OR HER RIGHT TO COUNSEL, AS DESCRIBED IN  
13 SECTION 19-2-706 (2) (c).

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

26 (I.5) THE LAW ENFORCEMENT AGENCY THAT ARRESTED THE  
27 JUVENILE SHALL PROMPTLY PROVIDE TO THE COURT AND TO DEFENSE  
28 COUNSEL THE AFFIDAVIT SUPPORTING PROBABLE CAUSE FOR THE ARREST  
29 AND THE ARREST REPORT, IF THE ARREST REPORT IS AVAILABLE, AND THE  
30 SCREENING TEAM SHALL PROMPTLY PROVIDE TO THE COURT AND TO  
31 DEFENSE COUNSEL ANY SCREENING MATERIAL PREPARED PURSUANT TO  
32 THE JUVENILE'S ARREST. UPON COMPLETION OF THE DETENTION HEARING,  
33 THE DEFENSE SHALL RETURN ANY MATERIALS RECEIVED PURSUANT TO  
34 THIS SUBPARAGRAPH (I.5).

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

45 (III) With respect to this section, the court may further detain the  
46 juvenile ONLY if the court is ~~satisfied~~ FINDS from the information  
47 provided at the hearing that the juvenile is a danger to himself or herself  
48 or to the community. Any information having probative value shall be  
49 received regardless of its admissibility under the rules of evidence. In  
50 determining whether a juvenile requires detention, the court shall consider  
51 any record of any prior adjudications of the juvenile. There shall be a  
52 rebuttable presumption that a juvenile is a danger to himself or herself or  
53 to the community if:

54 **SECTION 3.** In Colorado Revised Statutes, 19-2-514, **amend** (1)  
55 as follows:

56 **19-2-514. Summons - issuance - contents - service.** (1) After a

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

9  
 10 1. YOU HAVE THE RIGHT TO HAVE YOUR OWN  
 11 LAWYER HELP YOU AT YOUR HEARING.

12  
 13 2. YOU MAY BE ELIGIBLE FOR THIS LAWYER AT NO  
 14 CHARGE.

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

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

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

32 **19-2-706. Advisement - right to counsel - waiver of right to**  
 33 **counsel.** (1) (a) At the JUVENILE'S first appearance before the court, after  
 34 ~~the filing of a petition~~ DETENTION HEARING OR AT THE FIRST APPEARANCE  
 35 IF THE JUVENILE APPEARS ON A SUMMONS, THE COURT SHALL ADVISE the  
 36 juvenile and his or her parents, guardian, or other legal custodian ~~shall be~~  
 37 ~~advised by the court of their~~ THE JUVENILE'S constitutional RIGHTS and  
 38 legal rights as set forth in rule 3 of the Colorado rules of juvenile  
 39 procedure, INCLUDING, BUT NOT LIMITED TO, THE RIGHT TO COUNSEL.  
 40 ~~Such~~ THE advisement shall include the possibility of restorative justice  
 41 practices, including victim-offender conferences if restorative justice  
 42 practices are available in the jurisdiction. The advisement regarding  
 43 restorative justice practices does not establish any right to restorative  
 44 justice practices on behalf of the juvenile.

45 (b) IF THE RESPONDENT HAS MADE AN EARLY APPLICATION FOR  
 46 APPOINTED COUNSEL FOR THE JUVENILE AND THE OFFICE OF THE STATE  
 47 PUBLIC DEFENDER HAS MADE A PRELIMINARY DETERMINATION THAT THE  
 48 JUVENILE IS ELIGIBLE FOR APPOINTED COUNSEL AS SET FORTH IN SECTION  
 49 21-1-103, C.R.S., OR IF THE COURT HAS APPOINTED COUNSEL FOR THE  
 50 JUVENILE PURSUANT TO SECTION 19-2-508 (2.5), AN ATTORNEY FROM THE  
 51 OFFICE OF THE STATE PUBLIC DEFENDER OR, IN THE CASE OF A CONFLICT,  
 52 FROM THE OFFICE OF ALTERNATE DEFENSE COUNSEL, SHALL BE AVAILABLE  
 53 TO REPRESENT THE JUVENILE AT THE JUVENILE'S FIRST APPEARANCE, AS  
 54 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1).

55 (c) IF THE RESPONDENT HAS NOT MADE AN EARLY APPLICATION  
 56 FOR APPOINTED COUNSEL FOR THE JUVENILE BUT THE JUVENILE REQUESTS

1 APPOINTMENT OF COUNSEL AT THE FIRST APPEARANCE, THE COURT SHALL  
2 DETERMINE IF THE JUVENILE IS ELIGIBLE FOR COUNSEL PURSUANT TO  
3 PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION.

4 (d) AS USED IN THIS SUBSECTION (1), UNLESS THE CONTEXT  
5 OTHERWISE REQUIRES, "EARLY APPLICATION" MEANS THAT THE  
6 RESPONDENT HAS CONTACTED THE OFFICE OF THE STATE PUBLIC  
7 DEFENDER AND APPLIED FOR REPRESENTATION OF THE JUVENILE BY THE  
8 STATE PUBLIC DEFENDER NOT LESS THAN FIVE DAYS BEFORE THE  
9 JUVENILE'S SCHEDULED COURT DATE FOR THE FIRST APPEARANCE AND HAS  
10 PROVIDED SUFFICIENT INFORMATION TO THE OFFICE OF THE STATE PUBLIC  
11 DEFENDER TO ALLOW THAT OFFICE TO MAKE A PRELIMINARY  
12 DETERMINATION OF ELIGIBILITY FOR REPRESENTATION.

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

17 (2) (a) If the juvenile ~~or~~ AND his or her parents, guardian, or other  
18 legal custodian ~~requests counsel and the juvenile or his or her parents,~~  
19 ~~guardian, or other legal custodian is~~ ARE found to be without sufficient  
20 financial means, INDIGENT PURSUANT TO SECTION 21-1-103 (3), C.R.S.,  
21 or the juvenile's parents, guardian, or other legal custodian refuses to  
22 retain counsel for ~~said~~ THE juvenile, OR THE COURT, ON ITS OWN MOTION,  
23 DETERMINES THAT COUNSEL IS NECESSARY TO PROTECT THE INTERESTS OF  
24 THE JUVENILE OR OTHER PARTIES, OR THE JUVENILE IS IN THE CUSTODY OF  
25 THE STATE DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT  
26 OF SOCIAL SERVICES, the court shall appoint ~~counsel~~ THE OFFICE OF STATE  
27 PUBLIC DEFENDER OR, IN THE CASE OF A CONFLICT, THE OFFICE OF  
28 ALTERNATE DEFENSE COUNSEL for the juvenile; EXCEPT THAT THE COURT  
29 SHALL NOT APPOINT THE OFFICE OF THE STATE PUBLIC DEFENDER OR THE  
30 OFFICE OF ALTERNATE DEFENSE COUNSEL IF:

31 (I) THE JUVENILE HAS RETAINED HIS OR HER OWN COUNSEL; OR  
32 (II) THE JUVENILE HAS MADE A KNOWING, INTELLIGENT, AND  
33 VOLUNTARY WAIVER OF HIS OR HER RIGHT TO COUNSEL, AS DESCRIBED IN  
34 PARAGRAPH (c) OF THIS SUBSECTION (2).

35 (b) (I) If the court appoints counsel for the juvenile because of the  
36 refusal of the parents, guardian, or other legal custodian to retain counsel  
37 for the juvenile, the parents, guardian, or legal custodian, other than a  
38 county department of social services or the department of human services,  
39 shall be ~~ordered to reimburse the court for the cost of the counsel unless~~  
40 ~~the court finds there was good cause for such refusal.~~ ADVISED BY THE  
41 COURT THAT IF THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN  
42 IS DETERMINED NOT TO BE INDIGENT PURSUANT TO SECTION 21-1-103 (3),  
43 C.R.S., THEN THE COURT WILL ORDER THE JUVENILE'S PARENT, GUARDIAN,  
44 OR LEGAL CUSTODIAN, OTHER THAN A COUNTY DEPARTMENT OF HUMAN  
45 SERVICES OR THE STATE DEPARTMENT OF HUMAN SERVICES, TO  
46 REIMBURSE THE COURT FOR THE COST OF THE REPRESENTATION UNLESS  
47 THE COURT, FOR GOOD CAUSE, WAIVES THE REIMBURSEMENT  
48 REQUIREMENT. THE AMOUNT OF THE REIMBURSEMENT WILL BE A  
49 PREDETERMINED AMOUNT THAT:

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

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

56 (C) MAY BE BASED PARTLY OR ENTIRELY UPON THE STAGE A

1 PROCEEDING HAS REACHED WHEN COUNSEL IS APPOINTED, THE STAGE A  
2 PROCEEDING HAS REACHED WHEN REPRESENTATION IS TERMINATED, OR  
3 BOTH.

4 (II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF  
5 THIS PARAGRAPH (b) TO THE CONTRARY, IF THE COURT FINDS THAT THERE  
6 EXISTS A CONFLICT OF INTEREST BETWEEN THE JUVENILE AND THE  
7 JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN SUCH THAT THE  
8 INCOME AND ASSETS OF THE PARENT, GUARDIAN, OR LEGAL CUSTODIAN  
9 ARE UNAVAILABLE TO THE JUVENILE, THEN THE COURT SHALL CONSIDER  
10 ONLY THE JUVENILE'S OWN INCOME AND ASSETS FOR THE PURPOSE OF  
11 DETERMINING WHETHER TO ISSUE AN ORDER FOR REIMBURSEMENT  
12 PURSUANT TO THIS PARAGRAPH (b).

13 (c) The court may ~~appoint counsel without such request if it~~  
14 ~~deems representation by counsel necessary to protect the interest of the~~  
15 ~~juvenile or of other parties.~~ ACCEPT A WAIVER OF COUNSEL BY A JUVENILE  
16 ONLY AFTER FINDING ON THE RECORD, BASED ON A DIALOGUE CONDUCTED  
17 WITH THE JUVENILE, THAT:

18 (I) THE JUVENILE IS OF A SUFFICIENT MATURITY LEVEL TO MAKE  
19 A VOLUNTARY, KNOWING, AND INTELLIGENT WAIVER OF THE RIGHT TO  
20 COUNSEL;

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

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

27 (IV) THE JUVENILE UNDERSTANDS THAT THE COURT WILL PROVIDE  
28 COUNSEL FOR THE JUVENILE IF THE JUVENILE'S PARENT, GUARDIAN, OR  
29 LEGAL CUSTODIAN IS UNABLE OR UNWILLING TO OBTAIN COUNSEL FOR THE  
30 JUVENILE; AND

31 (V) THE JUVENILE UNDERSTANDS THE POSSIBLE CONSEQUENCES  
32 THAT MAY RESULT FROM AN ADJUDICATION OR CONVICTION OF THE  
33 OFFENSE WITH WHICH THE JUVENILE IS CHARGED, WHICH CONSEQUENCES  
34 MAY OCCUR IN ADDITION TO THE ACTUAL ADJUDICATION OR CONVICTION  
35 ITSELF.

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

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

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

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

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

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

50 **19-1-111. Appointment of guardian ad litem.** (2.5) A COURT  
51 SHALL NOT DEEM A GUARDIAN AD LITEM WHO IS APPOINTED BY THE COURT  
52 FOR A JUVENILE IN A DELINQUENCY PROCEEDING PURSUANT TO  
53 SUBSECTION (2) OF THIS SECTION TO BE A SUBSTITUTE FOR DEFENSE  
54 COUNSEL FOR THE JUVENILE.

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



1           **21-1-103. Representation of indigent persons.** (5) NOTHING IN  
2 THIS SECTION MAY BE CONSTRUED TO PREVENT THE PUBLIC DEFENDER,  
3 BEFORE DETERMINING INDIGENCY, FROM PROVIDING LIMITED  
4 REPRESENTATION TO JUVENILES IN DETENTION HEARINGS.

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

7           **19-2-103. Definitions.** For purposes of this article:

8           (12.5) "OFFICE OF ALTERNATE DEFENSE COUNSEL" MEANS THE  
9 OFFICE OF ALTERNATE DEFENSE COUNSEL CREATED AND EXISTING  
10 PURSUANT TO SECTION 21-2-101, C.R.S.

11           (12.7) "OFFICE OF THE STATE PUBLIC DEFENDER" MEANS THE  
12 OFFICE OF STATE PUBLIC DEFENDER CREATED AND EXISTING PURSUANT TO  
13 SECTION 21-1-101, C.R.S.

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

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

25           (b) ~~Request a court to conduct a juvenile parole preliminary~~  
26 ~~hearing as a part of a detention hearing conducted as described in section~~  
27 ~~19-2-508, in which hearing the court shall make a finding as to whether~~  
28 ~~there is probable cause to believe that the parolee has violated a condition~~  
29 ~~of parole; or~~

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

32           **21-1-104. Duties of public defender.** (4) PURSUANT TO SECTION  
33 2-7-203, C.R.S., THE STATE PUBLIC DEFENDER SHALL REPORT ANNUALLY  
34 TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND  
35 SENATE, OR TO ANY SUCCESSOR COMMITTEES, INFORMATION CONCERNING:

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

38           (b) THE NUMBER OF JUVENILE CASES THAT INVOLVE A CONFLICT  
39 OF INTEREST;

40           (c) THE PROCESS OF SELECTING, TRAINING, AND SUPPORTING  
41 ATTORNEYS WHO REPRESENT CHILDREN IN JUVENILE DELINQUENCY  
42 COURT;

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

45           (e) THE OUTCOME OF EFFORTS TO REDUCE JUVENILE COURT  
46 ROTATIONS AND INCREASE OPPORTUNITIES FOR PROMOTIONAL  
47 ADVANCEMENT IN SALARIES FOR ATTORNEYS IN JUVENILE COURT.

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

50           **21-2-104. Duties of alternate defense counsel and contract**  
51 **attorneys.** (3) PURSUANT TO SECTION 2-7-203, C.R.S., THE OFFICE OF  
52 ALTERNATE DEFENSE COUNSEL SHALL REPORT ANNUALLY TO THE  
53 JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE,  
54 OR TO ANY SUCCESSOR COMMITTEES, INFORMATION CONCERNING:

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

1 (b) THE NUMBER OF JUVENILE CASES THAT INVOLVE A CONFLICT  
2 OF INTEREST;

3 (c) THE PROCESS OF SELECTING, TRAINING, AND SUPPORTING  
4 ATTORNEYS WHO REPRESENT CHILDREN IN JUVENILE DELINQUENCY  
5 COURT;

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

8 (e) THE OUTCOME OF EFFORTS TO REDUCE JUVENILE COURT  
9 ROTATIONS AND INCREASE OPPORTUNITIES FOR PROMOTIONAL  
10 ADVANCEMENT IN SALARIES FOR ATTORNEYS IN JUVENILE COURT.

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

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

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

17 (a) THE NUMBER OF JUVENILE DELINQUENCY CASES;

18 (b) THE NUMBER OF JUVENILE DELINQUENCY CASES THAT  
19 INVOLVED AN APPOINTMENT OF COUNSEL;

20 (c) THE NUMBER OF JUVENILE CASES THAT INVOLVED A WAIVER OF  
21 COUNSEL;

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

25 (e) THE NUMBER OF JUVENILE DELINQUENCY CASES THAT  
26 INVOLVED A DETENTION HEARING, THE NUMBER OF JUVENILES WHO WERE  
27 RELEASED AFTER THE DETENTION HEARING, AND THE NUMBER OF  
28 JUVENILES WHO REMAINED IN DETENTION AFTER THE DETENTION HEARING.

29 **SECTION 12. Safety clause.** The general assembly hereby finds,  
30 determines, and declares that this act is necessary for the immediate  
31 preservation of the public peace, health, and safety."  
32  
33  
34

35 **HB14-1104** be postponed indefinitely.  
36  
37

38 **SB14-059** be amended as follows, and as so amended, be referred to  
39 the Committee of the Whole with favorable  
40 recommendation:  
41

42 Amend reengrossed bill, page 2, line 8, after "defendant" insert "OR  
43 JUVENILE".  
44

45 Page 2, strike line 14 and substitute "OR DELINQUENT ACT charged:".  
46

47 Page 2, strike lines 15 through 17 and substitute:  
48

49 "(I) Under section 18-3-402, C.R.S.; ~~or section 18-3-403, C.R.S.,~~  
50 ~~as said section existed prior to July 1, 2000; or~~

51 (II) UNDER SECTION 18-3-403, C.R.S., AS SAID SECTION EXISTED  
52 PRIOR TO JULY 1, 2000; OR".  
53

54 Page 2, line 18, strike "(II)" and substitute "(III)".  
55

56 Page 2, line 19, after "FELONY" insert "OR WOULD BE A FELONY IF

- 1 COMMITTED BY AN ADULT".
- 2
- 3 Page 2, line 20, after "OFFENSE" insert "OR DELINQUENT ACT".
- 4
- 5 Page 2, line 22, strike "(II)" and substitute "(III)".
- 6
- 7 Page 2, line 23, after "OFFENSE" insert "OR DELINQUENT ACT".
- 8
- 9 Page 2, line 25, strike "(III)" and substitute "(IV)".
- 10 Page 2, line 26, strike "(I) OR (II)" and substitute "(I), (II), OR (III)".
- 11
- 12 Page 3, line 3, strike "(II)" and substitute "(III)".
- 13
- 14
- 15
- 16

17 **TRANSPORTATION & ENERGY**

18 After consideration on the merits, the Committee recommends the  
19 following:

20  
21 **SB14-009** be referred to the Committee of the Whole with favorable  
22 recommendation.

23  
24  
25 **SB14-060** be referred to the Committee of the Whole with favorable  
26 recommendation.

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28  
29  
30  
31 **PRINTING REPORT**

32  
33 The Chief Clerk reports the following bills have been correctly printed:  
34 **HB14-1296, 1297.**

35  
36  
37  
38  
39 **DELIVERY OF BILL TO GOVERNOR**

40  
41 The Chief Clerk of the House of Representatives reports the following  
42 bills have been delivered to the Office of the Governor: **HB14-1056,**  
43 **1146** at 2:01 p.m. on February 28, 2014.

44  
45  
46  
47  
48 **MESSAGE FROM THE SENATE**

49  
50 Mr. Speaker:

51  
52 The Senate has passed on Third Reading and transmitted to the Revisor  
53 of Statutes:

54 **SB14-029** amended in General Orders as printed in Senate Journal,  
55 February 27, 2014, pages 390-391.

1 The Senate has passed on Third Reading and returns herewith:  
2 HB14-1022 and HB14-1241.

3  
4  
5  
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**MESSAGE(S) FROM THE REVISOR**

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9 We herewith transmit:  
10 without comment, as amended, **SB14-029**.

11  
12  
13

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**INTRODUCTION OF BILL  
First Reading**

14  
15  
16  
17  
18 The following bill was read by title and referred to the committees  
19 indicated:

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21  
22  
23  
24  
25  
26

**HB14-1298** by Representative(s) Hamner and Buckner; also Senator(s)  
Kerr and Steadman--Concerning the financing of public  
schools, and, in connection therewith, making an  
appropriation.  
Committee on Education  
Committee on Appropriations

27  
28  
29  
30

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31 On motion of Representative Hullinghorst, the following bill(s) will be  
32 calendared for March 3 and placed at the end of the General Orders  
33 calendar: **HB14-1017**.

34  
35  
36

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**LAY OVER OF CALENDAR ITEM(S)**

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38  
39 On motion of Representative Hullinghorst, the following item(s) on the  
40 Calendar were laid over until March 3, retaining place on Calendar:

41  
42  
43  
44

Consideration of General Orders--**HB14-1042, 1253**.  
Consideration of Resolution(s)--**SJR14-011**.

45  
46  
47  
48

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47 On motion of Representative Hullinghorst, the House adjourned until  
48 10:00 a.m., March 3, 2014.

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50  
51  
52

Approved:  
MARK FERRANDINO,  
Speaker

53 Attest:  
54 MARILYN EDDINS,  
55 Chief Clerk