

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

May 1, 2009  
Date

Committee on Judiciary.

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

HB09-1321 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 2, line 2, strike "(4)," and substitute "(3)  
2 (c),";

3 strike lines 6 through 20 and substitute the following:

4 **"repeal.** (3) (c) (I) ~~No~~ A juvenile taken to a detention or shelter facility  
5 or a temporary holding facility pursuant to section 19-2-502 as the result  
6 of an allegedly delinquent act that constitutes any of the offenses  
7 described in subparagraph (III) of paragraph (a) of this subsection (3)  
8 shall NOT be released from such facility if a law enforcement agency has  
9 requested that a detention hearing be held to determine whether the  
10 juvenile's immediate welfare or the protection of the community requires  
11 that the juvenile be detained. ~~No such~~ A juvenile shall NOT thereafter be  
12 released from detention except after a hearing, reasonable advance notice  
13 of which has been given to the district attorney, alleging new  
14 circumstances concerning the further detention of the juvenile.

15 (II) Following a detention hearing held in accordance with  
16 subparagraph (I) of this paragraph (c), ~~no~~ A juvenile who is to be tried as  
17 an adult for criminal proceedings pursuant to a direct filing or transfer  
18 shall NOT be held at any facility intended to be utilized by juvenile  
19 offenders, unless the district attorney and the defense counsel agree  
20 otherwise. IN DETERMINING WHETHER JAIL IS THE APPROPRIATE PLACE OF  
21 CONFINEMENT, DISTRICT ATTORNEY AND DEFENSE COUNSEL SHALL  
22 CONSIDER THE FOLLOWING FACTORS:";

- 1 line 21, strike "(I)" and substitute "(A)";
- 2 line 22, strike "(II)" and substitute "(B)".
- 3 Page 3, line 1, strike "(III)" and substitute "(C)";
- 4 line 3, strike "(IV)" and substitute "(D)";
- 5 line 6, strike "(V)" and substitute "(E)";
- 6 line 10, strike "(VI)" and substitute "(F)";
- 7 line 13, strike "(VII)" and substitute "(G)";
- 8 line 15, strike "(VIII)" and substitute "(H)";
- 9 line 16, strike "(IX)" and substitute "(I)";
- 10 line 20, strike "(X)" and substitute "(J)";
- 11 line 21, strike "(b)" and substitute "(III)";
- 12 strike lines 25 through 27 and substitute the following
- 13       "(IV) If there is no agreement, detention of the juvenile shall be
- 14 subject to the provisions of subsection (4) of this section."
- 15 Strike pages 4 and 5.
- 16 Page 6, strike lines 1 through 21.
- 17 Renumber succeeding section accordingly.

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