

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 13-0896.01 Jane Ritter x4342

HOUSE BILL 13-1279

HOUSE SPONSORSHIP

Labuda, Schafer

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING DETENTION PROCEDURES FOR JUVENILES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill instructs the courts in juvenile cases to seek to limit premature waiver of counsel by a juvenile in detention hearings. The bill also requires juveniles to be free of physical restraints during hearings unless the court makes specific findings of fact to the contrary that allow for physical restraints to maintain order in the courtroom, prevent the juvenile's escape, or provide for the safety of the courtroom.

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.

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

2

3 **SECTION 1.** In Colorado Revised Statutes, 19-1-106, **add** (6) as
4 follows:

5 **19-1-106. Hearings - procedure - record - restraints.** (6) (a) IF
6 A JUVENILE APPEARS BEFORE A COURT IN ANY PROCEEDING WEARING
7 INSTRUMENTS OF RESTRAINT, INCLUDING BUT NOT LIMITED TO
8 HANDCUFFS, CHAINS, IRONS, OR STRAIGHT JACKETS, THE COURT MAY NOT
9 CONTINUE WITH THE PROCEEDING WITH THE JUVENILE REQUIRED TO WEAR
10 THE INSTRUMENTS OF RESTRAINT UNLESS THE COURT FINDS THAT:

11 (I) THE USE OF RESTRAINTS IS NECESSARY DUE TO ONE OF THE
12 FOLLOWING FACTORS:

13 (A) THE JUVENILE POSES A THREAT OF SERIOUS HARM TO HIMSELF
14 OR HERSELF OR OTHERS;

15 (B) THE JUVENILE HAS A DEMONSTRABLE RECENT RECORD OF
16 DISRUPTIVE COURTROOM BEHAVIOR THAT HAS PLACED OTHERS IN
17 POTENTIALLY HARMFUL SITUATIONS; OR

18 (C) THERE IS REASON TO BELIEVE THE JUVENILE IS A FLIGHT RISK;
19 AND

20 (II) A LESS-RESTRICTIVE ALTERNATIVE TO THE RESTRAINTS DOES
21 NOT EXIST THAT WILL PREVENT FLIGHT OR PHYSICAL HARM TO THE
22 JUVENILE OR OTHERS, INCLUDING BUT NOT LIMITED TO COURT PERSONNEL,
23 LAW ENFORCEMENT OFFICERS, OR BAILIFFS.

24 (b) THE COURT SHALL PROVIDE THE JUVENILE'S ATTORNEY AN
25 OPPORTUNITY TO BE HEARD BEFORE THE COURT ORDERS THE USE OF
26 RESTRAINTS. IF RESTRAINTS ARE ORDERED, THE COURT SHALL MAKE

1 FINDINGS OF FACT IN SUPPORT OF THE ORDER. ■

2 **SECTION 2. 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.