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INTRODUCED

LLS NO. 14-0213.01 Richard Sweetman x4333

HOUSE BILL 14-1032

HOUSE SPONSORSHIP

Kagan, Lee

SENATE SPONSORSHIP

Guzman, Ulibarri

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE PROVISION OF DEFENSE COUNSEL TO JUVENILE
102 OFFENDERS.

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.>)

Juvenile Defense Attorney Interim Committee. A promise to appear in court served upon a juvenile and the juvenile's parent, guardian, or legal custodian shall state, in clear language that is understandable and appropriate to a juvenile:

! That the juvenile has the right to have counsel;

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.

- ! That counsel will be appointed for the juvenile if the juvenile or the juvenile's parent, guardian, or legal custodian lacks adequate resources to retain counsel or refuses to retain counsel for the juvenile;
- ! That, if the juvenile chooses to retain his or her own counsel, then the juvenile and the juvenile's parent, guardian, or legal custodian are advised to choose counsel that is experienced in representing juveniles in the juvenile justice system; and
- ! The contact information for the local office of the state public defender (OSPD).

When a juvenile is placed in a detention facility, a temporary holding facility, or a shelter facility designated by the court, the screening team shall promptly so notify the court, the district attorney, and the local office of the OSPD.

A juvenile who is detained shall be represented at the detention hearing by counsel. If the juvenile has not retained his or her own counsel, he or she shall be represented by the OSPD or, in the case of a conflict, by the office of alternate defense counsel (OADC). This representation shall continue unless:

- ! The juvenile retains his or her own counsel; or
- ! The juvenile is charged with an offense for which the juvenile may waive counsel and the juvenile has made a knowing, intelligent, and voluntary waiver of his or her right to counsel.

The scheduled time for a detention hearing must allow a juvenile's defense counsel sufficient time to consult with the juvenile before the detention hearing. This consultation may be performed by secure electronic means if the conditions under which the electronic consultation is held allow the consultation to be confidential. The law enforcement agency that arrested the juvenile shall promptly provide to the court and to defense counsel the affidavit supporting probable cause for the arrest and the arrest report, if the arrest report is available, and the screening team shall promptly provide to the court and to defense counsel any screening material prepared pursuant to the juvenile's arrest.

A detention hearing shall not be combined with a preliminary hearing or a first advisement. Due to the limited scope of a detention hearing, the representation of a juvenile by appointed counsel at a detention hearing does not, by itself, create a conflict in the event that such counsel is subsequently appointed to represent another individual whose case is related to the juvenile's case.

A summons issued by a court to a juvenile shall:

- ! Explain that the court will appoint counsel for the juvenile if the juvenile does not retain his or her own counsel; and
- ! State the contact information for the OSPD that serves the

jurisdiction of the court.

At a juvenile's first appearance before the court, after the detention hearing or at the first appearance if the juvenile appears on a summons, the court shall advise the juvenile of his or her constitutional and legal rights, including the right to counsel. The court shall appoint the OSPD or, in the case of a conflict, the OADC for the juvenile unless the juvenile has retained his or her own counsel or the juvenile has made a knowing, intelligent, and voluntary waiver of his or her right to counsel.

Any decision to waive the right to counsel shall be made by the juvenile himself or herself after consulting with his or her defense counsel. The court may accept a waiver of counsel by a juvenile only after finding that:

- ! The juvenile is of a sufficient maturity level to make a voluntary, knowing, and intelligent waiver of the right to counsel;
- ! The juvenile has consulted with counsel and understands the sentencing options that will be available to the court in the event of an adjudication or conviction;
- ! The juvenile has not been coerced into making the waiver;
- ! The juvenile understands that the court will provide counsel if the juvenile's parent, guardian, or legal custodian is unable or unwilling to obtain counsel for the juvenile; and
- ! The juvenile understands the possible consequences that may result from an adjudication or conviction of the offense with which the juvenile is charged.

The court shall not accept a juvenile's waiver of his or her right to counsel in any proceeding relating to a case in which the juvenile is charged with:

- ! A sexual offense;
- ! A crime of violence;
- ! An offense for which the juvenile will receive a mandatory sentence upon his or her conviction of the offense; or
- ! An offense for which the juvenile is being charged as a repeat juvenile offender, as an aggravated juvenile offender, or as a mandatory sentence offender.

The court shall not accept a juvenile's attempt to waive his or her right to counsel if the prosecuting attorney is seeking direct file proceedings or a transfer proceeding or if the juvenile is in the custody of the state department of human services or a county department of social services.

For purposes of applying for court-appointed counsel, the indigence of a juvenile is determined only by considering the juvenile's assets and income.

The appointment of counsel for a juvenile offender shall continue

until the court's jurisdiction is terminated, the juvenile or the juvenile's parent, guardian, or legal custodian retains counsel for the juvenile, or the juvenile makes a knowing, intelligent, and voluntary waiver of his or her right to counsel.

A court shall not deem a guardian ad litem who is appointed by the court for a child in a delinquency proceeding to be a substitute for defense counsel for the juvenile.

The OSPD, before determining indigency, may provide limited representation to juveniles in detention hearings or adult defendants in custody who cannot post or are not allowed bond.

The OSPD, the OADC, and the judicial branch shall annually report certain data concerning juvenile delinquency proceedings.

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

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

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

(b) ~~Such~~ A promise to appear SERVED pursuant to PARAGRAPH (a) OF this subsection (5) ~~shall~~ MUST state any charges against the juvenile and the date, time, and place where such juvenile shall be required to answer such charges. THE PROMISE TO APPEAR MUST ALSO STATE, IN CLEAR LANGUAGE THAT IS UNDERSTANDABLE AND APPROPRIATE TO A

1 JUVENILE:

2 (I) THAT THE JUVENILE HAS THE RIGHT TO HAVE THE ASSISTANCE
3 OF COUNSEL;

4 (II) THAT COUNSEL WILL BE APPOINTED FOR THE JUVENILE IF THE
5 JUVENILE OR THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN
6 LACKS ADEQUATE RESOURCES TO RETAIN COUNSEL OR REFUSES TO RETAIN
7 COUNSEL FOR THE JUVENILE;

8 (III) THAT IF THE JUVENILE CHOOSES TO RETAIN HIS OR HER OWN
9 COUNSEL, THEN THE JUVENILE AND THE JUVENILE'S PARENT, GUARDIAN,
10 OR LEGAL CUSTODIAN ARE ADVISED TO CHOOSE COUNSEL THAT IS
11 EXPERIENCED IN REPRESENTING JUVENILES IN THE JUVENILE JUSTICE
12 SYSTEM; AND

13 (IV) THE CONTACT INFORMATION FOR THE LOCAL OFFICE OF THE
14 STATE PUBLIC DEFENDER.

15 (c) The promise to appear shall be signed by the juvenile. The
16 promise to appear shall be served upon the juvenile's parent, guardian, or
17 legal custodian by personal service or by certified mail, return receipt
18 requested. The date established for the juvenile and the juvenile's parent,
19 guardian, or legal custodian to appear shall not be earlier than seven days
20 nor later than thirty days after the promise to appear is served upon both
21 the juvenile and the juvenile's parent, guardian, or legal custodian.

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

25 **19-2-508. Detention and shelter - hearing - time limits -**
26 **findings - review - confinement with adult offenders - restrictions.**

27 (2) When a juvenile is placed in a detention facility, in a temporary

1 holding facility, or in a shelter facility designated by the court, the
2 screening team shall promptly so notify the court, THE DISTRICT
3 ATTORNEY, AND THE LOCAL OFFICE OF THE STATE PUBLIC DEFENDER. The
4 screening team shall also notify a parent or legal guardian or, if a parent
5 or legal guardian cannot be located within the county, the person with
6 whom the juvenile has been residing and inform him or her of the right
7 to a prompt hearing to determine whether the juvenile is to be detained
8 further. The court shall hold ~~such~~ THE detention hearing within forty-eight
9 hours, excluding Saturdays, Sundays, and legal holidays. FOR A JUVENILE
10 BEING HELD IN DETENTION ON A WARRANT FOR VIOLATING A VALID COURT
11 ORDER ON A STATUS OFFENSE, THE COURT SHALL HOLD THE DETENTION
12 HEARING WITHIN TWENTY-FOUR HOURS, EXCLUDING SATURDAYS,
13 SUNDAYS, AND LEGAL HOLIDAYS.

14 (2.5) A JUVENILE WHO IS DETAINED PURSUANT TO SUBSECTION (2)
15 OF THIS SECTION SHALL BE REPRESENTED AT THE DETENTION HEARING BY
16 COUNSEL. IF THE JUVENILE HAS NOT RETAINED HIS OR HER OWN COUNSEL,
17 HE OR SHE SHALL BE REPRESENTED BY THE OFFICE OF THE STATE PUBLIC
18 DEFENDER OR, IN THE CASE OF A CONFLICT, BY THE OFFICE OF ALTERNATE
19 DEFENSE COUNSEL. THIS REPRESENTATION SHALL CONTINUE UNLESS:

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

21 (b) THE JUVENILE IS CHARGED WITH AN OFFENSE FOR WHICH THE
22 JUVENILE MAY WAIVE COUNSEL AND THE JUVENILE HAS MADE A KNOWING,
23 INTELLIGENT, AND VOLUNTARY WAIVER OF HIS OR HER RIGHT TO COUNSEL,
24 AS DESCRIBED IN SECTION 19-2-706 (2) (c).

25 (3) (a) (I) A juvenile taken into custody pursuant to this article and
26 placed in a detention or shelter facility or a temporary holding facility
27 ~~shall be~~ IS entitled to a hearing within forty-eight hours, excluding

1 Saturdays, Sundays, and legal holidays, of such placement to determine
2 if he or she should be detained. THE TIME OF THE DETENTION HEARING
3 MUST ALLOW DEFENSE COUNSEL SUFFICIENT TIME TO CONSULT WITH THE
4 JUVENILE BEFORE THE DETENTION HEARING. THIS CONSULTATION MAY BE
5 PERFORMED BY SECURE ELECTRONIC MEANS IF THE CONDITIONS UNDER
6 WHICH THE ELECTRONIC CONSULTATION IS HELD ALLOW THE
7 CONSULTATION TO BE CONFIDENTIAL. The time in which the hearing shall
8 be held may be extended for a reasonable time by order of the court upon
9 good cause shown.

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

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

27 (III) With respect to this section, the court may further detain the

1 juvenile ONLY if the court ~~is satisfied~~ FINDS from the information
2 provided at the hearing that the juvenile is a danger to himself or herself
3 or to the community. Any information having probative value shall be
4 received regardless of its admissibility under the rules of evidence. In
5 determining whether a juvenile requires detention, the court shall consider
6 any record of any prior adjudications of the juvenile. There shall be a
7 rebuttable presumption that a juvenile is a danger to himself or herself or
8 to the community if:

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

11 **19-2-514. Summons - issuance - contents - service.** (1) After a
12 petition has been filed, the court shall promptly issue a summons reciting
13 briefly the substance of the petition. THE COURT SHALL PROVIDE A COPY
14 OF THE SUMMONS TO THE OFFICE OF THE STATE PUBLIC DEFENDER. The
15 summons shall:

16 (a) Set forth the constitutional and legal rights of the juvenile,
17 including the right to have an attorney present at the hearing on the
18 petition;

19 (b) EXPLAIN THAT THE COURT WILL APPOINT COUNSEL FOR THE
20 JUVENILE IF THE JUVENILE DOES NOT RETAIN HIS OR HER OWN COUNSEL;
21 AND

22 (c) STATE THE CONTACT INFORMATION FOR THE OFFICE OF THE
23 STATE PUBLIC DEFENDER THAT SERVES THE JURISDICTION OF THE COURT.

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

26 **19-2-706. Advisement - right to counsel - waiver of right to**
27 **counsel.** (1) At the JUVENILE'S first appearance before the court, after the

1 ~~filing of a petition~~ DETENTION HEARING OR AT THE FIRST APPEARANCE IF
2 THE JUVENILE APPEARS ON A SUMMONS, THE COURT SHALL ADVISE the
3 juvenile and his or her parents, guardian, or other legal custodian ~~shall be~~
4 ~~advised by the court of their~~ THE JUVENILE'S constitutional RIGHTS and
5 legal rights as set forth in rule 3 of the Colorado rules of juvenile
6 procedure, INCLUDING, BUT NOT LIMITED TO, THE RIGHT TO COUNSEL.
7 ~~Such~~ THE advisement shall include the possibility of restorative justice
8 practices, including victim-offender conferences if restorative justice
9 practices are available in the jurisdiction. The advisement regarding
10 restorative justice practices does not establish any right to restorative
11 justice practices on behalf of the juvenile.

12 (2) (a) ~~If the juvenile or his or her parents, guardian, or other legal~~
13 ~~custodian requests counsel and the juvenile or his or her parents,~~
14 ~~guardian, or other legal custodian is found to be without sufficient~~
15 ~~financial means, or the juvenile's parents, guardian, or other legal~~
16 ~~custodian refuses to retain counsel for said juvenile,~~ The court shall
17 appoint ~~counsel~~ THE OFFICE OF THE STATE PUBLIC DEFENDER OR, IN THE
18 CASE OF A CONFLICT, THE OFFICE OF THE ALTERNATE DEFENSE COUNSEL
19 for the juvenile UNLESS:

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

24 (b) (I) ~~If the court appoints counsel for the juvenile because of the~~
25 ~~refusal of the parents, guardian, or other legal custodian to retain counsel~~
26 ~~for the juvenile, the parents, guardian, or legal custodian, other than a~~
27 ~~county department of social services or the department of human services,~~

1 ~~shall be ordered to reimburse the court for the cost of the counsel unless~~
2 ~~the court finds there was good cause for such refusal.~~ ONLY THE JUVENILE
3 HIMSELF OR HERSELF, AFTER CONSULTING WITH HIS OR HER DEFENSE
4 COUNSEL, MAY WAIVE THE RIGHT TO COUNSEL.

5 (II) FOR PURPOSES OF APPLYING FOR COURT-APPOINTED COUNSEL,
6 THE INDIGENCE OF A JUVENILE IS DETERMINED ONLY BY CONSIDERING THE
7 JUVENILE'S ASSETS AND INCOME.

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

14 (I) THE JUVENILE IS OF A SUFFICIENT MATURITY LEVEL TO MAKE
15 A VOLUNTARY, KNOWING, AND INTELLIGENT WAIVER OF THE RIGHT TO
16 COUNSEL;

17 (II) THE JUVENILE HAS CONSULTED WITH COUNSEL AND
18 UNDERSTANDS THE SENTENCING OPTIONS THAT WILL BE AVAILABLE TO
19 THE COURT IN THE EVENT OF AN ADJUDICATION OR CONVICTION OF THE
20 OFFENSE WITH WHICH THE JUVENILE IS CHARGED;

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

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

1 (V) THE JUVENILE UNDERSTANDS THE POSSIBLE CONSEQUENCES
2 THAT MAY RESULT FROM AN ADJUDICATION OR CONVICTION OF THE
3 OFFENSE WITH WHICH THE JUVENILE IS CHARGED, WHICH CONSEQUENCES
4 MAY OCCUR IN ADDITION TO THE ACTUAL ADJUDICATION OR CONVICTION
5 ITSELF.

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

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

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

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

14 (C) AN OFFENSE FOR WHICH THE JUVENILE WILL RECEIVE A
15 MANDATORY SENTENCE UPON HIS OR HER CONVICTION OF THE OFFENSE;
16 OR

17 (D) AN OFFENSE FOR WHICH THE JUVENILE IS BEING CHARGED AS
18 A REPEAT JUVENILE OFFENDER, AS DESCRIBED IN SECTION 19-2-516 (2), AS
19 AN AGGRAVATED JUVENILE OFFENDER, AS DESCRIBED IN SECTION 19-2-516
20 (4), OR AS A MANDATORY SENTENCE OFFENDER, AS DESCRIBED IN SECTION
21 19-2-908 (1) (a);

22 (II) IF THE PROSECUTING ATTORNEY HAS ANNOUNCED THAT HE OR
23 SHE IS SEEKING DIRECT FILE PROCEEDINGS PURSUANT TO SECTION
24 19-2-517;

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

1 (IV) IF THE JUVENILE IS IN THE CUSTODY OF THE STATE
2 DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT OF SOCIAL
3 SERVICES.

4 ~~(d)~~ (e) The appointment of counsel pursuant to this subsection (2)
5 shall continue until:

6 (I) ~~such time as~~ The court's jurisdiction is terminated;

7 (II) THE JUVENILE OR THE JUVENILE'S PARENT, GUARDIAN, OR
8 LEGAL CUSTODIAN RETAINS COUNSEL FOR THE JUVENILE; or

9 (III) ~~until such time as the court finds that the juvenile or his or~~
10 ~~her parents, guardian, or other legal custodian has sufficient financial~~
11 ~~means to retain counsel or that the juvenile's parents, guardian, or other~~
12 ~~legal custodian no longer refuses to retain counsel for the juvenile~~ THE
13 COURT FINDS THE JUVENILE HAS MADE A KNOWING, INTELLIGENT, AND
14 VOLUNTARY WAIVER OF HIS OR HER RIGHT TO COUNSEL, AS DESCRIBED IN
15 PARAGRAPH (c) OF THIS SUBSECTION (2).

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

18 **19-1-111. Appointment of guardian ad litem.** (2.5) A COURT
19 SHALL NOT DEEM A GUARDIAN AD LITEM WHO IS APPOINTED BY THE COURT
20 FOR A JUVENILE IN A DELINQUENCY PROCEEDING PURSUANT TO
21 SUBSECTION (2) OF THIS SECTION TO BE A SUBSTITUTE FOR DEFENSE
22 COUNSEL FOR THE JUVENILE.

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

25 **21-1-103. Representation of indigent persons.** (5) NOTHING IN
26 THIS SECTION MAY BE CONSTRUED TO PREVENT THE PUBLIC DEFENDER,
27 BEFORE DETERMINING INDIGENCY, FROM PROVIDING LIMITED

1 REPRESENTATION TO JUVENILES IN DETENTION HEARINGS OR ADULT
2 DEFENDANTS IN CUSTODY WHO CANNOT POST OR ARE NOT ALLOWED
3 BOND.

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

6 **19-2-103. Definitions.** For purposes of this article:

7 (12.5) "OFFICE OF THE STATE PUBLIC DEFENDER" MEANS THE
8 OFFICE OF STATE PUBLIC DEFENDER CREATED AND EXISTING PURSUANT TO
9 SECTION 21-1-101, C.R.S.

10 (12.7) "OFFICE OF ALTERNATE DEFENSE COUNSEL" MEANS THE
11 OFFICE OF ALTERNATE DEFENSE COUNSEL CREATED AND EXISTING
12 PURSUANT TO SECTION 21-2-101, C.R.S.

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

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

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

1 of parole; or

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

4 **21-1-104. Duties of public defender.** (4) THE STATE PUBLIC
5 DEFENDER SHALL REPORT ANNUALLY TO THE JUDICIARY COMMITTEES OF
6 THE HOUSE OF REPRESENTATIVES AND SENATE, OR TO ANY SUCCESSOR
7 COMMITTEES, INFORMATION CONCERNING:

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

10 (b) THE NUMBER OF JUVENILE CASES THAT INVOLVE A CONFLICT
11 OF INTEREST;

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

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

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

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

22 **21-2-104. Duties of alternate defense counsel and contract**
23 **attorneys.** (3) THE OFFICE OF ALTERNATE DEFENSE COUNSEL SHALL
24 REPORT ANNUALLY TO THE JUDICIARY COMMITTEES OF THE HOUSE OF
25 REPRESENTATIVES AND SENATE, OR TO ANY SUCCESSOR COMMITTEES,
26 INFORMATION CONCERNING:

27 (a) THE NUMBER OF JUVENILE DELINQUENCY CASES FOR WHICH

1 COUNSEL FROM THE OFFICE IS APPOINTED;

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

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

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

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

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

14 **13-1-137. Reporting of data concerning juvenile proceedings.**

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

18 (a) THE NUMBER OF JUVENILE DELINQUENCY CASES;

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

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

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

26 **SECTION 12. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.