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2001



HOUSE BILL 01-1168

BY REPRESENTATIVE(S) Lawrence, Coleman, Garcia, Jahn, Kester, Mace, Romanoff, Sanchez, Snook, Weddig, and Williams S.; also SENATOR(S) Anderson, Arnold, Dyer (Arapahoe), Dyer (Durango), Epps, Evans, and May.

CONCERNING SUBSTANTIVE CHANGES FOR THE STRENGTHENING OF THE JUVENILE LAWS.

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

SECTION 1. 19-2-911 (2), Colorado Revised Statutes, is amended to read:

19-2-911. Sentencing - alternative services - detention. (2) In the case of a juvenile who has been adjudicated a juvenile delinquent for the commission of one of the ~~misdemeanor~~ offenses described in section 19-2-508 (3) (a) (III) ~~(C)~~, the court shall sentence the juvenile to a minimum mandatory period of detention of not ~~less~~ FEWER than five days.

SECTION 2. 19-2-509 (4) (b), Colorado Revised Statutes, is amended to read:

19-2-509. Bail. (4) (b) In setting, modifying, or continuing any bail

Capital letters indicate new material added to existing statute; dashes through the words indicate deletions from existing statutes and such material not part of act.

bond, it shall be a condition that the released juvenile appear at any place and upon any date to which the proceeding is transferred or continued. Further conditions of every bail bond shall be that the released juvenile not commit any delinquent acts or harass, intimidate, or threaten any potential witnesses. The judge or magistrate may set any other conditions or limitations on the release of the juvenile as are reasonably necessary for the protection of the juvenile and the community. Any juvenile who is held without bail or whose bail or bail bond is revoked or increased under an order entered AT ANY TIME AFTER THE INITIAL DETENTION HEARING pursuant to subsection (3) of this section and who remains in custody or detention, must be tried on the charges on which the bail is denied or the bail or bail bond is revoked or increased within sixty days after the entry of such order or within sixty days after the juvenile's entry of a plea, whichever date is earlier; EXCEPT THAT, IF THE JUVENILE REQUESTS A JURY TRIAL PURSUANT TO SECTION 19-2-107, THE PROVISIONS OF SECTION 19-2-107 (4) SHALL APPLY.

SECTION 3. 19-1-304 (5.5), Colorado Revised Statutes, is amended to read:

19-1-304. Juvenile delinquency records. (5.5) Whenever a petition is filed in juvenile court INVOLVING A FELONY OR A CLASS 1 MISDEMEANOR OR THE FOLLOWING OFFENSES OF ANY DEGREE: MENACING, IN VIOLATION OF SECTION 18-3-206, C.R.S.; HARASSMENT, IN VIOLATION OF SECTION 18-9-111, C.R.S.; FOURTH DEGREE ARSON, IN VIOLATION OF SECTION 18-4-105, C.R.S.; THEFT, IN VIOLATION OF SECTION 18-4-401, C.R.S.; AGGRAVATED MOTOR VEHICLE THEFT, IN VIOLATION OF SECTION 18-4-409, C.R.S.; CRIMINAL MISCHIEF, IN VIOLATION OF SECTION 18-4-501, C.R.S.; DEFACING PROPERTY, IN VIOLATION OF SECTION 18-4-509, C.R.S.; DISORDERLY CONDUCT, IN VIOLATION OF SECTION 18-9-106, C.R.S.; HAZING, IN VIOLATION OF SECTION 18-9-124, C.R.S.; OR POSSESSION OF A HANDGUN BY A JUVENILE, IN VIOLATION OF SECTION 18-12-108.5, C.R.S., the prosecuting attorney, ~~on or before the next school day~~ WITHIN THREE WORKING DAYS AFTER THE PETITION IS FILED, shall MAKE GOOD FAITH REASONABLE EFFORTS TO notify the principal of the school in which the juvenile is enrolled and shall provide such principal with the arrest and criminal records information, as defined in section 24-72-302 (1), C.R.S. IN THE EVENT THE PROSECUTING ATTORNEY, IN GOOD FAITH, IS NOT ABLE TO EITHER IDENTIFY THE SCHOOL WHICH THE JUVENILE ATTENDS OR CONTACT THE PRINCIPAL OF THE JUVENILE'S SCHOOL, THEN THE PROSECUTING ATTORNEY SHALL CONTACT THE SUPERINTENDENT OF THE JUVENILE'S SCHOOL DISTRICT.

SECTION 4. Effective date - applicability. This act shall take effect July 1, 2001, and sections 1 and 2 shall apply to offenses committed on or after said date.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Doug Dean
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Stan Matsunaka
PRESIDENT OF
THE SENATE

Judith Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO