

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 27, 2014

Date

Committee on Judiciary.

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

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

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

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

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

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

20 (I) THAT THE JUVENILE HAS THE RIGHT TO HAVE THE ASSISTANCE
21 OF COUNSEL;

22 (II) THAT COUNSEL CAN BE APPOINTED FOR THE JUVENILE IF THE
23 JUVENILE AND THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN
24 LACK ADEQUATE RESOURCES TO RETAIN COUNSEL OR THE JUVENILE'S
25 PARENT, GUARDIAN, OR LEGAL CUSTODIAN REFUSES TO RETAIN COUNSEL
26 FOR THE JUVENILE;

1 (III) THAT, TO DETERMINE IF THE JUVENILE IS ELIGIBLE FOR
2 COURT-APPOINTED COUNSEL, OR TO APPLY FOR COURT-APPOINTED
3 COUNSEL, THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN IS
4 ADVISED TO CALL THE OFFICE OF THE STATE PUBLIC DEFENDER, VISIT THE
5 STATE PUBLIC DEFENDER'S OFFICE, OR VISIT THE STATE PUBLIC DEFENDER'S
6 INTERNET WEB SITE;

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

11 (V) THE CONTACT INFORMATION FOR THE LOCAL OFFICE OF THE
12 STATE PUBLIC DEFENDER, INCLUDING THE OFFICE'S TELEPHONE NUMBER
13 AND ADDRESS, AND THE ADDRESS OF THE INTERNET WEB SITE OF THE
14 OFFICE OF THE 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
28 holding facility, or in a shelter facility designated by the court, the
29 screening team shall promptly so notify the court, THE DISTRICT
30 ATTORNEY, AND THE LOCAL OFFICE OF THE STATE PUBLIC DEFENDER. The
31 screening team shall also notify a parent or legal guardian or, if a parent
32 or legal guardian cannot be located within the county, the person with
33 whom the juvenile has been residing and inform him or her of the right
34 to a prompt hearing to determine whether the juvenile is to be detained
35 further. The court shall hold ~~such~~ THE detention hearing within forty-eight
36 hours, excluding Saturdays, Sundays, and legal holidays. FOR A JUVENILE
37 BEING HELD IN DETENTION ON A WARRANT FOR VIOLATING A VALID COURT
38 ORDER ON A STATUS OFFENSE, THE COURT SHALL HOLD THE DETENTION
39 HEARING WITHIN TWENTY-FOUR HOURS, EXCLUDING SATURDAYS,
40 SUNDAYS, AND LEGAL HOLIDAYS.

41 (2.5) A JUVENILE WHO IS DETAINED FOR COMMITTING A
42 DELINQUENT ACT SHALL BE REPRESENTED AT THE DETENTION HEARING BY

1 COUNSEL. IF THE JUVENILE HAS NOT RETAINED HIS OR HER OWN COUNSEL,
2 THE COURT SHALL APPOINT THE OFFICE OF THE STATE PUBLIC DEFENDER
3 OR, IN THE CASE OF A CONFLICT, THE OFFICE OF ALTERNATE DEFENSE
4 COUNSEL TO REPRESENT THE JUVENILE. THIS APPOINTMENT SHALL
5 CONTINUE IF THE COURT APPOINTS THE OFFICE OF THE STATE PUBLIC
6 DEFENDER OR THE OFFICE OF ALTERNATE DEFENSE COUNSEL PURSUANT TO
7 SECTION 19-2-706 (2) (a) UNLESS:

8 (a) THE JUVENILE RETAINS HIS OR HER OWN COUNSEL; OR
9 (b) THE JUVENILE MAKES A KNOWING, INTELLIGENT, AND
10 VOLUNTARY WAIVER OF HIS OR HER RIGHT TO COUNSEL, AS DESCRIBED IN
11 SECTION 19-2-706 (2) (c).

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

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

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

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

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

12 **19-2-514. Summons - issuance - contents - service.** (1) After a
13 petition has been filed, the court shall promptly issue a summons reciting
14 briefly the substance of the petition. The summons ~~shall set forth the~~
15 ~~constitutional and legal rights of the juvenile, including the right to have~~
16 ~~an attorney present at the hearing on the petition~~ MUST ALSO STATE, IN A
17 SEPARATE BOX, IN BOLD, AND IN CAPITALIZED LETTERS, THE FOLLOWING
18 TEXT, INSERTING THE TELEPHONE NUMBER AND ADDRESS OF THE LOCAL
19 OFFICE OF THE STATE PUBLIC DEFENDER AND THE INTERNET WEB SITE
20 ADDRESS OF THE STATE PUBLIC DEFENDER, AS INDICATED:

21 1. YOU HAVE THE RIGHT TO HAVE YOUR OWN
22 LAWYER HELP YOU AT YOUR HEARING.

23 2. YOU MAY BE ELIGIBLE FOR THIS LAWYER AT
24 NO CHARGE.

25 3. TO FIND OUT IF YOU ARE ELIGIBLE, YOU OR
26 YOUR PARENT, GUARDIAN, OR LEGAL
27 CUSTODIAN SHOULD CALL THE OFFICE OF THE
28 STATE PUBLIC DEFENDER AT _____, VISIT
29 THE OFFICE OF THE STATE PUBLIC DEFENDER AT
30 _____, OR VISIT THE STATE PUBLIC
31 DEFENDER'S WEB SITE AT _____.

32 4. YOU ARE MORE LIKELY TO HAVE A FREE
33 LAWYER PRESENT AT YOUR HEARING IF YOU OR
34 YOUR PARENT, GUARDIAN, OR LEGAL
35 CUSTODIAN CALLS OR VISITS THE OFFICE OF THE
36 STATE PUBLIC DEFENDER AT LEAST FIVE DAYS
37 BEFORE YOUR HEARING.

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

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

16 (b) IF THE RESPONDENT HAS MADE AN EARLY APPLICATION FOR
17 APPOINTED COUNSEL FOR THE JUVENILE AND THE OFFICE OF THE STATE
18 PUBLIC DEFENDER HAS MADE A PRELIMINARY DETERMINATION THAT THE
19 JUVENILE IS ELIGIBLE FOR APPOINTED COUNSEL AS SET FORTH IN SECTION
20 21-1-103, C.R.S., OR IF THE COURT HAS APPOINTED COUNSEL FOR THE
21 JUVENILE PURSUANT TO SECTION 19-2-508(2.5), AN ATTORNEY FROM THE
22 OFFICE OF THE STATE PUBLIC DEFENDER OR, IN THE CASE OF A CONFLICT,
23 FROM THE OFFICE OF ALTERNATE DEFENSE COUNSEL, SHALL BE AVAILABLE
24 TO REPRESENT THE JUVENILE AT THE JUVENILE'S FIRST APPEARANCE, AS
25 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1).

26 (c) IF THE RESPONDENT HAS NOT MADE AN EARLY APPLICATION
27 FOR APPOINTED COUNSEL FOR THE JUVENILE BUT THE JUVENILE REQUESTS
28 APPOINTMENT OF COUNSEL AT THE FIRST APPEARANCE, THE COURT SHALL
29 DETERMINE IF THE JUVENILE IS ELIGIBLE FOR COUNSEL PURSUANT TO
30 PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION.

31 (d) AS USED IN THIS SUBSECTION (1), UNLESS THE CONTEXT
32 OTHERWISE REQUIRES, "EARLY APPLICATION" MEANS THAT THE
33 RESPONDENT HAS CONTACTED THE OFFICE OF THE STATE PUBLIC
34 DEFENDER AND APPLIED FOR REPRESENTATION OF THE JUVENILE BY THE
35 STATE PUBLIC DEFENDER NOT LESS THAN FIVE DAYS BEFORE THE
36 JUVENILE'S SCHEDULED COURT DATE FOR THE FIRST APPEARANCE AND HAS
37 PROVIDED SUFFICIENT INFORMATION TO THE OFFICE OF THE STATE PUBLIC
38 DEFENDER TO ALLOW THAT OFFICE TO MAKE A PRELIMINARY
39 DETERMINATION OF ELIGIBILITY FOR REPRESENTATION.

40 (e) FAILURE OF THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL
41 CUSTODIAN TO APPLY FOR COURT-APPOINTED COUNSEL MAY NOT BE

1 CONSTRUED AS A WAIVER OF THE RIGHT TO COUNSEL OR ANY OTHER
2 RIGHTS HELD BY THE JUVENILE.

3 (2) (a) If the juvenile ~~or~~ AND his or her parents, guardian, or other
4 legal custodian ~~requests counsel and the juvenile or his or her parents,~~
5 ~~guardian, or other legal custodian is~~ ARE found to be ~~without sufficient~~
6 ~~financial means,~~ INDIGENT PURSUANT TO SECTION 21-1-103 (3), C.R.S.,
7 or the juvenile's parents, guardian, or other legal custodian refuses to
8 retain counsel for ~~said~~ THE juvenile, OR THE COURT, ON ITS OWN MOTION,
9 DETERMINES THAT COUNSEL IS NECESSARY TO PROTECT THE INTERESTS OF
10 THE JUVENILE OR OTHER PARTIES, OR THE JUVENILE IS IN THE CUSTODY OF
11 THE STATE DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT
12 OF SOCIAL SERVICES, the court shall appoint ~~counsel~~ THE OFFICE OF STATE
13 PUBLIC DEFENDER OR, IN THE CASE OF A CONFLICT, THE OFFICE OF
14 ALTERNATE DEFENSE COUNSEL for the juvenile; EXCEPT THAT THE COURT
15 SHALL NOT APPOINT THE OFFICE OF THE STATE PUBLIC DEFENDER OR THE
16 OFFICE OF ALTERNATE DEFENSE COUNSEL IF:

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

21 (b) (I) If the court appoints counsel for the juvenile because of the
22 refusal of the parents, guardian, or other legal custodian to retain counsel
23 for the juvenile, the parents, guardian, or legal custodian, other than a
24 county department of social services or the department of human services,
25 shall be ~~ordered to reimburse the court for the cost of the counsel unless~~
26 ~~the court finds there was good cause for such refusal.~~ ADVISED BY THE
27 COURT THAT IF THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN
28 IS DETERMINED NOT TO BE INDIGENT PURSUANT TO SECTION 21-1-103 (3),
29 C.R.S., THEN THE COURT WILL ORDER THE JUVENILE'S PARENT, GUARDIAN,
30 OR LEGAL CUSTODIAN, OTHER THAN A COUNTY DEPARTMENT OF HUMAN
31 SERVICES OR THE STATE DEPARTMENT OF HUMAN SERVICES, TO
32 REIMBURSE THE COURT FOR THE COST OF THE REPRESENTATION UNLESS
33 THE COURT, FOR GOOD CAUSE, WAIVES THE REIMBURSEMENT
34 REQUIREMENT. THE AMOUNT OF THE REIMBURSEMENT WILL BE A
35 PREDETERMINED AMOUNT THAT:

- 36 (A) SHALL BE SET BY THE SUPREME COURT, IN CONSULTATION
37 WITH THE OFFICE OF THE STATE PUBLIC DEFENDER AND THE OFFICE OF
38 ALTERNATE DEFENSE COUNSEL;
- 39 (B) SHALL BE INCLUDED IN THE CHIEF JUSTICE DIRECTIVE
40 CONCERNING THE APPOINTMENT OF STATE-FUNDED COUNSEL IN CRIMINAL
41 AND JUVENILE DELINQUENCY CASES; AND

1 (C) MAY BE BASED PARTLY OR ENTIRELY UPON THE STAGE A
2 PROCEEDING HAS REACHED WHEN COUNSEL IS APPOINTED, THE STAGE A
3 PROCEEDING HAS REACHED WHEN REPRESENTATION IS TERMINATED, OR
4 BOTH.

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

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

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

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

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

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

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

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

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

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

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

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

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

10 **19-1-111. Appointment of guardian ad litem.** (2.5) A COURT
11 SHALL NOT DEEM A GUARDIAN AD LITEM WHO IS APPOINTED BY THE COURT
12 FOR A JUVENILE IN A DELINQUENCY PROCEEDING PURSUANT TO
13 SUBSECTION (2) OF THIS SECTION TO BE A SUBSTITUTE FOR DEFENSE
14 COUNSEL FOR THE JUVENILE.

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

17 **21-1-103. Representation of indigent persons.** (5) NOTHING IN
18 THIS SECTION MAY BE CONSTRUED TO PREVENT THE PUBLIC DEFENDER,
19 BEFORE DETERMINING INDIGENCY, FROM PROVIDING LIMITED
20 REPRESENTATION TO JUVENILES IN DETENTION HEARINGS.

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

23 **19-2-103. Definitions.** For purposes of this article:

24 (12.5) "OFFICE OF ALTERNATE DEFENSE COUNSEL" MEANS THE
25 OFFICE OF ALTERNATE DEFENSE COUNSEL CREATED AND EXISTING
26 PURSUANT TO SECTION 21-2-101, C.R.S.

27 (12.7) "OFFICE OF THE STATE PUBLIC DEFENDER" MEANS THE
28 OFFICE OF STATE PUBLIC DEFENDER CREATED AND EXISTING PURSUANT TO
29 SECTION 21-1-101, C.R.S.

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

32 **19-2-1004. Parole violation and revocation.** (4) If, rather than
33 issuing a summons, a parole officer makes an arrest of a parolee with or
34 without a warrant or takes custody of a parolee who has been arrested by
35 another, the parole officer shall place the parolee in the nearest local
36 juvenile detention facility or shelter care facility approved by the
37 department of human services, if under eighteen years of age, or in the
38 nearest county jail, if eighteen years of age or older. Within forty-eight
39 hours, not including Saturdays, Sundays, and legal holidays, the parole
40 officer shall take one of the following actions:

41 (b) ~~Request a court to conduct a juvenile parole preliminary~~
42 ~~hearing as a part of a detention hearing conducted as described in section~~

1 ~~19-2-508, in which hearing the court shall make a finding as to whether~~
2 ~~there is probable cause to believe that the parolee has violated a condition~~
3 ~~of parole; or~~

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

6 **21-1-104. Duties of public defender.** (4) PURSUANT TO SECTION
7 2-7-203, C.R.S., THE STATE PUBLIC DEFENDER SHALL REPORT ANNUALLY
8 TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND
9 SENATE, OR TO ANY SUCCESSOR COMMITTEES, INFORMATION CONCERNING:

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

12 (b) THE NUMBER OF JUVENILE CASES THAT INVOLVE A CONFLICT
13 OF INTEREST;

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

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

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

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

24 **21-2-104. Duties of alternate defense counsel and contract**
25 **attorneys.** (3) PURSUANT TO SECTION 2-7-203, C.R.S., THE OFFICE OF
26 ALTERNATE DEFENSE COUNSEL SHALL REPORT ANNUALLY TO THE
27 JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE,
28 OR TO ANY SUCCESSOR COMMITTEES, INFORMATION CONCERNING:

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

31 (b) THE NUMBER OF JUVENILE CASES THAT INVOLVE A CONFLICT
32 OF INTEREST;

33 (c) THE PROCESS OF SELECTING, TRAINING, AND SUPPORTING
34 ATTORNEYS WHO REPRESENT CHILDREN IN JUVENILE DELINQUENCY
35 COURT;

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

38 (e) THE OUTCOME OF EFFORTS TO REDUCE JUVENILE COURT
39 ROTATIONS AND INCREASE OPPORTUNITIES FOR PROMOTIONAL
40 ADVANCEMENT IN SALARIES FOR ATTORNEYS IN JUVENILE COURT.

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

1 **13-1-137. Reporting of data concerning juvenile proceedings.**
2 (1) THE JUDICIAL BRANCH SHALL REPORT ANNUALLY TO THE JUDICIARY
3 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR TO ANY
4 SUCCESSOR COMMITTEES, INFORMATION CONCERNING:
5 (a) THE NUMBER OF JUVENILE DELINQUENCY CASES;
6 (b) THE NUMBER OF JUVENILE DELINQUENCY CASES THAT
7 INVOLVED AN APPOINTMENT OF COUNSEL;
8 (c) THE NUMBER OF JUVENILE CASES THAT INVOLVED A WAIVER OF
9 COUNSEL;
10 (d) THE STATUS OF RECOMMENDED REVIEWS TO JUVENILE COURT
11 RULES, FORMS, AND CHIEF JUSTICE DIRECTIVES REGARDING THE
12 REPRESENTATION OF CHILDREN IN JUVENILE DELINQUENCY COURTS; AND
13 (e) THE NUMBER OF JUVENILE DELINQUENCY CASES THAT
14 INVOLVED A DETENTION HEARING, THE NUMBER OF JUVENILES WHO WERE
15 RELEASED AFTER THE DETENTION HEARING, AND THE NUMBER OF
16 JUVENILES WHO REMAINED IN DETENTION AFTER THE DETENTION HEARING.
17 **SECTION 12. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety."

** *** ** *** **