

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 15-0043.01 Jerry Barry x4341

HOUSE BILL 15-1022

HOUSE SPONSORSHIP

McCann,

SENATE SPONSORSHIP

Steadman and Cooke,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING JUVENILES CHARGED WITH CERTAIN MINOR OFFENSES.**

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>.)

For a juvenile 10 years of age or older alleged to have committed a petty offense, the bill allows a peace officer to issue a petty ticket requiring the juvenile to appear before a law enforcement officer, an assessment officer, or a screening team (screening entity). If the screening entity finds certain conditions have been met, the screening entity shall offer a petty offense contract to the juvenile and his or her parent or legal guardian. If the juvenile satisfies the conditions of the contract, the prosecuting attorney shall not file charges with the court.

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 **SECTION 1.** In Colorado Revised Statutes, **add** 19-2-302.5 as
3 follows:

4 **19-2-302.5. Petty tickets - summons - contracts - data.**

5 (1) (a) IF A LAW ENFORCEMENT OFFICER CONTACTS A JUVENILE TEN
6 YEARS OF AGE OR OLDER FOR A DELINQUENT ACT THAT WOULD BE A PETTY
7 OFFENSE IF COMMITTED BY AN ADULT OR A MUNICIPAL ORDINANCE
8 VIOLATION, THE OFFICER MAY ISSUE THE JUVENILE A PETTY TICKET THAT
9 REQUIRES THE JUVENILE TO GO THROUGH AN ASSESSMENT PROCESS OR
10 PROCEDURE AS DESIGNATED BY THE MUNICIPAL, COUNTY, OR DISTRICT
11 COURT, INCLUDING ASSESSMENT BY A LAW ENFORCEMENT OFFICER,
12 ASSESSMENT OFFICER, OR A SCREENING TEAM, REFERRED TO IN THIS
13 SECTION AS THE "SCREENING ENTITY". WHEN A PETTY TICKET IS ISSUED,
14 AN ASSESSMENT OFFICER OR SCREENING TEAM OFFICER SHALL OFFER A
15 PETTY OFFENSE CONTRACT TO THE JUVENILE AND THE JUVENILE'S PARENT
16 OR LEGAL GUARDIAN IF:

17 (I) THE JUVENILE HAS NO PRIOR ADJUDICATION OR NON-TRAFFIC
18 CONVICTION IN A MUNICIPAL, COUNTY, JUVENILE, OR DISTRICT COURT;

19 (II) THE ALLEGED OFFENSE WOULD BE A CLASS 1, CLASS 2, OR
20 UNCLASSIFIED PETTY OFFENSE;

21 (III) THE JUVENILE ADMITS TO THE OFFENSE; AND

22 (IV) THE PETTY OFFENSE CONTRACT IS IN THE BEST INTERESTS OF
23 THE JUVENILE.

24 (b) IF THE JUVENILE IS OTHERWISE ELIGIBLE FOR A PETTY OFFENSE
25 CONTRACT PURSUANT TO THE PROVISIONS OF THIS SUBSECTION (1), BUT

1 THE SCREENING ENTITY FINDS THAT THE ISSUANCE OF A PETTY OFFENSE
2 CONTRACT IS NOT IN THE BEST INTERESTS OF THE JUVENILE, THE
3 SCREENING ENTITY SHALL STATE THE REASONS IN WRITING. THE
4 SCREENING ENTITY SHALL PROVIDE A COPY OF THE WRITTEN STATEMENT
5 TO THE JUVENILE AND SHALL MAINTAIN A COPY OF THE WRITTEN
6 STATEMENT. IF THERE IS NO AGREEMENT RESULTING IN A SIGNED
7 CONTRACT PURSUANT TO THIS SECTION, THE PROSECUTING ATTORNEY
8 MAY FILE A PETITION OF DELINQUENCY.

9 (2) EVERY CONTRACT ENTERED INTO PURSUANT TO THIS SECTION
10 MUST BE IN WRITING AND CONTAIN THE FOLLOWING:

11 (a) CONSENT TO THE CONTRACT TERMS BY THE JUVENILE AND THE
12 JUVENILE'S PARENT OR LEGAL GUARDIAN;

13 (b) AN AGREEMENT TO PAY RESTITUTION, WHEN APPLICABLE;

14 (c) AN AGREEMENT TO PERFORM USEFUL COMMUNITY SERVICE,
15 WHEN APPLICABLE;

16 (d) AN AGREEMENT TO ATTEND SCHOOL UNLESS THE JUVENILE IS
17 IN A CERTIFIED HOME STUDY PROGRAM OR IS OTHERWISE LEGALLY
18 EXCUSED FROM SUCH ATTENDANCE;

19 (e) A REQUIREMENT OF RESTORATIVE JUSTICE PRACTICES, WHEN
20 APPROPRIATE;

21 (f) A REQUIREMENT THAT THE JUVENILE NOT COMMIT A
22 DELINQUENT ACT DURING THE TERM OF THE CONTRACT; AND

23 (g) ANY OTHER CONDITIONS DETERMINED APPROPRIATE BY THE
24 SCREENING ENTITY.

25 (3) UPON THE SUCCESSFUL COMPLETION OF THE CONTRACT TO THE
26 SATISFACTION OF THE SCREENING ENTITY, THE JUVENILE IS RELEASED
27 FROM ANY FURTHER OBLIGATION AND THE PROSECUTING ATTORNEY SHALL

1 NOT FILE A PETITION IN DELINQUENCY FOR THE ADMITTED ACT. THE
2 COMPLETED CONTRACT REMAINS CONFIDENTIAL EXCEPT TO THE
3 TICKETING AGENCY, THE SCREENING AND SUPERVISORY ENTITY, THE
4 JUVENILE AND THE JUVENILE'S PARENT OR LEGAL GUARDIAN.

5 (4) (a) IF A JUVENILE FAILS TO COMPLY WITH A WRITTEN
6 CONDITION OF THE CONTRACT WITHIN A SPECIFIC TIME DESIGNATED IN THE
7 CONTRACT, THE PROSECUTING ATTORNEY MAY FILE CHARGES WITH THE
8 COURT. THE CONTRACT AND ANY STATEMENTS CONTAINED IN THE
9 CONTRACT OR MADE BY THE JUVENILE TO THE SCREENING ENTITY
10 ADMINISTERING THE CONTRACT SHALL NOT BE USED AGAINST THE
11 JUVENILE.

12 (b) IF THERE IS NO AGREEMENT RESULTING IN A SIGNED CONTRACT,
13 ANY STATEMENT MADE BY THE JUVENILE TO THE SCREENING ENTITY
14 ADMINISTERING THE ASSESSMENT SHALL NOT BE USED AGAINST THE
15 JUVENILE.

16 (c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPHS (a) AND
17 (b) OF THIS SUBSECTION (4), STATEMENTS OR ADMISSIONS OF A JUVENILE
18 CONTAINED IN THE CONTRACT OR MADE BY THE JUVENILE TO THE
19 SCREENING ENTITY ARE ADMISSIBLE INTO EVIDENCE, IF THE JUVENILE
20 MAKES ANY DELIBERATE MISREPRESENTATIONS AFFECTING THE
21 APPLICABILITY OR REQUIREMENTS OF THIS SECTION.

22 (5) (a) EACH LAW ENFORCEMENT AGENCY THAT ISSUES PETTY
23 OFFENSE TICKETS PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL
24 MAINTAIN ANNUAL DATA ON THE NUMBER OF TICKETS ISSUED AND THE
25 AGE, ETHNICITY, GENDER, AND FINAL DISPOSITION FOR EACH TICKET.

26 (b) THE DATA COLLECTED PURSUANT TO PARAGRAPH (a) OF THIS
27 SUBSECTION (5) IS PUBLIC AND MUST BE MADE AVAILABLE UPON REQUEST.

1 **SECTION 2. Act subject to petition - effective date -**
2 **applicability.** (1) This act takes effect September 1, 2015; except that,
3 if a referendum petition is filed pursuant to section 1 (3) of article V of
4 the state constitution against this act or an item, section, or part of this act
5 within the ninety-day period after final adjournment of the general
6 assembly, then the act, item, section, or part will not take effect unless
7 approved by the people at the general election to be held in November
8 2016 and, in such case, will take effect on the date of the official
9 declaration of the vote thereon by the governor.
10 (2) This act applies to offenses committed on or after the
11 applicable effective date of this act.