

**Summary of Juveniles in the Criminal Justice System, 2008 Session
(As of July 3, 2008)**

Signed into Law

<p>Bill Number: HB 08-1016</p> <p>Sponsors: <i>Rep. Solano</i> <i>Sen. Boyd</i></p> <p>The bill requires specified individuals involved with a juvenile delinquency proceeding to advise the court if there is reason to believe that the juvenile could benefit from mental health services. The bill requires the court to then order a mental health screening of the juvenile, unless sufficient information regarding the juvenile's mental state already exists in the record. The court also may order a mental health assessment if the screening indicates that the juvenile could benefit from mental health services. The cost of the assessment may be assigned to any party having legal custody or legal guardianship of the juvenile. Evidence obtained as a result of a mental health screening or assessment is not admissible for a not guilty plea. Additionally, each judicial district may appoint a committee to develop an implementation plan.</p>	<p>Short Title: Juvenile Justice Mental Health Process</p> <p>Status: Signed into Law</p> <p>State Appropriations:</p> <p>None. The procedures established by the bill are not expected to result in a significant increase in workload for either the courts or the Department of Human Services. The cost of a mental health screening for a juvenile would be borne by the party having legal custody.</p>
<p>Bill Number: HB 08-1018</p> <p>Sponsors: <i>Rep. Primavera</i> <i>Sen. Taylor</i></p> <p>The bill allows judicial districts that are not adjacent to establish a volunteer court appointed special advocate (CASA) program. Current law only allows adjacent districts to establish CASA programs and, therefore, HB 08-1018 expands that provision to allow for non-adjacent districts to collaborate.</p>	<p>Short Title: Court-appointed Special Advocate Program</p> <p>Status: Signed into Law</p> <p>State Appropriations:</p> <p>None. The bill does not increase funding for CASA programs, nor is it expected to increase the workload of the courts.</p>
<p>Bill Number: HB 08-1046</p> <p>Sponsors: <i>Rep. Stafford</i> <i>Sen. Windels</i></p> <p>The rerevised bill would provide juveniles in a juvenile commitment facility, and certain offenders committed to the Department of Human Services, with assistance in applying for public benefits prior to their release. Specifically, these offenders would receive help applying for Medicaid, Children's Basic Health Plan benefits, Supplemental Security Income (SSI), or Social Security Disability Insurance (SSDI) at least 120 days prior to release. In addition, this bill mandates appropriate training for personnel to develop the expertise to provide this assistance. Departments also must simplify the processing of applications for these benefits.</p>	<p>Short Title: Offenders Apply for Public Benefits</p> <p>Status: Signed into Law</p> <p>State Appropriations:</p> <p>To implement this bill, the Department of Human Services requires a total appropriation of \$76,081 for FY 2008-09, of this amount \$11,941 is from the General Fund. The Department of Health Care Policy and Financing requires a total appropriation of \$28,408 for FY 2008-09, of this amount \$13,371 is from the General Fund.</p>

**Summary of Juveniles in the Criminal Justice System, 2008 Session
(As of July 3, 2008) (cont.)**

Signed into Law (cont.)

<p>Bill Number: HB 08-1117</p> <p>Sponsors: <i>Rep. Merrifield</i> <i>Sen. Morse</i></p>	<p>Short Title: Juvenile Restorative Justice Programs</p> <p>Status: Signed into Law</p>
<p>The bill directs that, when possible, the Juvenile Diversion Program within the Department of Public Safety should institute restorative justice practices as a part of juvenile diversion programs. Restorative justice practices are defined as practices designed to repair the harm done to the victim and the community. These practices include apologies, community service, restitution, and counseling. The bill also makes restorative justice a sentencing alternative for the court. Restorative justice practices may not be used in instances when the juvenile has been adjudicated for sex offenses.</p>	<p>State Appropriations:</p> <p>None. This bill gives the court and the probation division discretion for instituting restorative justice practices and is not expected to have a fiscal impact.</p>
<p>Bill Number: HB 08-1132</p> <p>Sponsors: <i>Rep. Stafford</i> <i>Sen. Keller</i></p>	<p>Short Title: Youthful Offender System Treatment</p> <p>Status: Signed into Law</p>
<p>The bill modifies the treatment options for sex offenders sentenced to the Youthful Offender System (YOS) who are over the age of 18. Previously, the only treatment model available at YOS was for juveniles. This bill changes that to include the option of adult treatment services for sex offenders over the age of 18. The bill also adds mental health treatment as a service that offenders are authorized to receive without parental consent</p>	<p>State Appropriations:</p> <p>None. This bill gives YOS added flexibility regarding the treatment of YOS offenders using age appropriate treatment standards.</p>
<p>Bill Number: HB 08-1156</p> <p>Sponsors: <i>Rep. Casso</i> <i>Sen. Gibbs</i></p>	<p>Short Title: Changes Juvenile Parole</p> <p>Status: Signed into Law</p>
<p>The rerevised bill establishes the Division of Youth Corrections (DYC) as the sole authority for managing juvenile parole services. Current statute allows for the Division of Juvenile Parole in the Department of Human Services to play a role in juvenile parole services; although, current practice is that DYC manages all juvenile parole services. In addition, the bill requires DYC to use an objective risk assessment to identify appropriate treatment for juveniles; this also reflects current practice. The bill clarifies DYC's jurisdiction over juveniles when they turn 21. If a juvenile is released prior to turning 18, the bill specifies that the juvenile is to be returned to the family or the person who had custody prior to the juvenile's commitment to DYC. The bill also expands victim notification requirements.</p>	<p>State Appropriations:</p> <p>To implement this bill, the Department of Human Services will require an appropriation of \$55,997 from the State Victims Assistance Law Enforcement Fund and 0.8 FTE for allocation to the Juvenile Parole Board.</p>

**Summary of Juveniles in the Criminal Justice System, 2008 Session
(As of July 3, 2008) (cont.)**

Signed into Law (cont.)

Bill Number: SB 08-066	Short Title: Felony Murder Penalty for Juveniles
Sponsors: <i>Sen. Williams Rep. Marshall</i>	Status: Signed into Law
The rerevised bill would enable a judge to sentence a juvenile, convicted of felony murder, to the Youthful Offender System (YOS) if the juvenile is charged with a class 1 felony and pleads guilty to a class 2 felony, and the underlying crime is eligible for YOS. Under current law, a juvenile can be convicted of felony murder when the juvenile commits an underlying felony, such as a robbery, and a victim dies as a result. The bill takes into account juveniles who are convicted of an underlying crime, such as robbery, but did not commit or assist in committing a murder in the same criminal episode.	<p>State Appropriations:</p> <p>To implement this bill, the Department of Corrections requires a General Fund appropriation of \$46,048 for FY 2008-09.</p>

Vetoed by Governor

Bill Number: HB 08-1208	Short Title: Limitations on Direct File Juvenile Case
Sponsors: <i>Rep. Levy Sen. Shaffer</i>	Status: Vetoed by Governor
The rerevised bill creates a reverse transfer process, in the case of a direct filing of a juvenile, whereby the juvenile may request, within 30 days of being charged, that the case be remanded to the juvenile court. As a part of the hearing, the juvenile must demonstrate that the reverse transfer process serves the best interests of the juvenile and of the community. In addition, while awaiting trial, the juvenile must be held in a juvenile facility unless the juvenile is a danger to him or herself, or others, in which case the juvenile must be held at an adult facility, but separate from the adult offender population.	<p>State Appropriations:</p> <p>None. The affected agencies will absorb the provisions of the bill within existing resources.</p>

Postponed Indefinitely

Bill Number: HB 08-1004	Short Title: Enforcement of School Attendance Laws
Sponsors: <i>Rep. Todd Sen. Penry</i>	Status: Postponed Indefinitely by the House Judiciary Committee
The introduced bill would have allowed uniformed law enforcement officers to take a juvenile into temporary custody if the officer had probable cause to believe that the juvenile was truant. The officer could not take the juvenile to a juvenile detention facility, rather, the sole purpose for taking the juvenile into custody must have been to return the juvenile to school. The bill would have required a school district to enter into an intergovernmental agreement with a local law enforcement agency for the purposes of enforcing school attendance laws.	<p>State Appropriations:</p> <p>None. The Department of Education would have been responsible for collecting any intergovernmental agreements; however, the increased workload was expected to be minimal.</p>

**Summary of Juveniles in the Criminal Justice System, 2008 Session
(As of July 3, 2008) (cont.)**

Postponed Indefinitely (cont.)

Bill Number: **HB 08-1142**

Short Title: **Juvenile Competency**

Sponsors: *Rep. Jahn*
None

Status: Postponed Indefinitely by the House Appropriations Committee

The introduced bill would have revised the standard for when a juvenile is determined to be incompetent to include "immature development." Immature development was defined as not having the cognitive or psychosocial capacities of an average adult. The legislation would have required this standard to be used for competency determinations for individuals under the age of 18. At a minimum, the competency evaluation would have addressed the juvenile's ability to rationally assess the allegations against him or her, to make rational decisions concerning the possible penalties against him or her, to understand and participate in legal proceedings, and to display appropriate courtroom behavior.

State Appropriations:

To implement this bill, the Judicial Branch would have required a \$1,699,363 General Fund appropriation for FY 2008-09 and 2.0 FTE. In addition, the Office of the State Public Defender would have required a \$47,294 General Fund appropriation and 0.9 FTE.