

michaels, kathryn

From: yacuzzo, karen
Sent: Tuesday, July 27, 2021 1:55 PM
To: dailey, john
Subject: SB 21-271

Good afternoon, Judge Dailey. I hope you are well. SB 21-271 (effective 3/1/22), which is 304 pages in length, makes numerous substantive and procedural changes. I will defer to you and the Criminal Rules Committee regarding whether any of those changes impact the rules, but I wanted to make sure the bill was on your radar. You can view it at the link below.

http://leg.colorado.gov/sites/default/files/2021a_271_signed.pdf

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From: yacuzzo, karen
Sent: Wednesday, July 28, 2021 3:17 PM
To: dailey, john
Subject: RE: SB 21-059

Sorry for the second email, but I just thought of something else. SB 21-266, which you can view [here](#), made additional modifications to 19-2.5-801 as amended by SB 21-059 as well as to another Title 19 statute that was modified by SB 21-059. See Sections 15 and 16 of SB 21-266.

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From: yacuzzo, karen
Sent: Wednesday, July 28, 2021 3:02 PM
To: dailey, john <john.dailey@judicial.state.co.us>
Subject: SB 21-059

Hi, Judge Dailey. SB 21-059, which is effective 10/1/21 and is 303 pages in length, made numerous changes to Title 19. I assume the majority of the changes will impact the juvenile rules as opposed to the criminal rules, but I'm aware of at least one change that will impact the criminal rules. Rule 7(i) references C.R.S. § 19-2-517. SB 21-059 repealed Title 19, Article 2 and moved the majority of those statutes to a new Article 2.5. Due to that change, C.R.S. § 19-2-517 is being renumbered as 19-2.5-801. Therefore, Rule 7 needs to be updated to reflect that change. The committee may wish to review the remainder of the bill to determine if any other changes are necessary.

You can view the bill here: http://leg.colorado.gov/sites/default/files/2021a_059_signed.pdf

Have a good afternoon.

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From: yacuzzo, karen
Sent: Tuesday, August 10, 2021 10:16 AM
To: dailey, john; gerdes, kandace; samour, carlos; michaels, kathryn; sberry@co.jefferson.co.us; gilman, shelley; grohs, deborah; matt.holman@coag.gov; Abraham Hutt; malone, chelsea - DCC Judge; mcgreevy@rmwpc.com; nichols, dana; bob.russel@denverda.org; karen.taylor@coloradodefenders.us; Sheryl.uhlmann@coloradodefenders.us
Subject: RE: SB 21-271
Attachments: FW: : Information Requested for Fiscal Note 21-0079 - Juvenile Justice Code Reorganization

Just an FYI that SB 21-271 made many substantive changes but the changes in SB 21-059 are primarily non-substantive in nature. Just in case you might find it helpful, I have attached a comment I drafted regarding SB 21-059 (LLS 21-0079) during the fiscal note process. Please note that I was commenting upon the **INTRODUCED** version of the bill, and the bill was subsequently amended. Therefore, the page numbers/lines I referenced in my comment will not be accurate (for purposes of the signed version of the bill), and the majority of the substantive concerns I raised regarding the bill were subsequently addressed when the bill was amended. However, you might find the tables (near the end of my comment) helpful.

I also provided probation departments with a brief summary of the changes made by SB 21-271. I have copied and pasted that summary below. I hope you find it helpful.

SB 21-271, Concerning the Adoption of the 2021 Recommendations of the Colorado Criminal and Juvenile Justice Commission Regarding Sentencing for Offenses

This bill is 304 pages in length. Among other things, the bill:

- Modifies the elements, offense classifications, penalties, and/or surcharges for numerous offenses;
- Repeals some offenses;
- Modifies various procedural provisions (issuance and service of summons, bond, commencement of prosecution, inmate sentence deductions, etc.);
- Adds Title 16, Article 2.3 (Civil Infraction Procedures);
- Adds C.R.S. § 42-4-1708.5 (Traffic infractions – court hearing – burden of proof, etc.);
- Eliminates the class 1 and 2 petty offenses, substitutes a single “petty offense” classification, and modifies the petty offense penalty provision;
- Adds civil infractions to the list of offense classifications and adds a penalty provision for civil infractions (fine of not more than \$100 unless otherwise provided by statute);
- C.R.S. § 18-1.3-106 - Broadens the purposes for which a court may permit a defendant to leave the jail during necessary and reasonable hours and authorizes a court to sentence a defendant directly to a residential behavioral health treatment program or residential reentry program;
- Amends C.R.S. § 18-1.3-201 to provide that a person who has been convicted for any offense other than an F1 or a civil infraction is eligible to apply for probation. As such, all petty offenses are probation-eligible.;
- Broadens C.R.S. § 18-1.3-301 to allow courts to enter into agreements with community corrections programs to accept for residential placement persons convicted of misdemeanor offenses as an alternative sentence to a county jail sentence;
- Eliminates class 3 misdemeanors and modifies the penalties for class 1 misdemeanors (364 days imprisonment, not more than \$1,000 fine, or both) and class 2 misdemeanors (120 days imprisonment, not more than a \$750 fine, or both);

- Provides that the maximum consecutive sentence to the county jail for misdemeanor crimes charged in a single case is 24 months;
- Eliminates the extraordinary risk of harm sentence enhancement option for misdemeanors;
- Classifies criminal attempt or conspiracy to commit a class 2 misdemeanor as a class 2 misdemeanor;
- Authorizes a person convicted of violating C.R.S. § 18-3-402(1)(e) (an M1 ERC crime in current law and an F6 pursuant to this bill) to petition for removal from the sex offender registry in accordance with C.R.S. § 16-22-113(1)(b);
- Amends C.R.S. § 19-2-104 (renumbered as 19-2.5-103 pursuant to SB 21-059) to provide that if a juvenile is charged with a civil infraction and is not charged with an additional offense that would constitute a criminal offense if charged as an adult, the county court has jurisdiction over the civil infraction;
- Adds second degree burglary of a dwelling in violation of C.R.S. § 18-4-203(2)(a) as a VRA offense; and
- Modifies DUI/DWAI offense classifications and penalties (See sections 732 and 733 of the bill).

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From: dailey, john <john.dailey@judicial.state.co.us>
Sent: Tuesday, August 10, 2021 9:03 AM
To: gerdes, kandace <kandace.gerdes@judicial.state.co.us>; samour, carlos <carlos.samour@judicial.state.co.us>; michaels, kathryn <kathryn.michaels@judicial.state.co.us>; sberry@co.jefferson.co.us; gilman, shelley <shelley.gilman@judicial.state.co.us>; grohs, deborah <deborah.grohs@judicial.state.co.us>; matt.holman@coag.gov; Abraham Hutt <abe@rklawpc.com>; malone, chelsea - DCC Judge <chelsea.malone@denvercountycourt.org>; mcgreevy@rmwpc.com; nichols, dana <dana.nichols@judicial.state.co.us>; bob.russel@denverda.org; karen.taylor@coloradodefenders.us; Sheryl.uhlmann@coloradodefenders.us; yacuzzo, karen <karen.yacuzzo@judicial.state.co.us>
Subject: RE: SB 21-271

Thanks, Judge.

Its looking likelier that that's when we'll appoint the subcommittees. (We may well need one committee per each one of these massive bills)

From: gerdes, kandace <kandace.gerdes@judicial.state.co.us>
Sent: Monday, August 9, 2021 8:35 PM
To: dailey, john <john.dailey@judicial.state.co.us>; samour, carlos <carlos.samour@judicial.state.co.us>; michaels, kathryn <kathryn.michaels@judicial.state.co.us>; sberry@co.jefferson.co.us; gilman, shelley <shelley.gilman@judicial.state.co.us>; grohs, deborah <deborah.grohs@judicial.state.co.us>; matt.holman@coag.gov; Abraham Hutt <abe@rklawpc.com>; malone, chelsea - DCC Judge <chelsea.malone@denvercountycourt.org>; mcgreevy@rmwpc.com; nichols, dana <dana.nichols@judicial.state.co.us>; bob.russel@denverda.org; karen.taylor@coloradodefenders.us; Sheryl.uhlmann@coloradodefenders.us; yacuzzo, karen <karen.yacuzzo@judicial.state.co.us>
Subject: RE: SB 21-271

I will be out of state at the October meeting, but, would be willing to be on the subcommittee starting in October.

From: dailey, john <john.dailey@judicial.state.co.us>
Sent: Monday, August 9, 2021 5:15 PM

To: samour, carlos <carlos.samour@judicial.state.co.us>; michaels, kathryn <kathryn.michaels@judicial.state.co.us>; sberry@co.jefferson.co.us; gerdess, kandace <kandace.gerdess@judicial.state.co.us>; gilman, shelley <shelley.gilman@judicial.state.co.us>; grohs, deborah <deborah.grohs@judicial.state.co.us>; matt.holman@coag.gov; Abraham Hutt <abe@rklawpc.com>; malone, chelsea - DCC Judge <chelsea.malone@denvercountycourt.org>; mcgreevy@rmwpc.com; nichols, dana <dana.nichols@judicial.state.co.us>; bob.russel@denverda.org; karen.taylor@coloradodefenders.us; Sheryl.uhlmann@coloradodefenders.us; yacuzzo, karen <karen.yacuzzo@judicial.state.co.us>

Subject: RE: SB 21-271

Nor, so far as I can tell, have I got any volunteers to look this over before the October meeting.

It too will have to be doled out at the oct meeting, then.

From: dailey, john

Sent: Tuesday, July 27, 2021 3:31 PM

To: samour, carlos <carlos.samour@judicial.state.co.us>; michaels, kathryn <kathryn.michaels@judicial.state.co.us>; sberry@co.jefferson.co.us; gerdess, kandace <kandace.gerdess@judicial.state.co.us>; gilman, shelley <shelley.gilman@judicial.state.co.us>; grohs, deborah <deborah.grohs@judicial.state.co.us>; matt.holman@coag.gov; abe@rklawpc.com; malone, chelsea - DCC Judge <chelsea.malone@denvercountycourt.org>; mcgreevy@rmwpc.com; nichols, dana <dana.nichols@judicial.state.co.us>; bob.russel@denverda.org; karen.taylor@coloradodefenders.us; Sheryl.uhlmann@coloradodefenders.us; yacuzzo, karen <karen.yacuzzo@judicial.state.co.us>

Subject: FW: SB 21-271

Dear Committee Members:

I just received this email, with a bill which may (or may not) have an impact on our criminal rules.

I'm wondering if I can get some volunteers for a subcommittee to look the bill at report back to the committee in October on whether rules changes would be necessary or advisable.

Anybody?

From: yacuzzo, karen <karen.yacuzzo@judicial.state.co.us>

Sent: Tuesday, July 27, 2021 1:55 PM

To: dailey, john <john.dailey@judicial.state.co.us>

Subject: SB 21-271

Good afternoon, Judge Dailey. I hope you are well. SB 21-271 (effective 3/1/22), which is 304 pages in length, makes numerous substantive and procedural changes. I will defer to you and the Criminal Rules Committee regarding whether any of those changes impact the rules, but I wanted to make sure the bill was on your radar. You can view it at the link below.

http://leg.colorado.gov/sites/default/files/2021a_271_signed.pdf

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michaels, kathryn

From: yacuzzo, karen
Sent: Tuesday, August 10, 2021 10:01 AM
To: yacuzzo, karen
Subject: FW: : Information Requested for Fiscal Note 21-0079 - Juvenile Justice Code Reorganization

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From: yacuzzo, karen
Sent: Thursday, February 4, 2021 7:56 PM
To:
Cc:
Subject: FW: : Information Requested for Fiscal Note 21-0079 - Juvenile Justice Code Reorganization

Good evening. I thought you might find the information below helpful. I updated the table I previously sent to you regarding the rule of seven and other related timing issues, and I created a new table that lists each statute that is impacted by this bill as well as the section of the bill in which the statute is addressed. The tables are at the end of my email. Please let me know if you have any questions.

Terry, I listed some issues that need to be addressed by the sponsors and some others that should be addressed but aren't particularly important to Judicial.

PROBLEMS THAT NEED TO BE ADDRESSED BY THE SPONSORS

- Section 1 says that 19-1-305 is being repealed and relocated. On page 253 of Section 2, 19-1-305 is renumbered in its entirety as 19-2.5-1405 and modified slightly. In Section 74 on page 351, subsection 19-1-305(1)'s introductory language, which is already included in the renumbered statute in Section 2 of the bill, retains its 19-1-305 section number and is modified.
- Section 1 says that 19-1-304 is being repealed and relocated. On page 223 of Section 2, 19-1-304 is renumbered in its entirety as 19-2.5-1403 and modified slightly. Consistent with that change, cross-references in other statutes substitute 19-2.5-1403 for 19-1-304. In Section 73 on page 350, subsections (1)(c), (1)(d), (2)(a), and (8)(e), which are already included in the renumbered statute in Section 2 of the bill, retain the 19-1-304 section number and are modified.
- Section 1 says that 19-1-306 is being repealed and relocated. On page 237 of Section 2, 19-1-306 is renumbered as 19-2.5-1404 and modified slightly. Consistent with that change, cross-references in other statutes substitute 19-2.5-1404 for 19-1-306. In Section 75 on page 351, subsections (1)(a), (3)(e), (5)(j), (6)(e), and (8)(a), which are already included in the renumbered statute in Section 2 of the bill, retain the 19-1-306 section number and are modified.
- The bill does not appear to include a definition for the term "juvenile." Section 19-1-103(79), as amended in Section 162 of the bill, says juvenile "has the same meaning as set forth in section 19-2.5-102." Section 19-2.5-102(29) says that "juvenile" is defined in section 19-1-103.

- As defined in relevant part by 19-1-103(9) in Section 162 of the bill, an “adult” is a person 18 years of age or older except that if such a person is under the continuing jurisdiction of the court or is before the court for an alleged delinquent act committed prior to the person’s 18th birthday, the person must be referred to as a juvenile. As defined in the bill by 19-1-103(17) and 19-2.5-102(8), a “child” is a person under 18 years of age. As mentioned above, neither 19-1-103 nor 19-2.5-102 of this bill defines “juvenile.” However, under current law that term has the same meaning as “child.” Finally, as defined in 19-1-103(131) and 19-2.5-102(56) of the bill, “youth” means an individual who is less than 21 years of age.
 - I recommend clarifying the definitions of these terms and/or carefully examining the manner in which they are being used throughout the bill. Should a “youth” be someone who is 18 years of age or older but less than 21 years of age? Also, pursuant to the definition of “adult” in 19-1-103(9), if the court is sentencing someone who is 18 years of age or older to probation in a juvenile delinquency proceeding, shouldn’t that person be referred to as a “juvenile”? If so, why is “youth” being used in 19-2.5-1108(1)(b), for example? Also, if “juvenile” and “child” have the same definition then why do multiple statutes state that their provisions apply to both “children” and “juveniles” or to a “juvenile or child”?
- Please request a January 1, 2022 effective date. We need time to update all of SCAO’s forms (statutory citations, child vs juvenile vs youth, time periods, etc.) and educate the districts regarding the changes (time periods, etc.). I’ll defer to Sherry regarding whether ITS changes are also necessary. Districts likely will have to update their policies and forms as well.
- Do the sponsors realize that the amended definition of “basic identification information” in 19-2.5-102 (which I realize only applies to article 2.5) is inconsistent with the definition in 24-72-302(2), which is the definition that’s used in 19-1-304 (renumbered as 19-2.5-1403)? That may have been intentional, but I thought I would mention it.
- The definition of diversion in 19-2.5-102 is incorrect. It says, “Diversion occurs in lieu of providing or referring the juvenile or child to an individually designed program or activity . . .” That’s the opposite of what it is. See the current definition in 19-1-103(44)(a). The bill rephrased that definition and did it incorrectly.
- 19-2.5-1124 – Lines 2-10 on p. 181 – The language requiring the sex offense specific evaluation and treatment is not broad enough and is confusing. First, although juveniles may be charged with a sex offense as that term is defined in 16-11.7-102(3), they are not charged “pursuant to” that subsection. More importantly, though, pursuant to 16-11.7-102(1.5) and (2)(a)(IV), a juvenile who is not adjudicated (including a deferred) for a sex offense as defined in 16-11.7-102(3) is still required to submit to the evaluation/treatment if the juvenile “committed **any offense**, the underlying factual basis of which involves a sex offense.” (emphasis added). Also, I recommend referencing the applicable provisions from Title 16 instead of broadly referencing “a sexual offense” since that is not the correct terminology for the defined terms utilized in the relevant Title 16 statutes and also because, as previously mentioned, a sexual offense charge isn’t even required for evaluation/treatment purposes as long as there is an underlying factual basis. Also, assuming that juveniles are “charged,” which I don’t think is the correct terminology, a charge alone is not sufficient to trigger either the sex offense evaluation/treatment requirements or the sex offense registry requirements. With regard to the SO registry issue, I recommend broadly referencing the registry requirements pursuant to title 16, article 22 or broadly referencing 16-22-103 instead of referencing specific subsections. Finally, to avoid confusion I recommend separating the SO registry provisions from the evaluation/treatment provisions in this new section.

MINOR ISSUES THAT SHOULD BE CORRECTED BUT ARE NOT IMPORTANT TO JUDICIAL

- There’s a typo on line 27 of page 3 – Need to delete “OFH” and substitute “OF”
- Typo - Line 2, page 267 – need to substitute “and” for “anhd”
- P. 84, line 12 – Why is “WAIVER” in all caps? It’s in current law.

REMINDERS FOR MYSELF

- I did not check all of the statutory cross-references to confirm that they are accurate based on the renumbering of the statutes.
- There are terminology changes throughout the bill.
- The change on line 21 of page 26 looks like it could be substantive at first glance, but it is not. Same comment with regard to deleting “shall be” on line 22 of p.89.
- P. 40, line 1 – promise to appear is served on juvenile, not parent, guardian or legal custodian
- P. 43, line 12 – clarifies that the hearing is within 48 hours after placement
- P. 78, lines 14-16 – new language but consistent w/19-1-111
- See earlier versions of my email for other terminology issues to be addressed in forms
- Lines 11-13, p. 272, line 17 of p.285, line 27 of p. 290, line 25 of page 356 – Check the appointment/reporting table
- Line 6, p. 335 – check forms for repeat vs habitual

DEFINITION ISSUES

The definitions for Title 19 (19-1-103) were repealed and reenacted in Section 162 of the bill. Of the definitions that remain, many have minor changes, including but not limited to conforming amendments. Amended section 19-1-103 does not include definitions for any new terms, but the following definitions have been deleted: (1) adjudicatory trial (see 19-2.5-102); (2) assessment center for children (now “assessment center for youth” - amended and included in 19-2.5-102); (3) assessment instrument (This term is no longer defined and does not appear to be used in Title 19); (4) basic identification information (amended and included in 19-2.5-102); (5) case management purposes (see 19-2.5-102); (6) commit (see 19-2.5-102); (7) criminal justice agency (see 19-2.5-102); (8) crossover youth plan (see 19-2.5-102); (9) delinquent act (see 19-2.5-102); (10) deprivation of custody (This term is no longer defined and does not appear to be used in Title 19); (11) determinate period (see 19-2.5-102); (12) diagnostic and evaluation center (see 19-2.5-102); (13) director (see 19-2.5-402(3)(a) – same definition); (14) dually identified crossover youth (see 19-2.5-102); (15) emancipated juvenile (see 19-2.5-203(2)(b) – no substantive changes); (16) estate (see 19-2.5-102); (17) gang (see 19-2.5-102); (18) good faith mistake (see 19-2.5-906 – no substantive changes); (19) governmental unit (see 19-2.5-402 – no substantive changes); (20) habitual juvenile offender (not defined anywhere and not used in Title 19 – was previously used in 19-2-517); (21) halfway house (see 19-2.5-102); (22) juvenile community review board (see 19-2.5-102); (23) mental health hospital placement prescreening (mental or behavioral health hospital placement prescreening - see 19-2.5-102); (24) need to know (moved to 19-2.5-1402 and added juvenile and youth); (25) nongovernmental agency (see 19-2.5-402 – no substantive changes); (26) physical custodian (see 19-2.5-102); (27) receiving center (see 19-2.5-102); (28) residential community placement (see 19-2.5-102); (29) school (see 19-2.5-102); (30) screening team (see 19-2.5-102); (31) sentencing hearing (see 19-2.5-102); (32) services (see 19-2.5-402 – no substantive changes); (33) staff secure facility (see 19-2.5-102); (34) standardized behavioral or mental health disorder screening (see 19-2.5-102); (35) status offense (see 19-2.5-102); (36) technical violation (see 19-2.5-906 – no substantive changes); (37) training school (see 19-2.5-102); and (38) unfounded report (This term is no longer defined and does not appear to be used in Title 19).

The following definitions in 19-1-103 now cross-reference the definitions in 19-2.5-102: (1) adjudication; (2) diversion; (3) juvenile; (4) juvenile delinquent; (5) restorative justice (only non-substantive changes); and (6) victim

TIME/AGE CHANGES (Some, but not all, are due to the rule of seven issue)

TOPIC	CURRENT STATUTE	PROPOSED STATUTE	BILL LOCATION	TIME CHANGE
Venue	19-2-105	19-2.5-104	Line 15, page 18	Substitute 35 days for 30 days
Petty tickets – summons – contracts – data	19-2-302.5	19-2.5-208	Lines 24-26, page 29	Substitute 91 days for 90 days and 35 days for 30 days
Duty of officer – screening teams –	19-2-507	19-2.5-303	Lines 9-10, page 39; Line 5, page 40	Exclude Saturdays, Sundays and Legal

notification – release or detention				Holidays; Substitute 35 days for 30 days
Detention and shelter- hearing – time limits – findings – review – confinement with adult offenders – restrictions	19-2-508	19-2.5-305	Line 17, page 44; Lines 13-14, page 52	Substitute 35 days for 30 days (all three times)
Summons – issuance – contents – service	19-2-514	19-2.5-501	Line 4, page 70; Line 24, page 70; Line 24, page 71	Substitute 35 days for 30 days, 7 days for 5 days, and 7 days for 5 days
Petition initiation – form and content - ICWA	19-2-513(3)	19-2.5-502(5)	Line 5, page 75	Substitute 14 days for 10 days
Advisement – right to counsel – waiver of right to counsel	19-2-706	19-2.5-605	Lines 11-12, page 81	Exclude Saturdays, Sundays and Legal Holidays
Preadjudication service program	19-2-302	19-2.5-606	Line 11, page 85	Substitute 7 days for 5 days
Preliminary hearing – dispositional hearing	19-2-705	19-2.5-609	Lines 4-7, Page 90	Substitute 14 days for 10 days and 35 days for 30 days
Determination of incompetency to proceed	19-2-1302	19-2.5-703	Lines 11-12 on page 99; Lines 2-5 on page 101	Substitute 14 days for 10 days, 35 days for 30 days, and 49 days for 45 days
Procedure after determination of competency or incompetency	19-2-1303	19-2.5-704	Line 27 on page 101; Lines 1-2 on page 102	Substitute 91 days for 90 days and 35 days for 30 days
Deferral of adjudication	19-2-709	19-2.5-903	Line 11, page 119	Substitute 7 days for 5 days
Procedures at trial	19-2-804	19-2.5-907	Line 7, page 123	Substitute 49 days for 45 days
Adjudication – collateral relief	19-2-927	19-2.5-910	Line 11, page 124	Substitute 14 days for 10 days
Teen courts - definitions	19-2-1102	19-2.5-1002	Lines 6-7, page 128	Definition of teen changes from “over the age of twelve” to “thirteen years of age or older” – both also include that the teen must be under 19 yrs
Sentencing Hearing	19-2-906	19-2.5-1102	Line 3, page 138; Line 17, page 138	Substitute 49 days for 45 days and 91 days for 90 days
Sentencing schedule – options	19-2-907	19-2.5-1103	Lines 12-15, page 142	Substitute 35 days for 30 days (twice)

Probation – terms – release – revocation - graduated responses system – rules – report	19-2-925	19-2.5-1108	Lines 12-13, page 155	Deleted “over eighteen” and substituted “eighteen years of age or older”
Sentencing – commitment to the department of human services	19-2-921(2)	19-2.5-1117	Line 26, page 169	Substitute 35 days for 30 days
Genetic testing of adjudicated offenders	19-2-925.6	19-2.5-1119	Lines 14 and 20, page 173; lines 1, 12, 16, 19, 22, page 174; lines 4, 8, 11, 14, 17, page 175	Substitute 35 days for 30 days each time
Aggravated juvenile offender	19-2-601(5) to (10)	19-2.5-1127	Line 24, page 188	Substitute 14 days for 15 days
Parole violation and revocation	19-2-1004	19-2.5-1206	Line 18, page 206; Line 1, page 207; Line 23, page 207; Line 1, page 208; Line 11, page 209	Substitute 14 days for 10 days (three times) and 7 days for 5 days (twice)
Juvenile delinquency records – division of youth services critical incident information	19-1-304	19-2.5-1403	Lines 11-12, page 234	Delete “working days” and substitute “days, excluding Saturdays, Sundays, and Legal Holidays”
Expungement of juvenile delinquency records	19-1-306	19-2.5-1404	Line 10, page 252	Substitute 91 days for 90 days
Juvenile community review board	19-2-210	19-2.5-1502	Line 6, page 256	Substitute 14 days for 15 days
Juvenile probation departments or divisions – service agreements	19-2-204	19-2.5-1506	Line 2, page 265	Substitute 91 days for 90 days
Commitment to department of human services	19-2-921(9) and 19-2-921(10)	19-2.5-1618	Line 9, page 295; Line 24, page 295	Substitute 91 days for 90 days
Receiving centers – designation	19-2-405	19-2.5-1623	Line 21, page 300	Substitute 35 days for 30 days
Juveniles committed to department of human services – evaluation and placement	19-2-922	19-2.5-1625	Line 6, page 303	Substitute 36 days for 30 days

STATUTES IMPACTED BY THIS BILL

TOPIC	CURRENT SECTION #	BILL SECTION(S)	RENUMBERED?
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Registration of and voting by persons in custody of division of youth services – definitions	1-2-210.5	3	No
Audits of reports of recidivism and educational outcomes by the division of youth services	2-3-124	4	No
Electronic access to name index and register of actions	13-1-119.5	5	No
Transfer of venue – actions involving related persons	13-1-123.5	6	No
State court administrator – report – definition	13-3-101	7	No
Juvenile court of Denver – jurisdiction	13-8-103	8	No
Juvenile court of Denver – venue	13-8-119	9	No
Municipal courts – applicability	13-10-103	10	No
Municipal courts – fines and penalties	13-10-113	11	No
Municipal courts – expungement of juvenile delinquent records – definition	13-10-115.5	12	No
Civil protection orders – definitions	13-14-101	13	No
Computer dissemination of indecent material to a child – prohibition	13-21-1002	14	No
Legislative declaration – definitions – children – waiver by parent of prospective negligence claims	13-22-107	15	No
Genetic tests to determine parentage	13-25-126	16	No
Who may not testify without consent – definitions	13-90-107	17	No
Judicial approval	14-2-108	18	No
Best interests of child	14-10-124	19	No
Juvenile probation officer – juvenile parole officer	16-2.5-138	20	No
Preliminary hearing or waiver – dispositional hearing	16-5-301	21	No
Limitation for commencing criminal proceedings and juvenile delinquency proceedings	16-5-401	22	No
Limitation for collateral attack upon trial judgment – definitions	16-5-402	23	No
Presentence or probation investigation	16-11-102	24	No
Fund created – probation services (offender services)	16-11-214	25	No
Colorado Commission on Criminal and Juvenile Justice (CCJJ) – Duties of the commission – mission – staffing – report – definition	16-11.3-103	26	No
Resentencing hearing for persons serving life sentences without the possibility of parole as the result of a direct file or transfer	16-13-1002	27	No
Lottery winnings offset – restitution	16-18.5-106.5	28	No
Unclaimed property offset – definition	16-18.5-106.7	29	No
State income tax refund offsets – restitution - definitions	16-18.5-106.8	30	No
Effect of termination of deferred judgment and sentence or deferred adjudication, expungement, or sealing	16-18.5-111	31	No
Effect of expungement	16-18.5-112	32	No
Petition for removal from sex offense registry	16-22-113	33	No
DOC – Duties of executive director	17-1-103	34	No

Parole – regulations	17-22.5-104	35	No
Parole eligibility	17-22.5-403	36	No
Parole eligibility – class 1 felony – juvenile offender convicted as adult – definition	17-22.5-403.7	37	No
Juveniles – confinement – when	17-26-121	38	No
Specialized program for juveniles convicted as adults – definitions	17-31-102	39	No
Juveniles who are convicted as adults in district court – eligibility for specialized program placement – petitions	17-34-101	40	No
Specialized program for juveniles convicted as adults – report	17-34-102	41	No
Alternatives in imposition of sentence	18-1.3-104	42	No
Authority to place offenders in community corrections programs	18-1.3-301	43	No
Felonies classified – presumptive penalties	18-1.3-401	44	No
Sentences – youthful offenders – powers and duties of district court – authorization for youthful offender system – powers and duties of corrections – legislative declaration – definitions	18-1.3-407	45	No
Sentences – young adult offenders – youthful offender system – definitions	18-1.3-407.5	46	No
Duration of sentences for misdemeanors	18-1.3-502	47	No
Assessment of restitution – corrective orders	18-1.3-603	48	No
Judgment for costs and fines – definitions	18-1.3-701	49	No
Punishment for habitual criminals	18-1.3-801	50	No
Sexually violent predators – assessment – annual report – definitions	18-3-414.5	51	No
Defacing property – definitions	18-4-509	52	No
Crime of violation of a protection order – penalty – peace officers’ duties - definitions	18-6-803.5	53	No
Central registry of protection orders – creation	18-6-803.7	54	No
Escapes	18-8-208	55	No
Attempt to escape	18-8-208.1	56	No
Unauthorized absence	18-8-208.2	57	No
Person in custody or confinement – juvenile offenders	18-8-210.1	58	No
Personal information on the internet – law enforcement official – victims of domestic violence, sexual assault, and stalking – protection for human services workers - definition	18-9-313	59	No
Possession of handguns by juveniles – prohibited – exceptions – penalty	18-12-108.5	60	No
Criteria for obtaining a permit (to carry concealed handguns)	18-12-203	61	No
Special offender – definitions	18-18-407	62	No
Abusing toxic vapors – prohibited	18-18-412	63	No
Colorado Children’s Code – Definitions	19-1-103	162	No, but the entire section is repealed and

			reenacted, with amendments
Juvenile court jurisdiction	19-1-104	64	No
Social study and other reports	19-1-107	65	No
Magistrates – qualifications – duties	19-1-108	66	No
Search warrants for protection of children	19-1-112	67	No
Order of protection	19-1-114	68	No
Legal custody – guardianship – placement out of the home – petition for review for need of replacement	19-1-115	69	No
Missing children and youth from out-of-home placement – required reporting to law enforcement	19-1-115.3	70	No
Foster care prevention services – provision of services – rights and remedies – exchange of information	19-1-115.7	71	No
Duties of CASA volunteer	19-1-208	72	No
Records and information – legislative declaration	19-1-302	Section 1 repeals and relocates, p. 210 of Section 2 renumbers	Yes – 19-2.5-1401
General provisions – delinquency and dependency and neglect cases – exchange of information – civil penalty – rules – definitions	19-1-303	Section 1 repeals and relocates, p. 215 of Section 2 renumbers	Yes – 19-2.5-1402
Juvenile delinquency records – division of youth services critical incident information - definitions	19-1-304	Sections 1, 2 and 73 address this statute, and there are errors. See my comments elsewhere in this email.	Yes – In theory, 19-2.5-1403 (p.223 of the bill) but see Section 73 of the bill (19-1-304 is retained)
Operation of juvenile facilities	19-1-305	Sections 1, 2 and 74 address this statute, and there are errors. See my comments elsewhere in this email.	Yes – In theory, 19-2.5-1405 (p.253 of the bill) but see Section 74 of the bill (19-1-305 is retained)
Expungement of juvenile delinquency records - definition	19-1-306	Sections 1, 2 and 75 address this statute, and there are errors. See my comments elsewhere in this email.	Yes – In theory, 19-2.5-1404 (p.237 of the bill) but see Section 75 of the bill (19-1-306 is retained)
Dependency and neglect records and information – access – fee – rules – records and reports fund – misuse of information – penalty – adult protective services data system check	19-1-307	76	No
Parentage information	19-1-308	77	No
Relinquishments and adoption information	19-1-309	78	No

Exchange of information for child support purposes – process	19-1-309.3	79	No
Colorado Juvenile Justice System	Title 19, article 2	2	Yes – Entire article moved to article 2.5 and all sections were renumbered
D&N - Placement criteria	19-3-213	80	No
Reporting procedures (child abuse/neglect – mandatory reporters)	19-3-307	81	No
Recorded interviews of child	19-3-308.5	82	No
State department duties – reports of child abuse or neglect – training of county departments – rules – notice and appeal process – confidentiality	19-3-313.5	83	No
Screening tool – human trafficking	19-3-317	84	No
Taking children into custody	19-3-401	85	No
Noncertified kinship care – requirement for background checks and other checks – definitions	19-3-407	86	No
Child with a mental health disorder or an intellectual and developmental disability – procedure	19-3-506	87	No
Dispositional hearing	19-3-507	88	No
Reinstatement of the parent-child legal relationship – circumstances – petition – hearings – legislative declaration	19-3-612	89	No
Permanency hearing	19-3-702	90	No
Assisted reproduction	19-4-106	91	No
Relinquishment procedure – petition – hearings	19-5-103	92	No
Proceeding to terminate parent-child legal relationship	19-5-105	93	No
Termination of parent-child legal relationship upon a finding that the child was conceived as a result of sexual assault – legislative declaration – definitions	19-5-105.5	94	No
Termination of parent-child legal relationship in a case of an allegation that a child was conceived as a result of sexual assault but in which no conviction occurred – legislative declaration – definitions	19-5-105.7	95	No
Availability for adoption	19-5-203	96	No
Nonpublic agency interstate and foreign adoptions – legislative declaration – authority for state department to select agencies	19-5-205.5	97	No
Placement of sibling groups	19-5-207.3	98	No
Access to adoption records – contact with parties to adoption – contact preference form and updated medical history statement – definitions	19-5-305	99	No
Access to personal records relating to a former ward of the state home for dependent and neglected children – other eligible parties – definitions	19-5-305.5	100	No

Foster care sibling rights	19-7-203	101	No
Reporting of criminal proceedings involving public school students	20-1-113	102	No
Representation of indigent persons	21-1-103	103	No
Rights of free expression for public school students	22-1-120	104	No
Board of education – specific duties – student records	22-32-109.3	105	No
Out-of-home placement students – school stability, transfer, and enrollment procedures – absences – exemptions – provision of academic supports – definitions	22-32-138	106	No
Student awaiting trial as adult – educational services – definitions	22-32-141	107	No
School use of on-site peace officers as school resource officers	22-32-146	108	No
School attendance law of 1963 – definitions	22-33-102	109	No
Suspension, expulsion, and denial of admission	22-33-105	110	No
Grounds for suspension, expulsion, and denial of admission	22-33-106	111	No
Disciplinary investigations – parental presence – student statements – definition	22-33-106.3	112	No
Enforcement of compulsory school attendance – definitions	22-33-107	113	No
Notice of failure to attend	22-33-107.5	114	No
Judicial proceedings	22-33-108	115	No
Educational alternatives for expelled students	22-33-203	116	No
Applicants – licenses – authorizations – submittal of form and fingerprints – failure to comply constitutes ground for denial	22-60.5-103	117	No
Grounds for denying, annulling, suspending, or revoking license, certificate, endorsement, or authorization	22-60.5-107	118	No
Presumptions and rules for determination of status	23-7-103	119	No
Department of human services – creation	24-1-120	120	No
Consolidation of local board – process – requirements	24-1.7-103	121	No
Memorandum of understanding – local-level interagency oversight groups – individualized service and support teams – coordination of services for children and families – requirements – waiver	24-1.9-102	122	No
Costs and surcharges levied on criminal actions and traffic offenses	24-4.1-119	123	No
VRA – Definitions	24-4.1-302	124	No
Rights afforded to victims – definitions	24-4.1-302.5	125	No
Procedures for ensuring rights of victims of crimes	24-4.1-303	126	No
Surcharges levied on criminal actions and traffic offenses	24-4.2-104	127	No

Effect of criminal conviction on employment rights	24-5-101	128	No
Functions of bureau – legislative review – interagency cooperation with reporting functions – processing time for criminal history record checks – computer crime – synthetic cannabinoids enforcement	24-33.5-412	129	No
Offender identification – fund	24-33.5-415.6	130	No
National instant criminal background check system – state point of contact – fee – grounds for denial of firearm transfer – appeal – rule-making – unlawful acts – instant criminal background check cash fund – creation	24-33.5-424	131	No
Division of criminal justice – duties of division	24-33.5-503	132	No
Committee on juvenile justice reform – creation – membership	24-33.5-2401	133	No
Juvenile justice reform committee – duties	24-33.5-2402	134	No
Art in public places – works of art in correctional and juvenile facilities	24-48.5-313	135	No
Limit on retention of passive surveillance records – definition	24-72-113	136	No
Inspection of criminal justice records	24-72-304	137	No
Administration of Medications - Definitions	25-1.5-301	138	No
Limited access to information upon consent of all parties – voluntary adoption registry	25-2-113.5	139	No
Confined persons – suspension of benefits	25.5-4-205.5	140	No
Statewide managed care system – definition – rules	25.5-5-402	141	No
Child fatality and near fatality prevention – legislative declaration – process – department of human services child fatality review team – reporting – rules – definition	26-1-139	142	No
Funding of child welfare services provider contracts – funding mechanism review – fund – report – rules – definitions	26-5-104	143	No
Child care licensing - Definitions	26-6-102	144	No
Certification and annual recertification of foster care homes by county departments and licensed child placement agencies – background and reference check requirements - definitions	26-6-106.3	145	No
Foster care – kinship care – rules applying generally – rule-making	26-6-106.5	146	No
Temporary care assistance program - Rules	26-6-706	147	No
Protection of persons from restraint - Definitions	26-20-102	148	No
Outpatient restoration to competency services – jail-based behavioral health services – responsible entity – duties – report – legislative declaration	27-60-105	149	No
Emergency commitment	27-81-111	150	No
Department of human services – duties of executive director – governor acquire water rights - rules	27-90-102	151	No

Rules for this article 90 and certain provisions in title 19	27-90-110	152	No
Employment of personnel – screening of applicants – disqualifications from employment – contracts – rules – definitions	27-90-111	153	No
Institutions – charges for patients – liability	27-92-101	154	No
Regulation under police power - General regulations – definitions	30-15-401	155	No
Governmental entities, corporations, and persons authorized to use eminent domain	38-1-202	156	No
Marijuana tax cash fund – creation – distribution – legislative declaration	39-28.8-501	157	No
Person arrested to be taken before the proper court	42-4-1705	158	No
Juveniles – convicted – arrested and incarcerated – provisions for confinement	42-4-1706	159	No
Gambling payment intercept act – definitions	44-33-103	160	No
Gambling payment intercept cash fund – creation – gifts, grants, and donations – intercepts for restitution	44-33-106	161	No

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From: Fiscal Notes <fiscalnotes@judicial.state.co.us>
Sent: Monday, January 25, 2021 8:57 AM
To: Fiscal Notes Distribution <fnDISTRO@judicial.state.co.us>
Subject: FW: Information Requested for Fiscal Note 21-0079 - Juvenile Justice Code Reorganization

Good Morning All,

Please respond by COB 1/29/2021.

Thank you,

Amber Loayza
Staff Assistant, Financial Services Division
Office of the State Court Administrator
1300 Broadway, Suite 1200
Denver, CO 80203
Office: 720-625-5875
Hours Mon-Thurs 7:30-2:30, Fridays 7:30-2:00

From: Aaron Carpenter <aaron.carpenter@state.co.us>
Sent: Monday, January 25, 2021 8:33 AM

To: Fiscal Notes <fiscalnotes@judicial.state.co.us>; villafuerte, stephanie <svillafuerte@coloradocpo.org>; jsteffen@coloradocpo.org; tmadrid@coloradocpo.org; ashleychase@coloradochildrep.org; markteska@coloradochildrep.org; thompson, melissa <mthompson@coloradoorpc.org>; ledwards@coloradoorpc.org; abutler@coloradoorpc.org; mjordan@coloradoorpc.org; frolich, linda <lindy@coloradoadc.com>; daniel@coloradoadc.com; Darren Cantor <darren@coloradoadc.com>; carmen.spond@coloradodefenders.us; Cain, Maureen <Maureen.Cain@coloradodefenders.us>; tom@cdac.state.co.us; arnold@cdac.state.co.us; tim@cdac.state.co.us; gpingenot@ccionline.org; jrs@apaconsulting.net; josh.abram@state.co.us; bill.sutter@bvsd.org; blanford_j@cde.state.co.us; bloom_m@cde.state.co.us; lyon_d@cde.state.co.us; jennifer@augustpolicy.com; marsala_m@cde.state.co.us; lanoha_k@cde.state.co.us; amandakarger@csi.state.co.us; stephaniearagon@csi.state.co.us; cdhs_legislative_group@state.co.us; oit_fiscalnotes@state.co.us; jana.locke@state.co.us; teresa.anderle@state.co.us; lucas.klifman@state.co.us; mike.honn@state.co.us; joel.malecka@state.co.us

Subject: Information Requested for Fiscal Note 21-0079 - Juvenile Justice Code Reorganization

Good Morning all,

Please find LLS 21-0079 attached, which concerns the reorganization of Article 2 of Title 19. This is a long bill, and I've cast a wide net with agencies that may interact with the juvenile justice system. So, if you are included and are wondering why you are receiving the bill, it's because of that wide net.

This bill should just be a reorganization and clean up, so I'm not expecting any impacts, but that being said, if you see any, definitely let me know!

I'm putting a deadline of Feb 1st, which is our standard one week deadline to receive responses. I'm assuming that you are receiving other fiscal note requests with similar deadlines, so please feel free to reach out if you need a different deadline for this bill (especially since it is so long). As you probably know, the legislature will not reconvene until February 16th, so there is time.

Again, please reach out if you need more time or want to talk about prioritization.

Thank you for your help,
Aaron Carpenter
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Reminder: bill drafts are confidential. This email is being sent to Judicial - CHILD WELFARE, Judicial - JUDICIAL - CRIMINAL, Local - COUNTIES, Local - DISTRICT ATTORNEYS, Local - SCHOOL DISTRICTS, State - EDUCATION, State - HUMAN SERVICES, State - INFORMATION TECHNOLOGY, State - PUBLIC SAFETY.

michaels, kathryn

From: yacuzzo, karen
Sent: Tuesday, August 10, 2021 12:16 PM
To: dailey, john; samour, carlos
Cc: yacuzzo, karen
Subject: SB 21-271

Hi, Judge Dailey and Justice Samour. Terri gave me permission to share an email I sent to CCJJ regarding SB 21-271. As you may be aware, CCJJ proposed that legislation. The majority of the issues deal with the civil infraction classification. I will defer to you regarding whether you think the members of the Criminal Rules Committee would find my email helpful when analyzing SB 21-271. I have copied and pasted the email below. Please let me know if you have any questions.

Good afternoon. I am writing to you in your capacity as a member of the Sentence Structure Working Group. I do not have the email addresses for all of the members of the group, so please feel free to forward this email to the rest of the group. First, I want to thank you for your hard work on this project. I know you spent a great deal of time on it. Second, I would like to ask you some questions and make some comments regarding SB 21-271. Some of these issues were brought to my attention by other Judicial Department personnel and others issues came to my attention when I was reading the bill. The Judicial Department is not bound by your responses, but I think we would find them helpful when deciding how to program our case management system, among other things. I think much of the confusion is due to the fact that it's unclear whether a civil infraction is civil or criminal in nature and to the absence of detailed procedural provisions. Thank you in advance for any assistance you can provide. I have listed the questions/comments below.

- C.R.S. § 42-4-1701(1) says that it's a traffic infraction for a person to violate any provisions of articles 1 to 3 of title 42 and parts 1 to 3 and 5 to 19 of article 4 of title 42 unless such a violation is declared to be a felony, misdemeanor, petty offense, or misdemeanor traffic offense. However, SB 21-271 created civil infractions (see 42-1-207 and 42-2-307, for example) that technically fall within those provisions, so does C.R.S. § 42-4-1701(1) need to be amended to reference these civil infractions (Either specifically including or specifically excluding them? See also 42-4-1701(5)(c) – does not include or exclude title 42 civil infractions).
- Importantly, C.R.S. § 42-4-1701(1) also says, "Such a traffic infraction shall constitute a civil matter." SB 21-271 does not appear to specifically state that civil infractions (which are scattered throughout the C.R.S.) constitute civil matters. Instead, civil infraction provisions appear to be incorporated into criminal statutes. Was it the intent of SB 21-271 to treat civil infractions as criminal matters?
- C.R.S. § 42-4-1701(5)(a)(I) provides, among other things, that the applicable fines/penalties for traffic infractions are paid to the department of revenue within 20 days from the date of the penalty assessment notice (C.R.S. § 42-4-1709(1) also covers the DOR/20-day issues). Does SB 21-271 state to whom fines/penalties for civil infractions are paid (the civil infractions are scattered throughout the C.R.S. and DOR does not appear to be the appropriate recipient of the fines/penalties for all of those infractions) and within what period of time the fines/penalties must be paid? Along those same lines, depending upon the entity/agency to whom the fines/penalties will be submitted, how will a court clerk know when/if the fines/penalties have been paid if a law enforcement officer uses the penalty assessment procedure? Clerks have the ability to monitor DOR's records electronically for traffic infraction payment purposes but do not have that same ability with all other agencies/entities. This payment compliance is critical for clerks to know whether a court hearing date must be set.
- Similarly, C.R.S. §§ 42-4-1709 and 42-4-1710 as well as the Colorado Rules for Traffic Infractions include a great deal of critical procedural information for courts, clerks, offenders, and law enforcement officers who are dealing with traffic infractions. SB 21-271 does not appear to address similar procedural matters for civil

infractions or authorize the Supreme Court to promulgate rules to address procedural matters. See Rule 1 of the Colorado Rules for Traffic Infractions, which acknowledges that traffic infractions are civil offenses and states that the rules are being promulgated pursuant to C.R.S. § 13-6-501(9). Although the absence of the procedural statutes/rules and the confusion regarding whether a civil infraction is civil or criminal in nature create numerous problems, here are a few specific examples:

- C.R.S. § 42-4-1710(2) and (3) provide in relevant part that if the violator fails to appear for the hearing, “judgment shall be entered against the violator” and subsection (4)(b) provides, “In no event shall a bench warrant be issued for the arrest of any person who fails to appear for a hearing . . .” Rule 16 of the Rules for Traffic Infractions is consistent with this position. In contrast, SB 21-271 is unclear regarding what happens when a defendant fails to appear. However, as mentioned below, SB 21-271 includes civil infractions in C.R.S. § 16-2-109 (service of summons). Section 16-2-110 (failure to appear) then provides, “If a person upon whom a summons or summons and complaint has been served pursuant to this part 1 fails to appear in person or by counsel at the place and time specified therein, a bench warrant may issue for his arrest.” Did you intend to authorize the issuance of a warrant for an FTA in a civil infraction case? If not, it seems that additional amendments are necessary and that procedural rules/statutes would be helpful.
- Do the speedy trial provisions in C.R.S. § 18-1-405 apply to civil infractions? See C.R.S. § 42-4-1711(3) and Rule 10(b) for traffic infractions.
- If the law enforcement officer fails to appear at the final hearing, are the charges dismissed with prejudice the way they would be for a traffic infraction? See Rule 10(a).
- Does the seven-day period to set aside a traffic infraction judgment apply to civil infractions? See Rule 16(c).
- According to C.R.S. § 16-2-101, Title 16, Article 2, Part 1 establishes a “simplified *criminal* procedure.” (emphasis added). The bill does not add civil infractions to C.R.S. §§ 16-2-101 or 16-2-103 but it does add civil infractions to C.R.S. §§ 16-2-104 and 16-2-109. Are civil infractions civil or criminal in nature? If they’re civil, why are they included in Title 16, Article 2, Part 1? If they’re criminal, why are they included in C.R.S. §§ 16-2-104 and 16-2-109 but not in C.R.S. §§ 16-2-101 or 16-2-103?
- Similarly, although SB 21-271 didn’t amend C.R.S. § 16-2-113 to include civil infractions, would the “summons” reference in subsection (1) be broad enough to include a summons that was issued for a civil infraction or is an amendment necessary? If a civil infraction is included in that section, the rules of criminal procedure would apply. Do you want those rules to apply to a civil infraction?
- Does the appeal procedure in C.R.S. § 16-2-114 apply to civil infractions as a result of the bill’s inclusion of civil infractions in some sections of Title 16, Article 2, Part 1 (I’m aware of the appeal language in C.R.S. §§ 16-2.3-101(4) and 42-4-1708.5(4), but I’m still curious about 16-2-114)? Consistent with the “simplified criminal procedure” reference in C.R.S. § 16-2-101, C.R.S. § 16-2-114(1) assumes there is a “criminal action,” which a civil infraction does not appear to be. On the other hand, as noted above, whether a civil infraction is criminal or civil in nature is not entirely clear. Based upon the language of C.R.S. § 16-2.3-101 (distinguishes between crime and civil infraction), a civil infraction is not a crime. In contrast, C.R.S. § 16-5-101(1) says that the section is addressing the commencement of a “criminal action” and civil infractions are then included in subsection (1)(d)(IV). Likewise, multiple provisions consider a civil infraction an “offense.”
- Are any changes to C.R.S. § 16-2-113(2) necessary due to your amendments to C.R.S. §§ 42-2-138 and 42-4-1301? I’ll defer to you on that. I didn’t give it much thought. I just noticed the references and wanted to make sure you had also noticed them.
- SB 21-271 appears to remove the mandatory minimum jail terms listed in C.R.S. § 42-2-138(1)(d) but the subsection continues to refer to the “minimum county jail sentence” and “mandatory jail sentence.”
- Since the DA is not permitted to represent the state at hearings for civil infractions or traffic infractions, is the peace officer who issued the summons/notice of penalty assessment considered “the people” for purposes of C.R.S. §§ 42-4-1708, 16-2.3-101 and 42-4-1708.5?
- Doesn’t the first sentence of C.R.S. § 18-1-104(2) need to be amended due to the amendments that were made to the rest of that subsection?
- Are courts required to issue mandatory protection orders for Title 18 civil infractions pursuant to C.R.S. § 18-1-1001? I’m assuming you didn’t intend for that provision to apply to civil infractions and the majority of the

language in that section does not seem to be applicable to civil infractions. However, the section states that it applies to “a violation of any of the provisions of this title” and there are multiple civil infractions (two of which existed prior to SB 21-271 and others that were created in SB 21-271) in Title 18.

- C.R.S. § 42-4-1708.5 appears to be addressing civil infractions as opposed to traffic infractions, which are addressed in C.R.S. § 42-4-1708, so why does the title of the section say “Traffic infractions”? Also, the language in that section appears to mirror the language in C.R.S. § 16-2.3-101 with the exception of subsection (4), which references “or judge acting as a magistrate” in 16-2.3-101 but not in 42-4-1708.5. Is there a reason for that inconsistency?
- The statutes listed below impact traffic infraction issues. Should any of them be amended to address civil infractions and/or should any civil infraction statutes be drafted to address similar issues?
 - 13-1-204(1)(b) – Do docket fees for civil infractions need to be addressed here and/or in the civil infraction statutes?
 - 13-6-212(2)(f) – Chief Judge may authorize the county court clerk perform certain tasks (accepting plea of guilty, imposing penalty, etc.) for certain offenses, including some traffic infractions.
 - 13-6-501 – Sets out county court magistrate qualifications and duties and, as noted above, authorizes the S.Ct. to adopt rules regarding traffic infractions
 - 13-6-502 – No jury trial for class A/B traffic infractions
 - 13-6-503 – Evidence offered by officer in traffic infraction case
 - 13-10-115.5(5) – Expungement
 - 13-80-103(1)(h) – SOL for civil actions – traffic infractions are covered here, but SB 21-271 added civil infractions to the criminal SOL statute (16-5-401)
 - 13-80-108(11) – Date a traffic infraction accrues
 - 16-7-207(3) and 16-7-207.5(3) – Exempts traffic infractions from sections
 - 16-10-101 – Exempts civil infractions from jury trial
 - Multiple statutes in Title 22 – Not important for the Judicial Department’s purposes
 - 24-4.1-119, 24-4.2-104, 24-33.5-415.6 – Surcharges for traffic infractions, among others
 - 24-72-706(2)(a)(II) – Sealing provisions do not apply to records pertaining to traffic infractions
 - 42-1-217(2) and (4)(a) – Traffic infraction surcharge/penalty
 - 42-2-202(4) – Habitual offender
 - 42-4-110(5) – Provisions uniform throughout the state
 - 42-4-1701 – Multiple provisions – Among other issues, the traffic infraction rules cite 42-4-1701(1) for the proposition that traffic infractions are civil in nature

I apologize in advance if any of these issues are already addressed in SB 21-271. It’s a long bill and it’s entirely possible that I missed something. Thank you very much for your assistance.

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Act #	Act Description	Bill Summary	Effective Date	Category
House Acts				
HB21-1004	COLORADO UNIFORM ELECTRONIC WILLS ACT	This bill enacts the "Colorado Uniform Electronic Wills Act." It declares that an electronic will is a will for all purposes of Colorado law. It specifies requirements for: (1) executing and revoking an electronic will; (2) simultaneously executing, attesting, and making an electronic will; and (3) certifying a paper copy of an electronic will. Former Senior Assistant Legal Counsel Veronique Van Gheem sent an email to judicial officers, clerks, and probate registrars regarding this bill on 3/5/21.	21-Jan-21	Probate
HB21-1007	CONCERNING A STATE APPRENTICESHIP REGISTRATION PROGRAM IN THE DEPARTMENT OF LABOR AND EMPLOYMENT	Adds a new title 8, article 15.7 (Apprenticeships) and creates a State Apprenticeship Agency, State Apprenticeship Council, Interagency Advisory Committee on Apprenticeship, and Ad Hoc Committee. Determinations of the State Apprenticeship Agency regarding apprenticeship programs constitute final agency actions that are subject to judicial review pursuant to C.R.S. § 24-4-106.	1-Jul-21	Civil
HB21-1015	CONCERNING SECURITY PROTECTIONS FOR CERTAIN CRIMINAL JUSTICE SYSTEM PERSONNEL	Broadens the types of individuals covered by C.R.S. § 18-9-313 and broadens the types of protections for all identified individuals. Among other things, subsection (2.8)(a) was broadened to include probation officers and judges (as defined by § 18-8-615(3)). Pursuant to that subsection, judges and probation officers may submit a written request to a state or local government official to remove personal information from records that are available on the internet. The request must meet the statutory requirements, including an affirmation under penalty of perjury that the person has reason to believe the dissemination of that information poses an imminent and serious threat to the safety of the person or the person's immediate family.	24-Jun-21	All judicial officers
HB21-1016	CONCERNING THE AUTHORITY TO TRANSFER JURISDICTION OF A VETERAN DEFENDANT'S CASE TO A JURISDICTION WITH A VETERAN'S SPECIALITY COURT	If jurisdiction doesn't have a VTC, requires the court to inform veteran defendant at first appearance of possibility of petitioning to transfer probation supervision to a jurisdiction with a VTC and adds process for petitioning for such transfer.	7-Sep-21	Criminal
HB21-1019	CONCERNING MODIFICATIONS TO THE REGULATIONS OF FACTORY-BUILT STRUCTURES	Modifies multiple provisions relative to the regulation of factory-built structures and manufactured housing, including addressing civil actions filed pursuant to the Colorado Consumer Protection Act and limitations on damages pursuant to C.R.S. § 6-1-113.	7-Sep-21	Civil
HB21-1022	CONCERNING THE PROTECTION OF PARTIES THROUGH THE ENFORCEMENT OF PROPER SURROGACY AGREEMENTS	Creates the Colorado Surrogacy Agreement Act. Courts are impacted by multiple provisions.	6-May-21	Juvenile
HB21-1031	CONCERNING CONTINUING JURISDICTION TO MODIFY FAMILY LAW ORDERS DURING THE PENDENCY OF AN APPEAL	Amends multiple Title 14 and Title 19 statutes to clarify the circumstances in which a trial court retains jurisdiction to modify orders while an appeal is pending.	Requests to modify an order appealed on, after, or before 7-May-21	Domestic
HB21-1046	CONCERNING THE USE OF A WATER RIGHT OBTAINED THROUGH A MUTUAL DITCH CORPORATION	Amends C.R.S. § 7-42-101 (additional statements in certificates - mutual ditch corporation shares), including adding new subsection (4)(c), which sets out the manner in which courts shall/shall not construe the new provisions regarding mutual ditch corporation water rights.	7-Sep-21	Water

HB21-1048	CONCERNING A REQUIREMENT THAT RETAIL ESTABLISHMENTS ACCEPT UNITED STATES CURRENCY FOR PURCHASES	Creates a new class 2 petty offense for failing to accept U.S. currency from a buyer. The offense is punished by a fine of not more than \$250 per transaction or attempted transaction. Please Note : Effective 3/1/22, pursuant to SB 21-271, the class 2 petty offense classification will no longer exist.	7-Sep-21	Criminal
HB21-1060	CONCERNING THE CERTIFICATION PROCESS FOR THE PURPOSE OF APPLICATION FOR U NONIMMIGRANT STATUS	Creates a process whereby a victim of qualifying criminal activity, as defined under federal law, may apply to a certifying agency or official--which includes a court, a judge or a magistrate--for a determination that the requestor has been helpful in the investigation or prosecution of qualifying criminal activity of which the requestor is a victim. This process is U Nonimmigrant Status Certification and once complete is presented by the requestor to the Dept. of Homeland Security. While not mentioned in the bill, 8 CFR 214.4(a)(5) defines "investigation or prosecution" to include the conviction or sentencing of the perpetrator of the qualifying criminal activity. Sets time limits for a certifying agency to either sign or decline to sign the certification form and limits the factors that can be considered. Prohibits disclosure of personal identifying information of the victim or requestor. Requires detailed findings if application is denied. Requires annual reporting to DCJ of requests received, signed and denied.	1-Sep-21	Criminal
HB21-1063	CONCERNING ADDITIONAL MEANS BY WHICH CREDIT FOR REINSURANCE MAY BE ALLOWED TO A DOMESTIC CEDING INSURER	Enacts a model law relative to reinsurance issues. Requires the assuming insurer to consent in writing to the jurisdiction of Colorado courts and provides that "[i]f subject to a legal process of rehabilitation, liquidation, or conservation, as applicable, the ceding insurer or its representative may seek and, if determined appropriate by the court in which the proceedings are pending, may obtain an order requiring that the assuming insurer post security for all outstanding ceded liabilities."	Applies to conduct occurring on or after 7-Sep-21	Civil
HB21-1064	CONCERNING THE IMPLEMENTATION OF RECOMMENDATIONS FROM THE LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING THE TREATMENT OF PERSONS WITH MENTAL HEALTH DISORDERS IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS REGARDING JUVENILES WHO HAVE COMMITTED SEX OFFENSES.	Amends multiple provisions relative to sex offender registration requirements for juveniles, including amending the VRA, modifying the registration requirements and court procedures for discontinuing registration, authorizing automatic removal from the registry under limited circumstances, broadening the court's authority to exempt a juvenile from the registry requirement, limiting the circumstances in which lifetime registration is required, and creating a new unclassified misdemeanor. This bill also attempts to eliminate the registration requirement for F5 internet luring of a child for both adult and juvenile offenders, but the bill fails to properly amend all of the relevant provisions.	1-Sep-21	Criminal
HB21-1065	CONCERNING THE AUTHORITY OF A PRIVATE EMPLOYER TO ADOPT A VETERANS' PREFERENCE EMPLOYMENT POLICY WHEN HIRING NEW EMPLOYEES.	Allows private employers to adopt and apply a veterans' preference hiring policy and creates a rebuttable presumption that such policy is not a discriminatory or unfair employment practice in violation of the Colorado Anti-Discrimination Act.	7-Sep-21	Civil

HB21-1069	CONCERNING ENHANCING THE ENFORCEMENT OF CRIMES OF SEXUAL EXPLOITATION OF A CHILD, AND, IN CONNECTION THEREWITH, REQUIRING A POST-ENACTMENT REVIEW OF THE IMPLEMENTATION OF THIS ACT AND MAKING AN APPROPRIATION	Effective 1/1/22, the bill amends C.R.S. § 18-21-103 by creating a new surcharge for convictions (including deferreds) of C.R.S. § 18-6-403 (sexual exploitation of a child). This surcharge is in addition to the sex offender surcharge. The amounts are listed in the bill and are based on the highest penalty level among the crimes of conviction or deferred sentence in the case. This new surcharge does not apply to a “juvenile who is convicted or receives a deferred sentence pursuant to section 18-1.3-102.” The bill also amends C.R.S. § 18-6-403 (Sexual Exploitation of a Child) in the following manner: (1) Modifies the elements of the offense; (2) Modifies subsection (5)(b) to make a violation of subsection (3)(b.5) a class 5 felony “for each item of sexually exploitative material accessed with intent to view, viewed, possessed, or controlled” and a class 4 felony if “the item accessed with intent to view, viewed, possessed, or controlled is a video, recording or broadcast of moving visual images, or motion picture.”; (3) Makes it an extraordinary risk crime if the sexually exploitative material depicts a child who is: (A) under 12 years of age; (B) subjected to the actual application of physical force or violence; or (C) subject to sexual intercourse, sexual intrusion, or sadomasochism.; and (4) Adds subsection (5.7), which provides that notwithstanding C.R.S. § 16-22-113(3)(c), an adult who has more than one conviction of 18-6-403(3)(b.5) in a single criminal case is eligible to petition for removal from the sex offender registry pursuant to section 16-22-113. The bill also amends C.R.S. § 16-22-113(3)(c) to cross-reference this new subsection.	Applies to offenses committed on or after 7-Sept-21. The new surcharge is effective 1-Jan-22.	Criminal
HB21-1085	CONCERNING SECURE TRANSPORTATION FOR AN INDIVIDUAL IN BEHAVIORAL HEALTH CRISIS	Amends multiple provisions relative to the transportation of someone experiencing a behavioral health crisis. Section 6 of the bill, which amends C.R.S. § 27-65-107, directly impacts courts.	27-Jun-21	Civil
HB21-1090	CONCERNING CERTAIN CRIMINAL MARIJUANA OFFENSES.	Eliminates the drug petty offense of possession of up to two ounces of marijuana. Allows marijuana possession convictions to be sealed in a more expedited manner.	20-May-21	Criminal
HB21-1091	CONCERNING SENTENCING PARITY FOR JUVENILES CONVICTED AS ADULTS FOLLOWING THE TRANSFER OF CHARGES WITH JUVENILES CONVICTED AS ADULTS FOLLOWING THE DIRECT FILING OF CHARGES	Amends C.R.S. § 19-2-518 (Transfers) so the manner in which juveniles who are transferred to adult court are sentenced is consistent with the manner in which juveniles who are subject to direct filing are sentenced.	24-May-21, with the exception of Sections 4, 5 and 6, which are effective on 1-Oct-21. The latter consist of conforming amendments made pursuant to SB 21-059, which reorganized the Juvenile Justice Code.	Juvenile and Criminal
HB21-1094	CONCERNING THE TRANSITION OF YOUTH IN COLORADO'S FOSTER CARE SYSTEM TO SUCCESSFUL ADULTHOOD, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.	Creates a program through the county that allows a youth in foster care, or a youth who has recently left the foster care system, to voluntarily agree to an emancipation transition plan that gives the youth access to services to assist the youth with transitioning from foster care. When a youth in foster care, or an adult who otherwise qualifies for the program, voluntarily agrees to an emancipation transition plan, the youth (or the county) files a petition with the court that lists the facts bringing the youth into the courts jurisdiction. After the petition is filed and the plan begins, the court must set hearings every six months regarding the status, and the court may require the youth to attend the hearings. The youth (or qualifying adult) may request that the case be dismissed at any time, but upon dismissal the services provided in the emancipation transition plan will cease.	25-Jun-21	Juvenile
HB21-1101	CONCERNING PRESERVING FAMILIAL CONNECTIONS IN ACTIONS INITIATED PURSUANT TO THE CHILDREN'S CODE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.	So long as it is in the child’s best interest, the court is required to enter temporary orders for reasonable visitation between children and their parents to commence within 72 hours, excluding weekends and holidays, after certain removal hearings. Creates a process for the creation and enforcement of post-adoption contact agreements in open adoptions.	7-Jul-21	Dependency & Neglect

HB21-1106	CONCERNING MEASURES TO SECURE FIREARMS TO PREVENT USE BY PERSONS NOT LAWFULLY PERMITTED TO POSSESS FIREARMS	Creates the offense of Unlawful Storage of a Firearm (C.R.S. § 18-12-114), which is a class 2 misdemeanor. Creates an unclassified misdemeanor punishable by a fine of not more than \$500 for a violation of C.R.S. § 18-12-405 (Locking Device Required).	Offenses committed on or after 31-Jul-21	Criminal
HB21-1108	CONCERNING UPDATES TO PROHIBITIONS AGAINST GENDER-BASED DISCRIMINATION TO CLARIFY THE INDIVIDUALS WHO ARE INCLUDED IN A PROTECTED CLASS.	Adds gender identity and gender expression as a protected status pursuant to the Colorado Anti-Discrimination Act.	7-Sep-21	Civil
HB21-1121	CONCERNING PROTECTIONS FOR RESIDENTIAL TENANTS	Limits ability of landlords to increase rent in residential tenancies.	25-Jun-21	Civil
HB21-1123	CONCERNING A CAPS CHECK FOR SUBSTANTIATED CASES OF MISTREATMENT OF AN AT-RISK ADULT	Amends multiple Title 26 and Title 12 statutes to authorize and regulate disclosure to Courts or DORA of CAPS checks on persons nominated for appointment in a Petition for Guardianship or Conservatorship for an at-risk adult	7-Sep-21	Probate
HB21-1124	CONCERNING AN EXPANSION OF THE ABILITY TO CONDUCT BUSINESS ACTIVITIES ELECTRONICALLY	Amends multiple provisions relative to conducting business activities electronically	Conduct occurring on or after 4-Apr-21	Civil
HB21-1142	CONCERNING MEASURES RELATED TO EYEWITNESS IDENTIFICATION TECHNIQUES, AND, IN CONNECTION THEREWITH, REQUIRING REPORTING DATA RELATED TO EYEWITNESS TECHNIQUES AND REGULATING THE USE OF SHOWUP IDENTIFICATIONS	Modifies multiple provisions relative to eyewitness identification and showup procedures. C.R.S. § 16-1-110 sets out the circumstances in which a showup may be utilized and the procedures that must be followed when utilizing it. That section also provides that the "court shall consider any failure by law enforcement to comply with the requirements of this section with respect to any challenge to a showup identification."	Bill is effective 7-Sep-21 but states that it applies to showups conducted on or after 1-Jan-22. Video requirement is effective "no later than" 1-Jan-23	Criminal
HB21-1151	CONCERNING ALLOWING A FEDERALLY RECOGNIZED INDIAN TRIBE TO CERTIFY ITS OWN FOSTER HOMES	Amends C.R.S. § 26-6-102 (Child Care Licensing - definitions) to allow federally recognized tribes to certify foster care homes.	7-Sep-21	Juvenile
HB21-1162	CONCERNING THE MANAGEMENT OF PLASTIC PRODUCTS	Amends/Adds multiple provisions relative to plastic products, and C.R.S. § 25-17-507 authorizes counties to seek injunctive relief against a store or retail food establishment.	Section 1 is effective 1-Jul-24 and remainder of act is effective 6-Jul-21	Civil
HB21-1169	CONCERNING THE PROHIBITION OF DISCRIMINATION AGAINST A POTENTIAL ORGAN TRANSPLANT RECIPIENT BASED SOLELY ON THE PERSON'S DISABILITY	Creates a new article prohibiting discrimination for organ transplant purposes based on an individual's disability. Authorizes the individual to commence a civil action for injunctive or equitable relief. The action may be brought in the district court for the county in which the individual resides/resided or the county where the individual was denied the organ transplant or referral. The Act specifies the types of relief the court may grant and also provides that " <u>the court must give priority on its docket and expedited review</u> " in these cases. (emphasis added).	6-May-21	Civil
HB21-1187	CONCERNING THE IMPLEMENTATION OF CASE MANAGEMENT REDESIGN TO ENSURE CONFLICT-FREE CASE MANAGEMENT FOR MEMBERS ELIGIBLE FOR LONG-TERM SERVICES AND SUPPORTS UNDER THE MEDICAID PROGRAM	Amends multiple provisions and creates a new part 17 in title 25.5, article 6 (Case Management Services for Long-Term Services and Supports). Courts may be particularly interested in the confidentiality provisions (C.R.S. §§ 25.5-6-1707(2)(e) and (f)) as well as the substitution of "case management agency" as defined by 25.5-6-1702(2) for "community-centered board" in multiple sections.	Sections 2-69 are effective 1-Jul-24 and the remainder of the act is effective 7-Sep-21	Civil, Criminal, Juvenile

HB21-1188	CONCERNING ADDITIONAL LIABILITY OF A DEFENDANT WHO ADMITS LIABILITY UNDER RESPONDEAT SUPERIOR	Amends C.R.S. § 13-21-111.5 (civil liability cases - pro rata liability of defendants - respondeat superior) to provide that "when an employer or principal acknowledges vicarious liability for an employee's or agent's negligence, a plaintiff's direct negligence claims against the employer or principal are not barred. A plaintiff may bring such claims, and conduct associated discovery, in addition to claims and discovery based on respondeat superior." Also states that nothing in the new provision "permits a plaintiff to recover compensatory and exemplary damages more than once for the same injury." Finally, states that "it is the intent of the General Assembly to reverse the holding in <i>Ferrer v. Okbamicael</i> , 390 P.3d 836 (Colo. 2017), that an employer's admission of vicarious liability for any negligence of its employees bars a plaintiff's direct negligence claims against the employer."	Applies to civil actions commenced on or after 7-Sep-21	Civil
HB21-1195	CONCERNING THE REGULATION OF RADON PROFESSIONALS, AND, IN CONNECTION THEREWITH, REQUIRING LICENSURE TO PRACTICE AS A RADON MEASUREMENT PROFESSIONAL OR RADON MITIGATION PROFESSIONAL	Creates the Radon Measurement and Mitigation Licensing Act. Courts could be impacted by the injunctive relief provisions as well as the judicial review of disciplinary actions. The bill also broadens the unauthorized practice of profession or occupation offense (C.R.S. §12-20-407), which can be a class 1 or 2 misdemeanor.	7-Sep-21, and the new article is repealed effective 1-Sep-27	Civil
HB21-1211	CONCERNING REGULATIONS FOR RESTRICTIVE HOUSING IN LOCAL JAILS	Requires a jail to obtain a written court order if the jail seeks to hold an individual in restrictive housing for more than 15 days in a 30-day period.	1-Jul-22	Criminal
HB21-1214	CONCERNING INCREASED ELIGIBILITY FOR PROCEDURES TO REDUCE COLLATERAL SANCTIONS EXPERIENCED BY DEFENDANTS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.	With certain exceptions, allows defendants with multiple convictions to petition for sealing relief if they satisfy a time frame specific to the highest offense level of their multiple offenses. Creates a process for defendants who have received a full pardon to motion the court for sealing relief. Amends the VRA to give victims the right to be heard at any court proceeding involving the sealing of multiple or pardoned convictions when the conviction is a VRA crime. Creates an automatic sealing process for certain drug convictions.	7-Sep-21	Criminal
HB21-1220	CONCERNING IMPLEMENTING RECOMMENDATIONS OF THE COLORADO CHILD SUPPORT COMMISSION	Enacts the recommendations of the Colorado child support commission concerning the establishment, calculation, and enforcement of child support.	1-Jul-21	Civil; Juvenile
HB21-1226	CONCERNING ADDITIONAL MEASURES TO CONTROL AQUATIC NUISANCE SPECIES, AND, IN CONNECTION THEREWITH, PROHIBITING A PERSON FROM REFUSING TO STOP AT A CHECK STATION, ETC.	Amends C.R.S. § 33-10.5-105 by creating a new civil infraction for failing/refusing to stop at an aquatic nuisance species check station. If the required fine and surcharge are not timely paid, a court shall hear the matter in the manner provided for in article 4 of title 42 for the prosecution of traffic infractions.	Applies to conduct occurring on or after 7-Sep-21	Civil and Criminal
HB21-1228	CONCERNING OVERSIGHT OF COURT PERSONNEL WHO ARE REGULARLY INVOLVED IN CASES RELATED TO DOMESTIC MATTERS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.	Requires that the court only appoint CFIs and Evaluators with specific training to understand the effects of domestic violence on children, adults and families, and the connection between domestic violence and trauma on children, child abuse, and child sexual abuse.	22-Jun-21	Civil

HB21-1239	CONCERNING ADDING PROTECTIONS FOR CONSUMERS WHO PURCHASE CERTAIN ITEMS, AND, IN CONNECTION THEREWITH, ESTABLISHING REQUIREMENTS REGARDING THE EXECUTION AND ENFORCEMENT OF DATING SERVICE CONTRACTS AND AUTOMATIC RENEWAL CONTRACTS	Adds two new sections relative to contracts for dating services and automatic renewal contracts.	Applies to dating service contracts and automatic renewal contracts executed on or after 1-Jan-22	Civil
HB21-1250	CONCERNING MEASURES TO ADDRESS LAW ENFORCEMENT ACCOUNTABILITY, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.	Amends existing law to change the reporting requirements for peace officers regarding public contacts. Amends requirement for law enforcement agencies to provide body cam access to the public. Increases situations where a covered peace officer could be liable when failing to activate a body cam. Creates protections for whistleblowers. Requires that law enforcement agencies who encrypt radio communication provide access to the media and the public.	6-Jul-21	Civil
HB21-1251	CONCERNING THE APPROPRIATE USE OF KETAMINE UPON A PERSON IN A PREHOSPITAL SETTING	Sets out multiple requirements relative to peace officers' use of ketamine, including creating two new class 1 misdemeanors for failing to comply with the new requirements.	6-Jul-21	Civil and Criminal
HB21-1255	CONCERNING PROCEDURES FOR A DOMESTIC ABUSER UPON THE ISSUANCE OF A PROTECTION ORDER	Revises the process for relinquishment of firearms and ammunition in both civil and criminal proceedings. Requires that when the court determines that a petition for a protection order includes an act of domestic violence, and that the act of domestic violence involved the threat of use, use of, or attempted use of physical force, the court shall order the relinquishment of all firearms or ammunition, and that the respondent refrain from possessing or controlling any firearm or ammunition. Includes a list of specific ways that firearms and ammunition must be relinquished, and requires setting a compliance hearing to confirm that the respondent is complying with the relinquishment order. Respondents must surrender firearms within 24 hours, excluding legal holidays and weekends, if served with the order in court, or 48 hours if served outside of court. More time is available for in-custody respondents. Respondents are required to complete an affidavit and file it with the court attesting to compliance with the relinquishment order.	22-Jun-21	Civil and Criminal
HB21-1272	CONCERNING ENHANCING SUPPORTS TO THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN	Limits ability to call child ombudsman and employees as witnesses in civil or criminal proceedings in which ombudsman is not a party. Limits ability to subpoena, discover, or introduce records of ombudsman in proceedings in which ombudsman is not a party .	24-Jun-21	Civil; Criminal; Juvenile
HB21-1280	CONCERNING MEASURES TO ASSIST DEFENDANTS IN SECURING RELEASE FROM JAIL THROUGH THE BONDING PROCESS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.	With certain exceptions, defendants are entitled to an initial bond hearing within 48 hours of their arrival at a jail or holding facility. Allows for the use of audiovisual technology for bond settings, and telephone hearings if high-speed internet access is unavailable. Prohibits courts from requiring monetary bond to be paid in the defendant's name. Creates the position of bond hearing officer that can conduct bond hearings for any jurisdiction in the state.	7-Sep-21	Criminal
HB21-1298	CONCERNING THE CONDITIONS UNDER WHICH A FIREARM TRANSFER MAY BE PROHIBITED FOLLOWING A BACKGROUND CHECK, AND, IN CONNECTION THEREWITH, REQUIRING APPROVAL OF A FIREARM TRANSFER PRIOR TO A TRANSFER BY A LICENSED DEALER, ESTABLISHING GROUNDS FOR DENYING A TRANSFER, AND CLARIFYING THE PROCESS TO APPEAL A DENIED TRANSFER	Adds/Amends multiple provisions relative to firearm transfers, including creating a new class 1 misdemeanor (see C.R.S. § 18-12-112.5 - Firearms Transfers by Licensed Dealers).	19-Jun-21	Criminal

HB21-1300	CONCERNING HEALTH-CARE PROVIDER LIENS RELATED TO CHARGES FOR HEALTH CARE PROVIDED TO A PERSON INJURED AS A RESULT OF THE NEGLIGENCE OR WRONGFUL ACTS OF ANOTHER PERSON	Adds Title 38, Article 27.5 relative to health-care provider liens, and multiple provisions impact courts/civil actions.	7-Sep-21	Civil
HB21-1309	CONCERNING MEASURES RELATED TO PERMITTING CONTINUING A CRIMINAL TRIAL BECAUSE OF THE COVID-19 PANDEMIC	Creates criminal speedy trial exception related to COVID-19 pandemic. See email sent to judicial officers by Kyle Sauer on 6/24/21.	21-Jun-21	Criminal
HB21-1314	CONCERNING THE AUTHORITY OF DOR TO TAKE ACTION AGAINST CERTAIN DOCUMENTS	Limits actions DOR can take for OJWs and bench warrants in traffic cases and limits assessment of \$30 OJW administrative processing fee.	1-Jan-22	Traffic
HB21-1315	CONCERNING ELIMINATING CERTAIN MONETARY AMOUNTS A JUVENILE IN THE JUSTICE SYSTEM IS REQUIRED TO PAY.	Repeals costs assessed against juvenile defendants and parents or guardians. Does not impact restitution, but does repeal the most commonly assessed costs. Requires a waiver of costs against juvenile defendants and youthful offenders for costs already assessed within 6 months of the effective date.	6-Jul-21	Juvenile and Criminal
HB21-1320	CONCERNING THE CONTINUATION OF THE SEX OFFENDER MANAGEMENT BOARD, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS OF THE 2019 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES	Continues the SOMB to September 1, 2023, without making any substantive changes.	2-Jul-21	Criminal

Senate Acts

SB21-002	CONCERNING MODIFICATION OF THE LIMITATIONS ON CERTAIN DEBT COLLECTION ACTIONS ENACTED IN SENATE BILL 20-211	Extends SB 20-211's debt collection protections from 11/1/20 to 6/1/21.	21-Jan-21	Civil
SB21-017	CONCERNING SEXUAL CONTACT BETWEEN A STUDENT AND AN EDUCATOR IN VIOLATION OF THE PUBLIC TRUST	Creates the offense of abuse of public trust by an educator, which is a class 1 misdemeanor.	Offenses committed on or after 2-Jul-21	Criminal
SB21-030	CONCERNING CRIMINAL THEFT OF RENTAL PROPERTY	Amends C.R.S. § 18-4-401 to provide that if someone is convicted of violating subsection (1)(e) the court is required to "consider as part of any restitution ordered the loss of revenue proximately resulting from the failure of the defendant to timely return the property involved."	Offenses committed on or after 27-May-21	Criminal
SB21-039	CONCERNING THE ELIMINATION OF SUBMINIMUM WAGE EMPLOYMENT BY PROVIDING SUPPORTS TO ENSURE SUCCESSFUL TRANSITIONS FOR INDIVIDUALS CURRENTLY WORKING IN SUBMINIMUM WAGE JOBS	Phases out and eliminates paying less than the Colorado minimum wage for a worker impaired by age, physical or mental disability, or injury ("disability"). On and after July 1, 2025, subminimum wage for an employee with a disability is strictly prohibited regardless of whether the employer was previously issued a special certificate. Amends numerous provisions relative to subminimum wage and imposes compliance requirements for applicable organizations.	Applies to wages paid on or after 1-Jul-21	Civil

SB21-057	CONCERNING REQUIREMENTS FOR PRIVATE EDUCATION LENDERS	Amends multiple provisions relative to private education lenders, including adding title 5, article 20, part 2 (Private Student Education Lenders). Court proceedings, including available remedies, are addressed in C.R.S. §§ 5-20-213 and 5-20-214 (pp.20-23 of the bill).	Act applies to conduct occurring on or after 29-Jun-21, including collection of debts arising out of loans issued before that date	Civil
SB21-059	CONCERNING THE REORGANIZATION OF THE JUVENILE JUSTICE CODE IN ARTICLE 2 OF TITLE 19, COLORADO REVISED STATUTES, BY THE COLORADO JUVENILE JUSTICE AND DELINQUENCY PREVENTION COUNCIL AS AUTHORIZED BY HOUSE JOINT RESOLUTION 18-1013	THIS BILL IS 303 PAGES IN LENGTH . The bill repeals article 2 of Title 19, amends multiple sections that are currently located in that article, and relocates the article 2 sections to a new article 2.5. Modifies multiple time periods to comply with the rule of seven or to exclude weekends and holidays. Makes conforming amendments.	1-Oct-21	Juvenile
SB21-064	CONCERNING CRIMINALIZING RETALIATION AGAINST AN ELECTED OFFICIAL	Broadens C.R.S. § 18-8-615 by creating the offense of retaliation against an elected official, which is a class 6 felony and a VRA crime.	Offenses committed on or after 1-Jul-21	Criminal
SB21-071	CONCERNING MEASURES TO LIMIT THE DETENTION OF JUVENILES, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN APPROPRIATION.	Eliminates the use of secured bonds in juvenile delinquency cases, leaving courts to either use unsecured personal recognizance bonds or detain the juvenile. Cuts statewide juvenile detention beds from 327 to 215.	6-Jul-21	Juvenile
SB21-072	CONCERNING THE EXPANSION OF ELECTRIC TRANSMISSION FACILITIES TO ENABLE COLORADO TO MEET ITS CLEAN ENERGY GOALS, ETC.	Amends multiple provisions relative to transmission facilities. Denver District Court is directly impacted by the appeal provision in C.R.S. § 40-42-104(2)(b) (page 15 of the bill). Courts are also mentioned in C.R.S. § 38-5-104(1) (page 26 of the bill).	Act applies to conduct occurring on or after 24-Jun-21	Civil and Denver District Ct
SB21-073	CONCERNING STATUTE OF LIMITATIONS FOR CIVIL ACTIONS ALLEGING SEXUAL MISCONDUCT	Modifies the statute of limitations for civil actions alleging sexual misconduct for which the statute of limitations has not yet run as of January 1, 2022.	1-Jan-22	Civil
SB21-075	CONCERNING SUPPORTED DECISION-MAKING AGREEMENTS FOR ADULTS WITH DISABILITIES, AND, IN CONNECTION THEREWITH, AUTHORIZING SUCH AGREEMENTS AS AN ALTERNATIVE FOR OR SUPPLEMENT TO A GUARDIANSHIP	Creates a subpart of Title 15, Article 14 authorizing adults with a disability to voluntarily enter into Supported Decision-Making Agreements with members of their supportive community. Intended as an alternative or supplement to a Guardianship/Conservatorship. Supportive community members may, pursuant to the agreement, assist the adult with disability in understanding the options, responsibilities, and consequences of life decisions. Supported Decision-Making agreements do not alter or supersede Court orders.	7-Sep-21	Probate
SB21-078	CONCERNING RESPONSIBILITY TO REPORT A MISSING FIREARM	Creates new infraction/crime for failure to report lost or stolen firearm.	7-Sep-21	Criminal
SB21-081	CONCERNING PROCEDURAL MEASURES TO PREVENT THE MISUSE OF THE SAFE2TELL PROGRAM.	Allows the court to issue orders for production regarding Safe2Tell program materials when the court finds probable cause that a reporting party committed false reporting of an emergency. Creates procedures for unsealing the court's order for production and related records.	30-Jun-21	Criminal

SB21-087	CONCERNING AGRICULTURAL WORKERS' RIGHTS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.	Provides protections to agricultural workers in the areas of minimum wage, living conditions, and when complaining about working conditions. Creates a legal presumption of retaliation by an agricultural employer if the employer takes an adverse action against an employee after the employee asserts a right, remedy, or penalty pursuant to law. Authorizes family members or co-workers to bring a claim against an agricultural employer. Provides injunctive and equitable relief for violations, including actual damages, a per violation costs, and attorneys fees and costs. Creates a minimum wage for agricultural employees and a requirement that agricultural employees be given an uninterrupted and duty-free meal break period and rest period. Creates a right of access to certain service providers at employer provided housing, and the right to receive visitors. Requires an agricultural employer to provide certain worker safety protections during a public health emergency. Creates a cause of action for a whistleblower.	25-Jun-21	Civil
SB21-088	CONCERNING ESTABLISHING A CIVIL CAUSE OF ACTION FOR SEXUAL MISCONDUCT AGAINST A MINOR	Establishes a new civil cause of action for victims of child sexual abuse. Numerous provisions impact courts. Pre-incident waivers are void, governmental immunity is waived, and the state does not have a duty to defend or indemnify a public employee for a claim alleging sexual misconduct if the conduct was willful or wanton.	1-Jan-22, but see the specific date provisions throughout the bill	Civil
SB21-108	CONCERNING PIPELINE SAFETY, AND, IN CONNECTION THEREWITH, INCREASING AND CLARIFYING THE RULE-MAKING AND ENFORCEMENT AUTHORITY OF THE PUBLIC UTILITIES COMMISSION	Among other things, broadens C.R.S. § 40-2-117(3) to authorize the commission to recover court costs when a civil action is filed to recover the assessed penalty.	6-Jul-21	Civil
SB21-122	CONCERNING THE BULK PURCHASE OF OPIATE ANTAGONISTS PURSUANT TO A STANDING ORDER	Amends C.R.S. § 25-5.1-115 (Opiate antagonist bulk purchase fund) by, among other things, broadening the definition of "eligible entity" to include a first responder. For purposes of this provision, probation officers/peace officers are considered first responders.	15-Apr-21	Chief Judges
SB21-124	CONCERNING THE CREATION OF A CLASS 2 FELONY OFFENSE WHEN THE DEATH OF A PERSON IS CAUSED BY A PARTICIPANT WITHOUT DELIBERATION IN THE COURSE OF THE COMMISSION OF SPECIFIED FELONY OFFENSES	Amends C.R.S. §§ 18-3-102 and 18-3-103 so that felony murder now constitutes second degree murder. The language is identical to current law with the following substantive exceptions: (1) "felony arson" and "felony crime of escape" are substituted for "arson" and "crime of escape"; and (2) The affirmative defenses were retained with the exception that 18-3-102(2)(d) and (2)(f) were not retained. The bill also makes necessary conforming amendments.	Offenses committed on or after 15-Sep-21	Criminal
SB21-135	CONCERNING A PROHIBITION ON THE USE OF CERTAIN ANIMALS IN A TRAVELING ANIMAL ACT	Creates the "Traveling Animal Protection Act," a violation of which is a misdemeanor that shall be punished by a fine of not less than \$250 and not more than \$1,000 per violation.	7-Sep-21	Criminal
SB21-143	CONCERNING THE "UNIFORM COLLABORATIVE LAW ACT".	Allows parties to use a collaborative law process for domestic relations and family law proceedings when both parties agree in writing, and when both parties are represented by an attorney. Parties to a court proceeding may sign a collaborative law participation agreement, and file notice with the court. The court may require the parties to file a status report stating if the process is ongoing or concluded. During the collaborative law process, the court may issue emergency orders. The court may approve the agreement from the collaborative law process.	1-Jan-22	Civil

SB21-146	CONCERNING MEASURES TO IMPROVE PRISON RELEASE OUTCOMES	Amends multiple parole-related provisions, many of which apply to special needs offenders. The following provisions may be of particular interest to courts: (1) 17-22.5-403.5(4) - Under current law, the parole board notifies the court regarding competency issues and the court appoints counsel. Pursuant to this bill, the board notifies the public defender liaison (created in 21-1-104(6)), the court appoints the public defender to represent the inmate, and the PD is required to file a written motion, including a certificate of counsel stating that the motion is based on a good-faith belief that the inmate is incompetent to proceed. The court is required to seal that motion. (2) 17-22.5-403.5(4.5) - If a court determines that the inmate is incompetent, the court may order appropriate restoration services in any setting, including civil commitment. The bill also clarifies that DHS is not required to take physical custody of the inmate. (3) Amends 17-27.5-104 to designate the offense as "unauthorized absence" instead of "escape" and to require punishment as provided in 18-8-208.2 as opposed to 18-8-208. (4) Amends 18-1.3-407(2)(b) to authorize presentence confinement credit for an offender whose sentence to YOS has been revoked. (5) Requires a study of the effectiveness of the current youthful offender system, including assessing the potential expansion of the system to serve offenders up to the age of 25 who commit felony offenses.	6-Jul-21	Criminal
SB21-160	CONCERNING CERTAIN ADMINISTRATIVE CLARIFICATIONS TO LOCAL GOVERNMENT ELECTION CODES	Amends numerous sections in Titles 1 and 32 relative to local government election codes.	7-Sep-21	Civil
SB21-162	CONCERNING SPENDTHRIFT PROVISIONS IN TRUSTS PURSUANT TO THE COLORADO UNIFORM TRUST CODE	Enacts part 5 of the Uniform Trust Code with Colorado-specific amendments.	7-Sep-21	Probate
SB21-173	CONCERNING RIGHTS RELATED TO RESIDENTIAL RENTAL AGREEMENTS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.	Makes several significant changes to FED procedures, including when default judgment can be entered, the timeline for holding FED trials, and the contents of the FED summons. Gives defendants a limited right to cure nonpayment of rent. Restricts late fees imposed by landlords and creates a civil action for aggrieved parties. Broadens a court's authority when premises are uninhabitable.	1-Oct-21	Civil
SB21-175	CONCERNING THE COLORADO PRESCRIPTION DRUG AFFORDABILITY REVIEW BOARD, AND, IN CONNECTION THEREWITH, DIRECTING THE BOARD TO REVIEW THE AFFORDABILITY OF CERTAIN DRUGS AND ESTABLISH UPPER PAYMENT LIMITS FOR CERTAIN DRUGS; ETC.	Creates the Colorado Prescription Drug Affordability Review Board and Prescription Drug Affordability Advisory Council. C.R.S. § 10-16-1408(3) provides that any person aggrieved by a final decision of the board may seek judicial review pursuant to C.R.S. § 24-4-106. C.R.S. § 10-16-1411 provides that on and after 1/1/22 certain listed behavior is unlawful and that the Attorney General is authorized to enforce Part 14.	16-Jun-21	Civil
SB21-190	CONCERNING ADDITIONAL PROTECTION OF DATA RELATING TO PERSONAL PRIVACY	Creates new rules and obligations regarding personal data privacy rights and makes violation of new requirements a deceptive trade practice.	7-Sep-21	Civil; Criminal
SB21-195	CONCERNING PERMITTING NOTARIZATION OF CERTAIN PROBATE DOCUMENTS.	Allows the use of a notary public or other individual authorized by law to take acknowledgements for individuals who are making an anatomical gift before death or making a declaration regarding medical treatment.	7-May-21	Civil
SB21-201	CONCERNING STRICTER ENFORCEMENT FOR CHILD CARE FACILITIES	Among other things, this bill modifies the injunctive proceeding provisions in C.R.S. § 26-6-111 and the penalty provisions in C.R.S. § 26-6-112(1).	16-Jun-21 for the bill, but Section 3 of the bill (26-6-112) applies on or after 1-Jul-21	Civil and Criminal

SB21-238	CONCERNING THE FRONT RANGE PASSENGER RAIL DISTRICT, AND, IN CONNECTION THEREWITH, CREATING THE DISTRICT FOR THE PURPOSE OF PLANNING, DESIGNING, DEVELOPING, FINANCING, CONSTRUCTING, OPERATING, AND MAINTAINING A PASSENGER RAIL SYSTEM, ETC.	Creates the Front Range Passenger Rail District Act. Courts may be interested in C.R.S. §§ 32-22-115 (no action maintainable unless commenced within 30 days) and 32-22-116 (judicial examination of powers, acts, proceedings, or contracts of the district). With regard to the latter, the board files the petition in the district court, and the proceedings shall be conducted in the manner set forth in C.R.S. § 32-4-540 with the exception that the required notice must be published once per week for three consecutive weeks and <u>the hearing shall be held not less than 30 days nor more than 40 days after the filing of the petition</u> .	Multiple effective dates. See Sections 5 through 7 of the bill	District Cts
SB21-250	CONCERNING MODIFICATIONS TO CERTAIN STATUTES GOVERNING THE CONDUCT OF ELECTIONS	Amends numerous election-related provisions, many of which would be of interest to judicial officers. Please note that page 46 of the bill creates a new misdemeanor that is punishable in accordance with C.R.S. § 1-13-111 (fine of not more than \$1,000, imprisonment in the county jail for not more than one year, or both).	"This act takes effect upon passage [6-21-21]; except that section 1-2-202.5, Colorado Revised Statutes, as amended in section 3 of this act, takes effect March 1, 2022, and applies to elections conducted on or after the effective date of this act."	Civil and Criminal
SB21-256	CONCERNING PERMITTING REGULATION OF FIREARMS BY LOCAL GOVERNING BODIES	Amends multiple firearms and firearm carry permit sections to provide local governments with broader authority.	19-Jun-21	Criminal and Civil
SB21-263	CONCERNING THE REGULATION OF OUTDOOR ADVERTISING	Amends multiple sections relative to outdoor advertising, including modifying C.R.S. § 43-1-417 (Violation and penalty) to eliminate a misdemeanor and require enforcement through a civil action.	30-Jun-21	Criminal and Civil
SB21-266	CONCERNING THE NONSUBSTANTIVE REVISION OF STATUTES IN THE COLORADO REVISED STATUTES, AS AMENDED, AND, IN CONNECTION THEREWITH, AMENDING OR REPEALING OBSOLETE, IMPERFECT, AND INOPERATIVE LAW TO PRESERVE THE LEGISLATIVE INTENT, EFFECT, AND MEANING OF THE LAW	This is the Revisor's Bill, which makes non-substantive changes to numerous statutes. In addition to the text of the bill, this bill includes an Appendix that summarizes the changes. Sections 11, 12, and 17 of the bill address the relocation of the Colorado Uniform Electronic Wills Act. Section 13 corrects an error in a statute that addresses a court's authority to appoint a conservator. Sections 15 and 16 modify provisions that were amended by SB 21-059, which is the bill that reorganized the Juvenile Justice Code. Sections 36 and 37 make changes to the Title 38 mobile home provisions.	The bill is effective 2-Jul-21, but Section 10 is effective 1-Sept-21 and Sections 15-16 are effective 1-Oct-21	All judicial officers
SB21-267	CONCERNING THE EXTENSION OF THE OFFICE OF PUBLIC GUARDIANSHIP	Amends various Title 13 statutes to extend deadlines for evaluation, and discontinuation or expansion, of the Office of Public Guardianship	21-Jun-21	Probate

SB21-271	CONCERNING THE ADOPTION OF THE 2021 RECOMMENDATIONS OF THE COLORADO CRIMINAL AND JUVENILE JUSTICE COMMISSION REGARDING SENTENCING FOR OFFENSES	<i>This bill is 304 pages in length.</i> Among other things, it: (1) Modifies the elements, offense classifications, penalties, and/or surcharges for numerous offenses; (2) Repeals some offenses; (3) Modifies various procedural provisions (issuance and service of summons, bond, commencement of prosecution, inmate sentence deductions, etc.); (4) Adds Title 16, Article 2.3 (Civil Infraction Procedures); (5) Adds C.R.S. § 42-4-1708.5; (6) Eliminates the class 1 and 2 petty offenses, substitutes a single “petty offense” classification, and modifies the petty offense penalty provision; (7) Adds civil infractions to the list of offense classifications and adds a penalty provision for civil infractions; (8) C.R.S. § 18-1.3-106 - Broadens the purposes for which a court may permit a defendant to leave the jail during necessary and reasonable hours and authorizes a court to sentence a defendant directly to a residential behavioral health treatment program or residential reentry program; (9) Amends C.R.S. § 18-1.3-201 to provide that a person who has been convicted for any offense other than an F1 or a civil infraction is eligible to apply for probation. As such, all petty offenses are probation-eligible.; (10) Broadens C.R.S. § 18-1.3-301 to allow courts to enter into agreements with community corrections programs to accept for residential placement persons convicted of misdemeanor offenses as an alternative sentence to a county jail sentence; (11) Eliminates class 3 misdemeanors and modifies the penalties for M1s (364 days imprisonment, not more than \$1,000 fine, or both) and M2s (120 days imprisonment, not more than a \$750 fine, or both); (12) Provides that the maximum consecutive sentence to the county jail for misdemeanor crimes charged in a single case is 24 months; (13) Eliminates the extraordinary risk of harm sentence enhancement option for misdemeanors; (14) Classifies criminal attempt or conspiracy to commit an M2 as an M2; (15) Authorizes a person convicted of violating C.R.S. § 18-3-402(1)(e) (an M1 ERC crime in current law and an F6 pursuant to this bill) to petition for removal from the sex offender registry in accordance with C.R.S. § 16-22-113(1)(b); (16) Amends C.R.S. § 19-2-104 to provide that if a juvenile is charged with a civil infraction and is not charged with an additional offense that would constitute a criminal offense if charged as an adult, the county court has jurisdiction over the civil infraction; (17) Adds second degree burglary of a dwelling in violation of C.R.S. § 18-4-203(2)(a) as a VRA offense; and (18) Modifies DUI/DWAI offense classifications and penalties (See sections 732 and 733 of the bill).	Offenses committed on or after 1-Mar-22	Criminal, Civil, Juvenile
SB21-278	CONCERNING REIMBURSEMENT FOR PLACEMENT OF CHILDREN IN OUT-OF-HOME PLACEMENT	Amends multiple provisions relative to out-of-home placements, including C.R.S. § 19-1-115, which directly impacts juvenile courts.	25-Jun-21	Juvenile
SB21-280	CONCERNING CRIMES THAT ARE BIAS-MOTIVATED	Modifies C.R.S. §§ 18-9-111 (Harassment) and 18-9-121 (Bias-motivated crimes) to clarify that the offenses qualify as bias-motivated if there is an intent to act “ <i>in whole or in part</i> ” because of the victim’s actual or perceived race, color, religion, etc. The bill also amends C.R.S. § 24-4.1-302(1) by adding “harassment that is bias-motivated, in violation of section 18-9-111(2)” to the definition of “crime” for VRA purposes.	Offenses committed on or after 28-Jun-21	Criminal

michaels, kathryn

From: yacuzzo, karen
Sent: Friday, September 10, 2021 8:50 AM
To: dailey, john; samour, carlos; michaels, kathryn
Subject: Criminal Rules - Legislation
Attachments: Speedy Trial Bill; SB 21-271; RE: SB 21-059; RE: SB 21-271; SB 21-271; Bills to Judicial Officers (FINAL 8-16-21).xlsx

Good morning, Judge Dailey. I have attached the emails you requested. I have also attached the legislative update that the Legal Team prepared for judicial officers. I will defer to you regarding whether it is appropriate to share that with the committee.

Please note that the email dated 8/10/21 was only sent to you and Justice Samour, and I deferred to you regarding whether you wanted to forward it to the committee. Finally, after I sent that email to the CCJJ working group I noticed an error. In my comment regarding 16-10-101 I referenced civil infractions but I should have referenced traffic infractions.

Please let me know if you have any questions.

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