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## Revised Provisions Concerning Arrests or Detentions of Juveniles

**HB 06-1112** revised several provisions of Colorado law to provide that a juvenile may be detained in temporary custody under the following circumstances:

### Criminal and Misdemeanor Violations

- 1) Detention of a juvenile depends on the reason that the juvenile is detained. The two primary categories of juvenile detainees are subject to differing rules for detention, and different time periods apply to each category of juvenile offender.
- 2) Under Colorado law, a juvenile who is “arrested and detained upon reasonable suspicion of an alleged violation of any article of Title 42, C.R.S. (the criminal code), or for any alleged violation of a municipal or county ordinance . . . [that makes such conduct criminal], then that juvenile is arrested and detained as a “delinquent”.
- 3) **HB 06-1112** amends C.R.S. 19-2-508 to clarify that when a juvenile is arrested for reasonable suspicion of a criminal or delinquent act, a juvenile may be held in a “temporary holding facility,” prior to a bail bond or other dispositive hearing, for up to 48 hours. Any juvenile who is arrested under these provisions who also requires physical restriction may be detained in a detention facility or temporary holding facility under prior existing law, C.R.S. 19-2-508(1) and (2).
- 4) After a juvenile is committed to a facility for the detention of juveniles pending criminal trial, the Department of Human Services is permitted to request juvenile court review of the matter under another new law, **HB06-1071**. That law allows a hearing on the delinquency to be held after placement in these juvenile facilities so that the DHS may have input.

### Status Violations

5. On the other hand, any juvenile detained for a “status” violation (such as merely being out after curfew) is a status offender. Status is defined in **HB 06-1112** as provided in federal law.
6. A juvenile status offender may be detained for periods no longer than 6 hours, in any non-secure (unlocked) temporary holding facility. After that a juvenile status offender must be detained only in a facility operated by, or under contract with, the Department of Human Services.
7. A “temporary holding facility” for juveniles may be held in a non-secure area of a county jail or lockup. A “temporary holding facility” for juveniles must be separated by sight and sound from any area that houses adult offenders. Juveniles may be detained in an adult facility only for processing.
8. A juvenile status offender may also be detained in a “temporary holding facility” by law enforcement, if it has been determined that the juvenile requires a “staff-secure” setting; referring to the prior provisions allowing a juvenile who requires physical restriction to be detained in a detention facility or temporary holding facility under prior existing law, C.R.S. 19-2-508(1) and (2).
9. Finally, **HB06-1123** apparently authorizes the detention of a child without a court order, either upon reasonable suspicion that the child is a runaway or upon a report by the child’s parent or guardian that the child is a runaway which appears to be a “status” offense.