

**NEW PRETRIAL DETENTION LAW
FOR YOUTH IN ADULT COURT
2012 LEGISLATIVE SESSION**



House Bill 12-1139 Detention of Juveniles In Adult Court Effective March 15, 2012

Reformed Colorado's detention statute, **C.R.S. §19-2-508**, which previously gave prosecutors power to decide whether a youth charged as an adult is held in a juvenile or adult facility.

- The new law requires that when a youth is charged as an adult by judicial transfer or direct file, the *youth must remain in a juvenile detention facility*.
- The Division of Youth Corrections (who operates the juvenile detention facility) may file a petition with the court to transfer the youth to an adult jail.
- The court must set a hearing on the petition to transfer as soon as practicable but no later than 20 days. The Division of Youth Corrections may petition the court for a forthwith (emergency) hearing if the juvenile presents an imminent to staff or other juveniles in the juvenile facility.
- The juvenile, sheriff, and/or district attorney may file a response to the transfer petition.
- During the hearing on the petition to transfer the youth to the adult jail, the court shall consider a list of factors, including whether the juvenile would be held in isolation in the adult jail, the juvenile's maturity and psychological state, and whether education is provided.
- If the court determines the adult jail is the appropriate place of pretrial detention, the juvenile may petition the court for a review hearing after 30 days. The court may set the petition for a hearing if the juvenile has alleged facts or circumstances that if true would warrant a reconsideration of the place of detention.
- The youth shall remain in a juvenile detention facility until the court reaches its decision.