

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0091.01 Jane Ritter x4342

HOUSE BILL 24-1101

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HOUSE SPONSORSHIP

Mabrey and Snyder,

SENATE SPONSORSHIP

(None),

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House Committees  
Judiciary

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING EMPOWERING VICTIMS BY ENHANCING ACCESS TO  
102 RESTORATIVE JUSTICE IN CRIMINAL CASES.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill makes changes to increase access to restorative justice practices (restorative justice) in Colorado, specifically by:

- Creating a victim-survivor right to participate in restorative justice in the criminal and juvenile justice systems;
- Requiring that victim-survivors be informed of their statutory right to restorative justice and how to exercise it;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

- Creating a victim-survivor right to request restorative justice as an alternative to, or in addition to, prosecution;
- Establishing the victim-survivor's right to accept or decline participation in restorative justice, and the right to change that decision, at any stage in the proceedings;
- Creating a victim-survivor right to restorative justice with trained facilitators who adhere to the Colorado restorative justice coordinating council's code of conduct and standards of training and practice, as amended;
- Requiring that, in cases of domestic violence or unlawful sexual behavior, when a victim-survivor requests restorative justice, the victim-survivor has a right to restorative justice with a facilitator who has specialized training and experience to address the issues specific to those cases;
- Requiring that participation in restorative justice by a responsible party is voluntary;
- Mandating that restorative justice is confidential and information obtained through a restorative justice practice must not be disclosed by any party to the practice without the agreement of all parties involved;
- Requiring the state restorative justice coordinating council to develop, on or before August 30, 2024, 2 standardized forms to advise victim-survivors of their right to restorative justice in criminal and juvenile cases and a confidentiality agreement to use in restorative justice;
- Clarifying that the legal authority of a prosecutor to make decisions about prosecution is preserved;
- Creating a funding source for restorative justice through the offender services fund;
- Eliminating language in statute that prohibits the use of restorative justice in cases involving domestic partner violence, protective orders, stalking, and unlawful sexual behavior;
- Requiring the department of corrections to accommodate victim-survivor requests for victim-offender dialogues; maintain an accountability letter bank for inmates to send letters of accountability, apology, or remorse to victim-survivors; inform victim-survivors of the availability of such letters; and adopt policies requiring adherence to the principles of victim empowerment; and
- Eliminating outdated language related to fees for restorative justice in multiple statutes.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 11.6 to  
3 title 16 as follows:

4 **ARTICLE 11.6**

5 **Restorative Justice in the Criminal Justice System**

6 **16-11.6-101. Legislative declaration.** (1) THE GENERAL  
7 ASSEMBLY FINDS AND DECLARES THAT:

8 (a) EMPOWERING VICTIM-SURVIVOR HEALING, PROMOTING  
9 OFFENDER ACCOUNTABILITY, AND REDUCING RECIDIVISM HELPS THE  
10 CRIMINAL JUSTICE SYSTEM MEET ITS FUNDAMENTAL GOAL OF ENSURING  
11 PUBLIC SAFETY. INCREASED VICTIM-SURVIVOR PARTICIPATION IN  
12 RESTORATIVE JUSTICE PRACTICES FURTHERS THIS GOAL.

13 (b) VICTIM-SURVIVORS OF CRIME OFTEN EXPERIENCE  
14 LONG-LASTING TRAUMA ACCOMPANIED BY SEVERE PHYSICAL,  
15 PSYCHOLOGICAL, EMOTIONAL, SOCIAL, AND ECONOMIC CONSEQUENCES,  
16 MANY OF WHICH ARE NOT ADEQUATELY ADDRESSED BY THE ADVERSARIAL  
17 LEGAL SYSTEM;

18 (c) INTERNATIONAL RESOLUTIONS, FEDERAL AND STATE LAWS,  
19 AND PROFESSIONAL ORGANIZATIONS INCREASINGLY RECOGNIZE THAT  
20 VICTIM-SURVIVORS DESERVE THE OPPORTUNITY TO PARTICIPATE IN  
21 PROCESSES INCORPORATING RESTORATIVE JUSTICE PRINCIPLES AND  
22 PRACTICES TO REDRESS THE IMPACTS OF CRIME;

23 (d) THE UNITED NATIONS HAS ADOPTED FIVE RESOLUTIONS  
24 PERTAINING TO RESTORATIVE JUSTICE (1999, 2000, 2002, 2016, AND  
25 2018), INCLUDING "BASIC PRINCIPLES ON THE USE OF RESTORATIVE  
26 JUSTICE PROGRAMS IN CRIMINAL MATTERS";

27 (e) IN 1997, THE UNITED STATES DEPARTMENT OF JUSTICE'S

1 NATIONAL INSTITUTE OF CORRECTIONS PROPOSED VICTIM-CENTERED  
2 RESTORATIVE JUSTICE PRINCIPLES FOCUSING ON THE NEED TO PROMOTE  
3 OFFENDER ACCOUNTABILITY AND COMMUNITY INVOLVEMENT TO IMPROVE  
4 INDIVIDUAL AND PUBLIC SAFETY;

5 (f) IN 2022, THE REAUTHORIZATION OF THE FEDERAL "VIOLENCE  
6 AGAINST WOMEN ACT", 42 U.S.C. SEC. 14043 ET SEQ., PROMOTED AND  
7 ENCOURAGED THE DEVELOPMENT AND IMPLEMENTATION OF RESTORATIVE  
8 JUSTICE PRACTICES TO IMPROVE THE CRIMINAL LEGAL RESPONSE AND  
9 SERVICES TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL  
10 ASSAULT, AND STALKING;

11 (g) IN 2020, THE AMERICAN BAR ASSOCIATION ADOPTED A  
12 RESOLUTION URGING PROSECUTORS, DEFENSE ATTORNEYS, JUDGES,  
13 PROBATION OFFICERS, PAROLE AUTHORITIES, LEGISLATIVE POLICYMAKERS,  
14 AND COMMUNITY PARTNER ORGANIZATIONS TO CONSIDER USING  
15 RESTORATIVE JUSTICE RESPONSES AS AN ALTERNATIVE OR ADJUNCT TO  
16 PROSECUTION IN APPROPRIATE CASES; AND

17 (h) IN 1992, THE CITIZENS OF COLORADO ADOPTED A VICTIM'S  
18 RIGHTS AMENDMENT TO THE STATE CONSTITUTION, SECTION 16a OF  
19 ARTICLE II, AND THE "VICTIM RIGHTS ACT", PART 3 OF ARTICLE 4.1 OF  
20 TITLE 24, JOINING THIRTY-THREE OTHER STATES IN ENACTING  
21 CONSTITUTIONAL PROVISIONS THAT RECOGNIZE AS A FOUNDATIONAL  
22 PRINCIPLE OF OUR CRIMINAL JUSTICE SYSTEM THAT VICTIM-SURVIVORS OF  
23 CRIMES HAVE THE RIGHT TO BE HEARD, INFORMED, AND PRESENT AT  
24 CRITICAL STAGES OF PROCEEDINGS, AND TO BE TREATED WITH FAIRNESS,  
25 RESPECT, AND DIGNITY.

26 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

27 (a) CASES INVOLVING SEXUAL ASSAULT AND DOMESTIC AND

1 INTIMATE PARTNER VIOLENCE PRESENT UNIQUE AND COMPLEX ISSUES  
2 THAT THE CRIMINAL AND CIVIL LEGAL SYSTEMS OFTEN PROVE  
3 INADEQUATE TO ADDRESS;

4 (b) IN 2020, FORTY-SIX STATE DOMESTIC VIOLENCE AND SEXUAL  
5 ASSAULT COALITIONS SIGNED THE "MOMENT OF TRUTH" POLICY  
6 STATEMENT THAT PROMOTES COMMUNITY-BASED PRACTICES THAT  
7 ENCOURAGE SAFETY, SUPPORT, ACCOUNTABILITY, AND HEALING AND  
8 CAUTIONS AGAINST INCREASED POLICING, PROSECUTION, AND  
9 IMPRISONMENT AS THE PRIMARY SOLUTION TO GENDER-BASED VIOLENCE;

10 (c) ACCORDING TO MULTIPLE VICTIM-SURVIVOR INTERVIEWS AND  
11 STUDIES, PARTICIPATION IN RESTORATIVE JUSTICE PRACTICES HAS BEEN  
12 DETERMINED TO SIGNIFICANTLY INCREASE A VICTIM-SURVIVOR'S  
13 SATISFACTION WITH THE CRIMINAL LEGAL SYSTEM, ENHANCE THE  
14 VICTIM-SURVIVOR'S FEELING OF SAFETY, AND CONTRIBUTE TO THE  
15 VICTIM-SURVIVOR'S HEALING;

16 (d) BY ENGAGING DIRECTLY IN FACILITATED CONVERSATIONS WITH  
17 THE RESPONSIBLE PARTY DURING RESTORATIVE JUSTICE,  
18 VICTIM-SURVIVORS REPORT FULFILLING THEIR DESIRE TO GET QUESTIONS  
19 ANSWERED, UNDERSTAND THE REASONS FOR THE CRIME, SHARE THEIR  
20 STORIES ABOUT THE INJURIOUS IMPACT OF THE CRIME ON THEM AND THEIR  
21 FAMILY, AND GAUGE THE ACCOUNTABILITY OF THE RESPONSIBLE PARTY;

22 (e) INTERVIEWS AND STUDIES HAVE FURTHER ESTABLISHED THAT  
23 RESTORATIVE JUSTICE PRACTICES CAN SATISFY A VICTIM-SURVIVOR'S  
24 DESIRE FOR PARTICIPATING IN SETTING CONSEQUENCES AND  
25 COMMUNICATING THE VICTIM-SURVIVOR'S NEEDS TO "MAKE THINGS  
26 RIGHT", ADDRESS UNDERLYING ISSUES THAT DECREASES THE LIKELIHOOD  
27 THAT THE RESPONSIBLE PARTY WILL RE-OFFEND OR RE-VICTIMIZE THE

1 VICTIM-SURVIVOR OR SOMEONE ELSE, AND EMPOWER THE  
2 VICTIM-SURVIVOR TO REGAIN CONTROL OVER THE VICTIM-SURVIVOR'S  
3 LIFE;

4 (f) NUMEROUS STUDIES HAVE REPORTED THAT VICTIM-SURVIVORS  
5 WHO PARTICIPATED IN RESTORATIVE JUSTICE ARE HIGHLY SATISFIED WITH  
6 THE PROCESS, BELIEVE IT WAS FAIR, BELIEVE THAT JUSTICE WAS DONE,  
7 FEEL THAT THEY WERE LISTENED TO, AND HAVE A HEIGHTENED SENSE OF  
8 SAFETY WITH A DIMINISHED FEAR; AND

9 (g) ALTHOUGH RESTORATIVE JUSTICE PRACTICES ARE  
10 STATUTORILY AVAILABLE FOR MOST VICTIM-SURVIVORS OF CRIME IN  
11 COLORADO, MANY VICTIM-SURVIVORS ARE UNAWARE OF IT AND REQUESTS  
12 FOR ACCESS HAVE BEEN DENIED, RESULTING IN DISPROPORTIONATELY LOW  
13 PARTICIPATION. COLORADO VICTIM-SURVIVORS HAVE A RIGHT TO ELECT  
14 TO PARTICIPATE IN RESTORATIVE JUSTICE AND ARE BEING DEPRIVED OF  
15 THE OPPORTUNITY TO OBTAIN THE BENEFITS RESTORATIVE JUSTICE  
16 PROVIDES.

17 (3) THEREFORE, IN ORDER TO EMPOWER, PROTECT, AND FURTHER  
18 THE HEALING, SATISFACTION, AND SAFETY OF VICTIM-SURVIVORS OF  
19 CRIME, THE GENERAL ASSEMBLY ACKNOWLEDGES AND PROMOTES THE  
20 INTEGRATION OF RESTORATIVE JUSTICE INTO THE CRIMINAL AND  
21 CHILDREN'S CODE AND SUPPORTS PROVIDING INCREASED ACCESS TO  
22 RESTORATIVE JUSTICE PRACTICES FOR VICTIM-SURVIVORS WHO REQUEST  
23 IT.

24 **16-11.6-102. Definitions.** AS USED IN THIS ARTICLE 11.6, AND FOR  
25 NO OTHER PURPOSE, INCLUDING THE EXPANSION OF THE RIGHTS OF ANY  
26 DEFENDANT:

27 (1) "CRIME" MEANS ANY FELONY OR MISDEMEANOR OFFENSE SET

1 FORTH IN TITLE 18.

2 (2) "LAWFUL REPRESENTATIVE" MEANS ANY PERSON WHO IS  
3 DESIGNATED BY THE VICTIM-SURVIVOR OR APPOINTED BY THE COURT TO  
4 ACT IN THE BEST INTERESTS OF THE VICTIM-SURVIVOR.

5 (3) "RESTORATIVE JUSTICE" AND "RESTORATIVE JUSTICE  
6 PRACTICES" HAVE THE SAME MEANINGS AS SET FORTH IN SECTIONS  
7 19-1-103, 19-2.5-102, AND 18-1-901.

8 (4) "RESTORATIVE JUSTICE COUNCIL" MEANS THE STATE  
9 RESTORATIVE JUSTICE COORDINATING COUNCIL ESTABLISHED IN SECTION  
10 13-3-116.

11 (5) "VICTIM-SURVIVOR" MEANS ANY NATURAL PERSON AGAINST  
12 WHOM ANY CRIME, AS DEFINED IN SUBSECTION (1) OF THIS SECTION, HAS  
13 BEEN PERPETRATED OR ATTEMPTED, UNLESS THE PERSON IS ACCOUNTABLE  
14 FOR THE CRIME, OR A CRIME ARISING FROM THE SAME CONDUCT OR PLAN,  
15 OR, IF SUCH PERSON IS DECEASED OR INCAPACITATED, THE PERSON'S  
16 SPOUSE, PARENT, LEGAL GUARDIAN, CHILD, SIBLING, GRANDPARENT,  
17 GRANDCHILD, SIGNIFICANT OTHER, OR OTHER LAWFUL REPRESENTATIVE.  
18 IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THIS DEFINITION OF  
19 THE TERM "VICTIM-SURVIVOR" APPLIES ONLY TO THIS ARTICLE 11.6 AND  
20 SHALL NOT BE APPLIED TO ANY OTHER PROVISION OF THE LAWS OF THE  
21 STATE OF COLORADO THAT REFER TO THE TERM "VICTIM" OR  
22 "VICTIM-SURVIVOR".

23 **16-11.6-103. Restorative justice - rights and responsibilities.**

24 (1) A VICTIM-SURVIVOR HAS THE RIGHT TO:

25 (a) PARTICIPATE IN RESTORATIVE JUSTICE PRACTICES, INCLUDING  
26 THE RIGHT TO BE FULLY INFORMED ABOUT THE PRINCIPLES, VALUES, AND  
27 GOALS OF RESTORATIVE JUSTICE AND THE AVAILABILITY OF RESTORATIVE

1 JUSTICE PRACTICES IN EVERY JUDICIAL DISTRICT THROUGHOUT THE STATE;

2 (b) ACCEPT, DECLINE, OR RECONSIDER THE DECISION TO  
3 PARTICIPATE IN RESTORATIVE JUSTICE AT ANY STAGE OF THE CRIMINAL OR  
4 JUVENILE PROCESS, FROM ARREST THROUGH DISPOSITION, INCLUDING  
5 POST-SENTENCING. THE VICTIM-SURVIVOR'S DECISION MUST BE KNOWING  
6 AND VOLUNTARY AFTER BEING INFORMED OF THE VICTIM-SURVIVOR'S  
7 RIGHTS AND IS NOT CONTINGENT ON THE DECISION OF ANY ALLEGED  
8 RESPONSIBLE PARTY TO PARTICIPATE.

9 (c) BE PROVIDED RESTORATIVE JUSTICE PRACTICES BY A TRAINED  
10 FACILITATOR WHO ADHERES TO THE COLORADO RESTORATIVE JUSTICE  
11 FACILITATOR CODE OF CONDUCT AND STANDARDS OF TRAINING AND  
12 PRACTICE, AS ADOPTED OR SUBSEQUENTLY AMENDED BY THE  
13 RESTORATIVE JUSTICE COUNCIL. IF THE UNDERLYING CASE INCLUDES AN  
14 ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), OR  
15 ANY SEX OFFENSE, AS DESCRIBED IN SECTION 18-1.3-1003 (5), THE  
16 VICTIM-SURVIVOR MUST BE PROVIDED WITH RESTORATIVE JUSTICE  
17 PRACTICES CONVENED BY CO-FACILITATORS, ONE OF WHOM HAS  
18 BACKGROUND, TRAINING, AND EXPERIENCE AS A VICTIM ADVOCATE AND  
19 IN FACILITATING HIGH-IMPACT CASES; IS FAMILIAR WITH SURROGATE,  
20 PROXY, AND VICARIOUS PRACTICES; AND POSSESSES AN UNDERSTANDING  
21 OF GENDER-BASED AND INTIMATE PARTNER VIOLENCE AND TRAUMA, THE  
22 DYNAMICS OF POWER IMBALANCES, CONTROL, AND MANIPULATION IN  
23 PERSONAL RELATIONSHIPS, AND OTHER SIMILAR ISSUES PRESENTED BY  
24 THESE UNIQUE CASES.

25 (d) AT ANY POINT, REQUEST ACCESS TO RESTORATIVE JUSTICE  
26 PRACTICES AS AN ALTERNATIVE TO, OR IN ADDITION TO, PROSECUTION;  
27 AND



1           (e) PARTICIPATE IN AN APPROPRIATE ALTERNATIVE PRACTICE  
2 DESIGNED TO MEET THE VICTIM-SURVIVOR'S NEEDS, SUCH AS SURROGATE,  
3 PROXY, OR VICARIOUS PRACTICES, IF A DEFENDANT IS UNAVAILABLE OR  
4 DECLINES TO PARTICIPATE IN RESTORATIVE JUSTICE PRACTICES.

5           (2) THE RIGHTS AFFORDED TO A VICTIM-SURVIVOR PURSUANT  
6 TO THIS SECTION ARE LIMITED TO CRIMES AS DEFINED IN SECTION  
7 16-11.6-102. HOWEVER, LAW ENFORCEMENT AND PROSECUTORIAL  
8 AGENCIES ARE ENCOURAGED TO PROVIDE RESTORATIVE JUSTICE  
9 ADVISEMENTS AND TO CONSIDER THE USE OF RESTORATIVE JUSTICE  
10 PRACTICES IN ALL CRIMINAL AND JUVENILE CASES AS AN ALTERNATIVE OR  
11 IN ADDITION TO PROSECUTION.

12           (3) UNLESS THE CASE INVOLVES DOMESTIC VIOLENCE, AS DEFINED  
13 IN SECTION 18-6-800.3 (1), OR A SEX OFFENSE, AS DESCRIBED IN SECTION  
14 18-1.3-1003 (5), LAW ENFORCEMENT, PROSECUTORIAL, AND JUDICIAL  
15 AGENCIES SHALL ENSURE THAT A VICTIM-SURVIVOR IS NOTIFIED OF THE  
16 RIGHTS SET FORTH IN SUBSECTION (1) OF THIS SECTION. THE AGENCIES  
17 SHALL ASSIST THE VICTIM-SURVIVOR IN OBTAINING THE INFORMATION  
18 NECESSARY TO PARTICIPATE IN RESTORATIVE JUSTICE PRACTICES, PROVIDE  
19 THE VICTIM-SURVIVOR WITH THE RESTORATIVE JUSTICE ADVISEMENT  
20 FORM CREATED PURSUANT TO SECTION 16-11.6-105, AND DIRECT THE  
21 VICTIM-SURVIVOR TO THE RESTORATIVE JUSTICE COUNCIL'S WEBSITE.

22           (4) IF THE CASE INVOLVES DOMESTIC VIOLENCE, AS DEFINED IN  
23 SECTION 18-6-800.3 (1), OR A SEX OFFENSE, AS DESCRIBED IN SECTION  
24 18-1.3-1003 (5), PROSECUTORIAL AND JUDICIAL AGENCIES SHALL ENSURE  
25 THAT A VICTIM-SURVIVOR IS AFFORDED THE RIGHTS SET FORTH IN  
26 SUBSECTION (1) OF THIS SECTION. THE AGENCIES SHALL ASSIST THE  
27 VICTIM-SURVIVOR IN OBTAINING THE INFORMATION NECESSARY TO

1 PARTICIPATE IN RESTORATIVE JUSTICE PRACTICES, PROVIDE THE  
2 VICTIM-SURVIVOR WITH THE RESTORATIVE JUSTICE ADVISEMENT FORM  
3 CREATED PURSUANT TO SECTION 16-11.6-105, AND DIRECT THE  
4 VICTIM-SURVIVOR TO THE RESTORATIVE JUSTICE COUNCIL'S WEBSITE.

5 (5) A JUVENILE VICTIM-SURVIVOR WHO IS UNDER EIGHTEEN YEARS  
6 OF AGE WHO ELECTS TO PARTICIPATE IN RESTORATIVE JUSTICE SHALL  
7 OBTAIN WRITTEN CONSENT FROM A PARENT OR LEGAL GUARDIAN AND HAS  
8 THE RIGHT TO THE ASSISTANCE OF A PARENT, A LEGAL GUARDIAN, LEGAL  
9 COUNSEL, OR OTHER ADULT AS SELECTED BY THE JUVENILE.

10 **16-11.6-104. Restorative justice - consent - confidentiality.**

11 (1) PARTICIPATION IN RESTORATIVE JUSTICE PRACTICES IS VOLUNTARY.  
12 THE DISTRICT ATTORNEY, VICTIM ADVOCATE, OR OTHER DESIGNATED  
13 DISTRICT ATTORNEY PERSONNEL SHALL OBTAIN, IN WRITING, THROUGH  
14 EXECUTION OF THE ADVISEMENT FORM CREATED PURSUANT TO SECTION  
15 16-11.6-105, THE KNOWING, INFORMED, AND VOLUNTARY CONSENT OF  
16 THE VICTIM-SURVIVOR, RESPONSIBLE PARTY, OR CHARGED JUVENILE  
17 AFTER FULL ADVISEMENT OF THE RIGHTS SET FORTH IN SECTION  
18 16-11.6-103. ANY PARTY MAY WITHDRAW CONSENT AT ANY STAGE OF THE  
19 PROCESS. RESTORATIVE JUSTICE PRACTICES CONDUCTED WITH THE  
20 CONSENT OF A DEFENDANT OR JUVENILE CHARGED IN JUVENILE COURT ARE  
21 SUBJECT TO ALL CONSTITUTIONAL PROTECTIONS AND MUST NOT BE USED  
22 TO INTERFERE WITH OR FORCE A WAIVER OF A DEFENDANT'S OR JUVENILE'S  
23 CONSTITUTIONAL RIGHTS.

24 (2) STATEMENTS AND COMMUNICATIONS ELICITED IN THE  
25 APPLICATION TO OR DURING THE COURSE OF RESTORATIVE JUSTICE  
26 PRACTICES ARE CONFIDENTIAL AND MUST NOT BE DISCLOSED BY ANY  
27 PARTICIPANT TO ANY OTHER PERSON OR TO THE COURT UNLESS OTHERWISE

1 AGREED TO IN WRITING BY ALL THE PARTICIPANTS AT THE TIME OF THE  
2 PRACTICE, EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION.

3 (3) PARTICIPATION IN, OR DECLINING TO PARTICIPATE IN,  
4 RESTORATIVE JUSTICE PRACTICES MUST NOT BE USED AGAINST THE  
5 DEFENDANT OR JUVENILE OR TO INCREASE THE SEVERITY OF ANY  
6 SENTENCE IN ANY RELATED PROCEEDING AGAINST THE DEFENDANT OR  
7 JUVENILE. A STATEMENT MADE OR ACTION TAKEN IN THE COURSE OF  
8 RESTORATIVE JUSTICE PRACTICES MUST NOT BE USED AS EVIDENCE TO  
9 CHARGE OR PROSECUTE THE DEFENDANT OR JUVENILE, UNLESS THE  
10 DEFENDANT OR JUVENILE COMMITS A CHARGEABLE OFFENSE DURING THE  
11 RESTORATIVE JUSTICE PRACTICE.

12 (4) THE RESTORATIVE JUSTICE FACILITATOR SHALL NOTIFY THE  
13 COURT PRESIDING OVER A CRIMINAL OR JUVENILE CASE OF PARTICIPATION  
14 IN A RESTORATIVE JUSTICE PRACTICE IN WHICH THE DEFENDANT OR  
15 JUVENILE WAS INVOLVED. THE COURT MAY CONSIDER THE COMPLETION OF  
16 THE RESTORATIVE JUSTICE PRACTICE AT SENTENCING.

17 **16-11.6-105. Restorative justice - advisement of rights to**  
18 **victim - forms.** (1) IF A CRIMINAL CASE HAS BEEN FILED, THE DISTRICT  
19 ATTORNEY, VICTIM ADVOCATE, OR OTHER DESIGNATED DISTRICT  
20 ATTORNEY PERSONNEL SHALL INFORM THE VICTIM-SURVIVOR OF THE  
21 VICTIM-SURVIVOR'S RIGHT TO PARTICIPATE IN RESTORATIVE JUSTICE  
22 PRACTICES IN WRITING USING THE FORM DEVELOPED BY THE RESTORATIVE  
23 JUSTICE COUNCIL PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION.

24 (2) (a) ON OR BEFORE DECEMBER 31, 2024, THE RESTORATIVE  
25 JUSTICE COUNCIL, IN COLLABORATION WITH A STATEWIDE ORGANIZATION  
26 REPRESENTING VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT,  
27 SHALL DEVELOP A RESTORATIVE JUSTICE ADVISEMENT FORM TO INFORM

1 VICTIM-SURVIVORS ABOUT THEIR RIGHT TO PARTICIPATE IN RESTORATIVE  
2 JUSTICE, INCLUDING THE PRINCIPLES, VALUES, GOALS, AND DETAILS OF  
3 RESTORATIVE JUSTICE; HOW TO ACCESS RESTORATIVE JUSTICE; THEIR  
4 RIGHT TO ACCEPT, DECLINE, OR CHANGE THE DECISION TO PARTICIPATE IN  
5 RESTORATIVE JUSTICE; THE ROLE OF THE RESTORATIVE JUSTICE COUNCIL;  
6 AND A STATEWIDE DIRECTORY OF RESTORATIVE JUSTICE PROGRAMS AND  
7 PRACTITIONERS FROM WHICH A VICTIM-SURVIVOR CAN IDENTIFY A  
8 PROGRAM OR PRACTITIONER TO SUIT THE VICTIM-SURVIVOR'S NEEDS. THE  
9 RESTORATIVE JUSTICE COUNCIL AND THE JUDICIAL DEPARTMENT SHALL  
10 POST THE FORM ON THEIR WEBSITES IN AN ACCESSIBLE FORMAT.

11 (b) ON OR BEFORE AUGUST 30, 2024, THE RESTORATIVE JUSTICE  
12 COUNCIL, IN COLLABORATION WITH A STATEWIDE COALITION OF  
13 RESTORATIVE JUSTICE PRACTITIONERS AND A STATEWIDE ORGANIZATION  
14 REPRESENTING VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT,  
15 SHALL DEVELOP A RESTORATIVE JUSTICE PRACTICES FORM. THE FORM  
16 MUST COMPLY WITH THE CONFIDENTIALITY REQUIREMENTS SET FORTH IN  
17 SECTION 16-11.6-104 (2). THE RESTORATIVE JUSTICE COUNCIL AND THE  
18 JUDICIAL DEPARTMENT SHALL POST THE FORM ON THEIR WEBSITES IN AN  
19 ACCESSIBLE FORMAT.

20 **16-11.6-106. Restorative justice - legal authority to prosecute.**  
21 NOTHING IN THIS ARTICLE 11.6 RESTRICTS THE DISTRICT ATTORNEY'S  
22 LEGAL AUTHORITY UNDER THE CONSTITUTION AND LAWS OF THE STATE TO  
23 PROSECUTE A CASE.

24 **16-11.6-107. Application of article.** THE PROVISIONS OF THIS  
25 ARTICLE 11.6 ALSO APPLY TO ARTICLE 2.5 OF TITLE 19.

26 **SECTION 2.** In Colorado Revised Statutes, 16-11-214, **amend**  
27 (1)(a) as follows:

1           **16-11-214. Fund created - probation services.** (1) (a) ~~There is~~  
2 ~~created in the state treasury the offender services fund to which must be~~  
3 ~~credited~~ THE OFFENDER SERVICES FUND, REFERRED TO IN THIS SECTION AS  
4 THE "FUND", IS CREATED IN THE STATE TREASURY. One hundred percent  
5 of any cost of care payments or probation supervision fees paid to the  
6 state pursuant to section 18-1.3-204 (2)(a)(V) or 19-2.5-1120 MUST BE  
7 CREDITED TO THE FUND, and ~~from which~~ the general assembly shall make  
8 annual appropriations for administrative and personnel costs for adult and  
9 juvenile probation services, as well as for adjunct adult and juvenile  
10 probation services in the judicial department, including treatment  
11 services; contract services; drug and alcohol treatment services, including  
12 continuous alcohol monitoring; RESTORATIVE JUSTICE PRACTICES; and  
13 program development; and for associated administrative and personnel  
14 costs. IF THE DEFENDANT IS REPRESENTED BY COURT-APPOINTED COUNSEL  
15 DUE TO INDIGENCY, RESTORATIVE JUSTICE FEES MUST BE PAID OUT OF THE  
16 FUND WHEN RESTORATIVE JUSTICE PRACTICES ARE REQUESTED BY A  
17 VICTIM-SURVIVOR. Any money remaining in the fund at the end of any  
18 fiscal year does not revert to the general fund.

19           **SECTION 3.** In Colorado Revised Statutes, **amend** 17-28-103 as  
20 follows:

21           **17-28-103. Victim-offender dialogue program - accountability**  
22 **letter bank.** (1) ~~The department is authorized to establish a pilot~~  
23 ~~program, when funds become available, in its correctional facilities to~~  
24 THERE IS ESTABLISHED IN THE DEPARTMENT A VICTIM-OFFENDER  
25 DIALOGUE PROGRAM TO facilitate victim-initiated victim-offender  
26 ~~conferences whereby~~ DIALOGUES. A victim of a crime may request a  
27 facilitated ~~conference~~ DIALOGUE with the offender who committed the

1 crime, if the offender is in the custody of the department. ~~After such a~~  
2 ~~pilot program is established,~~ The department ~~may~~ SHALL establish policies  
3 and procedures for the victim-offender ~~conferences~~ DIALOGUES using  
4 TRAINED volunteers AND FACILITATORS to facilitate the ~~conferences~~  
5 DIALOGUES. The TRAINED volunteers AND FACILITATORS shall complete  
6 the department's volunteer and facility-specific training programs and  
7 complete high-risk victim-offender training and victim advocacy training.  
8 ~~The department shall not compensate or reimburse a volunteer or victim~~  
9 ~~for any expenses nor otherwise incur any additional expenses to establish~~  
10 ~~or operate the victim-offender conferences pilot program.~~ If a pilot  
11 ~~program is available, and~~ Subsequent to ~~the~~ A victim's or ~~the~~ A victim  
12 representative's request, the department shall arrange such a ~~conference~~  
13 DIALOGUE only after determining that ~~the conference would be safe and~~  
14 ~~only~~ if the offender agrees to participate. The purposes of the ~~conference~~  
15 ~~shall be~~ DIALOGUE ARE to enable the victim to meet the offender, to  
16 obtain answers to questions only the offender can answer, to assist the  
17 victim in healing from the impact of the crime, and to promote a sense of  
18 remorse and acceptance of responsibility by the offender that may  
19 contribute to ~~his or her~~ THE OFFENDER'S rehabilitation.

20 (2) THE DEPARTMENT SHALL NOT DENY THE RIGHT TO PARTICIPATE  
21 IN A VICTIM-OFFENDER DIALOGUE, AS DESCRIBED IN THIS SECTION, TO ANY  
22 VICTIM-SURVIVOR WHEN REQUESTED BY THE VICTIM-SURVIVOR. IF THE  
23 DEPARTMENT DETERMINES THAT SUBSTANTIAL SAFETY CONCERNS ARE  
24 INVOLVED, THE DEPARTMENT MAY TAKE REASONABLE MEASURES TO  
25 ENSURE THE SAFETY OF ALL INVOLVED IN THE VICTIM-OFFENDER  
26 DIALOGUE WHILE CONTINUING TO ADHERE TO THE PRINCIPLES OF VICTIM  
27 EMPOWERMENT AS SET FORTH IN ARTICLE 11.6 OF TITLE 16.

1           (3) THE DEPARTMENT SHALL CREATE AND MAINTAIN AN  
2 ACCOUNTABILITY LETTER BANK. AN OFFENDER MAY SEND A LETTER TO  
3 ANY VICTIM-SURVIVOR OF THE OFFENDER'S OFFENSE THROUGH THE  
4 ACCOUNTABILITY LETTER BANK TO EXPRESS ACCOUNTABILITY AND  
5 REMORSE, OFFER AN APOLOGY, AND OTHERWISE ACKNOWLEDGE  
6 RESPONSIBILITY TO THE PERSON OR PERSONS HARMED BY THE OFFENDER'S  
7 CRIME. UPON RECEIPT OF AN ACCOUNTABILITY LETTER, THE DEPARTMENT  
8 SHALL, USING A DEPARTMENT STAFF MEMBER KNOWLEDGEABLE AND  
9 TRAINED IN RESTORATIVE JUSTICE, NOTIFY THE PERSON OR PERSONS  
10 HARMED BY THE OFFENDER OF THE EXISTENCE OF THE LETTER THROUGH  
11 ANY AVAILABLE VICTIM NOTIFICATION SYSTEM. THE PERSON NOTIFYING  
12 THE PERSON OR PERSONS HARMED SHALL OFFER MEANINGFUL  
13 INFORMATION ABOUT VICTIM-OFFENDER DIALOGUES AND RESTORATIVE  
14 JUSTICE PRACTICES GENERALLY. THE DEPARTMENT SHALL PROVIDE  
15 ACCESS TO THE ACCOUNTABILITY LETTER AT THE REQUEST OF THE PERSON  
16 OR PERSONS HARMED. THE DEPARTMENT SHALL ALLOW A  
17 VICTIM-SURVIVOR WHO OPTED OUT OF NOTIFICATION PURSUANT TO THIS  
18 SUBSECTION (3) THE OPPORTUNITY TO OPT BACK IN AT ANY TIME.

19           **SECTION 4.** In Colorado Revised Statutes, 18-1.3-104, **amend**  
20 (1)(b.5)(I) as follows:

21           **18-1.3-104. Alternatives in imposition of sentence.** (1) Within  
22 the limitations of the applicable statute pertaining to sentencing and  
23 subject to the provisions of this title 18, the trial court has the following  
24 alternatives in entering judgment imposing a sentence:

25           (b.5) (I) Except as otherwise provided by ~~subparagraph (H) of this~~  
26 ~~paragraph (b.5)~~ SUBSECTION (1)(b.5)(II) OF THIS SECTION, any defendant  
27 who, in the determination of the court, is a candidate for an alternative

1 sentencing option and who would otherwise be sentenced to  
2 imprisonment pursuant to paragraph (b) of this subsection (1) may, as an  
3 alternative, be sentenced to a specialized restitution and community  
4 service program pursuant to section 18-1.3-302, which may include  
5 restorative justice practices, as defined in section 18-1-901 (3)(o.5), if  
6 ~~such~~ THE defendant is determined eligible and is SUITABLE FOR AND  
7 accepted into ~~such~~ THE program. To be eligible for restorative justice  
8 practices, the defendant shall not have been convicted of unlawful sexual  
9 behavior as defined in section 16-22-102 (9), C.R.S., a crime in which the  
10 underlying factual basis involves domestic violence, as defined in section  
11 18-6-800.3 (1), stalking as defined in section 18-3-602, or violation of a  
12 protection order as defined in section 18-6-803.5. If the court orders the  
13 defendant to attend a restorative justice practices victim-offender  
14 conference, the facilitator of the conference shall provide his or her  
15 services for a fee of no more than one hundred twenty-five dollars, based  
16 on a sliding scale; however, the fee may be waived by the court. Any  
17 statements made during the conference shall be confidential and shall not  
18 be used as a basis for charging or prosecuting the defendant unless the  
19 defendant commits a chargeable offense during the conference.

20           **SECTION 5.** In Colorado Revised Statutes, 18-1.3-204, **amend**  
21 (2)(a)(III.5) as follows:

22           **18-1.3-204. Conditions of probation - interstate compact**  
23 **probation transfer cash fund - creation.** (2) (a) When granting  
24 probation, the court may, as a condition of probation, require that the  
25 defendant:

26           (III.5) Participate in restorative justice practices, as defined in  
27 section 18-1-901 (3)(o.5), ~~if available in the jurisdiction, and~~ IF the



1 defendant is determined suitable by a designated restorative justice  
2 practices facilitator. If a defendant wants to participate in restorative  
3 justice practices, the defendant must make the request to the district  
4 attorney or the law enforcement agency administering the program and  
5 ~~may~~ SHALL not make the request to the ~~victim~~ VICTIM-SURVIVOR. If  
6 requested by the defendant, district attorney, or law enforcement agency,  
7 a victim-offender ~~conference~~ ~~may~~ DIALOGUE MUST only be conducted  
8 after the ~~victim~~ VICTIM-SURVIVOR is consulted by the district attorney and  
9 offered the opportunity to participate or submit a victim impact statement.  
10 If a ~~victim~~ VICTIM-SURVIVOR elects not to attend, a victim-offender  
11 ~~conference~~ DIALOGUE may be held with a suitable victim surrogate or  
12 victim advocate, and the ~~victim~~ VICTIM-SURVIVOR may submit a victim  
13 impact statement. ~~To be eligible for restorative justice practices, the~~  
14 ~~defendant shall not have been convicted of unlawful sexual behavior as~~  
15 ~~defined in section 16-22-102 (9), C.R.S., a crime in which the underlying~~  
16 ~~factual basis involves domestic violence, as defined in section 18-6-800.3~~  
17 ~~(1), stalking as defined in section 18-3-602, or violation of a protection~~  
18 ~~order as defined in section 18-6-803.5. Any statements made during a~~  
19 ~~restorative justice conference shall be confidential and shall not be used~~  
20 ~~as a basis for charging or prosecuting the defendant unless the defendant~~  
21 ~~commits a chargeable offense during the conference. Failure to complete~~  
22 ~~the requirements arising from a restorative justice conference may be~~  
23 DIALOGUE IS NOT considered a violation of probation. Nothing in this  
24 ~~subparagraph (III.5) shall be construed to require~~ SUBSECTION  
25 (2)(a)(III.5) REQUIRES a ~~victim~~ VICTIM-SURVIVOR to participate in  
26 restorative justice practices or a restorative justice victim-offender  
27 ~~conference~~ DIALOGUE.

1           **SECTION 6.** In Colorado Revised Statutes, 19-2.5-402, **amend**  
2 (3)(d.5) as follows:

3           **19-2.5-402. Juvenile diversion program - authorized - report**  
4 **- allocation of money - legislative declaration - definitions.** (3) For  
5 purposes of this section:

6           (d.5) "Restorative justice" has the same meaning as set forth in  
7 ~~section 19-1-103~~ SECTION 19-2.5-102.

8           **SECTION 7.** In Colorado Revised Statutes, 19-2.5-502, **amend**  
9 (2) as follows:

10           **19-2.5-502. Petition initiation - petition form and content.**

11 (2) If the petition is the first juvenile petition filed against the juvenile in  
12 any jurisdiction, ~~and is initiated in a jurisdiction that has restorative~~  
13 ~~justice practices available~~, the district attorney or the district attorney's  
14 designee may determine whether the juvenile is suitable for restorative  
15 justice practices. The district attorney shall consider whether the ~~victim~~  
16 VICTIM-SURVIVOR, having been informed about restorative justice  
17 practices pursuant to section 24-4.1-303 (11)(g), is requesting  
18 consideration of restorative justice practices as an alternative to, OR IN  
19 ADDITION TO, formal prosecution; the seriousness of the crime; the crime's  
20 impact on the ~~victim~~ VICTIM-SURVIVOR; the best methodology to involve  
21 the ~~victim~~ VICTIM-SURVIVOR; whether the juvenile accepts responsibility  
22 for, expresses remorse for, and is willing to repair the harm caused by the  
23 juvenile's actions; whether the juvenile's parent or legal guardian is  
24 willing to support the juvenile in the process; and other programmatic  
25 support available. If a juvenile wants to participate in restorative justice  
26 practices, the juvenile ~~shall~~ MUST make the request to the district attorney  
27 or the law enforcement agency administering the program and ~~may~~ SHALL

1 not make the request to the ~~victim~~ VICTIM-SURVIVOR. If requested by the  
2 juvenile, restorative justice practices may only be conducted after the  
3 district attorney consults with the ~~victim~~ VICTIM-SURVIVOR and offers the  
4 ~~victim~~ VICTIM-SURVIVOR an opportunity to participate or submit a victim  
5 impact statement. If a ~~victim~~ VICTIM-SURVIVOR elects not to attend, a  
6 victim-offender ~~conference~~ DIALOGUE may be held with a suitable victim  
7 surrogate or victim advocate, and the ~~victim~~ VICTIM-SURVIVOR may  
8 submit a victim impact statement. The district attorney may offer  
9 dismissal of charges as an option for the successful completion of these  
10 and any other conditions imposed and designed to address the harm done  
11 to the ~~victim~~ VICTIM-SURVIVOR and the community by the offender,  
12 subject to approval by the court.

13 **SECTION 8.** In Colorado Revised Statutes, 19-2.5-1101, **amend**  
14 (4) as follows:

15 **19-2.5-1101. Presentence investigation.** (4) Prior to sentencing  
16 a juvenile who was adjudicated for an offense that would be a felony or  
17 misdemeanor not contained in title 42 if committed by an adult, the court  
18 may order the juvenile to participate in an assessment to determine  
19 whether the juvenile ~~would be~~ IS suitable for participation in restorative  
20 justice practices ~~that would be~~ AS a part of the juvenile's sentence. ~~except~~  
21 ~~that the court may not order participation in a restorative justice practice~~  
22 ~~if the juvenile was adjudicated a delinquent for unlawful sexual behavior,~~  
23 ~~as defined in section 16-22-102 (9); a crime in which the underlying~~  
24 ~~factual basis involves domestic violence, as defined in section 18-6-800.3~~  
25 ~~(1); stalking, as defined in section 18-3-602; or violation of a protection~~  
26 ~~order, as defined in section 18-6-803.5. If the court orders a suitability~~  
27 ~~assessment, the assessor shall provide the services for a fee of no more~~

1 ~~than forty dollars based on a sliding scale consistent with guidelines used~~  
2 ~~to determine eligibility for appointment of counsel.~~ The court shall not  
3 include payment of this fee as part of any court order. If a juvenile wants  
4 to participate in restorative justice practices, the juvenile must make the  
5 request to the district attorney or the law enforcement agency  
6 administering the program and ~~may~~ SHALL not make the request to the  
7 ~~victim~~ VICTIM-SURVIVOR. If requested by the juvenile or law enforcement  
8 agency, a victim-offender ~~conference~~ DIALOGUE may only be conducted  
9 after the ~~victim~~ VICTIM-SURVIVOR is consulted by the district attorney and  
10 offered an opportunity to participate or submit a victim impact statement.  
11 If a ~~victim~~ VICTIM-SURVIVOR elects not to attend, ~~a~~ THE victim-offender  
12 ~~conference~~ DIALOGUE may be held with a suitable victim surrogate or  
13 victim advocate, and the ~~victim~~ VICTIM-SURVIVOR may submit a victim  
14 impact statement. ~~If the juvenile participates in a restorative justice~~  
15 ~~practices victim-offender conference, the facilitator shall provide these~~  
16 ~~services for a fee of no more than one hundred twenty-five dollars based~~  
17 ~~on a sliding scale consistent with guidelines used to determine eligibility~~  
18 ~~for appointment of counsel. The court shall not include payment of this~~  
19 ~~fee as part of any court order.~~

20 **SECTION 9.** In Colorado Revised Statutes, 19-2.5-1103, **amend**  
21 (1)(I) as follows:

22 **19-2.5-1103. Sentencing schedule - options.** (1) Upon  
23 completion of the sentencing hearing pursuant to section 19-2.5-1102, the  
24 court shall enter a decree of sentence or commitment imposing any of the  
25 following sentences or combination of sentences, as appropriate:

26 (I) (I) Participation in an evaluation to determine whether the  
27 juvenile ~~would be~~ IS suitable for restorative justice practices ~~that would~~

1 be AS a part of the juvenile's sentence. ~~except that the court may not order~~  
2 ~~participation in restorative justice practices if the juvenile was adjudicated~~  
3 ~~a delinquent for unlawful sexual behavior, as defined in section~~  
4 ~~16-22-102 (9); a crime in which the underlying factual basis involves~~  
5 ~~domestic violence, as defined in section 18-6-800.3 (1); stalking, as~~  
6 ~~defined in section 18-3-602; or violation of a protection order, as defined~~  
7 ~~in section 18-6-803.5. If the court orders participation in restorative~~  
8 ~~justice practices, the facilitator shall provide these services for a fee of no~~  
9 ~~more than one hundred twenty-five dollars based on a sliding scale~~  
10 ~~consistent with guidelines used to determine eligibility for appointment~~  
11 ~~of counsel. The court shall not include payment of this fee as part of any~~  
12 ~~court order.~~ LAW ENFORCEMENT, PROSECUTORIAL, AND JUDICIAL  
13 AGENCIES SHALL ENSURE THAT A JUVENILE AND THE JUVENILE'S PARENT  
14 OR LEGAL GUARDIAN ARE NOTIFIED OF THE RIGHTS SET FORTH IN SECTION  
15 16-11.6-103. THE AGENCIES SHALL ASSIST THE JUVENILE AND THE  
16 JUVENILE'S PARENT OR LEGAL GUARDIAN IN OBTAINING THE INFORMATION  
17 NECESSARY TO PARTICIPATE IN RESTORATIVE JUSTICE PRACTICES, PROVIDE  
18 THE JUVENILE AND THE JUVENILE'S PARENT OR LEGAL GUARDIAN WITH THE  
19 RESTORATIVE JUSTICE ADVISEMENT FORM CREATED PURSUANT TO SECTION  
20 16-11.6-105, AND DIRECT THE JUVENILE OR THE JUVENILE'S PARENT OR  
21 LEGAL GUARDIAN TO THE RESTORATIVE JUSTICE COUNCIL'S WEBSITE.  
22 Nothing in this subsection (1)(l) requires a ~~victim~~ VICTIM-SURVIVOR to  
23 participate in a restorative justice victim-offender ~~conference~~ DIALOGUE.

24 (II) PARTICIPATION IN RESTORATIVE JUSTICE PRACTICES IS  
25 VOLUNTARY. A JUVENILE IS ENTITLED TO THE RIGHTS SET FORTH IN  
26 SECTION 16-11.6-103. THE DISTRICT ATTORNEY, VICTIM ADVOCATE, OR  
27 OTHER DESIGNATED DISTRICT ATTORNEY PERSONNEL SHALL OBTAIN, IN

1 WRITING, THROUGH EXECUTION OF THE ADVISEMENT FORM CREATED  
2 PURSUANT TO SECTION 16-11.6-105, THE KNOWING, INFORMED, AND  
3 VOLUNTARY CONSENT OF THE VICTIM-SURVIVOR, RESPONSIBLE PARTY, OR  
4 JUVENILE AFTER FULL ADVISEMENT OF THE RIGHTS SET FORTH IN SECTION  
5 16-11.6-103. ANY PARTY MAY WITHDRAW CONSENT AT ANY STAGE OF THE  
6 PROCESS. RESTORATIVE JUSTICE PRACTICES CONDUCTED WITH THE  
7 CONSENT OF A JUVENILE ARE SUBJECT TO ALL CONSTITUTIONAL  
8 PROTECTIONS AND MUST NOT BE USED TO INTERFERE WITH OR FORCE A  
9 WAIVER OF A JUVENILE'S CONSTITUTIONAL RIGHTS.

10 (III) STATEMENTS AND COMMUNICATIONS ELICITED IN THE  
11 APPLICATION TO OR DURING THE COURSE OF RESTORATIVE JUSTICE  
12 PRACTICES ARE CONFIDENTIAL AND MUST NOT BE DISCLOSED BY ANY  
13 PARTICIPANT TO ANY OTHER PERSON OR TO THE COURT UNLESS OTHERWISE  
14 AGREED TO IN WRITING BY ALL THE PARTICIPANTS AT THE TIME OF THE  
15 PRACTICE, EXCEPT AS PROVIDED IN SUBSECTION (1)(I)(V) OF THIS SECTION.

16 (IV) PARTICIPATION IN, OR DECLINING TO PARTICIPATE IN,  
17 RESTORATIVE JUSTICE PRACTICES MUST NOT BE USED AGAINST THE  
18 JUVENILE OR TO INCREASE THE SEVERITY OF ANY SENTENCE IN ANY  
19 RELATED PROCEEDING AGAINST THE JUVENILE. A STATEMENT MADE OR  
20 ACTION TAKEN IN THE COURSE OF RESTORATIVE JUSTICE PRACTICES MUST  
21 NOT BE USED AS EVIDENCE TO CHARGE OR PROSECUTE THE JUVENILE,  
22 UNLESS THE JUVENILE COMMITS A CHARGEABLE OFFENSE DURING THE  
23 RESTORATIVE JUSTICE PRACTICE.

24 (V) THE RESTORATIVE JUSTICE FACILITATOR SHALL NOTIFY THE  
25 COURT PRESIDING OVER A JUVENILE CASE OF PARTICIPATION IN A  
26 RESTORATIVE JUSTICE PRACTICE IN WHICH THE JUVENILE WAS INVOLVED.  
27 THE COURT MAY CONSIDER THE COMPLETION OF THE RESTORATIVE

1 JUSTICE PRACTICE AT SENTENCING.

2 **SECTION 10.** In Colorado Revised Statutes, 19-2.5-1108,  
3 **amend** (2)(a)(X) as follows:

4 **19-2.5-1108. Probation - terms - release - revocation -**  
5 **graduated responses system - report - rules - definition.**

6 (2) (a) Conditions of probation must be customized to each juvenile  
7 based on the guidelines developed by the committee on juvenile justice  
8 reform pursuant to section 24-33.5-2402, as it existed prior to its repeal  
9 in 2022. The court shall, as minimum conditions of probation, order that  
10 the juvenile:

11 (X) May be evaluated to determine whether the juvenile ~~would be~~  
12 ~~IS~~ suitable for restorative justice practices ~~that would be~~ AS a part of the  
13 juvenile's probation program. ~~except that the court may not order~~  
14 ~~participation in restorative justice practices if the juvenile was adjudicated~~  
15 ~~a delinquent for unlawful sexual behavior, as defined in section~~  
16 ~~16-22-102 (9); a crime in which the underlying factual basis involves~~  
17 ~~domestic violence, as defined in section 18-6-800.3 (1); stalking, as~~  
18 ~~defined in section 18-3-602; or violation of a protection order, as defined~~  
19 ~~in section 18-6-803.5.~~

20 **SECTION 11. Act subject to petition - effective date.**

21 (1) Except as provided in subsection (2) of this section, this act takes  
22 effect at 12:01 a.m. on the day following the expiration of the ninety-day  
23 period after final adjournment of the general assembly; except that, if a  
24 referendum petition is filed pursuant to section 1 (3) of article V of the  
25 state constitution against this act or an item, section, or part of this act  
26 within such period, then the act, item, section, or part will not take effect  
27 unless approved by the people at the general election to be held in

1 November 2024 and, in such case, will take effect on the date of the  
2 official declaration of the vote thereon by the governor.

3 (2) Section 16-11.6-103 (4), Colorado Revised Statutes, as  
4 enacted in section 1 of this act, takes effect August 1, 2025.