

CHAPTER 94

**CORRECTIONS**

**SENATE BILL 01-015**

BY SENATOR(S) Teck, Andrews, Arnold, Cairns, Dyer (Arapahoe), Epps, Evans, Hillman, Lamborn, May, McElhany, and Taylor;  
also REPRESENTATIVE(S) Hefley, Jahn, Stafford, and Williams S.

**AN ACT**

CONCERNING COMMUNITY SUPERVISION PLACEMENT REVIEW FOR PERSONS IN PHASE III OF THE YOUTHFUL OFFENDER SYSTEM.

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

**SECTION 1.** 16-11-311 (2) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

**16-11-311. Sentences - youthful offenders - legislative declaration - powers and duties of district court - authorization for youthful offender system - powers and duties of department.** (2) (a) (IV) AS USED IN THIS SECTION, "COMMUNITY SUPERVISION" SHALL NOT BE CONSTRUED TO MEAN A COMMUNITY CORRECTIONS PROGRAM, AS DEFINED IN SECTION 17-27-102, C.R.S.

**SECTION 2.** 16-11-311 (3.3) (d), Colorado Revised Statutes, is amended to read:

**16-11-311. Sentences - youthful offenders - legislative declaration - powers and duties of district court - authorization for youthful offender system - powers and duties of department.** (3.3) The youthful offender system consists of the following components, and the department of corrections has the authority described in paragraphs (a) to (d) of this subsection (3.3) in connection with the administration of the components:

(d) (I) Phase III, which is to be administered for the period of community supervision that remains after the completion of phase II and during which the youthful offender is monitored as the offender reintegrates into society.

(II) AFTER THE DEPARTMENT DETERMINES APPROPRIATE PHASE III PLACEMENT,

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

THE DEPARTMENT SHALL NOTIFY, NO LATER THAN THIRTY DAYS PRIOR TO PLACEMENT, THE LOCAL LAW ENFORCEMENT AGENCY FOR THE JURISDICTION IN WHICH THE OFFENDER SHALL BE PLACED FOR PHASE III. THE NOTICE SHALL INCLUDE THE OFFENDER'S NAME, THE CRIME COMMITTED BY THE OFFENDER, THE DISPOSITION OF THE OFFENDER'S CASE, AND THE BASIS FOR THE PLACEMENT. THE LOCAL LAW ENFORCEMENT AGENCY MAY APPEAL THE PLACEMENT, IF THE PLACEMENT IS IN A JURISDICTION OTHER THAN THE JURISDICTION WHERE THE OFFENDER WAS CONVICTED, IT MAY APPEAL TO THE EXECUTIVE DIRECTOR AT LEAST FIFTEEN DAYS PRIOR TO THE PLACEMENT. EXCEPT THAT THE LOCAL LAW ENFORCEMENT AGENCY MAY NOT APPEAL, IF THE PLACEMENT IS IN THE JURISDICTION WHERE THE JUVENILE WAS RESIDING AT THE TIME THE OFFENSE WAS COMMITTED. IF THERE IS AN APPEAL, AFTER CONSIDERING THE DEPARTMENT'S BASIS FOR PLACEMENT AND THE LOCAL LAW ENFORCEMENT'S BASIS FOR APPEAL, THE EXECUTIVE DIRECTOR SHALL MAKE THE FINAL DETERMINATION OF THE PLACEMENT.

**SECTION 3. Effective date - applicability.** This act shall take effect July 1, 2001, and shall apply to offenders placed in community supervision on or after said date.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 28, 2001