

CHAPTER 13

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 99-1094

BY REPRESENTATIVES Grossman, Alexander, Coleman, and Mace;
also SENATORS Arnold, Chlouber, and Powers.

AN ACT

CONCERNING AGGRAVATED JUVENILE OFFENDERS.

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

SECTION 1. 19-2-601 (5) (a) (I) and (6) (a), Colorado Revised Statutes, are amended to read:

19-2-601. Aggravated juvenile offender. (5) (a) (I) Upon adjudication as an aggravated juvenile offender:

(A) For an offense other than an offense that would constitute a class 1 or 2 felony if committed by an adult, the court may commit the juvenile to the department of human services for a determinate period of up to five years;

(B) For an offense that would constitute a class 2 felony if committed by an adult, the court shall commit the juvenile to the department of human services for a determinate period of ~~up to~~ AT LEAST THREE BUT NOT MORE THAN five years;

(C) For an offense that would constitute a class 1 felony if committed by an adult, the court shall commit the juvenile to the department of human services for a determinate period of ~~up to~~ AT LEAST THREE BUT NOT MORE THAN seven years.

(6) (a) After ~~the~~ A juvenile WHO IS SENTENCED PURSUANT TO SUB-SUBPARAGRAPH (B) OR (C) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION has been in the custody of the department of human services for three years or more, the department may petition the court for an order authorizing the juvenile parole board to release the juvenile subject to parole supervision as determined by the board at a parole hearing. THE DEPARTMENT MAY PETITION THE COURT FOR AN

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

ORDER AUTHORIZING THE JUVENILE PAROLE BOARD TO RELEASE A JUVENILE COMMITTED PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION AT ANY TIME AFTER THE JUVENILE HAS SERVED THE MINIMUM MANDATORY PERIOD OF THE COMMITMENT OR THREE YEARS, WHICHEVER IS SOONER. Said parole supervision shall be conducted by the department of human services. Upon the filing of such petition, the court shall notify the interested parties and set the matter for a hearing. The court shall authorize the juvenile parole board to release the juvenile only upon finding by a preponderance of the evidence that the safety of the community will not be jeopardized by such release.

SECTION 2. 19-2-921 (3) (b), Colorado Revised Statutes, is amended to read:

19-2-921. Commitment to department of human services. (3) (b) (I) The juvenile court may commit any juvenile adjudicated as an aggravated juvenile offender for an offense other than an offense that would constitute a class 1 or class 2 felony if committed by an adult to the department of human services for a determinate period of up to five years.

(II) The juvenile court shall commit any juvenile adjudicated as an aggravated juvenile offender for an offense that would constitute a class 2 felony if committed by an adult to the department of human services for a determinate period of ~~up to~~ AT LEAST THREE BUT NOT MORE THAN five years.

(III) The juvenile court shall commit any juvenile adjudicated as an aggravated juvenile offender for an offense that would constitute a class 1 felony if committed by an adult to the department of human services for a determinate period of ~~up to~~ AT LEAST THREE BUT NOT MORE THAN seven years.

SECTION 3. Effective date - applicability. This act shall take effect July 1, 1999, and shall apply to offenses committed 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 10, 1999