

CHAPTER 24

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 99-1173

BY REPRESENTATIVES Veiga, Clarke, Hagedorn, Leyba, Mace, Miller, Plant, Saliman, and Tupa;
also SENATORS Perlmutter, Hernandez, Linkhart, Nichol, and Pascoe.

AN ACT

CONCERNING EDUCATIONAL REQUIREMENTS FOR CERTAIN YOUTHFUL OFFENDERS.

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

SECTION 1. 19-2-207, Colorado Revised Statutes, is amended to read:

19-2-207. Juvenile parole board - authority. The board shall have the authority to grant, deny, defer, suspend, revoke, or specify or modify the conditions of any parole for any juvenile committed to the department of human services under section 19-2-601 or 19-2-907 in such a manner as is in the best interests of the juvenile and the public. IN ADDITION TO ANY OTHER CONDITIONS, THE BOARD MAY REQUIRE, AS A CONDITION OF PAROLE, ANY ADJUDICATED JUVENILE TO ATTEND SCHOOL OR AN EDUCATIONAL PROGRAM OR TO WORK TOWARD THE ATTAINMENT OF A HIGH SCHOOL DIPLOMA OR A GED, AS THAT TERM IS DEFINED IN SECTION 22-33-102 (4.5), C.R.S.; EXCEPT THAT THE BOARD SHALL NOT REQUIRE ANY SUCH JUVENILE TO ATTEND A SCHOOL FROM WHICH HE OR SHE HAS BEEN EXPELLED WITHOUT THE PRIOR APPROVAL OF THAT SCHOOL'S LOCAL BOARD OF EDUCATION. The board shall promulgate rules ~~and regulations~~ that establish criteria under which its parole decisions are made. The board shall have the duties and responsibilities specified in part 10 of this article.

SECTION 2. 19-2-925 (2) (d), Colorado Revised Statutes, is amended to read:

19-2-925. Probation - terms - release - revocation. (2) The court shall, as minimum conditions of probation, order that the juvenile:

(d) Attend school or an educational program or work regularly at suitable employment; EXCEPT THAT THE COURT SHALL NOT REQUIRE ANY SUCH JUVENILE TO ATTEND A SCHOOL FROM WHICH HE OR SHE HAS BEEN EXPELLED WITHOUT THE PRIOR

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

APPROVAL OF THAT SCHOOL'S LOCAL BOARD OF EDUCATION;

SECTION 3. 19-2-1002 (1) and (3), Colorado Revised Statutes, are amended to read:

19-2-1002. Juvenile parole. (1) Juvenile parole board - hearing panels authority. (a) The juvenile parole board, referred to in this part 10 as the "board", established pursuant to section 19-2-206 is authorized to grant, deny, defer, suspend, revoke, or specify or modify the conditions of any parole for any juvenile committed to the department of human services as provided in sections 19-2-601 and 19-2-907. IN ADDITION TO ANY OTHER CONDITIONS, THE BOARD MAY REQUIRE, AS A CONDITION OF PAROLE, ANY ADJUDICATED JUVENILE TO ATTEND SCHOOL OR AN EDUCATIONAL PROGRAM OR TO WORK TOWARD THE ATTAINMENT OF A HIGH SCHOOL DIPLOMA OR A GED, AS THAT TERM IS DEFINED IN SECTION 22-33-102 (4.5), C.R.S.; EXCEPT THAT THE BOARD SHALL NOT REQUIRE ANY SUCH JUVENILE TO ATTEND A SCHOOL FROM WHICH HE OR SHE HAS BEEN EXPELLED WITHOUT THE PRIOR APPROVAL OF THAT SCHOOL'S LOCAL BOARD OF EDUCATION. The board may modify any of its decisions, or those of the hearing panel, except an order of discharge.

(b) FOLLOWING SPECIFICATION OF THE TERMS AND CONDITIONS OF PAROLE, WHERE THE CONDITIONS OF PAROLE INCLUDE THE REQUIREMENT THAT THE JUVENILE ATTEND SCHOOL, THE PAROLE BOARD SHALL NOTIFY THE SCHOOL DISTRICT IN WHICH THE JUVENILE WILL BE ENROLLED OF SUCH REQUIREMENT.

(3) (a) Hearing panels consisting of two members of the juvenile parole board shall interview and review the record of each juvenile who comes before the board for the granting of parole. Whenever possible, one of the hearing panel members shall be a representative of an executive department, and the other shall be either a member from the public at large or the member who is the local elected official. A hearing panel may grant, deny, defer, suspend, revoke, or specify or modify the conditions of any parole of a juvenile that are in the best interests of the juvenile and the public; except that:

~~(a)~~ (I) If the members of a hearing panel disagree, a review of that case shall be referred to the entire juvenile parole board for review and a decision made by a majority vote of the board;

~~(b)~~ (II) The hearing panel shall not have authority to grant parole to juveniles committed as violent juvenile offenders as described in section 19-2-516 (3) or aggravated juvenile offenders as described in section 19-2-516 (4). In such cases, the entire board shall conduct a hearing and make a decision by a majority vote of the board.

~~(c)~~ (III) If a written request is made by the juvenile, his or her parents, ~~or~~ his or her guardian, or the executive director of the department of human services or his or her designee, the board may review the case of any juvenile who has been interviewed by a hearing panel. If such a review is made, the board shall have the authority to affirm or reverse the decision of the hearing panel or to impose such additional conditions for parole as the board deems appropriate.

(b) (I) IN ADDITION TO ANY OTHER CONDITIONS, THE HEARING PANEL MAY

REQUIRE, AS A CONDITION OF PAROLE, ANY ADJUDICATED JUVENILE TO ATTEND SCHOOL OR AN EDUCATIONAL PROGRAM OR TO WORK TOWARD THE ATTAINMENT OF A HIGH SCHOOL DIPLOMA OR A GED, AS THAT TERM IS DEFINED IN SECTION 22-33-102 (4.5), C.R.S.; EXCEPT THAT THE HEARING PANEL SHALL NOT REQUIRE ANY SUCH JUVENILE TO ATTEND A SCHOOL FROM WHICH HE OR SHE HAS BEEN EXPELLED WITHOUT THE PRIOR APPROVAL OF THAT SCHOOL'S LOCAL BOARD OF EDUCATION.

(II) FOLLOWING SPECIFICATION OF THE TERMS AND CONDITIONS OF PAROLE, WHERE THE CONDITIONS OF PAROLE INCLUDE THE REQUIREMENT THAT THE JUVENILE ATTEND SCHOOL, THE PAROLE BOARD SHALL NOTIFY THE SCHOOL DISTRICT IN WHICH THE JUVENILE WILL BE ENROLLED OF SUCH REQUIREMENT.

SECTION 4. 16-11-204, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

16-11-204. Conditions of probation. (2.3) (a) WHEN GRANTING PROBATION, THE COURT MAY, AS A CONDITION OF PROBATION, REQUIRE ANY DEFENDANT WHO IS LESS THAN EIGHTEEN YEARS OF AGE AT THE TIME OF SENTENCING TO ATTEND SCHOOL OR AN EDUCATIONAL PROGRAM OR TO WORK TOWARD THE ATTAINMENT OF A HIGH SCHOOL DIPLOMA OR A GED, AS THAT TERM IS DEFINED IN SECTION 22-33-102 (4.5), C.R.S.; EXCEPT THAT THE COURT SHALL NOT REQUIRE ANY SUCH JUVENILE TO ATTEND A SCHOOL FROM WHICH HE OR SHE HAS BEEN EXPELLED WITHOUT THE PRIOR APPROVAL OF THAT SCHOOL'S LOCAL BOARD OF EDUCATION.

(b) FOLLOWING SPECIFICATION OF THE TERMS AND CONDITIONS OF PROBATION FOR A DEFENDANT WHO IS LESS THAN EIGHTEEN YEARS OF AGE AT THE TIME OF SENTENCING, WHERE THE CONDITIONS OF PROBATION INCLUDE THE REQUIREMENT THAT THE DEFENDANT ATTEND SCHOOL, THE COURT SHALL NOTIFY THE SCHOOL DISTRICT IN WHICH THE DEFENDANT WILL BE ENROLLED OF SUCH REQUIREMENT.

SECTION 5. 17-22.5-404, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

17-22.5-404. Parole guidelines. (4.5) (a) THE PAROLE BOARD, IN ADDITION TO ANY OTHER CONDITIONS, MAY REQUIRE AS A CONDITION OF PAROLE THAT ANY DEFENDANT WHO IS LESS THAN EIGHTEEN YEARS OF AGE AT THE TIME OF PAROLE AND WHO WAS CONVICTED OF AN OFFENSE TO ATTEND SCHOOL OR AN EDUCATIONAL PROGRAM OR TO WORK TOWARD THE ATTAINMENT OF A HIGH SCHOOL DIPLOMA OR A GED, AS THAT TERM IS DEFINED IN SECTION 22-33-102 (4.5), C.R.S.; EXCEPT THAT THE PAROLE BOARD SHALL NOT REQUIRE ANY SUCH JUVENILE TO ATTEND A SCHOOL FROM WHICH HE OR SHE HAS BEEN EXPELLED WITHOUT THE PRIOR APPROVAL OF THAT SCHOOL'S LOCAL BOARD OF EDUCATION.

(b) FOLLOWING SPECIFICATION OF THE TERMS AND CONDITIONS OF PAROLE FOR A DEFENDANT WHO IS LESS THAN EIGHTEEN YEARS OF AGE AT THE TIME OF SENTENCING, WHERE THE CONDITIONS OF PAROLE INCLUDE THE REQUIREMENT THAT THE DEFENDANT ATTEND SCHOOL, THE PAROLE BOARD SHALL NOTIFY THE SCHOOL DISTRICT IN WHICH THE DEFENDANT WILL BE ENROLLED OF SUCH REQUIREMENT.

SECTION 6. 22-33-107.5, Colorado Revised Statutes, is amended to read:

22-33-107.5. Notice of failure to attend. (1) Except as otherwise provided in subsection (2) of this section, a school district shall notify the appropriate ~~juvenile~~ court OR PAROLE BOARD if a student fails to attend all or any portion of a school day, where the school district has received notice from the ~~juvenile~~ court OR PAROLE BOARD:

(a) Pursuant to section 19-2-508 (3) (a) (VI), C.R.S., that the student is required to attend school as a condition of release pending an adjudicatory trial; or

(b) Pursuant to section 16-11-204 (2.3), 17-22.5-404 (4.5), 19-2-907 (4), ~~or~~ 19-2-925 (5), OR 19-2-1002 (1) OR (3), C.R.S., that the student is required to attend school as a condition of or in connection with any sentence imposed by the ~~juvenile~~ court, INCLUDING A CONDITION OF PROBATION OR PAROLE.

(2) If the school district has notice that a student who is required to attend school as a condition of release or as a condition of or in connection with any sentence imposed by ~~the juvenile~~ A court, INCLUDING A CONDITION OF PROBATION OR PAROLE, has enrolled in a non-public home-based educational program, pursuant to section 22-33-104.5, or in an independent or parochial school, the school district shall notify the appropriate ~~juvenile~~ court OR PAROLE BOARD and shall no longer be required to notify the ~~juvenile~~ court OR PAROLE BOARD, pursuant to subsection (1) of this section, if the student fails to attend.

SECTION 7. Effective date - applicability. This act shall take effect July 1, 1999, and shall apply to offenses committed on or after said date.

SECTION 8. 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 15, 1999