

CHAPTER 179

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 01-077

BY SENATOR(S) Perlmutter, Dyer (Arapahoe), Hernandez, Linkhart, and Windels;
also REPRESENTATIVE(S) Veiga, Groff, Jahn, Mace, Stafford, Stengel, Tapia, and Vigil.

AN ACT

CONCERNING THE LENGTH OF JUVENILE PAROLE, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 19-2-909 (1) (b), Colorado Revised Statutes, is amended, and the said 19-2-909 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

19-2-909. Sentencing - commitment to the department of human services.

(1) (b) Any commitment to the department of human services pursuant to section 19-2-601 or paragraph (a) of this subsection (1) shall include, in addition to the period of commitment, a mandatory period of parole of ~~no less than one year~~ NINE MONTHS; EXCEPT THAT, FOR ANY JUVENILE COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES DUE TO AN ADJUDICATION FOR AN OFFENSE SPECIFIED IN SUBSECTION (3) OF THIS SECTION, THE JUVENILE PAROLE HEARING PANEL, PURSUANT TO SECTION 19-2-1002, MAY EXTEND THE PERIOD OF PAROLE SUPERVISION FOR AN ADDITIONAL PERIOD OF UP TO:

(I) NINETY DAYS IF THE JUVENILE PAROLE HEARING PANEL DETERMINES IT IS IN THE BEST INTERESTS OF THE JUVENILE AND THE PUBLIC TO DO SO; OR

(II) FIFTEEN MONTHS IF THE JUVENILE PAROLE HEARING PANEL MAKES FINDINGS OF SPECIAL CIRCUMSTANCES THAT WARRANT SUCH AN EXTENDED PERIOD OF PAROLE SUPERVISION FOR THE JUVENILE.

(3) THE PROVISIONS OF PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION ALLOWING FOR A PERMISSIBLE EXTENSION OF THE PERIOD OF PAROLE SHALL APPLY TO JUVENILES COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES DUE TO 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.

ADJUDICATION FOR ONE OR MORE OF THE FOLLOWING OFFENSES:

(a) ANY OFFENSE SPECIFIED IN ARTICLE 3 OF TITLE 18 OR IN PART 3 OF ARTICLE 4 OF TITLE 18, C.R.S., THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT;

(b) INCEST, AS DESCRIBED IN SECTION 18-6-301, C.R.S.;

(c) AGGRAVATED INCEST, AS DESCRIBED IN SECTION 18-6-302, C.R.S.;

(d) CHILD ABUSE, AS DESCRIBED IN SECTION 18-6-401, C.R.S., THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT; OR

(e) ATTEMPT, CONSPIRACY, OR SOLICITATION TO COMMIT ANY OF THE OFFENSES SPECIFIED IN THIS SUBSECTION (3), WHICH ATTEMPT, CONSPIRACY, OR SOLICITATION WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT.

SECTION 2. 19-2-921 (6), Colorado Revised Statutes, is amended to read:

19-2-921. Commitment to department of human services. (6) Parole supervision of juveniles committed to the department of human services under section 19-2-601 or 19-2-907, as determined by the juvenile parole board, shall not exceed ~~two years~~ NINE MONTHS, except as otherwise provided by statute.

SECTION 3. 19-2-1002 (5), Colorado Revised Statutes, is amended to read:

19-2-1002. Juvenile parole. (5) (a) If the hearing panel or the board determines that parole should be granted, the hearing panel shall establish NINE MONTHS as the length of the parole supervision. ~~a period of time equal to the duration of the juvenile's commitment or one year, whichever is longer.~~ However, FOR A JUVENILE COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES DUE TO AN ADJUDICATION FOR AN OFFENSE SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (5), the hearing panel may extend the period of parole supervision up to an additional:

(I) Ninety days if the hearing panel determines that it is in the best interests of the juvenile and the public to do so; OR

(II) FIFTEEN MONTHS IF THE HEARING PANEL MAKES FINDINGS OF SPECIAL CIRCUMSTANCES THAT WARRANT SUCH AN EXTENDED PERIOD OF PAROLE SUPERVISION FOR THE JUVENILE.

(b) THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (5) ALLOWING FOR EXTENSION OF THE PERIOD OF PAROLE SHALL APPLY TO JUVENILES COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES DUE TO AN ADJUDICATION FOR ONE OR MORE OF THE FOLLOWING OFFENSES:

(I) ANY OFFENSE SPECIFIED IN ARTICLE 3 OF TITLE 18 OR IN PART 3 OF ARTICLE 4 OF TITLE 18, C.R.S., THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT;

(II) INCEST, AS DESCRIBED IN SECTION 18-6-301, C.R.S.;

(III) AGGRAVATED INCEST, AS DESCRIBED IN SECTION 18-6-302, C.R.S.;

(IV) CHILD ABUSE, AS DESCRIBED IN SECTION 18-6-401, C.R.S., THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT; OR

(V) ATTEMPT, CONSPIRACY, OR SOLICITATION TO COMMIT ANY OF THE OFFENSES SPECIFIED IN THIS PARAGRAPH (b), WHICH ATTEMPT, CONSPIRACY, OR SOLICITATION WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT.

SECTION 4. Appropriation - adjustment to the 2001 long bill. For the implementation of this act, the general fund appropriations made in the annual general appropriation act, for the fiscal year beginning July 1, 2001, to the department of human services, division of youth corrections, are reduced by three hundred twenty-eight thousand six hundred ninety-three dollars (\$328,693) and 1.7 FTE.

SECTION 5. Effective date - applicability. This act shall take effect July 1, 2001, and shall apply to juveniles paroled on or after said date.

SECTION 6. 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: May 30, 2001