

CHAPTER 237

CORRECTIONS

HOUSE BILL 01-1102

BY REPRESENTATIVE(S) Veiga, Coleman, Groff, Jahn, Ragsdale, Sanchez, Vigil, Weddig, and Williams S.;
also SENATOR(S) Perlmutter, and Hanna.

AN ACT

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

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

SECTION 1. 19-2-206, Colorado Revised Statutes, is amended to read:

19-2-206. Juvenile parole board - creation - membership. (1) There is hereby created a juvenile parole board, referred to in this section and section 19-2-207 as the "board", to consist of ~~seven~~ NINE members appointed by the governor and confirmed by the senate. ~~The governor shall appoint members to this board immediately after June 7, 1989, and such members may serve temporarily until such members are confirmed by the senate in the regular session of the general assembly beginning in January of 1990 or at any special session prior to that regular session.~~ ANY VACANCY THAT OCCURS WHEN THE GENERAL ASSEMBLY IS NOT IN SESSION MAY BE FILLED BY THE GOVERNOR, AND SUCH MEMBER SHALL SERVE TEMPORARILY UNTIL CONFIRMED AT THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY.

(2) All ~~seven~~ NINE members shall be voting members, and, of the ~~seven~~ NINE members:

- (a) One member shall be from the department of human services;
- (b) One member shall be from the department of education;
- (c) One member shall be from the department of public safety;
- (d) One member shall be from the department of labor and employment;

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

(e) One member shall be a local elected official; and

(f) ~~Two~~ FOUR members shall be from the public at large and shall not be employees of the state government. At least one of the members from the public at large shall be a resident of the area west of the continental divide.

(3) All members shall serve at the pleasure of the governor, and the governor shall designate one member of the board to act as chairperson.

(4) The full board shall meet not less than once a month, and the presence of ~~four~~ FIVE members, at least ~~one~~ TWO of whom ~~is~~ ARE ~~one of the~~ members described in paragraph (e) or (f) of subsection (2) of this section, shall constitute a quorum to transact official business of the full board.

(5) All members of the board shall be reimbursed for expenses necessarily incurred in the performance of their duties. In addition to the reimbursement of said expenses, the ~~two~~ FOUR citizen board members and the local elected official member shall receive a per diem of one hundred fifty dollars per day spent transacting official business of the board.

(6) Clerical and other assistance for the board shall be furnished by the department of human services. Such clerical and other assistance shall be supervised by a juvenile parole board administrator appointed by the executive director of the department of human services.

SECTION 2. 19-2-1002 (3) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

19-2-1002. Juvenile parole. (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:

(IV) IN ANY CASE WHERE A JUVENILE HAS BEEN OR, UPON EXPIRATION OF THE JUVENILE COMMITMENT, WILL BE PLACED IN A DEPARTMENT OF CORRECTIONS FACILITY, ADULT COMMUNITY CORRECTIONS, OR COUNTY JAIL PURSUANT TO AN ADULT SENTENCE AND THE ADULT SENTENCE IS LONGER THAN THE JUVENILE PAROLE WOULD BE, NEITHER THE BOARD NOR A HEARING PANEL OF THE BOARD SHALL BE REQUIRED TO CONSIDER PAROLING OR REVOKING THE PAROLE OF THE JUVENILE. THIS SUBPARAGRAPH (IV) SHALL NOT APPLY TO THE PAROLE OF JUVENILES WHO HAVE BEEN SENTENCED TO ADULT PROBATION EITHER CONCURRENT WITH OR CONSECUTIVE TO THE JUVENILE COMMITMENT.

SECTION 3. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of human services, juvenile parole board, for the fiscal year beginning July 1, 2001, the sum of seven thousand eight hundred

seventy-nine dollars (\$7,879), or so much thereof as may be necessary, for the implementation of this act.

(2) It is the intent of the general assembly that the general fund appropriation in subsection (1) of this section for the implementation of this act shall be derived from savings generated from the implementation of the provisions of SB 01-77, as enacted during the first regular session of the sixty-third general assembly.

SECTION 4. Effective date. This act shall take effect July 1, 2001; except that this act shall only take effect if:

(a) The final fiscal estimate for SB 01-77, as reflected in the appropriations clause for said act, shows a net general fund savings that is equal to or greater than the general fund costs shown in section 3 of this act; and

(b) Senate Bill 01-77 is enacted and becomes law.

SECTION 5. 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: June 1, 2001