

## CHAPTER 76

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**CHILDREN AND DOMESTIC MATTERS**

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**SENATE BILL 05-002**

BY SENATOR(S) Takis, Anderson, Taylor, Tupa, Evans, Groff, Hanna, Tapia, and Williams;  
also REPRESENTATIVE(S) Vigil, Coleman, Carroll T., Green, Madden, Marshall, and Merrifield.

**AN ACT****CONCERNING JUVENILE PAROLE.**

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

**SECTION 1.** 19-2-1002 (3) (a) and (5) (d), Colorado Revised Statutes, are amended, and the said 19-2-1002 (3) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, 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:

(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 MEMBERS PRESENT. AT LEAST A QUORUM, AS DEFINED IN SECTION 19-2-206 (4), OF THE BOARD MUST BE PRESENT TO A MAKE A DECISION UNDER THIS SUBPARAGRAPH (I).

(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 MEMBERS PRESENT AT THE HEARING. HOWEVER, IF EXPIRATION OF THE JUVENILE'S COMMITMENT IS IMMINENT, AS DEFINED BY THE JUVENILE PAROLE BOARD,

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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 HEARING PANEL SHALL HOLD A HEARING AND MAKE A RECOMMENDATION TO THE BOARD. THE BOARD SHALL REVIEW THE CASE AND MAKE A DECISION BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT.

(III) If a written request is made by the juvenile, his or her parents, 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.

(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.

(a.5) IF A JUVENILE, WHILE UNDER A JUVENILE COMMITMENT, IS IN JAIL PENDING ADULT CHARGES, THE BOARD MAY CONDUCT A PAROLE HEARING WITHOUT THE PRESENCE OF THE JUVENILE.

(a.7) WHEN THE BOARD CONDUCTS A HEARING PURSUANT TO PARAGRAPH (a) OR (a.5) OF THIS SUBSECTION (3), A QUORUM, AS DEFINED IN SECTION 19-2-206 (4), SHALL BE PRESENT.

(5)(d) If the juvenile court commits a juvenile to the department of human services for consecutive sentences based on commission of two or more offenses, the juvenile shall be subject to one ~~nine-month~~ SIX-MONTH mandatory period of parole, unless the period is extended pursuant to paragraph (a) of this subsection (5).

**SECTION 2. 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: April 14, 2005