

## CHAPTER 320

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**CRIMINAL LAW AND PROCEDURE**

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SENATE BILL 08-066

BY SENATOR(S) Williams, Boyd, Shaffer, and Groff;  
also REPRESENTATIVE(S) Marshall, Madden, Todd, Gallegos, Green, Labuda, McFadyen, McGihon, Merrifield, and Stafford.

**AN ACT**

**CONCERNING A REDUCTION OF THE PENALTY FOR FIRST DEGREE MURDER FOR CERTAIN JUVENILES CONVICTED AS ADULTS OF FIRST DEGREE MURDER, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

**SECTION 1.** 19-2-517 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**19-2-517. Direct filing.** (3) (a.5) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (3), A JUVENILE WHO IS CHARGED WITH FIRST DEGREE MURDER AS DESCRIBED IN SECTION 18-3-102 (1) (b), C.R.S., AND PLEADS GUILTY TO A CLASS 2 FELONY AS A RESULT OF A PLEA AGREEMENT IS ELIGIBLE FOR SENTENCING TO THE YOUTHFUL OFFENDER SYSTEM IF THE JUVENILE WOULD BE ELIGIBLE FOR SENTENCING TO THE YOUTHFUL OFFENDER SYSTEM FOR A CONVICTION OF THE FELONY UNDERLYING THE CHARGE OF FIRST DEGREE MURDER AS DESCRIBED IN SECTION 18-3-102 (1) (b), C.R.S.

**SECTION 2.** 19-2-518 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**19-2-518. Transfers.** (1) (d.5) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (II) OF PARAGRAPH (d) OF THIS SUBSECTION (1), A JUVENILE WHO IS CHARGED WITH FIRST DEGREE MURDER AS DESCRIBED IN SECTION 18-3-102 (1) (b), C.R.S., AND PLEADS GUILTY TO A CLASS 2 FELONY AS A RESULT OF A PLEA AGREEMENT IS ELIGIBLE FOR SENTENCING TO THE YOUTHFUL OFFENDER SYSTEM IF THE JUVENILE WOULD BE ELIGIBLE FOR SENTENCING TO THE YOUTHFUL OFFENDER SYSTEM FOR A CONVICTION OF THE FELONY UNDERLYING THE CHARGE OF FIRST

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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.*

DEGREE MURDER AS DESCRIBED IN SECTION 18-3-102 (1) (b), C.R.S.

**SECTION 3.** 18-1.3-407 (1) (b) and (2) (a) (I), Colorado Revised Statutes, are amended to read:

**18-1.3-407. Sentences - youthful offenders - legislative declaration - powers and duties of district court - authorization for youthful offender system - powers and duties of department of corrections.** (1) (b) It is the further intent of the general assembly in enacting this section that female and male offenders for whom charges have been directly filed in the district court and who have been convicted in the district court receive equitable treatment in sentencing, particularly in regard to the option of being sentenced to the youthful offender system pursuant to section 19-2-517 (3) or ~~19-2-518 (1) (d) (H)~~ 19-2-518 (1) (d) (II) OR (1) (d.5), C.R.S. Accordingly, it is the general assembly's intent that necessary measures be taken by the department of corrections to establish separate housing for female and male offenders who are sentenced to the youthful offender system without compromising the equitable treatment of either.

(2) (a) (I) A juvenile may be sentenced to the youthful offender system created pursuant to this section under the circumstances set forth in ~~section 19-2-517 (3) (a) (H) or 19-2-518 (1) (d) (H)~~ SECTION 19-2-517 (3) (a) (II) OR (3) (a.5) OR 19-2-518 (1) (d) (II) OR (1) (d.5), C.R.S. In order to sentence a juvenile to the youthful offender system, the court shall first impose upon such person a sentence to the department of corrections in accordance with section 18-1.3-401. The court shall thereafter suspend such sentence conditioned on completion of a sentence to the youthful offender system, including a period of community supervision. The court shall impose any such sentence to the youthful offender system for a determinate period of not fewer than two years nor more than six years; except that a juvenile convicted of a class 2 felony may be sentenced for a determinate period of up to seven years. In imposing such sentence, the court shall grant authority to the department of corrections to place a youthful offender under a period of community supervision for a period of not fewer than six months and up to twelve months any time after the date on which the youthful offender has twelve months remaining to complete the determinate sentence. The court may award a juvenile sentenced to the youthful offender system credit for presentence confinement; except that such credit shall not reduce the juvenile's actual time served in the youthful offender system to fewer than two years. The court shall have a presentence investigation conducted before sentencing a juvenile pursuant to this section.

**SECTION 4. Appropriation - adjustments to the 2008 long bill.** (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 corrections, for allocation to the youthful offender system subprogram, for the youthful offender system, for the fiscal year beginning July 1, 2008, the sum of forty-six thousand forty-eight dollars (\$46,048), or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, the appropriation made in section 23 of the annual general appropriation act for the fiscal year beginning July 1, 2008, shall be adjusted as follows: The general fund appropriation to the controlled maintenance trust fund is decreased by forty-six thousand forty-eight dollars (\$46,048).

**SECTION 5. Effective date - applicability.** This act shall take effect upon passage and shall apply to offenses committed 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 28, 2008