

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 12-0561.01 Michael Dohr x4347

**SENATE BILL 12-028**

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**SENATE SPONSORSHIP**

**Grantham,**

**HOUSE SPONSORSHIP**

**Barker,**

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**Senate Committees**

Judiciary  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING AGGRAVATED JUVENILE OFFENDERS ADJUDICATED FOR**  
102 **MURDER.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

When a juvenile is adjudicated a delinquent for either murder in the first or second degree and adjudicated an aggravated juvenile offender, the court may sentence the juvenile consecutively or concurrently for all adjudicated offenses arising from the petition.

Under current law, an aggravated juvenile offender whose custody

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

SENATE  
3rd Reading Unamended  
April 26, 2012

SENATE  
Amended 2nd Reading  
April 24, 2012

is transferred to the department of corrections is subject to the adult parole provisions. The bill sets the period of parole for an aggravated juvenile offender who was adjudicated a delinquent for first degree murder at 20 years after the completion of his or her sentence.

Under current law, when an aggravated juvenile offender who is under the jurisdiction of the department of human services reaches 20 years and 6 months of age, the court conducts a hearing to determine the offender's further placement. The bill requires the court to order a psychological evaluation before the hearing to determine if the juvenile is a danger to himself or herself or others.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-2-601, **amend** (6)  
3 (b) and (8); and add (5) (a) (I) (D) and (10) as follows:

4 **19-2-601. Aggravated juvenile offender.** (5) (a) (I) Upon  
5 adjudication as an aggravated juvenile offender:

6 (D) WHEN THE PETITION ALLEGES THE OFFENSE OF MURDER IN THE  
7 FIRST DEGREE OR MURDER IN THE SECOND DEGREE, AND THE JUVENILE IS  
8 ADJUDICATED A DELINQUENT FOR EITHER MURDER IN THE FIRST DEGREE  
9 OR MURDER IN THE SECOND DEGREE, THEN THE COURT MAY SENTENCE THE  
10 JUVENILE CONSECUTIVELY OR CONCURRENTLY FOR ANY CRIME OF  
11 VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406, C.R.S., OR AGGRAVATED  
12 JUVENILE OFFENDER PETITION ARISING FROM THAT PETITION.

13 (6) (b) Parole supervision of a juvenile who has been transferred  
14 to the department of corrections ~~shall be~~ IS governed by the provisions for  
15 adult felony offenders in titles 16, and 17, AND 18, C.R.S., as if the  
16 juvenile had been sentenced as an adult felony offender; EXCEPT THAT, IF  
17 THE JUVENILE WAS ADJUDICATED AND SENTENCED FOR MURDER IN THE  
18 FIRST DEGREE, THEN THE JUVENILE SHALL SERVE A TEN-YEAR PERIOD OF  
19 MANDATORY PAROLE AFTER COMPLETION OF HIS OR HER SENTENCE.

20 (8) (a) (I) When a juvenile in the custody of the department of

1 human services pursuant to this section reaches the age of twenty years  
2 and six months, the department of human services shall file a motion with  
3 the court of commitment regarding further jurisdiction of the juvenile.  
4 Upon the filing of such a motion, the court shall notify the interested  
5 parties, APPOINT COUNSEL FOR THE JUVENILE, and set the matter for a  
6 hearing. THE COURT SHALL, AS PART OF THIS HEARING, RECONSIDER THE  
7 LENGTH OF THE REMAINING SENTENCE AND CONSIDER THE FACTORS AS SET  
8 FORTH IN PARAGRAPH (C) OF THIS SUBSECTION (8) HEREIN.

9 (II) WHEN THE COURT NOTIFIES THE INTERESTED PARTIES, THE  
10 COURT SHALL ORDER THAT THE JUVENILE SUBMIT TO AND COOPERATE  
11 WITH A PSYCHOLOGICAL EVALUATION AND RISK ASSESSMENT BY A  
12 MENTAL HEALTH PROFESSIONAL \_\_\_\_\_ TO DETERMINE WHETHER THE  
13 JUVENILE IS A DANGER EITHER TO HIMSELF OR HERSELF OR TO OTHERS.  
14 THE MENTAL HEALTH PROFESSIONAL SHALL PREPARE A WRITTEN REPORT  
15 AND SHALL PROVIDE A COPY OF THE REPORT TO THE \_\_\_\_\_ COURT THAT  
16 ORDERED IT, THE PROSECUTING ATTORNEY, AND COUNSEL FOR THE  
17 JUVENILE AT LEAST FIFTEEN DAYS BEFORE THE HEARING. \_\_\_\_\_

18 (b) At the hearing upon the motion, the court may either transfer  
19 the custody of and jurisdiction over the juvenile to the department of  
20 corrections FOR PLACEMENT IN A CORRECTIONAL FACILITY, THE YOUTHFUL  
21 OFFENDER SYSTEM, OR A COMMUNITY CORRECTIONS PROGRAM; authorize  
22 early release of the juvenile pursuant to subsection (7) of this section;  
23 PLACE THE JUVENILE ON ADULT PAROLE FOR A PERIOD OF FIVE YEARS; or  
24 order that custody and jurisdiction over the juvenile shall remain with the  
25 department of human services; except that the custody of and jurisdiction  
26 over the juvenile by the department of human services shall terminate  
27 when the juvenile reaches twenty-one years of age.

1 (c) IN CONSIDERING WHETHER OR NOT TO TRANSFER THE CUSTODY  
2 OF AND JURISDICTION OVER THE JUVENILE TO THE DEPARTMENT OF  
3 CORRECTIONS, THE COURT SHALL CONSIDER ALL RELEVANT FACTORS  
4 INCLUDING, BUT NOT LIMITED TO, THE COURT-ORDERED PSYCHOLOGICAL  
5 EVALUATION AND RISK ASSESSMENT, THE NATURE OF THE CRIMES  
6 COMMITTED, THE PRIOR CRIMINAL HISTORY OF THE OFFENDER, THE  
7 MATURITY OF THE OFFENDER, THE OFFENDER'S BEHAVIOR IN CUSTODY, THE  
8 OFFENDER'S PROGRESS AND PARTICIPATION IN CLASSES, PROGRAMS, AND  
9 EDUCATIONAL IMPROVEMENT, THE IMPACT OF THE CRIMES ON THE  
10 VICTIMS, THE LIKELIHOOD OF REHABILITATION, THE PLACEMENT WHERE  
11 THE OFFENDER IS MOST LIKELY TO SUCCEED IN REINTEGRATING IN THE  
12 COMMUNITY, AND THE INTEREST OF THE COMMUNITY IN THE IMPOSITION  
13 OF PUNISHMENT COMMENSURATE WITH THE GRAVITY OF THE OFFENSE.

14 (10) "MENTAL HEALTH PROFESSIONAL" MEANS A PERSON WHO IS  
15 EMPLOYED BY THE DEPARTMENT OF HUMAN SERVICES OR IS EMPLOYED  
16 UNDER CONTRACT WITH THE DEPARTMENT OF HUMAN SERVICES AND IS:

17 (a) A LICENSED PHYSICIAN WITH THE APPROPRIATE TRAINING AND  
18 EXPERTISE IN PSYCHIATRY; OR

19 (b) A LICENSED PSYCHOLOGIST.

20 **SECTION 2. Safety clause.** The general assembly hereby finds,  
21 determines, and declares that this act is necessary for the immediate  
22 preservation of the public peace, health, and safety.