

Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0663.02 Brita Darling

HOUSE BILL 08-1156

---

HOUSE SPONSORSHIP

Casso,

SENATE SPONSORSHIP

(None),

---

House Committees  
Judiciary

Senate Committees

---

A BILL FOR AN ACT

101 CONCERNING JUVENILE PAROLE, AND, IN CONNECTION THEREWITH,  
102 THE CODIFICATION OF AND IMPROVEMENT UPON CURRENT  
103 DEPARTMENT OF HUMAN SERVICES PRACTICES RELATING TO  
104 JUVENILE PAROLE.

---

Bill Summary

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Eliminates reference to the division of juvenile parole in the department of human services, and authorizes the division of youth corrections in the department of human services to manage all juvenile parole services. Structures the provision of juvenile parole services to

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.*

align with the practices of the division of youth corrections.

Requires the use of an objective risk assessment by the division of youth corrections and the board to identify treatment and parole services.

Clarifies the juvenile court's and board's authorization to discharge juvenile parole.

Clarifies that the division of youth corrections shall not retain jurisdiction over a juvenile who attains 21 years of age and that the sentence to commitment and period of parole is discharged when a juvenile attains 21 years of age.

---

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

2 **SECTION 1.** 19-2-209, Colorado Revised Statutes, is amended  
3 to read:

4 **19-2-209. Juvenile parole - organization.** (1) ~~There is hereby~~  
5 ~~established in~~ JUVENILE PAROLE SERVICES SHALL BE ADMINISTERED BY the  
6 DIVISION OF YOUTH CORRECTIONS IN THE department of human services,  
7 ~~a division of juvenile parole,~~ under the direction of the director of  
8 ~~juvenile parole, who shall be appointed by the executive director of the~~  
9 ~~department of human services pursuant to section 13 of article XII of the~~  
10 ~~state constitution~~ THE DIVISION OF YOUTH CORRECTIONS, APPOINTED  
11 PURSUANT TO SECTION 19-2-203.

12 (2) ~~The division of juvenile parole shall include the director of~~  
13 ~~juvenile parole and all juvenile parole officers appointed under this~~  
14 ~~section.~~ Such Juvenile parole officers and other personnel OF THE  
15 DIVISION OF YOUTH CORRECTIONS shall be appointed by the director of  
16 ~~juvenile parole~~ THE DIVISION OF YOUTH CORRECTIONS pursuant to section  
17 13 of article XII of the state constitution and with the consent of the  
18 department of human services. Juvenile parole officers shall have the  
19 powers and duties specified in part 10 of this article and shall have the  
20 powers of peace officers, as described in sections 16-2.5-101 and

1 16-2.5-138, C.R.S.

2 (3) ~~The director of juvenile parole shall establish districts in the~~  
3 ~~state for the administration of juvenile parole. The number of districts~~  
4 ~~and their size shall be determined with reference to the number of~~  
5 ~~counties using parole services, their location, and the case load in each~~  
6 ~~county. An office for the juvenile parole officer shall be provided in each~~  
7 ~~district~~ THE DIVISION OF YOUTH CORRECTIONS MAY DIVIDE JUVENILE  
8 PAROLE SUPERVISION INTO REGIONS THROUGHOUT THE STATE. WITHIN  
9 EACH REGION THERE MAY BE MORE THAN ONE OFFICE LOCATION FOR  
10 PAROLE OFFICERS.

11 (4) ~~The director of juvenile parole shall report to the director of~~  
12 ~~the division of youth corrections in the department of human services at~~  
13 ~~such times and on such matters as the executive director of the~~  
14 ~~department may require.~~

15 (5) ~~Publications of the division circulated in quantity outside the~~  
16 ~~division are subject to the "Information Coordination Act", section~~  
17 ~~24-1-136, C.R.S.~~

18 **SECTION 2.** 19-2-922 (1), Colorado Revised Statutes, is  
19 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

20 **19-2-922. Juveniles committed to the department of human**  
21 **services - evaluation and placement.** (1) (c) THE EXAMINATION AND  
22 EVALUATION SHALL INCLUDE THE USE OF AN OBJECTIVE RISK ASSESSMENT  
23 THAT IS BASED UPON RESEARCHED FACTORS THAT CORRELATE TO A RISK  
24 TO THE COMMUNITY. THE RESULTS OF THE OBJECTIVE RISK ASSESSMENT  
25 SHALL BE USED TO HELP IDENTIFY TREATMENT SERVICES FOR THE  
26 JUVENILE DURING HIS OR HER COMMITMENT AND THE PERIOD OF PAROLE  
27 SUPERVISION.

1           **SECTION 3.** 19-2-1002 (2) and (9), Colorado Revised Statutes,  
2 are amended, and the said 19-2-1002 is further amended BY THE  
3 ADDITION OF A NEW SUBSECTION, to read:

4           **19-2-1002. Juvenile parole.** (2) (a) The board or a hearing panel  
5 shall have subpoena power and the power to administer oaths to secure  
6 attendance and testimony at hearings before the board. All relevant  
7 records pertaining to the juvenile shall be made available to the board.

8           (b) THE BOARD OR HEARING PANEL SHALL TAKE INTO  
9 CONSIDERATION THE RESULTS OF THE OBJECTIVE RISK ASSESSMENT  
10 ADMINISTERED BY THE DEPARTMENT OF HUMAN SERVICES.

11           (9) **Parole discharge.** (a) (I) ~~The board may discharge a juvenile~~  
12 ~~from parole after the juvenile has served the mandatory parole period of~~  
13 ~~six months but prior to the expiration of his or her period of parole~~  
14 ~~supervision when it appears to the board that there is a reasonable~~  
15 ~~probability that the juvenile will remain at liberty without violating the~~  
16 ~~law or when such juvenile is under the probation supervision of the~~  
17 ~~district court, in the custody of the department of corrections, or~~  
18 ~~otherwise not available to receive parole supervision.~~ BASED UPON A  
19 REQUEST AND RECOMMENDATION BY THE DIVISION OF YOUTH  
20 CORRECTIONS, THE BOARD MAY DISCHARGE ALL OR A PORTION OF A  
21 JUVENILE'S PERIOD OF PAROLE, AS DEFINED IN SECTION 19-2-909 (1) (b),  
22 WITHOUT HOLDING A HEARING BEFORE THE BOARD OR A HEARING PANEL  
23 OF THE BOARD, IF THE BOARD FINDS THAT:

24           (A) THE JUVENILE IS UNAVAILABLE TO COMPLETE THE PERIOD OF  
25 PAROLE OR THE EXTENDED PERIOD OF PAROLE AND THE JUVENILE IS NOT  
26 LIKELY TO BECOME AVAILABLE IN A TIME OR MANNER IN WHICH HE OR SHE  
27 WILL BENEFIT FROM PAROLE SERVICES AND NEITHER COMMUNITY SAFETY

1 NOR RESTORATIVE JUSTICE INTERESTS WILL BE SERVED THROUGH THE  
2 IMPOSITION OR CONTINUATION OF THE JUVENILE'S PAROLE; OR

3 (B) THE COMMUNITY INTEREST IN SAFETY OR RESTORATIVE  
4 JUSTICE WILL NOT BE SERVED THROUGH THE IMPOSITION OR  
5 CONTINUATION OF JUVENILE PAROLE, INCLUDING INSTANCES WHERE THE  
6 JUVENILE IS UNDER THE ADULT PROBATION SUPERVISION OF THE DISTRICT  
7 COURT.

8 (II) AS USED IN THIS SUBSECTION (9), A JUVENILE IS UNAVAILABLE  
9 TO COMPLETE THE PERIOD OF PAROLE IF:

10 (A) THE JUVENILE, PURSUANT TO AN ADULT SENTENCE, HAS BEEN  
11 PLACED IN A DEPARTMENT OF CORRECTIONS FACILITY, ADULT COMMUNITY  
12 CORRECTIONS, THE YOUTHFUL OFFENDER SYSTEM, OR A LOCAL JAIL AS  
13 DEFINED IN SECTION 17-1-102, C.R.S.; OR

14 (B) THE JUVENILE HAS BEEN OR WILL BE TRANSFERRED OUT OF THE  
15 STATE OF COLORADO AND THE DIVISION OF YOUTH CORRECTIONS  
16 DETERMINES THAT THE DISCHARGE IS NOT IN CONFLICT WITH THE  
17 INTERSTATE COMPACT ON JUVENILES, PART 7 OF ARTICLE 60 OF TITLE 24,  
18 C.R.S.; OR

19 (C) THE JUVENILE IS IN A MEDICAL, MENTAL, OR TREATMENT  
20 FACILITY OR SIMILAR INSTITUTION; OR

21 (D) ANY OTHER CIRCUMSTANCE THAT THE BOARD FINDS  
22 CONSTITUTES UNAVAILABILITY AS ESTABLISHED IN RULE.

23 (b) The board may discharge a juvenile from parole before  
24 completion of the mandatory six-month parole period when the board  
25 finds that the juvenile meets, at a minimum, all of the following  
26 conditions of special achievement:

27 (I) Graduation from a public or accredited nonpublic high school

1 or completion of a GED, as that term is defined in section 22-33-102  
2 (4.5), C.R.S.;

3 (II) Payment of one hundred percent of any restitution the juvenile  
4 has been ordered to pay;

5 (III) Certification by the juvenile's parole officer that the juvenile  
6 is ready for discharge from parole, which shall take into consideration the  
7 results of an objective risk assessment conducted by the department of  
8 human services and shall be based upon researched factors that have been  
9 demonstrated to be correlative to risk to the community; and

10 (IV) Presentation to the board of a plan of action prepared by the  
11 juvenile that includes the steps the juvenile will accomplish to ensure his  
12 or her transition to law-abiding citizenship. If the juvenile's plan of action  
13 includes an intent to enlist in military service, the plan shall specify the  
14 interim steps that the juvenile will take prior to entering military service.

15 (c) A DISCHARGE FROM PAROLE PURSUANT TO THIS SUBSECTION (9)  
16 SHALL HAVE THE SAME LEGAL EFFECT AS IF PAROLE HAD BEEN  
17 DISCHARGED UPON COMPLETION OF JUVENILE PAROLE OR WHEN THE  
18 SENTENCE TO COMMITMENT WAS DISCHARGED AS A MATTER OF LAW.

19 (10) NOTWITHSTANDING ANY PROVISIONS OF LAW TO THE  
20 CONTRARY, THE DEPARTMENT OF HUMAN SERVICES SHALL NOT RETAIN  
21 CUSTODY OF OR JURISDICTION OVER AN INDIVIDUAL WHO REACHES  
22 TWENTY-ONE YEARS OF AGE. THE SENTENCE TO COMMITMENT AND THE  
23 PERIOD OF PAROLE ARE DISCHARGED AS A MATTER OF LAW WHEN A  
24 JUVENILE REACHES TWENTY-ONE YEARS OF AGE.

25 **SECTION 4.** 19-2-1003 (1), Colorado Revised Statutes, is  
26 amended to read:

27 **19-2-1003. Parole officers - powers - duties.** (1) Under the

1 direction of the director of ~~juvenile parole~~ THE DIVISION OF YOUTH  
2 CORRECTIONS, the juvenile parole officer or officers in each ~~district~~  
3 REGION established ~~under this part 10~~ IN SECTION 19-2-209 (3) shall  
4 supervise all juveniles living in the ~~district~~ REGION who, having been  
5 committed to the department of human services, are on parole from one  
6 of its facilities.

7 **SECTION 5.** The introductory portion to 19-2-1004 (1) and  
8 19-2-1004 (2), (8) (b), (11), and (12), Colorado Revised Statutes, are  
9 amended to read:

10 **19-2-1004. Parole violation and revocation.** (1) The director  
11 of ~~juvenile parole~~ THE DIVISION OF YOUTH CORRECTIONS or any juvenile  
12 parole officer may arrest any parolee when:

13 (2) When an alleged parole violator is taken into custody, the  
14 director of ~~juvenile parole~~ THE DIVISION OF YOUTH CORRECTIONS or the  
15 juvenile parole officer shall notify the parents, guardian, or legal  
16 custodian of the juvenile without unnecessary delay.

17 (8) Within ten working days after the finding of probable cause by  
18 the preliminary administrative law judge, the juvenile parole officer shall  
19 complete his or her investigation and either:

20 (b) Recommend to the director of the division of ~~juvenile parole~~  
21 YOUTH CORRECTIONS, OR HIS OR HER DESIGNEE, that the parolee, if  
22 detained, be released and the violation proceedings be dismissed. The  
23 director, OR HIS OR HER DESIGNEE, shall determine whether to cause the  
24 violation proceedings to be dismissed, and, if he or she elects to cause  
25 dismissal, the parolee shall be released or notified that he or she is  
26 relieved of obligation to appear before the hearing panel. In such event,  
27 the director, OR HIS OR HER DESIGNEE, shall give written notification to the

1 board of his or her action.

2 (11) At least five days before the appearance of a parolee before  
3 the hearing panel, the parolee and his or her parents, guardian, or legal  
4 custodian shall be advised in writing by the ~~director of the division of~~  
5 ~~juvenile~~ parole OFFICER of the nature of the charges that are alleged to  
6 justify revocation or suspension of his or her parole and the substance of  
7 the evidence sustaining the charges; he or she shall be given a copy of the  
8 complaint unless he or she has already received one; he or she shall be  
9 informed of the consequences that may follow in the event his or her  
10 parole is revoked; and he or she shall be advised that, if the parolee denies  
11 the charges, a hearing will be held before the hearing panel, that, at ~~such~~  
12 THE hearing, he or she may testify and present witnesses and documentary  
13 evidence in defense of the charges or in mitigation or explanation thereof,  
14 and that he or she has the right to counsel at the hearing.

15 (12) At the hearing before the hearing panel, if the parolee denies  
16 the violation, the division of ~~juvenile parole~~ YOUTH CORRECTIONS shall  
17 have the burden of establishing by a preponderance of the evidence the  
18 violation of a condition or conditions of parole. The hearing panel shall,  
19 when it appears that the alleged violation of conditions of parole consists  
20 of an offense with which the parolee is charged in a criminal case then  
21 pending, continue the parole violation hearing until the termination of  
22 ~~such~~ THE criminal proceeding. Any evidence having probative value shall  
23 be admissible regardless of its admissibility under exclusionary rules of  
24 evidence if the parolee is accorded a fair opportunity to rebut hearsay  
25 evidence. The parolee shall have the right to confront and to  
26 cross-examine adverse witnesses unless the administrative law judge  
27 specifically finds good cause for not allowing confrontation.



1           **SECTION 6.** 17-31-101, Colorado Revised Statutes, is amended  
2 to read:

3           **17-31-101. Legislative declaration.** The general assembly  
4 hereby finds it necessary to provide for and encourage the implementation  
5 of programs within the state's correctional facilities, ~~and the adult and~~  
6 ~~juvenile parole and probation divisions~~ DIVISION of the judicial  
7 department, THE PAROLE DIVISION WITHIN the department of corrections,  
8 the DIVISION OF YOUTH CORRECTIONS WITHIN THE department of human  
9 services, and the department of public safety ~~which~~ THAT enable  
10 volunteers to effectively assist with the rehabilitation and transition of  
11 adult and juvenile offenders. The general assembly further finds that the  
12 maximum use of volunteers should be encouraged to complement the  
13 regular staffs of such adult and juvenile corrections, parole, and probation  
14 divisions and that volunteers should be encouraged to participate in  
15 existing programs for adult and juvenile offenders in those divisions. The  
16 general assembly finds that such volunteers should be allowed, where  
17 practical and within the safety and security requirements of the applicable  
18 institution or program, to meet with and freely communicate with  
19 offenders to assist with the rehabilitation and transition of such offenders,  
20 in order to establish support groups and systems outside of the  
21 correctional facility.

22           **SECTION 7.** 17-31-102 (2), Colorado Revised Statutes, is  
23 amended to read:

24           **17-31-102. Definitions.** As used in this article, unless the context  
25 otherwise requires:

26           (2) "Division" means the division or department directing or  
27 administering any public or private correctional institution or detention

1 facility in which offenders are housed or treated, any probation program  
2 within each judicial district, or any juvenile or adult parole program,  
3 including but not limited to, the judicial department, the department of  
4 public safety and the division of criminal justice therein, the department  
5 of corrections and the division of adult parole therein, and the department  
6 of human services and the division of ~~juvenile parole~~ YOUTH  
7 CORRECTIONS therein.

8 **SECTION 8.** 17-31-103 (1) (d), Colorado Revised Statutes, is  
9 amended to read:

10 **17-31-103. Volunteers - rehabilitation and transition -**  
11 **programs.** (1) Each division shall facilitate, where practicable, the use  
12 of volunteers to assist and participate in the development and  
13 implementation of programs for the rehabilitation and transition of and  
14 growth of support groups and systems for adult and juvenile offenders in  
15 the following institutions and programs:

16 (d) The juvenile parole program of the division of ~~juvenile parole~~  
17 YOUTH CORRECTIONS within the department of human services;

18 **SECTION 9. Repeal.** 24-1-120 (6) (b), Colorado Revised  
19 Statutes, is repealed as follows:

20 **24-1-120. Department of human services - creation - repeal.**

21 (6) The department shall consist of the following divisions:

22 (b) ~~The division of juvenile parole, created pursuant to section~~  
23 ~~19-2-209, C.R.S. The division of juvenile parole and the office of the~~  
24 ~~director of juvenile parole and their powers, duties, and functions are~~  
25 ~~transferred by a type 2 transfer to the department of human services.~~

26 **SECTION 10. Effective date.** This act shall take effect July 1,  
27 2008.

1           **SECTION 11. Safety clause.** The general assembly hereby finds,  
2 determines, and declares that this act is necessary for the immediate  
3 preservation of the public peace, health, and safety.