

Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 08-0663.02 Brita Darling

HOUSE BILL 08-1156

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HOUSE SPONSORSHIP

Casso,

SENATE SPONSORSHIP

Gibbs,

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House Committees  
Judiciary

Senate Committees  
Judiciary  
Appropriations

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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, AND MAKING AN APPROPRIATION THEREFOR.

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.*

HOUSE  
3rd Reading Unamended  
February 19, 2008

HOUSE  
Amended 2nd Reading  
February 18, 2008

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.

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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 (1) (b) and (2), the introductory portion  
2 to 19-2-1002 (3) (a), and 19-2-1002 (3) (a) (IV), (3) (b) (II), (5), (7), and  
3 (9), Colorado Revised Statutes, are amended to read:

4           **19-2-1002. Juvenile parole. (1) Juvenile parole board -**  
5 **hearing panels authority.** (b) ~~Following specification of the terms and~~  
6 ~~conditions of parole, where the conditions of parole include the~~  
7 ~~requirement that the juvenile attend school, the parole board shall notify~~  
8 ~~the school district in which the juvenile will be enrolled of such~~  
9 ~~requirement.~~

10           (2) (a) The board or a hearing panel shall have subpoena power  
11 and the power to administer oaths to secure attendance and testimony at  
12 hearings before the board. All relevant records pertaining to the juvenile  
13 shall be made available to the board.

14           (b) THE BOARD OR HEARING PANEL SHALL TAKE INTO  
15 CONSIDERATION THE RESULTS OF THE OBJECTIVE RISK ASSESSMENT  
16 ADMINISTERED BY THE DEPARTMENT OF HUMAN SERVICES.

17           (3) (a) Hearing panels consisting of two members of the board  
18 shall interview and review the record of each juvenile who comes before  
19 the board for the granting of parole. Whenever possible, one of the  
20 hearing panel members shall be a representative of an executive  
21 department, and the other shall be ~~either~~ a member from the public at  
22 large. ~~or the member who is the local elected official.~~ A hearing panel  
23 may grant, deny, defer, suspend, revoke, or specify or modify the  
24 conditions of any parole of a juvenile that are in the best interests of the  
25 juvenile and the public; except that:

26           (IV) ~~In any case where a juvenile has been or, upon expiration of~~

1 the juvenile commitment, will be placed in a department of corrections  
2 facility, adult community corrections, or county jail pursuant to an adult  
3 sentence and the adult sentence is longer than the juvenile parole would  
4 be, neither the board nor a hearing panel of the board shall be required to  
5 consider paroling or revoking the parole of the juvenile. This  
6 subparagraph (IV) shall not apply to the parole of juveniles who have  
7 been sentenced to adult probation either concurrent with or consecutive  
8 to the juvenile commitment.

9 (b) (II) Following specification of the terms and conditions of  
10 parole, where the conditions of parole include the requirement that the  
11 juvenile attend school, the parole board shall notify the school district in  
12 which the juvenile will be enrolled of such requirement.

13 (5) (a) If the hearing panel or the board determines that parole  
14 should be granted, the hearing panel shall establish six months as the  
15 length of the parole supervision. However, for a juvenile committed to  
16 the department of human services due to an adjudication for an offense  
17 specified in paragraph (b) of this subsection (5), the hearing panel may  
18 extend the period of parole supervision up to an additional FIFTEEN  
19 MONTHS IF THE HEARING PANEL MAKES FINDINGS OF SPECIAL  
20 CIRCUMSTANCES THAT WARRANT AN EXTENDED PERIOD OF PAROLE  
21 SERVICES FOR THE JUVENILE.

22 (I) Ninety days if the hearing panel determines that it is in the best  
23 interests of the juvenile and the public to do so; or

24 (II) Fifteen months if the hearing panel makes findings of special  
25 circumstances that warrant such an extended period of parole supervision  
26 for the juvenile.

27 (b) The provisions of paragraph (a) of this subsection (5) allowing

1 for extension of the period of parole shall apply to juveniles committed  
2 to the department of human services due to an adjudication for one or  
3 more of the following offenses:

4 (I) Any offense specified in article 3 of title 18 or in part 3 of  
5 article 4 of title 18, C.R.S., that would constitute a felony if committed by  
6 an adult;

7 (II) Incest, as described in section 18-6-301, C.R.S.;

8 (III) Aggravated incest, as described in section 18-6-302, C.R.S.;

9 (IV) Child abuse, as described in section 18-6-401, C.R.S., that  
10 would constitute a felony if committed by an adult; or

11 ~~(V) Attempt, conspiracy, or solicitation to commit any of the~~  
12 ~~offenses specified in this paragraph (b), which attempt, conspiracy, or~~  
13 ~~solicitation would constitute a felony if committed by an adult. FOURTH~~  
14 ~~DEGREE ARSON, AS DESCRIBED IN SECTION 18-4-105, C.R.S., THAT WOULD~~  
15 ~~CONSTITUTE A FELONY IF COMMITTED BY AN ADULT;~~

16 (VI) ASSAULT DURING ESCAPE, AS DESCRIBED IN SECTION  
17 18-8-206, C.R.S., THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY  
18 AN ADULT;

19 (VII) ILLEGAL POSSESSION OF A HANDGUN BY A JUVENILE, AS  
20 DESCRIBED IN SECTION 18-12-108.5, C.R.S., THAT WOULD CONSTITUTE A  
21 FELONY IF COMMITTED BY AN ADULT;

22 (VIII) ILLEGAL POSSESSION OF A HANDGUN BY A JUVENILE, AS  
23 DESCRIBED IN SECTION 18-12-108.5, C.R.S., THAT WOULD CONSTITUTE A  
24 MISDEMEANOR IF COMMITTED BY AN ADULT, IF THE JUVENILE IS  
25 CONTEMPORANEOUSLY COMMITTED TO THE DEPARTMENT OF HUMAN  
26 SERVICES FOR AN OFFENSE THAT WOULD CONSTITUTE A FELONY IF  
27 COMMITTED BY AN ADULT; OR

1 (IX) ATTEMPT, CONSPIRACY, OR SOLICITATION TO COMMIT ANY OF  
2 THE OFFENSES SPECIFIED IN THIS PARAGRAPH (b), WHICH ATTEMPT,  
3 CONSPIRACY, OR SOLICITATION WOULD CONSTITUTE A FELONY IF  
4 COMMITTED BY AN ADULT.

5 (c) Upon completion of the period of parole supervision as  
6 established by the board, the juvenile shall be deemed to have discharged  
7 the juvenile's sentence to commitment in the same manner as if the  
8 sentence were discharged pursuant to law.

9 (d) (I) If the juvenile court commits a juvenile to the department  
10 of human services for CONCURRENT SENTENCES BASED ON THE  
11 COMMISSION OF TWO OR MORE OFFENSES OR consecutive sentences based  
12 on commission of two or more offenses, the juvenile shall be subject to  
13 one six-month mandatory period of parole, unless the period OF PAROLE  
14 is extended pursuant to paragraph (a) of this subsection (5).

15 (II) AS USED IN THIS PARAGRAPH (d), "CONCURRENT SENTENCE"  
16 MEANS SENTENCES IDENTIFIED BY THE COURT AS CONCURRENT AND ANY  
17 SENTENCES, OR PORTIONS THEREOF, THAT ARE SERVED SIMULTANEOUSLY  
18 AND THAT ARE THE BASIS OF THE JUVENILE'S TREATMENT SERVICES  
19 DURING THE JUVENILE'S COMMITMENT.

20 (e) (I) IF A JUVENILE'S PAROLE IS REVOKED PURSUANT TO SECTION  
21 19-2-1004, THE JUVENILE SHALL SERVE ALL OR A PORTION OF THE  
22 REMAINDER OF HIS OR HER SENTENCE TO COMMITMENT, AND THE PERIOD  
23 OF REPAROLE OR EXTENDED PERIOD OF REPAROLE IMPOSED PURSUANT TO  
24 PARAGRAPH (a) OF THIS SUBSECTION (5), SHALL BE REDUCED BY ANY TIME  
25 SERVED ON PAROLE PRIOR TO THE REVOCATION. THE PROVISIONS OF THIS  
26 PARAGRAPH (e) SHALL NOT LIMIT THE BOARD'S AUTHORITY TO GRANT,  
27 DENY, DEFER, SUSPEND, REVOKE, OR MODIFY A JUVENILE'S PAROLE WITHIN

1 THE PERIOD OF PAROLE.

2 (II) IF A JUVENILE'S PAROLE IS REVOKED OR MODIFIED PURSUANT  
3 TO SECTION 19-2-1004, AND THE JUVENILE HAS COMPLETED THE PERIOD  
4 OF COMMITMENT IMPOSED BY THE COURT, THE PERIOD OF PAROLE, OR  
5 EXTENDED PERIOD OF PAROLE IMPOSED PURSUANT TO PARAGRAPH (a) OF  
6 THIS SUBSECTION (5), SHALL CONTINUE PURSUANT TO SECTION 19-2-909  
7 (1) (c) (II). THE PERIOD OF PAROLE SHALL CONTINUE REGARDLESS OF  
8 WHETHER THE REVOCATION OR MODIFICATION AUTHORIZES THE  
9 DEPARTMENT OF HUMAN SERVICES TO PLACE THE JUVENILE IN A  
10 RESIDENTIAL PLACEMENT WHILE ON PAROLE STATUS. THIS PROVISION  
11 SHALL NOT LIMIT THE BOARD'S AUTHORITY TO GRANT, DENY, DEFER,  
12 SUSPEND, REVOKE, OR MODIFY A JUVENILE'S PAROLE WITHIN THE PERIOD  
13 OF PAROLE.

14 (7) **Notice.** (a) The board, prior to consideration of the case of  
15 ~~any~~ A juvenile for parole, shall notify the committing court, any affected  
16 juvenile community review board, the prosecuting attorney, and any  
17 victims of the juvenile's actions whose names and addresses have been  
18 provided by the district attorney of the time and place of the juvenile's  
19 hearing before the board or a hearing panel of the board. ~~Such~~ THE notice  
20 shall be given in order that the persons notified will have an opportunity  
21 to present written testimony to the hearing panel or the board. The board,  
22 in its sole discretion, may allow oral testimony at any hearing and has sole  
23 discretion regarding who may attend a juvenile parole hearing.

24 (b) (I) (A) PRIOR TO CONSIDERATION OF THE CASE OF A JUVENILE  
25 FOR PAROLE, THE BOARD SHALL PROVIDE NOTICE OF THE TIME AND PLACE  
26 OF THE JUVENILE'S HEARING BEFORE THE BOARD OR A HEARING PANEL OF  
27 THE BOARD TO A VICTIM WHO HAS PROVIDED TO THE DIVISION OF YOUTH



1 CORRECTIONS OR THE BOARD A WRITTEN STATEMENT PURSUANT TO  
2 SECTIONS 24-4.1-302.5 AND 24-4.1-303, C.R.S. THE NOTICE AND  
3 SUBSEQUENT INTERACTIONS WITH THE VICTIM SHALL BE CONSISTENT WITH  
4 THE PROVISIONS OF ARTICLE 4.1 OF TITLE 24, C.R.S.

5 (B) THE BOARD SHALL NOTIFY THE VICTIM OF CHANGES IN THE  
6 JUVENILE'S PAROLE PURSUANT TO SECTION 24-4.1-303 (14.3), C.R.S.

7 (II) FOR A YOUTH THAT IS CURRENTLY SERVING PAROLE THAT  
8 IMPLICATES THE PROVISIONS OF ARTICLE 4.1 OF TITLE 24, C.R.S., THE  
9 DIVISION OF YOUTH CORRECTIONS SHALL NOTIFY THE BOARD OF ANY  
10 DISCHARGE AS A MATTER OF LAW AND ANY PLACEMENT CHANGE THAT  
11 MAY IMPACT PUBLIC SAFETY OR VICTIM SAFETY AS DETERMINED BY THE  
12 DIVISION OF YOUTH CORRECTIONS, INCLUDING ANY ESCAPE OR  
13 RECAPTURE.

14 (9) Parole discharge. (a) The board may discharge a juvenile  
15 from parole after the juvenile has served the mandatory parole period of  
16 six months but prior to the expiration of his or her period of parole  
17 supervision when it appears to the board that there is a reasonable  
18 probability that the juvenile will remain at liberty without violating the  
19 law. or when such juvenile is under the probation supervision of the  
20 district court, in the custody of the department of corrections, or  
21 otherwise not available to receive parole supervision.

22 (b) (I) BASED UPON A REQUEST AND RECOMMENDATION BY THE  
23 DIVISION OF YOUTH CORRECTIONS, THE BOARD MAY DISCHARGE ALL OR A  
24 PORTION OF A JUVENILE'S PERIOD OF PAROLE, AS DEFINED IN SECTION  
25 19-2-909 (1) (b), WITHOUT HOLDING A HEARING BEFORE THE BOARD OR A  
26 HEARING PANEL OF THE BOARD, IF THE BOARD FINDS THAT:

27 (A) THE JUVENILE IS UNAVAILABLE TO COMPLETE THE PERIOD OF

1 PAROLE OR THE EXTENDED PERIOD OF PAROLE AND THE JUVENILE IS NOT  
2 LIKELY TO BECOME AVAILABLE IN A TIME OR MANNER IN WHICH HE OR SHE  
3 WILL BENEFIT FROM PAROLE SERVICES AND NEITHER COMMUNITY SAFETY  
4 NOR RESTORATIVE JUSTICE INTERESTS WILL BE SERVED THROUGH THE  
5 IMPOSITION OR CONTINUATION OF THE JUVENILE'S PAROLE; OR

6 (B) THE COMMUNITY INTEREST IN SAFETY OR RESTORATIVE  
7 JUSTICE WILL NOT BE SERVED THROUGH THE IMPOSITION OR  
8 CONTINUATION OF JUVENILE PAROLE BECAUSE THE JUVENILE IS UNDER THE  
9 ADULT PROBATION SUPERVISION OF THE DISTRICT COURT.

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

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

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

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

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

25 (c) The board may discharge a juvenile from parole before  
26 completion of the mandatory six-month parole period when the board  
27 finds that the juvenile meets, at a minimum, all of the following

1 conditions of special achievement:

2 (I) Graduation from a public or accredited nonpublic high school  
3 or completion of a GED, as that term is defined in section 22-33-102  
4 (4.5), C.R.S.;

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

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

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

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

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

27 **SECTION 4.** 19-2-1003 (1), Colorado Revised Statutes, is

1 amended to read:

2 **19-2-1003. Parole officers - powers - duties.** (1) Under the  
3 direction of the director of ~~juvenile parole~~ THE DIVISION OF YOUTH  
4 CORRECTIONS, the juvenile parole officer or officers in each ~~district~~  
5 REGION established ~~under this part 10~~ IN SECTION 19-2-209 (3) shall  
6 supervise all juveniles living in the ~~district~~ REGION who, having been  
7 committed to the department of human services, are on parole from one  
8 of its facilities.

9 **SECTION 5.** The introductory portion to 19-2-1004 (1) and  
10 19-2-1004 (2), (8) (b), (11), and (12), Colorado Revised Statutes, are  
11 amended to read:

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

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

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

22 (b) Recommend to the director of the division of ~~juvenile parole~~  
23 YOUTH CORRECTIONS, OR HIS OR HER DESIGNEE, that the parolee, if  
24 detained, be released and the violation proceedings be dismissed. The  
25 director, OR HIS OR HER DESIGNEE, shall determine whether to cause the  
26 violation proceedings to be dismissed, and, if he or she elects to cause  
27 dismissal, the parolee shall be released or notified that he or she is

1 relieved of obligation to appear before the hearing panel. In such event,  
2 the director, OR HIS OR HER DESIGNEE, shall give written notification to the  
3 board of his or her action.

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

17 (12) At the hearing before the hearing panel, if the parolee denies  
18 the violation, the division of ~~juvenile parole~~ YOUTH CORRECTIONS shall  
19 have the burden of establishing by a preponderance of the evidence the  
20 violation of a condition or conditions of parole. The hearing panel shall,  
21 when it appears that the alleged violation of conditions of parole consists  
22 of an offense with which the parolee is charged in a criminal case then  
23 pending, continue the parole violation hearing until the termination of  
24 ~~such~~ THE criminal proceeding. Any evidence having probative value shall  
25 be admissible regardless of its admissibility under exclusionary rules of  
26 evidence if the parolee is accorded a fair opportunity to rebut hearsay  
27 evidence. The parolee shall have the right to confront and to

1 cross-examine adverse witnesses unless the administrative law judge  
2 specifically finds good cause for not allowing confrontation.

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

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

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

26 **17-31-102. Definitions.** As used in this article, unless the context  
27 otherwise requires:

1 (2) "Division" means the division or department directing or  
2 administering any public or private correctional institution or detention  
3 facility in which offenders are housed or treated, any probation program  
4 within each judicial district, or any juvenile or adult parole program,  
5 including but not limited to, the judicial department, the department of  
6 public safety and the division of criminal justice therein, the department  
7 of corrections and the division of adult parole therein, and the department  
8 of human services and the division of ~~juvenile parole~~ YOUTH  
9 CORRECTIONS therein.

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

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

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

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

22 **24-1-120. Department of human services - creation - repeal.**

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

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

1           **SECTION 10.** 19-2-206 (2) (d), (2) (e), (2) (f), (4), and (5),  
2 Colorado Revised Statutes, are amended to read:

3           **19-2-206. Juvenile parole board - creation - membership.**

4 (2) All nine members shall be voting members, and, of the nine  
5 members:

6           (d) One member shall be from the department of labor and  
7 employment; AND

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

9           (f) ~~Four~~ FIVE members shall be from the public at large and shall  
10 not be employees of the state government. At least one of the members  
11 from the public at large shall be a resident of the area west of the  
12 continental divide.

13           (4) The full board shall meet not less than once a month, and the  
14 presence of five members, at least two of whom are members described  
15 in paragraph ~~(e)~~ or (f) of subsection (2) of this section, shall constitute a  
16 quorum to transact official business of the full board.

17           (5) All members of the board shall be reimbursed for expenses  
18 necessarily incurred in the performance of their duties. In addition to the  
19 reimbursement of ~~said~~ expenses, the ~~four~~ FIVE citizen board members ~~and~~  
20 ~~the local elected official member~~ shall receive a per diem of one hundred  
21 fifty dollars per FULL day AND SEVENTY-FIVE DOLLARS PER HALF DAY  
22 spent transacting official business of the board.

23           **SECTION 11.** 19-2-601 (6) (a), Colorado Revised Statutes, is  
24 amended to read:

25           **19-2-601. Aggravated juvenile offender.** (6) (a) After a  
26 juvenile who is sentenced pursuant to sub-subparagraph (B) or (C) of  
27 subparagraph (I) of paragraph (a) of subsection (5) of this section has



1 been in the custody of the department of human services for three years  
2 or more, the department may petition the court for an order authorizing  
3 the DEPARTMENT TO PLACE THE JUVENILE ON JUVENILE PAROLE UPON  
4 APPROVAL BY THE juvenile parole board to release the juvenile subject to  
5 parole supervision as determined by the board at a parole hearing. The  
6 department may petition the court for an order authorizing the juvenile  
7 parole board to release a juvenile committed PURSUANT TO SECTION  
8 19-2-1002. AFTER A JUVENILE WHO IS SENTENCED pursuant to  
9 sub-subparagraph (A) of subparagraph (I) of paragraph (a) of subsection  
10 (5) of this section at any time after the juvenile has served the minimum  
11 mandatory period of the commitment or three years, whichever is sooner,  
12 ~~Said~~ THE DEPARTMENT OF HUMAN SERVICES MAY PETITION THE COURT  
13 FOR AN ORDER AUTHORIZING THE DEPARTMENT TO PLACE THE JUVENILE  
14 ON JUVENILE PAROLE UPON APPROVAL BY THE JUVENILE PAROLE BOARD  
15 PURSUANT TO SECTION 19-2-1002. THE parole supervision shall be  
16 conducted by the department of human services. Upon the filing of such  
17 THE petition, the court shall notify the interested parties and set the matter  
18 for a hearing. The court shall authorize the DEPARTMENT OF HUMAN  
19 SERVICES TO PLACE THE JUVENILE ON JUVENILE PAROLE UPON APPROVAL  
20 OF THE juvenile parole board to release the juvenile PURSUANT TO  
21 SECTION 19-2-1002, only upon finding by a preponderance of the  
22 evidence that the safety of the community will not be jeopardized by such  
23 release.

24 **SECTION 12.** 19-2-909 (1) (b), (1) (c), and (3), Colorado  
25 Revised Statutes, are amended to read:

26 **19-2-909. Sentencing - commitment to the department of**  
27 **human services.** (1) (b) Any commitment to the department of human

1 services pursuant to section 19-2-601 or paragraph (a) of this subsection  
2 (1) shall include, in addition to a period of commitment, BE FOLLOWED BY  
3 a mandatory period of parole of six months, UNLESS THE PERIOD OF  
4 PAROLE IS EXTENDED BY THE JUVENILE PAROLE BOARD PURSUANT TO  
5 SECTION 19-2-1002 (5). ~~except that, for any juvenile committed to the~~  
6 ~~department of human services due to an adjudication for an offense~~  
7 ~~specified in subsection (3) of this section, the juvenile parole hearing~~  
8 ~~panel, pursuant to section 19-2-1002, may extend the period of parole~~  
9 ~~supervision for an additional period of up to:~~

10 (I) ~~Ninety days if the juvenile parole hearing panel determines it~~  
11 ~~is in the best interests of the juvenile and the public to do so; or~~

12 (II) ~~Fifteen months if the juvenile parole hearing panel makes~~  
13 ~~findings of special circumstances that warrant such an extended period of~~  
14 ~~parole supervision for the juvenile.~~

15 (c) For purposes of this section:

16 (I) "Determinate period" is defined in section 19-1-103 (40.5).

17 (II) "PERIOD OF PAROLE" MEANS THE PERIOD BETWEEN THE  
18 PAROLE PERIOD START DATE AND THE PAROLE PERIOD END DATE AS  
19 DETERMINED BY THE JUVENILE PAROLE BOARD. THE PERIOD OF PAROLE  
20 APPLIES TO BOTH MANDATORY SIX-MONTH PAROLE AND EXTENDED  
21 PAROLE PURSUANT TO SECTION 19-2-1002 (5). THE PERIOD OF PAROLE  
22 CONTINUES UNLESS THE JUVENILE IS DEEMED TO BE ON ESCAPE STATUS,  
23 PAROLE HAS BEEN SUSPENDED PURSUANT TO SECTION 19-2-1002, OR THE  
24 JUVENILE RETURNS TO COMMITMENT STATUS PURSUANT TO SECTION  
25 19-2-1004. IN SUCH CIRCUMSTANCES, THE PERIOD OF PAROLE STOPS UNTIL  
26 THE JUVENILE HAS RETURNED TO PAROLE STATUS.

27 (3) ~~The provisions of paragraph (b) of subsection (1) of this~~

1 ~~section allowing for a permissible extension of the period of parole shall~~  
2 ~~apply to juveniles committed to the department of human services due to~~  
3 ~~an adjudication for one or more of the following offenses:~~

4 (a) ~~Any offense specified in article 3 of title 18 or in part 3 of~~  
5 ~~article 4 of title 18, C.R.S., that would constitute a felony if committed by~~  
6 ~~an adult;~~

7 (b) ~~Incest, as described in section 18-6-301, C.R.S.;~~

8 (c) ~~Aggravated incest, as described in section 18-6-302, C.R.S.;~~

9 (d) ~~Child abuse, as described in section 18-6-401, C.R.S., that~~  
10 ~~would constitute a felony if committed by an adult; or~~

11 (e) ~~Attempt, conspiracy, or solicitation to commit any of the~~  
12 ~~offenses specified in this subsection (3), which attempt, conspiracy, or~~  
13 ~~solicitation would constitute a felony if committed by an adult.~~

14 **SECTION 13.** ~~19-2-921 (7) and (9), Colorado Revised Statutes,~~  
15 ~~are amended, and the said 19-2-921 is further amended BY THE~~  
16 ~~ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:~~

17 **19-2-921. Commitment to department of human services.**

18 (7) ~~When a juvenile is released or released to parole supervision by the~~  
19 ~~department of human services or escapes from said department, the~~  
20 ~~DEPARTMENT SHALL NOTIFY THE committing court, the district attorney,~~  
21 ~~the Colorado bureau of investigation, and the initiating law enforcement~~  
22 ~~agency. shall be notified. IF THE JUVENILE IS ON PAROLE STATUS, THE~~  
23 ~~DIVISION OF YOUTH CORRECTIONS SHALL NOTIFY THE JUVENILE PAROLE~~  
24 ~~BOARD, PURSUANT TO SECTION 19-2-1002 (7) (b) (II), OF ANY DISCHARGE~~  
25 ~~AS A MATTER OF LAW, ANY PLACEMENT CHANGE THAT MAY IMPACT~~  
26 ~~PUBLIC SAFETY OR VICTIM SAFETY AS DETERMINED BY THE DIVISION OF~~  
27 ~~YOUTH CORRECTIONS, AND ANY ESCAPE AND RECAPTURE THAT OCCURS~~

1 DURING THE PERIOD OF PAROLE.

2 (7.5) IF THE TERMS AND CONDITIONS OF A JUVENILE'S PAROLE  
3 INCLUDE THE CONDITION THAT THE JUVENILE ATTEND SCHOOL, THE  
4 DEPARTMENT OF HUMAN SERVICES SHALL NOTIFY THE SCHOOL DISTRICT  
5 IN WHICH THE JUVENILE WILL BE ENROLLED OF THIS CONDITION.

6 (9) At least ninety days prior to ~~termination~~ EXPIRATION of  
7 commitment to the department of human services, notification shall be  
8 given to the RESPONSIBLE person or agency that WHO had custody of the  
9 juvenile IMMEDIATELY prior to the commitment. ~~Custody of the juvenile~~  
10 shall return to the person or agency having custody prior to the  
11 commitment, unless a court of competent jurisdiction orders that custody  
12 shall be in a different person or agency. REASONABLE EFFORTS SHALL BE  
13 MADE TO RETURN CUSTODY OF THE JUVENILE TO THE FAMILY OR  
14 RESPONSIBLE PERSON WHO HAD CUSTODY OF THE JUVENILE IMMEDIATELY  
15 PRIOR TO THE COMMITMENT, UNLESS A COURT OF COMPETENT  
16 JURISDICTION ORDERS THAT CUSTODY OF THE JUVENILE SHALL BE WITH A  
17 DIFFERENT PERSON.

18 (10) WHEN CUSTODY OF A JUVENILE WHO WILL BE UNDER THE AGE  
19 OF EIGHTEEN YEARS AT THE TIME OF EXPIRATION OF COMMITMENT  
20 CANNOT BE DETERMINED OR NONE OF THE RESOURCES DESCRIBED IN  
21 SUBSECTION (9) OF THIS SECTION EXIST, THE DIVISION OF YOUTH  
22 CORRECTIONS SHALL MAKE A REFERRAL TO THE LAST KNOWN COUNTY OF  
23 RESIDENCE OF THE RESPONSIBLE PERSON HAVING CUSTODY OF THE  
24 JUVENILE IMMEDIATELY PRIOR TO THE COMMITMENT. THE REFERRAL TO  
25 THE COUNTY SHALL BE MADE BY THE DIVISION OF YOUTH CORRECTIONS AT  
26 LEAST 90 DAYS PRIOR TO THE EXPIRATION OF THE JUVENILE'S  
27 COMMITMENT. THE COUNTY DEPARTMENT OF HUMAN SERVICES OR

1 COUNTY DEPARTMENT OF SOCIAL SERVICES SHALL CONDUCT AN  
2 ASSESSMENT OF THE CHILD PROTECTION NEEDS OF THE JUVENILE AND,  
3 PURSUANT TO RULES ADOPTED BY THE STATE BOARD, PROVIDE SERVICES  
4 IN THE BEST INTEREST OF THE JUVENILE. THE DIVISION OF YOUTH  
5 CORRECTIONS SHALL WORK IN COLLABORATION WITH THE COUNTY  
6 DEPARTMENT CONDUCTING THE ASSESSMENT AND SHALL PROVIDE PAROLE  
7 SUPERVISION SERVICES AS DESCRIBED IN SECTION 19-2-1003.

8 **SECTION 14.** 24-4.1-303 (14.2) (g) and (14.2) (h), Colorado  
9 Revised Statutes, are amended, and the said 24-4.1-303 (14.2) is further  
10 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

11 **24-4.1-303. Procedures for assuring rights of victims of crimes.**

12 (14.2) Upon receipt of a written statement as provided in section  
13 24-4.1-302.5 (1) (j.5), the department of human services shall include the  
14 statement with any referral made by the department of human services or  
15 a district court to place an offender in a public or private community  
16 corrections facility or program. Upon written request of the victim, the  
17 department of human services and any state hospital shall notify the  
18 victim of the following information regarding any person who was  
19 charged with or convicted of a crime against the victim:

20 (g) The transfer to or placement in a nonsecured facility of a  
21 person convicted of a crime, any release or discharge from confinement  
22 of the person, and any conditions attached to the release; ~~and~~

23 (h) The death of such person while in custody or while under the  
24 jurisdiction of the state of Colorado concerning the crime; AND

25 (i) ANY REQUEST BY THE DEPARTMENT OF HUMAN SERVICES TO  
26 THE JUVENILE COURT TO MODIFY THE SENTENCE TO COMMITMENT AND  
27 ANY DECISION BY THE JUVENILE COURT TO MODIFY THE SENTENCE TO

1 COMMITMENT.

2 SECTION 15. 24-4.1-303 (14.3), Colorado Revised Statutes, is  
3 amended, and the said 24-4.1-303 is further amended BY THE  
4 ADDITION OF A NEW SUBSECTION, to read:

5 24-4.1-303. Procedures for ensuring rights of victims of  
6 crimes. (14.3) ~~The court or its designee, pursuant to section 18-3-415,~~  
7 ~~C.R.S., shall disclose the results of any HIV testing that is ordered and~~  
8 ~~performed pursuant to section 18-3-415, C.R.S., to any victim of a sexual~~  
9 ~~offense in the case where such testing was ordered.~~ UPON RECEIPT OF A  
10 WRITTEN STATEMENT FROM THE VICTIM, THE JUVENILE PAROLE BOARD  
11 SHALL NOTIFY THE VICTIM OF THE FOLLOWING INFORMATION REGARDING  
12 ANY PERSON WHO WAS CHARGED WITH OR CONVICTED OF AN OFFENSE  
13 AGAINST THE VICTIM:

14 (a) ANY SCHEDULED JUVENILE PAROLE HEARINGS PURSUANT TO  
15 SECTIONS 19-2-1002 AND 19-2-1004, C.R.S., REGARDING THE PERSON,  
16 AND ANY CHANGES IN THE SCHEDULING OF THE HEARINGS IN ADVANCE OF  
17 THE HEARING;

18 (b) ANY ESCAPE BY THE PERSON WHILE SERVING JUVENILE PAROLE  
19 AND ANY SUBSEQUENT RECAPTURE OF THE PERSON;

20 (c) ANY PLACEMENT CHANGE THAT OCCURS DURING THE PERIOD  
21 OF PAROLE THAT MAY IMPACT THE VICTIM'S SAFETY OR PUBLIC SAFETY AS  
22 DETERMINED BY THE DIVISION OF YOUTH CORRECTIONS; AND

23 (d) ANY DISCHARGE FROM JUVENILE PAROLE.

24 (14.4) THE COURT OR ITS DESIGNEE, PURSUANT TO SECTION  
25 18-3-415, C.R.S., SHALL DISCLOSE THE RESULTS OF ANY HIV TESTING  
26 THAT IS ORDERED AND PERFORMED PURSUANT TO SECTION 18-3-415,  
27 C.R.S., TO ANY VICTIM OF A SEXUAL OFFENSE IN THE CASE IN WHICH THE

1 TESTING WAS ORDERED.

2 **SECTION 16. Appropriation.** In addition to any other  
3 appropriation, there is hereby appropriated, to the department of human  
4 services, for allocation to the juvenile parole board, for the fiscal year  
5 beginning July 1, 2008, the sum of fifty-five thousand nine hundred  
6 ninety-seven dollars (\$55,997) and 0.8 FTE, or so much thereof as may  
7 be necessary, for the implementation of this act. Said sum shall be from  
8 reappropriated funds from the department of public safety, state victims  
9 assistance and law enforcement fund.

10 **SECTION 17. Effective date.** This act shall take effect July 1,  
11 2008.

12 **SECTION 18. Safety clause.** The general assembly hereby finds,  
13 determines, and declares that this act is necessary for the immediate  
14 preservation of the public peace, health, and safety.