

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 08-0663.02 Brita Darling

HOUSE BILL 08-1156

HOUSE SPONSORSHIP

Casso,

SENATE SPONSORSHIP

Gibbs,

House Committees
Judiciary

Senate Committees
Judiciary
Appropriations

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.

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.

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, and the said 19-2-1002 (5)
4 is further amended BY THE ADDITION OF A NEW PARAGRAPH, to
5 read:

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

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

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

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

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

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

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

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

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

1 (b) The provisions of paragraph (a) of this subsection (5) allowing
2 for extension of the period of parole shall apply to juveniles committed
3 to the department of human services due to an adjudication for one or
4 more of the following offenses:

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

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

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

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

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

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

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

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

1 COMMITTED BY AN ADULT; OR

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

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

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

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

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

1 DENY, DEFER, SUSPEND, REVOKE, OR MODIFY A JUVENILE'S PAROLE WITHIN
2 THE PERIOD OF PAROLE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (b) The board may discharge a juvenile from parole before

1 completion of the mandatory six-month parole period when the board
2 finds that the juvenile meets, at a minimum, all of the following
3 conditions of special achievement:

4 (I) Graduation from a public or accredited nonpublic high school
5 or completion of a GED, as that term is defined in section 22-33-102
6 (4.5), C.R.S.;

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

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

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

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

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

1 JUVENILE REACHES TWENTY-ONE YEARS OF AGE.

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

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

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

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

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

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

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

1 violation proceedings to be dismissed, and, if he or she elects to cause
2 dismissal, the parolee shall be released or notified that he or she is
3 relieved of obligation to appear before the hearing panel. In such event,
4 the director, OR HIS OR HER DESIGNEE, shall give written notification to the
5 board of his or her action.

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

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

1 evidence if the parolee is accorded a fair opportunity to rebut hearsay
2 evidence. The parolee shall have the right to confront and to
3 cross-examine adverse witnesses unless the administrative law judge
4 specifically finds good cause for not allowing confrontation.

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

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

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

1 **17-31-102. Definitions.** As used in this article, unless the context
2 otherwise requires:

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

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

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

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

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

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

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

26 (b) ~~The division of juvenile parole, created pursuant to section~~
27 ~~19-2-209, C.R.S. The division of juvenile parole and the office of the~~

1 director of juvenile parole and their powers, duties, and functions are
2 transferred by a **type 2** transfer to the department of human services.

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

5 **19-2-206. Juvenile parole board - creation - membership.**

6 (2) All nine members shall be voting members, and, of the nine
7 members:

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

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

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

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

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

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

27 **19-2-601. Aggravated juvenile offender.** (6) (a) After a

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

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

1 **19-2-909. Sentencing - commitment to the department of**

2 **human services.** (1) (b) Any commitment to the department of human

3 services pursuant to section 19-2-601 or paragraph (a) of this subsection

4 (1) shall include, in addition to a period of commitment, BE FOLLOWED BY

5 a mandatory period of parole of six months, UNLESS THE PERIOD OF

6 PAROLE IS EXTENDED BY THE JUVENILE PAROLE BOARD PURSUANT TO

7 SECTION 19-2-1002 (5). ~~except that, for any juvenile committed to the~~

8 ~~department of human services due to an adjudication for an offense~~

9 ~~specified in subsection (3) of this section, the juvenile parole hearing~~

10 ~~panel, pursuant to section 19-2-1002, may extend the period of parole~~

11 ~~supervision for an additional period of up to:~~

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

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

17 (c) For purposes of this section:

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

19 (II) "PERIOD OF PAROLE" MEANS THE PERIOD BETWEEN THE
20 PAROLE PERIOD START DATE AND THE PAROLE PERIOD END DATE AS
21 DETERMINED BY THE JUVENILE PAROLE BOARD. THE PERIOD OF PAROLE
22 APPLIES TO BOTH MANDATORY SIX-MONTH PAROLE AND EXTENDED
23 PAROLE PURSUANT TO SECTION 19-2-1002 (5). THE PERIOD OF PAROLE
24 CONTINUES UNLESS THE JUVENILE IS DEEMED TO BE ON ESCAPE STATUS,
25 PAROLE HAS BEEN SUSPENDED PURSUANT TO SECTION 19-2-1002, OR THE
26 JUVENILE RETURNS TO COMMITMENT STATUS PURSUANT TO SECTION
27 19-2-1004. IN SUCH CIRCUMSTANCES, THE PERIOD OF PAROLE STOPS UNTIL

1 THE JUVENILE HAS RETURNED TO PAROLE STATUS.

2 (3) ~~The provisions of paragraph (b) of subsection (1) of this~~
3 ~~section allowing for a permissible extension of the period of parole shall~~
4 ~~apply to juveniles committed to the department of human services due to~~
5 ~~an adjudication for one or more of the following offenses:~~

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

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

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

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

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

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

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

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

1 PUBLIC SAFETY OR VICTIM SAFETY AS DETERMINED BY THE DIVISION OF
2 YOUTH CORRECTIONS, AND ANY ESCAPE AND RECAPTURE THAT OCCURS
3 DURING THE PERIOD OF PAROLE.

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

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

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

1 LEAST 90 DAYS PRIOR TO THE EXPIRATION OF THE JUVENILE'S
2 COMMITMENT. THE COUNTY DEPARTMENT OF HUMAN SERVICES OR
3 COUNTY DEPARTMENT OF SOCIAL SERVICES SHALL CONDUCT AN
4 ASSESSMENT OF THE CHILD PROTECTION NEEDS OF THE JUVENILE AND,
5 PURSUANT TO RULES ADOPTED BY THE STATE BOARD, PROVIDE SERVICES
6 IN THE BEST INTEREST OF THE JUVENILE. THE DIVISION OF YOUTH
7 CORRECTIONS SHALL WORK IN COLLABORATION WITH THE COUNTY
8 DEPARTMENT CONDUCTING THE ASSESSMENT AND SHALL PROVIDE PAROLE
9 SUPERVISION SERVICES AS DESCRIBED IN SECTION 19-2-1003.

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

13 **24-4.1-303. Procedures for assuring rights of victims of crimes.**
14 (14.2) Upon receipt of a written statement as provided in section
15 24-4.1-302.5 (1) (j.5), the department of human services shall include the
16 statement with any referral made by the department of human services or
17 a district court to place an offender in a public or private community
18 corrections facility or program. Upon written request of the victim, the
19 department of human services and any state hospital shall notify the
20 victim of the following information regarding any person who was
21 charged with or convicted of a crime against the victim:

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

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

27 (i) ANY REQUEST BY THE DEPARTMENT OF HUMAN SERVICES TO

1 THE JUVENILE COURT TO MODIFY THE SENTENCE TO COMMITMENT AND
2 ANY DECISION BY THE JUVENILE COURT TO MODIFY THE SENTENCE TO
3 COMMITMENT.

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

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

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

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

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

25 (d) ANY DISCHARGE FROM JUVENILE PAROLE.

26 (14.4) THE COURT OR ITS DESIGNEE, PURSUANT TO SECTION
27 18-3-415, C.R.S., SHALL DISCLOSE THE RESULTS OF ANY HIV TESTING

1 THAT IS ORDERED AND PERFORMED PURSUANT TO SECTION 18-3-415,
2 C.R.S., TO ANY VICTIM OF A SEXUAL OFFENSE IN THE CASE IN WHICH THE
3 TESTING WAS ORDERED.

4 **SECTION 16. Effective date.** This act shall take effect July 1,
5 2008.

6 **SECTION 17. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.