

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. 08-0419.01 Julie Pelegrin

SENATE BILL 08-066

SENATE SPONSORSHIP

Williams, Boyd, and Shaffer

HOUSE SPONSORSHIP

Marshall, Madden, and Todd

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

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

Bill Summary

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

Reduces first degree murder to a class 2 felony if the defendant was under 18 years of age at the time of the offense, was convicted as an adult, and did not commit or assist in committing the homicidal act. Makes a defendant convicted of class 2 felony first degree murder eligible

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.*

for sentencing to the youthful offender system. Makes conforming amendments.

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

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

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

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

17 **19-2-518. Transfers.** (1) (d.5) NOTWITHSTANDING THE
18 PROVISIONS OF SUBPARAGRAPH (II) OF PARAGRAPH (d) OF THIS
19 SUBSECTION (1), A JUVENILE WHO IS CHARGED WITH FIRST DEGREE
20 MURDER AS DESCRIBED IN SECTION 18-3-102 (1) (b), C.R.S., AND PLEADS
21 GUILTY TO A CLASS 2 FELONY AS A RESULT OF A PLEA AGREEMENT ___ __
22 IS ELIGIBLE FOR SENTENCING TO THE YOUTHFUL OFFENDER SYSTEM IF THE
23 JUVENILE WOULD BE ELIGIBLE FOR SENTENCING TO THE YOUTHFUL
24 OFFENDER SYSTEM FOR A CONVICTION OF THE FELONY UNDERLYING THE
25 CHARGE OF FIRST DEGREE MURDER AS DESCRIBED IN SECTION 18-3-102 (1)

1 (b), C.R.S.

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

4 **18-1.3-407. Sentences - youthful offenders - legislative**
5 **declaration - powers and duties of district court - authorization for**
6 **youthful offender system - powers and duties of department of**
7 **corrections.** (1) (b) It is the further intent of the general assembly in
8 enacting this section that female and male offenders for whom charges
9 have been directly filed in the district court and who have been convicted
10 in the district court receive equitable treatment in sentencing, particularly
11 in regard to the option of being sentenced to the youthful offender system
12 pursuant to section 19-2-517 (3) or ~~19-2-518 (1) (d) (H)~~ 19-2-518 (1) (d)
13 (II) OR (1) (d.5), C.R.S. Accordingly, it is the general assembly's intent
14 that necessary measures be taken by the department of corrections to
15 establish separate housing for female and male offenders who are
16 sentenced to the youthful offender system without compromising the
17 equitable treatment of either.

18 (2) (a) (I) A juvenile may be sentenced to the youthful offender
19 system created pursuant to this section under the circumstances set forth
20 in ~~section 19-2-517 (3) (a) (H) or 19-2-518 (1) (d) (H)~~ SECTION 19-2-517
21 (3) (a) (II) OR (3) (a.5) OR 19-2-518 (1) (d) (II) OR (1) (d.5), C.R.S. In
22 order to sentence a juvenile to the youthful offender system, the court
23 shall first impose upon such person a sentence to the department of
24 corrections in accordance with section 18-1.3-401. The court shall
25 thereafter suspend such sentence conditioned on completion of a sentence
26 to the youthful offender system, including a period of community
27 supervision. The court shall impose any such sentence to the youthful

1 offender system for a determinate period of not fewer than two years nor
2 more than six years; except that a juvenile convicted of a class 2 felony
3 may be sentenced for a determinate period of up to seven years. In
4 imposing such sentence, the court shall grant authority to the department
5 of corrections to place a youthful offender under a period of community
6 supervision for a period of not fewer than six months and up to twelve
7 months any time after the date on which the youthful offender has twelve
8 months remaining to complete the determinate sentence. The court may
9 award a juvenile sentenced to the youthful offender system credit for
10 presentence confinement; except that such credit shall not reduce the
11 juvenile's actual time served in the youthful offender system to fewer than
12 two years. The court shall have a presentence investigation conducted
13 before sentencing a juvenile pursuant to this section.

14 **SECTION 4. Appropriation - adjustments to the 2008 long**
15 **bill.** (1) In addition to any other appropriation, there is hereby
16 appropriated, out of any moneys in the general fund not otherwise
17 appropriated, to the department of corrections, for allocation to the
18 youthful offender system subprogram, for the youthful offender system,
19 for the fiscal year beginning July 1, 2008, the sum of forty-six thousand
20 forty-eight dollars (\$46,048), or so much thereof as may be necessary, for
21 the implementation of this act.

22 (2) For the implementation of this act, the appropriation made in
23 section 21 of the annual general appropriation act for the fiscal year
24 beginning July 1, 2008, shall be adjusted as follows: The general fund
25 appropriation to the controlled maintenance trust fund is decreased by
26 forty-six thousand forty-eight dollars (\$46,048).

27 **SECTION 5. Effective date - applicability.** This act shall take

1 effect upon passage and shall apply to offenses committed on or after said
2 date.

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