

**Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 12-0561.01 Michael Dohr x4347

SENATE BILL 12-028

SENATE SPONSORSHIP

Grantham,

HOUSE SPONSORSHIP

(None),

Senate Committees

Judiciary

Appropriations

House Committees

A BILL FOR AN ACT

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

Bill Summary

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

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

Under current law, an aggravated juvenile offender whose custody

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

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

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

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

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

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

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

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

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

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

9 (II) WHEN THE COURT NOTIFIES THE INTERESTED PARTIES, THE
10 COURT SHALL ORDER THAT THE JUVENILE SUBMIT TO AND COOPERATE
11 WITH A MENTAL HEALTH EVALUATION BY A STATE-EMPLOYED
12 APPROPRIATE MENTAL HEALTH PROFESSIONAL AT THE COLORADO MENTAL
13 HEALTH INSTITUTE IN PUEBLO TO DETERMINE WHETHER THE JUVENILE IS
14 A DANGER EITHER TO HIMSELF OR HERSELF OR TO OTHERS DUE TO MENTAL
15 ILLNESS. THE APPROPRIATE MENTAL HEALTH PROFESSIONAL SHALL
16 PREPARE A WRITTEN REPORT AND SHALL PROVIDE THREE COPIES OF THE
17 REPORT TO THE CLERK OF THE COURT THAT ORDERED IT AT LEAST FIFTEEN
18 DAYS BEFORE THE HEARING. THE CLERK SHALL FURNISH A COPY OF THE
19 REPORT TO THE PROSECUTING ATTORNEY AND TO THE COUNSEL FOR THE
20 JUVENILE.

21 (b) At the hearing upon the motion, the court may either transfer
22 the custody of and jurisdiction over the juvenile to the department of
23 corrections FOR PLACEMENT IN A CORRECTIONAL FACILITY, THE YOUTH
24 OFFENDER SERVICE PROGRAM, OR A COMMUNITY CORRECTIONS PROGRAM;
25 authorize early release of the juvenile pursuant to subsection (7) of this
26 section; PLACE THE JUVENILE ON ADULT PAROLE FOR A PERIOD OF FIVE
27 YEARS; or order that custody and jurisdiction over the juvenile shall

1 remain with the department of human services; except that the custody of
2 and jurisdiction over the juvenile by the department of human services
3 shall terminate when the juvenile reaches twenty-one years of age.

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

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