

**NEW AGGRAVATED JUVENILE
OFFENDER LAW
2012 LEGISLATIVE SESSION**



House Bill 12-1310 [Senate Bill 28] Aggravated Juvenile Offender Effective June 12, 2012

Changed Colorado's aggravated juvenile offender file statute, **C.R.S. §19-2-601**, which provides for enhanced penalties and procedures for youth accused of serious offenses in juvenile court. Previously youth could not receive consecutive sentences in juvenile court. Also, under prior law youth who turned 21 were either released entirely or transferred to an adult prison facility. Now:

- When a youth is adjudicated a juvenile delinquent for first or second degree murder in juvenile court, the court may sentence the juvenile consecutively or concurrently for any crime of violence or aggravated juvenile offender count arising in that case.

NOTE: No other section of the aggravated juvenile offender statute allows consecutive sentencing, only in first and second degree murder adjudications.

- When a youth turns 20 ½ years old in the custody of the department of human services on any aggravated juvenile offender case, human services shall file a motion with the court concerning jurisdiction of the youth. The court must notify the parties, appoint counsel for the juvenile, and set a hearing. The court shall reconsider the length of the remaining sentence and a list of factors, such as risk, history, education, and progress in custody.

NOTE: This and the following provisions apply to all aggravated juvenile offender cases, not just first and second degree murder.

- When the court notifies the parties of the motion filed by human services the court shall order the juvenile submit to a psychological evaluation and risk assessment by a mental health professional to determine whether the juvenile is a danger to him or herself or others. The report shall be provided to the parties at least 15 days before the hearing.
- The court has the following options regarding the jurisdiction of the youth at 20 ½:
 - 1) Transfer to department of corrections for placement in prison;
 - 2) Transfer to department of corrections for placement in Youthful Offender System;
 - 3) Transfer to department of corrections for placement in community corrections;
 - 4) Place juvenile on adult parole for 5 years (first degree murder 10 years);
 - 5) Authorize the early release of the youth; or
 - 6) Order continuing jurisdiction with department of human services which shall terminate at age 21.
- When a youth is transferred to the department of corrections parole supervision, parole supervision terms are governed by Title 16, 17, and 18, C.R.S. Except—when a youth is adjudicated for first degree murder (as an aggravated juvenile offender in juvenile court) the period of parole shall be 10 years.