

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 21-0533.01 Michael Dohr x4347

**HOUSE BILL 21-1209**

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**HOUSE SPONSORSHIP**

**Gonzales-Gutierrez and Daugherty,**

**SENATE SPONSORSHIP**

**Lee,**

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING OFFENDERS WHO COMMITTED AN OFFENSE WHEN UNDER**  
102 **TWENTY-ONE YEARS OF AGE .**

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**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://leg.colorado.gov>.)*

The bill makes an offender serving a sentence in the department of corrections for a felony offense that was committed while the offender was 18 to 24 years of age eligible for parole after the offender serves 50% of the sentence and after the offender has served at least 15 calendar years in prison. There is a presumption, subject to the parole board's discretion, that the offender will be released on parole if the offender has not had any

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

code of penal discipline violations in the last 5 years and no class I code of penal discipline violations in the last 10 years.

The department of corrections operates a specialized program for offenders who are serving a prison sentence for a felony offense committed while the offender was a juvenile as a result of criminal charges filed by direct file or transfer proceedings. The bill would expand program eligibility to adults serving a sentence for a felony that was committed when the person was under 21 years of age. The bill changes some of the eligibility criteria for the specialized program for an offender who was a juvenile as a result of criminal charges filed by direct file or transfer proceedings.

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



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3 **SECTION 1.** In Session Laws of Colorado 2016, **amend** section  
4 1 of chapter 352 as follows:

5 Section 1. **Legislative declaration.** (1) The general assembly  
6 finds and declares that:

7 (a) The United States supreme court has held in several recent  
8 decisions regarding the criminal sentencing of juveniles that children are  
9 constitutionally different than adults for purposes of sentencing and  
10 should be given a meaningful opportunity for release based on  
11 demonstrated maturity and rehabilitation;

12 (a.5) MORE RECENT RESEARCH ABOUT BRAIN DEVELOPMENT  
13 DEMONSTRATES THAT THE BRAIN FUNCTIONING THAT GUIDES AND AIDS  
14 RATIONAL DECISION-MAKING DOES NOT FULLY DEVELOP UNTIL A PERSON  
15 IS IN HIS OR HER MID- TO LATE TWENTIES, WHICH INDICATES THAT A  
16 YOUNG ADULT DOES NOT OFTEN POSSESS THE DEVELOPMENTAL MATURITY  
17 AND DECISION-MAKING SKILLS OF A MATURE ADULT;

18 (b) Colorado recognizes that ~~children~~ PERSONS have not yet  
19 reached developmental maturity before the age of ~~eighteen~~ TWENTY-ONE

1 years and therefore have a heightened capacity to change behavior and a  
2 greater potential for rehabilitation;

3 (c) Colorado has many offenders currently serving sentences in  
4 the department of corrections who committed crimes when they were less  
5 than ~~eighteen~~ TWENTY-ONE years old and who no longer present a threat  
6 to public safety; ~~and~~

7 (d) Colorado is committed to research-based best practices in the  
8 development and implementation of correctional policies and practices.  
9 BEST PRACTICES SUPPORT THE RELEASE OF OFFENDERS WHO NO LONGER  
10 PRESENT A THREAT TO THE SAFETY OF OTHER PERSONS OR THE  
11 COMMUNITY AND WHO HAVE DEMONSTRATED THAT THROUGH  
12 OBSERVABLE AND VERIFIED POSITIVE BEHAVIOR. RECONSIDERING  
13 OFFENDERS' SENTENCES AFTER LENGTHY INCARCERATION CREATES HOPE  
14 FOR AND HELPS DEVELOP MATURITY AND RESPONSIBILITY IN OFFENDERS  
15 WHO WERE JUVENILES OR YOUNG ADULTS WHEN THEIR CRIMES WERE  
16 COMMITTED; AND

17 (e) COLORADO IS COMMITTED TO PROVIDING VICTIMS THE  
18 OPPORTUNITY TO BE ADVISED AND HEARD REGARDING THE RELEASE OF  
19 OFFENDERS WHO HAVE COMMITTED SERIOUS CRIMES AS WELL AS THE  
20 OPPORTUNITY TO ENGAGE IN RESTORATIVE JUSTICE PRACTICES UPON  
21 REQUEST OF A VICTIM OR VICTIM'S IMMEDIATE FAMILY.

22 (2) Now, therefore, Colorado THE GENERAL ASSEMBLY desires to  
23 implement a system that allows any offender who committed a serious  
24 crime as a juvenile, was treated as an adult by the criminal justice system,  
25 and has served more than twenty or twenty-five calendar years of a  
26 sentence to the department of corrections, during which he or she has  
27 exhibited growth and rehabilitation, OR WHO AS A YOUNG ADULT UNDER

1 TWENTY-ONE YEARS OF AGE WHO COMMITTED A SERIOUS CRIME AND HAS  
2 SERVED MORE THAN TWENTY OR THIRTY CALENDAR YEARS IF SENTENCED  
3 TO THE DEPARTMENT OF CORRECTIONS, AND WHILE SERVING THE  
4 SENTENCE TO THE DEPARTMENT OF CORRECTIONS HAS EXHIBITED GROWTH  
5 AND REHABILITATION, the opportunity to further demonstrate  
6 rehabilitation and earn early release in a specialized program in a less  
7 secure setting without compromising public safety.

8 **SECTION 2.** In Colorado Revised Statutes, 17-34-101, **amend**  
9 (1)(a) introductory portion, (1)(a)(I)(B), and (1)(a)(I)(C) and **add**  
10 (1)(a)(IV) as follows:

11 **17-34-101. Juveniles and young adults who are convicted as**  
12 **adults in district court and young adults convicted under twenty-one**  
13 **years of age - eligibility for specialized program placement - petitions.**

14 (1) (a) Notwithstanding any other provision of law, an offender serving  
15 a sentence in the department for a felony offense as a result of the filing  
16 of criminal charges by an information or indictment pursuant to section  
17 19-2-517, or the transfer of proceedings to the district court pursuant to  
18 section 19-2-518, or pursuant to either of these sections as they existed  
19 prior to their repeal and reenactment, with amendments, by House Bill  
20 96-1005, OR A YOUNG ADULT OFFENDER SERVING A SENTENCE IN THE  
21 DEPARTMENT FOR A FELONY OFFENSE THAT WAS COMMITTED WHEN THE  
22 OFFENDER WAS UNDER TWENTY-ONE YEARS OF AGE AND THAT SENTENCE  
23 IS NOT A SENTENCE OF LIFE WITHOUT THE POSSIBILITY OF PAROLE, and ~~who~~  
24 THE OFFENDER IN ANY OF THESE CASES remains in the custody of the  
25 department for that felony offense, may petition for placement in the  
26 specialized program described in section 17-34-102, referred to within  
27 this section as the "specialized program", as follows:

1 (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(a)(IV) OF THIS  
2 SECTION, if the felony of which the person was convicted was not murder  
3 in the first degree, as described in section 18-3-102, then the offender  
4 may petition for placement in the specialized program after serving  
5 twenty years of his or her sentence if he or she:

6 (B) Has not been convicted of AN OFFENSE OF unlawful sexual  
7 behavior, as defined in section 16-22-102 (9) ~~C.R.S.~~ OR AN OFFENSE THAT  
8 THE UNDERLYING FACTUAL BASIS IS UNLAWFUL SEXUAL BEHAVIOR, AS  
9 DEFINED IN SECTION 16-22-102 (9);

10 (C) Is not OR HAS NOT BEEN PREVIOUSLY PLACED in a treatment  
11 program within the department for a serious behavioral or mental health  
12 disorder;

13 (IV) IF THE FELONY THE PERSON WAS CHARGED WITH WAS MURDER  
14 IN THE FIRST DEGREE, AS DESCRIBED IN SECTION 18-3-102, WITH THE  
15 POSSIBLE PENALTY OF LIFE WITHOUT THE POSSIBILITY OF PAROLE, AND THE  
16 PERSON WAS EIGHTEEN YEARS OF AGE OR OLDER BUT LESS THAN  
17 TWENTY-ONE YEARS OF AGE AT THE TIME OF THE COMMISSION OF THE  
18 OFFENSE, AND THE PERSON ENTERED A PLEA OF GUILTY TO A LESSER  
19 FELONY OFFENSE AND RECEIVED A DETERMINATE SENTENCE TO THE  
20 DEPARTMENT WITH THE POSSIBILITY OF PAROLE, THEN THE OFFENDER MAY  
21 ONLY PETITION FOR PLACEMENT IN THE SPECIALIZED PROGRAM AFTER  
22 SERVING THIRTY CALENDAR YEARS OF HIS OR HER SENTENCE AND THE  
23 OFFENDER MAY ONLY BE RELEASED ON EARLY PAROLE PURSUANT TO THE  
24 PROVISIONS OF SECTION 17-22.5.403.7 (2) AFTER SERVING THIRTY-FIVE  
25 CALENDAR YEARS.

26  
27 **SECTION 3.** In Colorado Revised Statutes, 17-34-102, **amend**

1 (1), (4), (8)(a) introductory portion, and (8)(b); and **add (8)(c)** as follows:

2 **17-34-102. Specialized program for juveniles and young adults**  
3 **convicted as adults and young adults convicted under twenty-one**  
4 **years of age - report.** (1) The department shall develop and implement  
5 a specialized program for offenders who have been sentenced to an adult  
6 prison for a felony offense committed while the offender was ~~less than~~  
7 UNDER eighteen years of age as a result of the filing of criminal charges  
8 by an information or indictment pursuant to section 19-2-517, ~~€R.S.~~, or  
9 the transfer of proceedings to the district court pursuant to section  
10 19-2-518, ~~€R.S.~~, or pursuant to either of these sections as they existed  
11 prior to their repeal and reenactment, with amendments, by House Bill  
12 96-1005, OR OFFENDERS SERVING A SENTENCE IN THE DEPARTMENT FOR  
13 A FELONY OFFENSE THAT WAS COMMITTED WHEN THE OFFENDER WAS  
14 UNDER TWENTY-ONE YEARS OF AGE, and ~~who~~ THE OFFENDERS IN ANY OF  
15 THESE CASES are determined to be appropriate for placement in the  
16 specialized program. The department shall implement the specialized  
17 program within or in conjunction with a facility operated by, or under  
18 contract with, the department.

19 (4) The department ~~may~~ SHALL make restorative justice practices,  
20 as defined in section 18-1-901 (3)(o.5), ~~€R.S.~~, available to any victim of  
21 any offender who petitions for placement in the specialized program, as  
22 may be appropriate, but only if requested by the victim and the victim has  
23 registered with the department of corrections requesting notice of victims'  
24 rights pursuant to the provisions of part 3 of article 4.1 of title 24. ~~€R.S.~~

25 (8) (a) Except as described in ~~paragraph (b) of this subsection (8)~~  
26 SUBSECTION (8)(b) **AND (8)(c)** OF THIS SECTION, if an offender has served  
27 at least ~~twenty-five~~ TWENTY-THREE calendar years of his or her sentence

1 and successfully completed the specialized program, unless rebutted by  
2 relevant evidence, it is presumed that:

3 (b) If an offender who committed murder in the first degree, as  
4 described in section 18-3-102 (1)(a), (1)(c), (1)(e), or (1)(f), ~~C.R.S.~~, has  
5 served ~~thirty~~ TWENTY-EIGHT years of his or her sentence and successfully  
6 completed the program, unless rebutted by relevant evidence, the  
7 presumptions described in ~~subparagraphs (I) and (II) of paragraph (a) of~~  
8 ~~this subsection (8)~~ SUBSECTIONS (8)(a)(I) AND (8)(a)(II) OF THIS SECTION  
9 apply.

10 (c) IF THE FELONY THE PERSON WAS CHARGED WITH WAS MURDER  
11 IN THE FIRST DEGREE, AS DESCRIBED IN SECTION 18-3-102, WITH THE  
12 POSSIBLE PENALTY OF LIFE WITHOUT THE POSSIBILITY OF PAROLE, AND THE  
13 PERSON WAS EIGHTEEN YEARS OF AGE OR OLDER BUT LESS THAN  
14 TWENTY-ONE YEARS OF AGE AT THE TIME OF THE COMMISSION OF THE  
15 OFFENSE, AND THE PERSON ENTERED A PLEA OF GUILTY TO A LESSER  
16 FELONY OFFENSE AND RECEIVED A DETERMINATE SENTENCE TO THE  
17 DEPARTMENT WITH THE POSSIBILITY OF PAROLE, AND THE OFFENDER HAS  
18 SERVED THIRTY-FIVE CALENDAR YEARS OF HIS OR HER SENTENCE AND  
19 SUCCESSFULLY COMPLETED THE PROGRAM, UNLESS REBUTTED BY  
20 RELEVANT EVIDENCE, THE PRESUMPTIONS DESCRIBED IN SUBSECTIONS  
21 (8)(a)(I) AND (8)(a)(II) OF THIS SECTION APPLY.

22 **SECTION 4.** In Colorado Revised Statutes, 17-22.5-403.7,  
23 **amend** (1)(a) and (2) as follows:

24 **17-22.5-403.7. Parole eligibility - youthful offender - juvenile**  
25 **offender convicted as adult - definition.** (1) As used in this section,  
26 "inmate" means a person:

27 (a) (I) Who is convicted as an adult of a ~~class 1~~ felony following

1 direct filing of an information or indictment in the district court pursuant  
2 to section 19-2-517; ~~C.R.S.~~; or

3 (II) Who is convicted as an adult of a ~~class 1~~ felony following  
4 transfer of proceedings to the district court pursuant to section 19-2-518;  
5 ~~C.R.S.~~; and OR

6 (III) WHO IS CONVICTED AS AN ADULT OF A FELONY OFFENSE AND  
7 SENTENCED TO THE DEPARTMENT WHEN THE OFFENSE FOR WHICH THE  
8 PERSON CONVICTED WAS COMMITTED WHEN THE PERSON WAS EIGHTEEN  
9 YEARS OF AGE OR OLDER BUT LESS THAN TWENTY-ONE YEARS OF AGE; AND

10 (2) After considering any relevant evidence presented by any  
11 person or agency and considering the presumptions set forth in section  
12 17-34-102 (8), the governor may grant parole to an inmate prior to the  
13 inmate's parole eligibility date if, in the governor's opinion, extraordinary  
14 mitigating circumstances exist and the inmate's release from institutional  
15 custody is compatible with the safety and welfare of society. HOWEVER,  
16 NOTHING IN THIS SECTION GRANTS THE GOVERNOR THE AUTHORITY TO  
17 GRANT EARLY PAROLE PURSUANT TO THE PROVISIONS OF THIS SECTION TO  
18 AN INMATE SERVING A SENTENCE OF LIFE WITHOUT THE POSSIBILITY OF  
19 PAROLE.

20 **SECTION 5. Act subject to petition - effective date.** This act  
21 takes effect at 12:01 a.m. on the day following the expiration of the  
22 ninety-day period after final adjournment of the general assembly; except  
23 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
24 of the state constitution against this act or an item, section, or part of this  
25 act within such period, then the act, item, section, or part will not take  
26 effect unless approved by the people at the general election to be held in



- 1 November 2022 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.