

GOV. RITTER VETO MESSAGE ON HB08-1208

May 22, 2008

Honorable Colorado House of Representatives
66th General Assembly
Second Regular Session
State Capitol
Denver, CO 80203

Ladies and Gentlemen,

I am filing with the Secretary of State House Bill 08-1208, "Concerning Juveniles Against Whom Charges are Directly Filed in a District Court." I vetoed this bill as of 2:52 p.m., and this letter sets forth my reasons for doing so.

By way of background, in 1993, Denver and the metro area experienced a surge in violent crime, including violence committed by juveniles. This increase followed several years of steadily rising juvenile crime rates and led to a statewide call for action. In response, Governor Roy Romer convened a special session of the General Assembly in September 1993. From that special session, new measures, including C.R.S. 19-2-517, were enacted into law. I participated in the creation of this law in my role as Denver District Attorney.

This 1993 statute allows state prosecutors to "directly file" certain charges against juveniles into adult district court. This prosecutorial mechanism allows only those juveniles who commit the most violent offenses to be directly filed upon in district court -- usually when a deadly weapon has been used or when serious bodily injury or death resulted. It also allows for certain repeat juvenile offenders to be filed upon in adult courts.

It is important to note that Colorado's Youth Offender System was also created in the 1993 Special Session. The YOS allows juveniles convicted as adults, with some exceptions, to: i) serve their time only with other juveniles; ii) serve a sentence typically much shorter than a sentence to the adult system; and iii) serve their sentence in a facility focused on the juvenile's rehabilitation.

HB 08-1208 as proposed would change how violent juvenile offenders are charged with crimes, where they are detained during the criminal justice process, and ultimately how they could be sentenced. Because HB 1208 would change the standards surrounding the prosecution of violent juvenile offenders, I believe that neither public safety nor the interests of juveniles will be properly served.

As a former prosecutor and close observer of the juvenile justice system, I believe HB 1208 would alter a system that has not been shown to be defective. No system of justice is perfect, or for that matter self-executing. C.R.S. 19-2-517 and the Youth Offender System have adequately and fairly addressed the

problems that beset our state in 1993. Ifind no reason presented that warrants the changein the law suggested by HB 1208.

Accordingly, I have vetoed this bill.

Sincerely,

Bill Ritter, Jr.

Governor