

# STATE OF COLORADO

## OFFICE OF THE GOVERNOR

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Bill Ritter, Jr.  
Governor

**B 009 07**

## EXECUTIVE ORDER

### THE JUVENILE CLEMENCY BOARD

Pursuant to the authority vested in me under Article IV, Section 7, of the Colorado Constitution and the laws of the state of Colorado, I, Bill Ritter, Jr., Governor of the State of Colorado, do hereby issue this Executive Order creating the Juvenile Clemency Board.

#### 1. History and Purpose

The Executive Clemency Advisory Board ("the Board") was created by statute on July 1, 1969. The statute authorizing the Board was repealed in 1975. The organization and duties of the Board have been changed by a series of executive orders dated February 13, 1975, October 12, 1975, September 17, 1981, March 16, 1987, and February 16, 1999. The Executive Clemency Advisory Board shall continue under Executive order dated August 28, 2007. This addition of the Juvenile Clemency Board, will review cases of juvenile offenders, tried as adults.

The purpose of the Board is to make advisory recommendations of executive clemency to the Governor, specifically for persons who were juveniles tried as adults and are serving sentences(s). This Board shall advise the Governor on the screening of applications for juveniles offenders, tried as adults, requesting or petitioning for a commutation of sentence.

#### 2. Membership

- A. The Juvenile Clemency Board consists of seven members. The members of the Juvenile Clemency Board shall be appointed and serve at the pleasure of the Governor.
- B. The Chairperson of the Juvenile Clemency Board shall be appointed and serve at the pleasure of the Governor. The Chairperson shall exercise the usual and necessary duties and powers of such an office. In the absence of the Chairperson an Acting Chairperson from among the members of the Juvenile Clemency Board may be designated by the Chairperson or by the Governor.
- C. The Juvenile Clemency Board members shall include but are not limited to:
  - i. The Director for the Division of Criminal Justice;
  - ii. The Director for the Division of Adult Parole, Community Corrections, and the Youth Offender System;
  - iii. At least one member who is a crime victim or represents victims of crime.

#### 3. Powers and Duties

- A. The Juvenile Clemency Board may review and make recommendations of clemency for commutations of sentence of juvenile offenders. This review process shall be limited only to juvenile offenders who were tried as adults, under Colorado law and for which they are serving a sentence(s). The Juvenile Clemency Board shall not be required to review, process or respond to any requests for clemency, unless specifically directed by the Governor.

- B. The Juvenile Clemency Board shall meet at least twice every year and may meet more frequently as the Chairperson deems appropriate. A recommendation by the Juvenile Clemency Board to grant clemency must receive favorable votes from at least four members of the Juvenile Clemency Board.
- C. The Juvenile Clemency Board shall establish the policies and procedures it deems appropriate for conducting its meetings and for providing advice to the Governor. These procedures shall not be subject to the provisions of the State Administrative Procedures Act; the Open Records Act, the Open Meetings Act; or any other requirement of state law. All board proceedings and records shall be confidential and shall be available solely to the Governor and his staff.

4. Scope of Authority

- A. The Juvenile Clemency Board may make favorable recommendations for clemency to serve the interests of justice as determined by the Juvenile Clemency Board and make favorable recommendations for commutation of sentence to:
  - i. Recognize exemplary rehabilitation and institutional behavior;
  - ii. Aid offenders suffering from catastrophic or terminal medical, mental or physical conditions as determined by the Juvenile Clemency Board;
  - iii. Reward acts of heroism by inmates who prevent risk or injury to staff, citizens, or other inmates;
  - iv. Address sentencing disparities and correct inequities within the Colorado criminal justice system.

Staffing and Resources

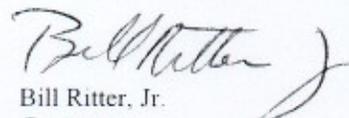
The Board is hereby established within the Office of the Governor, with the staff assistance to be provided by the Department of Corrections and the Department of Public Safety as needed. The Colorado Bureau of Investigation shall provide the Governor's Director for Executive Clemency all assistance with clemency application background investigations, applicant fingerprint analysis, criminal history record information, court disposition information, driving record histories and all other assistance or records required to complete the clemency process.

All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall provide the assistance required by the board, in the performance of its duties. Free access shall also be given to any books, inmate records, archive records, material or documents in their custody, relating to matters within the scope of inquiry, study or review of the Executive Clemency Advisory Board.

All proceedings of the Juvenile Clemency Board shall be conducted in conformance with the provisions of this Executive Order and in conformance with such other criteria, procedures and provisions which the Governor may deem appropriate.



GIVEN under my hand and the Executive Seal of the State of Colorado, this 28<sup>th</sup> day of August, 2007.

  
Bill Ritter, Jr.  
Governor