

Hickenlooper signs 'direct file' into law that limits charging juveniles as adults

By Tim Hoover *The Denver Post* *The Denver Post*

Posted:

DenverPost.com

Gov. John Hickenlooper on Friday signed a bill into law to dramatically curb prosecutors' ability to charge juveniles as adults through the state's longstanding "direct file" system.

House Bill 1271 passed the legislature by wide margins and with bipartisan support but was still bitterly opposed by prosecutors and other law enforcement officials. Lawmakers from both parties split on the issue.

Hickenlooper, a Democrat, said he struggled with whether to sign the bill but decided the wave of bipartisan support among lawmakers was hard to ignore.

"This is about as close as I've come to a veto without vetoing," he said. "At the end, I feel very comfortable with the decision."

He added, "I think especially in a split legislature that if a bill works its way through both sides, that's a powerful statement."

Kim Dvorchak, executive director of the Colorado Juvenile Defender Coalition, said the law had "restored due process for youth to have judicial review before being tried as an adult."

But opponents of the bill, such as Attorney General John Suthers, a Republican, said Hickenlooper's signature was the wrong decision.

"Gov. Roy Romer and state lawmakers established Colorado's direct-file system in the early 1990s in response to an alarming and continuous increase in violent crime committed by juveniles," Suthers said in a statement. "Since then, prosecutors across the state have judiciously used the system to address the most serious, violent juvenile offenders who posed serious risks to the public safety. This new law not only ignores the lessons of history, but also the benefits of the direct-file system, including Colorado's Youthful Offender System, which has rehabilitated numerous juvenile offenders."

Denver District Attorney Mitch Morrissey said he was disappointed.

"It (the law) is a misguided attempt at reform that is actually a big step backwards, and I believe it will result in more juvenile direct-file cases," Morrissey said. "What is unfortunate is the impact, which is that it will hurt kids, waste money and risk public safety."

The bill bars district attorneys from charging juveniles as adults for many low and mid-level felonies, while raising the age at which young offenders may be charged as adults for more serious crimes from 14 to 16.

While the bill would allow prosecutors to charge young offenders as adults in cases of murder, violent sex offenses, kidnapping and violent assaults, it also would allow defendants to appeal to a district judge, who would have the final say on whether they are tried as adults.

Public defenders, criminal defense attorneys and other supporters argued that the direct-file system had been overused by prosecutors in Colorado since it was expanded in 1993 after the so-called Summer of Violence in Denver. Supporters also argued that the law was permanently tarnishing teenagers with felony convictions who made bad decisions at an early age.

But district attorneys and Suthers said the bill unduly takes discretion away from prosecutors and said direct-file cases are rare already.

Tim Hoover: 303-954-1626 or thoover@denverpost.com