First Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 03-0142.01 Stephen Miller **HOUSE BILL 03-1031**

HOUSE SPONSORSHIP

Decker, Boyd, and Hefley

SENATE SPONSORSHIP

Gordon, Nichol, and Phillips

House Committees	**Senate Committees**
Judiciary	
Appropriations	

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUED EXAMINATION OF CRIMINAL**
102 **SENTENCING ISSUES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Criminal Sentencing. Creates a legislative committee to study criminal sentencing issues. Continues the operation of a task force on long-term criminal sentencing issues. Repeals the committee and the task force, effective July 1, 2006.

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

SECTION 1. Title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 1.2

Task Force On Long-term Criminal

Sentencing Issues

18-1.2-101. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(a) IN 2001, THE INTERIM COMMITTEE ON CRIMINAL SENTENCING CREATED BY HJR 01-1027 BEGAN AN EXAMINATION OF THE CRIMINAL SENTENCING LAWS OF THIS STATE;

(b) AS A RESULT OF THE EXAMINATION, THE GENERAL ASSEMBLY PASSED HOUSE BILL 02-1046, WHICH RELOCATED SEVERAL KEY SENTENCING STATUTES TO A NEW ARTICLE OF THIS TITLE AND REPRESENTED AN IMPORTANT INITIAL STEP TOWARD THE CENTRALIZATION OF THE SUBSTANTIVE CRIMINAL STATUTES OF THIS STATE;

(c) IN 2002, THE INTERIM COMMITTEE ON CRIMINAL SENTENCING APPOINTED A TASK FORCE TO STUDY LONG-TERM CRIMINAL SENTENCING ISSUES IN COLORADO FOR THE PURPOSES OF CREATING A NEW CRIMINAL SENTENCING STRUCTURE AND COMPLETING THE CENTRALIZATION OF THE SUBSTANTIVE CRIMINAL STATUTES;

(d) THE INTERIM COMMITTEE ON CRIMINAL SENTENCING IS NOT SCHEDULED TO CONTINUE PAST THE 2002 INTERIM; AND

(e) IN LIGHT OF THE COMPLEXITY OF BOTH THE COLORADO CRIMINAL CODE AND THE ISSUES SURROUNDING CRIMINAL SENTENCING, THE CREATION OF A NEW CRIMINAL SENTENCING STRUCTURE AND THE CENTRALIZATION OF THE SUBSTANTIVE CRIMINAL STATUTES WILL TAKE MORE THAN ONE INTERIM, AND PERHAPS SEVERAL YEARS, TO ACCOMPLISH.

(2) THE GENERAL ASSEMBLY, THEREFORE, DETERMINES THAT IT IS NECESSARY TO ESTABLISH A LEGISLATIVE OVERSIGHT COMMITTEE AND A TASK FORCE ON LONG-TERM CRIMINAL SENTENCING ISSUES TO CONTINUE THE STUDY OF LONG-TERM CRIMINAL SENTENCING ISSUES FOR THE PURPOSES OF:

(a) CREATING A NEW CRIMINAL SENTENCING STRUCTURE THAT IS CLEAR AND CONCISE;

(b) COMPLETING THE CENTRALIZATION OF THE SUBSTANTIVE CRIMINAL STATUTES; AND

(c) RECOMMENDING LEGISLATIVE PROPOSALS RELATED TO THESE TOPICS.

18-1.2-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COMMITTEE" MEANS THE LEGISLATIVE OVERSIGHT COMMITTEE ESTABLISHED PURSUANT TO SECTION 18-1.2-103.

(2) "TASK FORCE" MEANS THE TASK FORCE ON LONG-TERM CRIMINAL SENTENCING ISSUES ESTABLISHED PURSUANT TO SECTION 18-1.2-104.

18-1.2-103. Legislative oversight committee - creation - duties. (1) (a) THERE IS HEREBY CREATED A LEGISLATIVE OVERSIGHT COMMITTEE FOR THE CONTINUING EXAMINATION OF LONG-TERM CRIMINAL SENTENCING ISSUES IN THIS STATE.

(b) THE COMMITTEE SHALL CONSIST OF SIX MEMBERS APPOINTED NOT LATER THAN JULY 1, 2003. THE PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT THE MEMBERS OF THE COMMITTEE, AS FOLLOWS:

(I) THE PRESIDENT OF THE SENATE SHALL APPOINT TWO SENATORS TO SERVE ON THE COMMITTEE, AND THE MINORITY LEADER OF THE SENATE SHALL APPOINT ONE SENATOR TO SERVE ON THE COMMITTEE;

(II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT THREE REPRESENTATIVES TO SERVE ON THE COMMITTEE, NO MORE THAN TWO OF WHOM SHALL BE MEMBERS OF THE SAME POLITICAL PARTY.

(c) THE PRESIDENT OF THE SENATE SHALL SELECT THE FIRST CHAIR OF THE COMMITTEE, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL SELECT THE FIRST VICE-CHAIR. THE CHAIR AND VICE-CHAIR SHALL ALTERNATE ANNUALLY THEREAFTER BETWEEN THE TWO HOUSES. THE CHAIR AND VICE-CHAIR OF THE COMMITTEE MAY ESTABLISH SUCH ORGANIZATIONAL AND PROCEDURAL RULES AS ARE NECESSARY FOR THE OPERATION OF THE COMMITTEE.

(d) COMMITTEE MEMBERS SHALL SERVE WITHOUT COMPENSATION BUT SHALL BE REIMBURSED FOR ALL NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

(2) (a) THE COMMITTEE SHALL MEET ON OR BEFORE AUGUST 1, 2003, AND SHALL MEET WITH THE TASK FORCE AT LEAST TWICE EACH YEAR THEREAFTER, AND AT SUCH OTHER TIMES AS IT DEEMS NECESSARY.

(b) THE COMMITTEE SHALL BE RESPONSIBLE FOR THE OVERSIGHT OF THE TASK FORCE AND SHALL SUBMIT ANNUAL REPORTS TO THE GENERAL ASSEMBLY REGARDING THE FINDINGS AND RECOMMENDATIONS OF THE TASK FORCE. IN ADDITION, THE COMMITTEE MAY RECOMMEND LEGISLATIVE CHANGES THAT SHALL BE TREATED AS BILLS RECOMMENDED BY AN INTERIM LEGISLATIVE COMMITTEE FOR PURPOSES OF ANY INTRODUCTION DEADLINES OR BILL LIMITATIONS IMPOSED BY THE JOINT RULES OF THE GENERAL ASSEMBLY.

(c) THE COMMITTEE SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY BY JANUARY 15, 2004, AND BY EACH JANUARY 15 THEREAFTER THROUGH JANUARY 15, 2006. THE ANNUAL REPORTS SHALL SUMMARIZE THE LONG-TERM CRIMINAL SENTENCING ISSUES THAT HAVE BEEN CONSIDERED AND ANY RECOMMENDED LEGISLATIVE PROPOSALS.

18-1.2-104. Task force on long-term criminal sentencing issues - creation - membership - duties. (1) THERE IS HEREBY CREATED A TASK FORCE FOR THE CONTINUING EXAMINATION OF LONG-TERM CRIMINAL SENTENCING ISSUES IN COLORADO. THE TASK FORCE SHALL CONSIST OF TWELVE MEMBERS AS FOLLOWS:

(a) THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL APPOINT TWO MEMBERS WHO REPRESENT THE JUDICIAL DEPARTMENT AND WHO SHALL HAVE EXPERIENCE HANDLING FELONY MATTERS WITHIN THE JUDICIAL DEPARTMENT;

(b) THE CHAIR AND VICE-CHAIR OF THE COMMITTEE SHALL APPOINT TEN MEMBERS AS FOLLOWS:

(I) FIVE MEMBERS WHO REPRESENT THE DISTRICT ATTORNEYS WITHIN THE STATE;

(II) ONE MEMBER WHO REPRESENTS THE STATE ATTORNEY GENERAL'S OFFICE; AND

(III) FOUR MEMBERS WHO REPRESENT THE CRIMINAL DEFENSE BAR WITHIN THE STATE, ONE OF WHOM SHALL BE A REPRESENTATIVE FROM THE STATE PUBLIC DEFENDER'S OFFICE, AND ALL OF WHOM SHALL HAVE EXPERIENCE REPRESENTING ADULTS IN FELONY CASES.

(2) THE TASK FORCE SHALL EXAMINE LONG-TERM CRIMINAL SENTENCING ISSUES IN THE STATE. THE TASK FORCE SHALL SPECIFICALLY CONSIDER, BUT NEED NOT BE LIMITED TO, THE FOLLOWING ISSUES:

(a) THE SIMPLIFICATION AND CLARIFICATION OF THE CRIMINAL SENTENCING STATUTES, INCLUDING BUT NOT LIMITED TO THE CREATION OF A NEW CRIMINAL SENTENCING STRUCTURE; AND

(b) THE CENTRALIZATION OF THE SUBSTANTIVE CRIMINAL STATUTES.

(3) THE TASK FORCE SHALL PROVIDE GUIDANCE AND MAKE FINDINGS AND RECOMMENDATIONS TO THE COMMITTEE IN ITS DEVELOPMENT OF REPORTS AND LEGISLATIVE RECOMMENDATIONS CONCERNING THE ISSUES DESCRIBED IN SUBSECTION (2) OF THIS SECTION. IN SO DOING, THE TASK FORCE SHALL:

(a) SELECT A CHAIR AND A VICE-CHAIR FROM AMONG ITS MEMBERS;

(b) IN ADDITION TO MEETING WITH THE COMMITTEE, MEET AT LEAST SIX TIMES EACH YEAR FROM THE DATE OF THE FIRST MEETING UNTIL JANUARY 1, 2006, OR AS OTHERWISE DIRECTED BY THE CHAIR OF THE COMMITTEE;

(c) COMMUNICATE WITH AND OBTAIN INPUT FROM GROUPS THROUGHOUT THE STATE, INCLUDING BUT NOT LIMITED TO THE JUDICIAL DEPARTMENT, CRIMINAL PROSECUTORS, AND THE CRIMINAL DEFENSE BAR, THAT ARE AFFECTED BY THE ISSUES IDENTIFIED IN SUBSECTION (2) OF THIS SECTION;

(d) CREATE SUBCOMMITTEES AS NEEDED TO CARRY OUT THE DUTIES OF THE TASK FORCE. THE SUBCOMMITTEES MAY CONSIST, IN PART, OF PERSONS WHO ARE NOT MEMBERS OF THE TASK FORCE. SUCH PERSONS MAY VOTE ON ISSUES BEFORE SUCH SUBCOMMITTEE BUT SHALL NOT BE ENTITLED TO A VOTE AT MEETINGS OF THE TASK FORCE.

(e) SUBMIT A WRITTEN REPORT TO THE COMMITTEE BY OCTOBER

1, 2003, AND BY EACH OCTOBER 1 THEREAFTER THROUGH OCTOBER 1, 2005, AT A MINIMUM SPECIFYING THE FOLLOWING:

(I) ISSUES TO BE STUDIED IN UPCOMING TASK FORCE MEETINGS AND A PRIORITIZATION OF THOSE ISSUES;

(II) FINDINGS AND RECOMMENDATIONS REGARDING ISSUES OF PRIOR CONSIDERATION BY THE TASK FORCE;

(III) LEGISLATIVE PROPOSALS OF THE TASK FORCE THAT IDENTIFY THE POLICY ISSUES INVOLVED, THE AGENCIES RESPONSIBLE FOR THE IMPLEMENTATION OF THE CHANGES, AND THE FUNDING SOURCES REQUIRED FOR SUCH IMPLEMENTATION.

(4) MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT COMPENSATION.

18-1.2-105. Task force funding - staff support. (1) THE TASK FORCE IS AUTHORIZED TO RECEIVE CONTRIBUTIONS, GRANTS, SERVICES, AND IN-KIND DONATIONS FROM ANY PUBLIC OR PRIVATE ENTITY TO BE EXPENDED FOR ANY DIRECT OR INDIRECT COSTS ASSOCIATED WITH THE DUTIES OF THE TASK FORCE SET FORTH IN THIS ARTICLE.

(2) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL SUPPLY STAFF ASSISTANCE TO THE COMMITTEE AND TO THE TASK FORCE AS THEY DEEM APPROPRIATE. THE COMMITTEE MAY ALSO ACCEPT STAFF SUPPORT FROM THE PRIVATE SECTOR.

18-1.2-106. Repeal of article. THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2006.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.