

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 07-0760.01 Michael Dohr

HOUSE BILL 07-1358

HOUSE SPONSORSHIP

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House Committees

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Appropriations

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A BILL FOR AN ACT

101 **CONCERNING THE STUDY OF THE CRIMINAL JUSTICE SYSTEM, AND, IN**
102 **CONNECTION THEREWITH, CREATING THE COLORADO CRIMINAL**
103 **AND JUVENILE JUSTICE COMMISSION AND MAKING AN**
104 **APPROPRIATION.**

Bill Summary

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

Creates the Colorado criminal and juvenile justice commission ("commission"). States that the commission shall consist of 24 voting members, including 7 ex officio members, 4 legislative members, 3 members appointed by the chief justice, and 10 members appointed by the

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

governor. Creates a director position for the commission, to be appointed by the governor.

States that the mission of the commission is to enhance public safety, ensure justice, and protect the rights of victims through the cost-effective use of public resources. Requires the commission to:

Conduct an empirical analysis of and collect evidence-based data on sentencing policies and practices; Investigate effective alternatives to incarceration, the factors contributing to recidivism, evidence-based recidivism reduction initiatives, and cost-effective crime prevention programs;

Make an annual report of findings and recommendations, including evidence-based analysis and data;

Study and evaluate the outcomes of commission recommendations as implemented;

Conduct studies and make recommendations concerning policies and practices in the criminal justice system.

Prioritize areas of study based on the potential impact on crime and corrections and the resources available for conducting the work; and

Work with other state-established boards, task forces, or commissions that study or address criminal justice issues.

Directs the commission to create advisory committees that will study and report findings on issues the commission is considering. Requires the division of criminal justice in the department of public safety to provide staff assistance to the commission. Permits the acceptance of gifts, grants, and donations for the operation of the commission, and creates a cash fund for the receipt of those moneys.

Repeals the act on July 1, 2013.

Makes an appropriation.

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

2 **SECTION 1.** Title 16, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 11.3**

5 **Colorado Commission on Criminal and Juvenile Justice**

6 **16-11.3-101. Legislative declaration.** (1) THE GENERAL
7 ASSEMBLY FINDS AND DECLARES THAT:

8 (a) ENSURING PUBLIC SAFETY AND RESPECTING THE RIGHTS OF

1 VICTIMS ARE PARAMOUNT CONCERNS OF THE CITIZENS OF COLORADO;

2 (b) IMPROVING THE EFFECTIVE ADMINISTRATION OF JUSTICE
3 INVOLVES A COMPREHENSIVE EXAMINATION OF, AND RECOMMENDATIONS
4 REGARDING, THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS;

5 (c) CURRENT COMMITMENTS TO THE DEPARTMENT OF
6 CORRECTIONS REQUIRE EXPENDING A SIGNIFICANT PERCENTAGE OF THE
7 STATE BUDGET FOR INCARCERATION OF OFFENDERS;

8 (d) THE NUMBER OF OFFENDERS PROJECTED TO BE SENTENCED IN
9 THE FUTURE WILL REQUIRE THAT AN EVEN GREATER PERCENTAGE OF THE
10 STATE BUDGET BE DEDICATED TO INCARCERATION;

11 (e) THE RATE OF RECIDIVISM IS HIGH, RESULTING IN THE RETURN
12 OF MANY OFFENDERS TO THE JUSTICE SYSTEM WITH ADDITIONAL
13 SIGNIFICANT EXPENSE;

14 (f) IT IS IN THE INTEREST OF THE PEOPLE OF THE STATE OF
15 COLORADO TO MAINTAIN PUBLIC SAFETY THROUGH THE MOST
16 COST-EFFECTIVE USE OF LIMITED CRIMINAL JUSTICE RESOURCES;

17 (g) MANY FACTORS MAY CONTRIBUTE TO AN OFFENDER'S
18 CRIMINAL BEHAVIOR, INCLUDING BUT NOT LIMITED TO SUBSTANCE ABUSE,
19 MENTAL ILLNESS, POVERTY, CHILD ABUSE, DOMESTIC VIOLENCE, AND
20 EDUCATIONAL DEFICIENCIES. OFTEN TIMES, FACTORS CONTRIBUTING TO
21 CRIMINAL CONDUCT AND RE-VICTIMIZATION ARE NOT ADDRESSED
22 ADEQUATELY WITHIN THE JUSTICE SYSTEM.

23 (h) APPROPRIATE INTERVENTION IN A CHILD'S LIFE THROUGH THE
24 JUVENILE JUSTICE SYSTEM OR PREVENTION PROGRAMS MAY LIMIT OR
25 PREVENT FUTURE CRIMINAL CONDUCT;

26 (i) IT IS IN THE BEST INTEREST OF THE PUBLIC TO ENGAGE IN A
27 COMPREHENSIVE EVIDENCE-BASED ANALYSIS OF THE CIRCUMSTANCES AND

1 CHARACTERISTICS OF THE OFFENDERS BEING SENTENCED TO THE
2 DEPARTMENT OF CORRECTIONS, THE ALTERNATIVES TO INCARCERATION,
3 THE EFFECTIVENESS OF PREVENTION PROGRAMS, AND THE EFFECTIVENESS
4 OF THE CRIMINAL CODE AND SENTENCING LAWS IN SECURING PUBLIC
5 SAFETY.

6 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT A
7 COMMISSION COMPRISED OF EXPERTS IN CRIMINAL JUSTICE, CORRECTIONS,
8 MENTAL HEALTH, DRUG ABUSE, VICTIMS' RIGHTS, HIGHER EDUCATION,
9 JUVENILE JUSTICE, LOCAL GOVERNMENT, AND OTHER PERTINENT
10 DISCIPLINES SHALL BE FORMED TO ENGAGE IN AN EVIDENCE-BASED
11 ANALYSIS OF THE CRIMINAL JUSTICE SYSTEM IN COLORADO AND
12 ANNUALLY REPORT TO THE GOVERNOR, THE SPEAKER OF THE HOUSE OF
13 REPRESENTATIVES, THE PRESIDENT OF THE SENATE, AND THE CHIEF
14 JUSTICE OF THE COLORADO SUPREME COURT.

15 **16-11.3-102. Colorado commission on criminal and juvenile**
16 **justice - creation - membership - operation.** (1) (a) THERE IS HEREBY
17 CREATED IN THE DEPARTMENT OF PUBLIC SAFETY THE COLORADO
18 COMMISSION ON CRIMINAL AND JUVENILE JUSTICE, REFERRED TO IN THIS
19 ARTICLE AS THE "COMMISSION". THE COMMISSION SHALL HAVE THE
20 POWERS AND DUTIES SPECIFIED IN THIS ARTICLE.

21 (b) THE COMMISSION SHALL EXERCISE ITS POWERS AND PERFORM
22 ITS DUTIES AND FUNCTIONS AS IF THE SAME WERE TRANSFERRED TO THE
23 DEPARTMENT OF PUBLIC SAFETY BY A **TYPE 2** TRANSFER, AS SUCH
24 TRANSFER IS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF
25 1968", ARTICLE 1 OF TITLE 24, C.R.S.

26 (2) (a) THE COMMISSION SHALL CONSIST OF TWENTY-FOUR VOTING
27 MEMBERS, AS FOLLOWS:

1 (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
2 SAFETY, OR HIS OR HER DESIGNEE;

3 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
4 CORRECTIONS, OR HIS OR HER DESIGNEE;

5 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN
6 SERVICES, OR HIS OR HER DESIGNEE;

7 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HIGHER
8 EDUCATION, OR HIS OR HER DESIGNEE;

9 (V) THE ATTORNEY GENERAL, OR HIS OR HER DESIGNEE;

10 (VI) THE STATE PUBLIC DEFENDER, OR HIS OR HER DESIGNEE;

11 (VII) THE CHAIRPERSON OF THE STATE BOARD OF PAROLE, OR HIS
12 OR HER DESIGNEE;

13 (VIII) THREE MEMBERS APPOINTED BY THE CHIEF JUSTICE OF THE
14 COLORADO SUPREME COURT FROM THE JUDICIAL BRANCH, AT LEAST ONE
15 OF WHOM SHALL BE A CURRENT OR RETIRED JUDGE;

16 (IX) FOUR MEMBERS OF THE GENERAL ASSEMBLY APPOINTED AS
17 FOLLOWS:

18 (A) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF
19 REPRESENTATIVES;

20 (B) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE
21 HOUSE OF REPRESENTATIVES;

22 (C) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE;

23 AND

24 (D) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE
25 SENATE; AND

26 (X) TEN MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

27 (A) A REPRESENTATIVE OF A POLICE DEPARTMENT;

- 1 (B) A REPRESENTATIVE OF A SHERIFF'S DEPARTMENT;
- 2 (C) AN EXPERT IN JUVENILE JUSTICE ISSUES;
- 3 (D) TWO ELECTED DISTRICT ATTORNEYS;
- 4 (E) A REPRESENTATIVE OF A COMMUNITY CORRECTIONS PROVIDER;
- 5 (F) A CRIMINAL DEFENSE ATTORNEY;
- 6 (G) A REPRESENTATIVE OF A VICTIMS' RIGHTS ORGANIZATION; AND
- 7 (H) TWO MEMBERS WHO SHALL BE APPOINTED AT-LARGE.

8 (b) THE DIRECTOR OF THE DIVISION OF CRIMINAL JUSTICE IN THE
9 DEPARTMENT OF PUBLIC SAFETY SHALL SERVE AS A NON-VOTING MEMBER
10 OF THE COMMISSION.

11 (3) (a) THE APPOINTED MEMBERS OF THE COMMISSION SHALL
12 SERVE TERMS OF THREE YEARS; EXCEPT THAT THE MEMBERS FIRST
13 APPOINTED PURSUANT TO SUB-SUBPARAGRAPHS (D) TO (H) OF
14 SUBPARAGRAPH (X) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS
15 SECTION SHALL EACH SERVE A TWO-YEAR TERM. THE MEMBERS
16 APPOINTED AFTER THE INITIAL TWO-YEAR TERMS SHALL SERVE
17 THREE-YEAR TERMS.

18 (b) EACH APPOINTING AUTHORITY SHALL APPOINT THE INITIAL
19 APPOINTED MEMBERS OF THE COMMISSION WITHIN SIXTY DAYS AFTER THE
20 EFFECTIVE DATE OF THIS ARTICLE. AN APPOINTED MEMBER SHALL NOT
21 SERVE MORE THAN TWO CONSECUTIVE FULL TERMS, IN ADDITION TO ANY
22 PARTIAL TERM. IN THE EVENT OF A VACANCY IN AN APPOINTED POSITION
23 BY DEATH, RESIGNATION, REMOVAL FOR MISCONDUCT, INCOMPETENCE,
24 NEGLECT OF DUTY, OR OTHERWISE, THE APPOINTING AUTHORITY SHALL
25 APPOINT A MEMBER TO FILL THE POSITION FOR THE REMAINDER OF THE
26 UNEXPIRED TERM.

27 (4) (a) THE GOVERNOR SHALL SELECT THE CHAIRPERSON AND

1 VICE-CHAIRPERSON OF THE COMMISSION FROM AMONG ITS MEMBERS.

2 (b) THE NON-LEGISLATIVE MEMBERS OF THE COMMISSION SHALL
3 SERVE WITHOUT COMPENSATION; EXCEPT THAT THE MEMBERS OF THE
4 COMMISSION MAY BE REIMBURSED FOR ANY ACTUAL AND NECESSARY
5 TRAVEL EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES
6 UNDER THIS ARTICLE.

7
8 (5) THE COMMISSION MAY ESTABLISH BY-LAWS AS APPROPRIATE
9 FOR ITS EFFECTIVE OPERATION.

10 (6) THE COMMISSION SHALL MEET AT LEAST ONCE PER MONTH OR
11 ON A SCHEDULE DETERMINED BY THE CHAIRPERSON TO REVIEW
12 INFORMATION NECESSARY FOR MAKING RECOMMENDATIONS.

13 (7) MEMBERS OF THE COMMISSION, EMPLOYEES, AND
14 CONSULTANTS SHALL BE IMMUNE FROM SUIT IN ANY CIVIL ACTION BASED
15 UPON ANY OFFICIAL ACT PERFORMED IN GOOD FAITH PURSUANT TO THIS
16 ARTICLE.

17 **16-11.3-103. Duties of the commission - mission - staffing.**

18 (1) THE MISSION OF THE COMMISSION IS TO ENHANCE PUBLIC SAFETY, TO
19 ENSURE JUSTICE, AND TO ENSURE PROTECTION OF THE RIGHTS OF VICTIMS
20 THROUGH THE COST-EFFECTIVE USE OF PUBLIC RESOURCES. THE WORK OF
21 THE COMMISSION WILL FOCUS ON EVIDENCE-BASED RECIDIVISM
22 REDUCTION INITIATIVES AND THE COST-EFFECTIVE EXPENDITURE OF
23 LIMITED CRIMINAL JUSTICE FUNDS.

24 (2) THE COMMISSION SHALL HAVE THE FOLLOWING DUTIES:

25 (a) TO CONDUCT AN EMPIRICAL ANALYSIS OF AND COLLECT
26 EVIDENCE-BASED DATA ON SENTENCING POLICIES AND PRACTICES,
27 INCLUDING BUT NOT LIMITED TO THE EFFECTIVENESS OF THE SENTENCES

1 IMPOSED IN MEETING THE PURPOSES OF SENTENCING AND THE NEED TO
2 PREVENT RECIDIVISM AND RE-VICTIMIZATION;

3 (b) TO INVESTIGATE EFFECTIVE ALTERNATIVES TO
4 INCARCERATION, THE FACTORS CONTRIBUTING TO RECIDIVISM,
5 EVIDENCE-BASED RECIDIVISM REDUCTION INITIATIVES, AND
6 COST-EFFECTIVE CRIME PREVENTION PROGRAMS;

7 (c) TO MAKE AN ANNUAL REPORT OF FINDINGS AND
8 RECOMMENDATIONS, INCLUDING EVIDENCE-BASED ANALYSIS AND DATA;

9 (d) TO STUDY AND EVALUATE THE OUTCOMES OF COMMISSION
10 RECOMMENDATIONS AS IMPLEMENTED;

11 (e) TO CONDUCT AND REVIEW STUDIES, INCLUDING BUT NOT
12 LIMITED TO WORK AND RESOURCES COMPILED BY OTHER STATES, AND
13 MAKE RECOMMENDATIONS CONCERNING POLICIES AND PRACTICES IN THE
14 CRIMINAL AND JUVENILE JUSTICE SYSTEMS. THE COMMISSION SHALL
15 PRIORITIZE AREAS OF STUDY BASED ON THE POTENTIAL IMPACT ON CRIME
16 AND CORRECTIONS AND THE RESOURCES AVAILABLE FOR CONDUCTING THE
17 WORK; AND

18 (f) TO WORK WITH OTHER STATE-ESTABLISHED BOARDS, TASK
19 FORCES, OR COMMISSIONS THAT STUDY OR ADDRESS CRIMINAL JUSTICE
20 ISSUES.

21 (3) THE COMMISSION SHALL ESTABLISH ADVISORY COMMITTEES
22 THAT FOCUS ON SPECIFIC SUBJECT MATTERS AND MAKE
23 RECOMMENDATIONS TO THE FULL COMMISSION. THE CHAIRPERSON OF THE
24 COMMISSION SHALL SELECT THE CHAIRPERSONS FOR THE ADVISORY
25 COMMITTEES AS WELL AS THE COMMISSION MEMBERS TO SERVE ON THE
26 ADVISORY COMMITTEES. THE CHAIRPERSON OF AN ADVISORY COMMITTEE
27 MAY SELECT NON-COMMISSION MEMBERS FROM INTERESTED MEMBERS OF

1 THE COMMUNITY TO SERVE ON THE ADVISORY COMMITTEE. EACH
2 ADVISORY COMMITTEE SHALL MAKE FINDINGS AND RECOMMENDATIONS
3 FOR CONSIDERATION BY THE COMMISSION. NON-COMMISSION MEMBERS
4 OF AN ADVISORY COMMITTEE SHALL SERVE WITHOUT COMPENSATION AND
5 WITHOUT REIMBURSEMENT FOR EXPENSES.

6 (4) THE COMMISSION, AT ITS DISCRETION, MAY RESPOND TO
7 INQUIRIES REFERRED BY MEMBERS OF THE GENERAL ASSEMBLY, THE
8 GOVERNOR, AND THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT,
9 AS RESOURCES ALLOW.

10 (5) THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
11 PUBLIC SAFETY, IN CONSULTATION WITH THE DEPARTMENT OF
12 CORRECTIONS, SHALL PROVIDE RESOURCES FOR DATA COLLECTION,
13 RESEARCH, ANALYSIS, AND PUBLICATION OF THE COMMISSION'S FINDINGS
14 AND REPORTS.

15 **16-11.3-104. Colorado commission on criminal and juvenile**
16 **justice cash fund - created - donations.** (1) THE DEPARTMENT OF
17 PUBLIC SAFETY AND THE COMMISSION ARE AUTHORIZED TO ACCEPT GIFTS,
18 GRANTS, OR DONATIONS, INCLUDING IN-KIND DONATIONS FROM PRIVATE
19 OR PUBLIC SOURCES, FOR THE PURPOSES OF THIS ARTICLE. ALL PRIVATE
20 AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS BY
21 THE DEPARTMENT OF PUBLIC SAFETY OR BY THE COMMISSION SHALL BE
22 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
23 TO THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE
24 CASH FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS
25 ARTICLE AS THE "CASH FUND". ANY MONEYS IN THE CASH FUND NOT
26 EXPENDED FOR THE PURPOSES OF THIS ARTICLE SHALL BE INVESTED BY THE
27 STATE TREASURER AS PROVIDED IN SECTION 24-36-113, C.R.S. ALL

1 INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF
2 MONEYS IN THE CASH FUND SHALL BE CREDITED TO THE CASH FUND. ANY
3 UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE CASH
4 FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE CASH FUND
5 AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR
6 ANY OTHER FUND.

7 (2) THE DEPARTMENT OF PUBLIC SAFETY SHALL NOT BE REQUIRED
8 TO SOLICIT GIFTS, GRANTS, OR DONATIONS FROM ANY SOURCE FOR THE
9 PURPOSES OF THIS ARTICLE.

10 **16-11.3-105. Repeal of article.** (1) THIS ARTICLE IS REPEALED,
11 EFFECTIVE JULY 1, 2013.

12 **SECTION 2.** 24-1-128.6, Colorado Revised Statutes, is amended
13 BY THE ADDITION OF A NEW SUBSECTION to read:

14 **24-1-128.6. Department of public safety - creation - repeal.**

15 (7)(a) THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE,
16 CREATED PURSUANT TO SECTION 16-11.3-102, C.R.S., SHALL EXERCISE ITS
17 POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS IF THE SAME WERE
18 TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PUBLIC
19 SAFETY.

20 (b) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2013.

21 **SECTION 3. Appropriation.** In addition to any other
22 appropriation, there is hereby appropriated, out of any moneys in the
23 _____ fund not otherwise appropriated, for the fiscal year beginning July
24 1, 2007, the sum of _____ dollars (\$) and _____ FTE, or so much
25 thereof as may be necessary, for the implementation of this act. Of such
26 sum, _____ dollars (\$) and _____ FTE, or so much thereof as may be
27 necessary, is appropriated to the department of public safety; and _____

1 dollars (\$) and _____ FTE, or so much thereof as may be necessary, is
2 appropriated to the department of corrections.

3 **SECTION 4. Effective date.** (1) This act shall take effect upon
4 passage.

5 (2) If Senate Bill 07-109 is enacted at the First Regular Session of
6 the Sixty-sixth General Assembly and becomes law, then, upon the
7 following provisions being met, the net general fund savings shall be
8 directed to fulfilling the mission of this act:

9 (a) The final fiscal estimate for Senate Bill 07-109, as reflected in
10 the appropriations clause for said act, shows a net general fund savings
11 that is equal to or greater than the final general fund fiscal estimate for
12 this act, as reflected in section 3 of this act;

13 (b) The staff director of the joint budget committee files written
14 notice with the revisor of statutes no later than July 15, 2007, that the
15 requirement set forth in paragraph (a) of this subsection (1) has been met.

16 **SECTION 5. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.