

House Passed  
 Judiciary  
 2-9-09  
 (Revised)

**Proposed Legislation with Potential Impact on Community Corrections  
 Prepared for CACCB**

(NOTE: The information for this report comes from Peg Ackerman's weekly analysis of introduced Bills and the General Assembly's web-page. The "impact comments" should be attributed only to Tom Giacinti, Chair CACCB Legislative Committee)

**HOUSE BILL 181**

**CONCERNING THE RIGHT OF A VICTIM TO MAKE A STATEMENT AT A COMMUNITY CORRECTIONS HEARING.** By Representative McCann and Senator Foster

Authorizes a victim to make a statement at an offender's community corrections hearing, subject to parameters set by the community corrections board.  
 Assigned to Judiciary

***Possible Impact on Community Corrections:***

- 1.) Community corrections board members are volunteers appointed by county commissioners who define their procedures consistent with the needs and interests of their community. All boards allow for some manner of presentation of information to them by victims when they review the placement of offenders into their program. The manner and type of presentation is a local prerogative. The passage of this law will for the first time have the state legislature determining local community corrections board procedures.
- 2.) For those boards that do not allow oral statements now, this will increase the length of time that it takes to review cases at board meetings.
- 3.) In the interest of fairness, if this bill passes, it should include the requirement that defendants should also have the right to make an oral presentation to the community corrections boards.
- 4.) Most community corrections boards do not make final decisions on Diversion Cases. The decision to sentence an offender to community corrections is a judicial one that usually occurs after community corrections board review. To a certain degree this is also true of transitional referrals. The boards indicate if they are willing to accept a referral, but the State DOC takes the action to place the inmate in the program. The victim interest is more appropriately addressed to those state agencies.
- 5.) The role of the boards is one of determining whether their community is safer and the offender can benefit, if approved for placement in their communities. They do not have the responsibility to retry a criminal case and assume the responsibility to provide individual justice for the victims of crime.
- 6.) Depending on the popularity of providing oral statements, the impact of the Bill, if passed, could be a substantial reduction in the approval of transitional cases. This would have the effect of increasing costs to the State and increasing recidivism if offenders remain in prison through the full term of their sentence (i.e. DCJ research indicates that recidivism rate of successful community corrections clients is 25% two year after halfway house placement and prison released offenders have a return to prison rate in excess of 50%).
- 7.) If the purpose of the Bill is to increase the length of actual imprisonment time, then the victims should be appealing to the Legislature for law changes. The community corrections boards operate within those parameters defined by the law makers and implemented by the judiciary.