

## Status of Bills of Interest to the MICJS Task Force, as of March 18, 2013

BILL	SPONSOR	TOPIC	STATUS	Description
SB 13-014	Aguilar/Petersen	Immunity for Admin Emer Drugs to Overdose Victims	House Health, Insurance, & Environment, 03/19	Provides immunity from criminal and civil liability for a person other than a health care provider or a health care facility who acts in good faith to administer an opiate antagonist to another person who is believed to be suffering an opiate-related overdose. The bill also provides immunity from criminal and civil liability, and charges of unprofessional conduct, for licensed prescribers and dispensers of opiate antagonists, by licensing authorities for certain health professions based on good faith administration of an opiate antagonist. An opicoid antagonist blocks the effects of prescription and illicit opioids.
SB 13-116	Ulibarri/Lee	Psychologists Evaluate Defendant's Mental State	House 2nd Reading	Authorizes licensed psychologists who have a certification in forensic psychology to perform mental health evaluations to determine a criminal defendant's sanity or impaired mental condition if appointed by the courts. Under current law, psychologists may only be appointed to assist a psychiatrist in performing such evaluations.
SB 13-123	Steadman/Levy	Collateral Consequences	Sen JUD	Under current law, records of certain drug convictions may be sealed under specific limitations. This bill extends the right to seal records of most other crimes. The bill states that a pardon issued by the Governor waives all of the collateral consequences of a criminal conviction unless such pardon limits the scope of the pardon. The Dept of Regulatory Agencies is required to include in any sunrise review of a profession or occupation a description of any anticipated disqualifications on an applicant for licensure, certification, relicensure, or recertification based on criminal history and how the disqualifications serve public safety or consumer protection interests.
SB 13-177	Lambert/Gerou	Reduce Juvenile Detention Bed Cap	Awaiting Governor's Action	The bill, which is recommended by the JBC, reduces the bed cap for the Division of Youth Corrections in the Department of Human Services. Beginning on April 1, 2013, the bed cap is reduced from 422 to 382. The bed cap reduction is part of a larger set of changes that will reduce detention, commitment, and assessment capacity at the DYC.

SB 13-200	Aguilar/Ferrandino	Expand Medicaid Eligibility	Senate Appropriations	Expands Medicaid eligibility from 100 percent of the federal poverty level (FPL) to 133 percent for parents and caretaker relatives with dependent children (parents) and adults without dependent children (AWDC). It also allows the state's share of costs for these eligibility groups, up to 133 percent of FPL, to be paid with Hospital Provider Fee Cash Fund moneys.  The bill also repeals provisions of current law that allow the state to reduce, by rule, eligibility or benefits for optional groups in the Medicaid or Children's Health Plan Plus (CHP+) programs if there are insufficient hospital provider fee cash funds and matching federal funds. Under current law, for parents, reductions are permitted for those with incomes of between 61 percent and 100 percent of FPL, and for AWDC, the state may reduce or eliminate the eligibility group entirely.
SB 13-208	Steadman/May	Limitations on Drug Paraphernalia Laws	Senate HHS	The bill will allow persons participating in an approved syringe exchange program to be exempt from drug paraphernalia statutes.
SB 13-210	Giron/Duran	Corrections Officer Staffing Levels	Senate JUD, 04/01	Requires the DOC to annually report to the General Assembly regarding corrections officer staffing levels. The DOC is required to develop criteria for when a corrections officer is able to work a double shift. DOC must negotiate with its employees to establish work period and compensation practices. The Executive Director of the DOC is also required to establish a timekeeping a payroll system and procedures for separation or demotion of employees due to lack of work, lack of funds, or department reorganization.
SB 13-216	Giron/Rosenthal	Corrections Youthful Offender System	Senate JUD, 04/01	Recreates and reenacts, with amendments, certain provisions relating to the sentencing of young adult offenders to the Youthful Offender System (YOS) in the DOC that were repealed on October 1, 2012. The provisions allow certain young adult offenders to be sentenced to the YOS. A "young adult offender" means a person who is at least 18 years of age but under 20 years of age at the time the crime is committed and under 21 years of age at the time of sentencing.  On or before August 1, 2013, the DOC must implement policies pursuant to the federal Prison Rape Elimination Act. And on or before October 1, 2013, and on an annual basis thereafter, the DOC must report to the Judiciary Committees concerning the implementation of the new policies within the YOS.

HB 13-1015	Kraft-Tharp/Keifalas	Disclose Mental Health Claims All-payer Database	Awaiting Governor's Action	Repeals the prohibition on disclosure of certain mental health information by small group carriers, thereby allowing the information to be reported to the all-payer health claims database.
HB 13-1038	Rosenthal/Todd	Voting Rights Persons in Youth Corrections Custody	Awaiting Governor's Action	<p>For youths committed to a juvenile facility in the custody of the Division of Youth Corrections (DYC) in the Department of Human Services (DHS) who will be 18 years of age or older on the date of the next election, the bill, requires the facility administrator where the youths are confined to:</p> <ul style="list-style-type: none"> <li>• facilitate voter registration and voting by youths;</li> <li>• provide information on voting rights and how to register to vote;</li> <li>• provide information on how youths may cast a mail or mail-in ballot;</li> <li>• distribute voter information materials to confined youths; and</li> <li>• ensure that any mail or mail-in ballots cast by youths are delivered in a timely manner to the designated election official.</li> </ul> <p>The bill specifies that verification that a voter is committed to a juvenile facility and in the custody of the DYC is acceptable identification for voting purposes. The Secretary of State is required to inform county clerks and post information on the Secretary's and the DHS' websites on what type of verification is acceptable. Lastly, the bill exempts DYC facility administrators from any restrictions on the number of mail or mail-in ballots that an individual may deliver in person to the designated election official.</p>
HB 13-1065	Stephens/Todd	Federal Professionals Mental Health Authority	Awaiting Governor's Action	Allows persons licensed in another state to treat persons with a mental illness at facilities operated in Colorado by certain federal agencies, including the armed forces, the U.S. Public Health Service, and the U.S. Department of Veterans Affairs

HB 13-1082	Labuda/	Expunging Juvenile Delinquency Records	Hou JUD, witness testimony taken, awaiting action	<p>Clarifies the procedure for petitioning the court for the expungement of juvenile delinquency records. It addresses, among other things, the proper timing for advisements of the right to petition for expungement and who may initiate expungement proceedings.</p> <p>Current law allows the court to expunge all juvenile records unless the juvenile has been convicted of or adjudicated for a new felony or misdemeanor since the juvenile was released from the court's jurisdiction or parole supervision for the original offense. This bill allows the court to expunge all records in a petitioner's case even if they have a new misdemeanor conviction, provided the new offense does not involve domestic violence, unlawful sexual behavior, or possession of a weapon. Juvenile arrest and criminal records are open to the public only for juveniles who were subject to a probation revocation petition for committing:</p> <ul style="list-style-type: none"> <li>• the crime of possession of a handgun by a juvenile;</li> <li>• class 1 or class 2 felony offenses; or</li> <li>• crimes involving the use of a weapon.</li> </ul> <p>Certain juvenile offenders who are not currently eligible to petition for expungement, namely any person adjudicated as an aggravated or violent juvenile offender, or any person who commits a crime of violence or an offense involving unlawful sexual behavior, are made eligible by the bill.</p>
HB 13-1127	McNulty/Lundberg	Defendant Burden Not Guilty Reason by Insanity	Postponed indefinitely	<p>Requires a defendant to prove insanity by clear and convincing evidence. Under current law, when a defendant pleads not guilty by reason of insanity, the burden to prove sanity beyond a reasonable doubt is placed on the prosecution.</p>

<p>HB 13-1129</p>	<p>Pettersen/Newell</p>	<p>Evidence-based Practices for Offender Services</p>	<p>House Appropriations</p>	<p>Codifies the existing Evidence-Based Practices Implementation for Capacity (EPIC) Resource Center in the Department of Public Safety (DPS). The EPIC Center was developed in 2009 as an initiative of the Colorado Commission on Criminal and Juvenile Justice. It is funded with federal Justice Assistance Grant funds, set to expire on September 30, 2013. Staff of DPS, the Departments of Corrections (DOC), Human Services (DHS), and the Judicial Department will collaborate to offer education, skill-building, and other resources through the EPIC Center to individuals working with adult and juvenile offenders.</p> <p>A five-member EPIC Advisory Board (board) is created, consisting of staff from DPS, DOC, DHS, and the Judicial Department, and any additional members that may be appointed to fulfill the board's purpose. Members of the board are to serve without compensation or reimbursement for expenses. The board is required to meet at least four times annually through September 1, 2023, when it is scheduled for sunset review.</p>
<p>HB 13-1148</p>	<p>Footel/Roberts</p>	<p>Aggravating Sentence Enhancement Provisions</p>	<p>Hou JUD, 03/21</p>	<p>Makes changes to the sentencing of persons convicted of certain violent crimes by: repealing the extraordinary risk sentencing enhancer; reducing the mandatory sentence for certain crimes from the midpoint in the presumptive sentencing range to the minimum of the presumptive sentencing range; and increasing maximum sentences for class 3 through class 6 felonies.</p>

HB 13-1156	Levy/Steadman	Adult Pretrial Diversion Program	House Appropriations	<p>Repeals the adult deferred prosecution option and replaces it with an adult diversion program. Any district attorney's office that accepts state funding to create or operate a diversion program pursuant to the bill must adhere to the provisions established by the bill. District attorney's offices that do not accept such funding are not bound by the provisions of the bill.</p> <p>Under the bill, a district attorney may suspend prosecution of an offense for up to two years either before or after charges are filed. The period of diversion may be extended for an additional year if failure to pay restitution is the only diversion condition that has not been fulfilled and the defendant has a future ability to pay. During the period of diversion, the defendant is subject to the supervisory conditions of the diversion agreement and may be supervised by the Probation Department of the Judicial Branch or by a diversion program approved by the district attorney.</p> <p>Pretrial diversion is governed by an individualized diversion agreement. The agreement may include a statement of facts the change is based on, which is admissible in court if the defendant fails to complete his or her diversion agreement.</p>
HB 13-1210	Kagan/Steadman	Right to Legal Counsel in Plea Negotiations	Hou JUD, 03/21	<p>Repeals a statute that requires an indigent person charged with a misdemeanor, petty offense, or motor vehicle or traffic offense to meet with the prosecuting attorney before legal counsel is appointed.</p>
HB 13-1229	Fields & McCann/Carroll	Background Checks for Gun Transfers	Awaiting Governor's Action	<p>Expands situations in which background checks are required prior to the transfer of a firearm and changes the process for reporting and updating the records on which background checks are based. The bill also creates a judicial process for petitioning for relief from federal firearms prohibitions pursuant to the federal National Instant Criminal Background Check System (NICS) Improvement Amendments Act of 2007.</p>

HB 13-1230	Williams, Pabon/Guzman	Compensation for Persons Wrongly Incarcerated	House Appropriations	<p>Creates a state compensation program for persons who are found factually innocent of felony crimes after serving time in jail, prison, or juvenile placement.</p> <p>To become eligible for state funds, the exonerated person, or his or her immediate family members, must submit a petition and supporting documentation to the district court in the county that heard the original case. The Attorney General and district attorney may concur or contest the petition. If contested, the district court may order for evidence to be retested and is authorized to consider new evidence, whether or not it was part of the original trial. If a petition is contested, the burden to prove innocence is upon the petitioner.</p>
HB 13-1242	Pettersen/None	Repeal Mandatory Sentence Bail Condition	Hou JUD, 03/26	<p>Under current law, if a person fails to appear for court or knowingly violates the conditions of the bail bond, they are required to be incarcerated and are not eligible for probation or a suspended sentence. If the person was on bail for a felony offense, failure to appear or knowingly violating the conditions of the bail bond is a class 6 felony and requires a minimum of one year to be served consecutively to any other sentence. If the person was on bail for a misdemeanor offense, failure to appear or knowingly violating the conditions of the bail bond is a class 3 misdemeanor and requires a minimum of six months to be served consecutively to any other sentence. This bill, recommended by the Colorado Commission on Criminal and Juvenile Justice, repeals the mandatory sentencing provisions for these crimes, but leaves the existing sentencing ranges.</p>
HB 13-1251	Pabon/Morse	DNA Collection Misdemeanor Convictions	Hou JUD	<p>Under current law, only an offender convicted of a misdemeanor involving unlawful sexual conduct must provide a DNA sample for inclusion in the DNA database at the Colorado Bureau of Investigation. The bill would require collection of a DNA sample from all persons convicted of a class 1, 2, or 3 misdemeanor.</p>
HB 13-1254	Lee/Newell	Restorative Justice	Hou JUD, 03/26	<p>Under current law, restorative justice victim-offender conferences must be initiated by the victim. The bill modifies the requirement of victim initiation in some instances to permit district attorney or offender initiation. There is a restorative justice coordinating council established in the state court administrator's office; the bill adds: a member of the Parole Board; a representative from the DOC; a representative from a statewide organization representing victims; and a restorative justice practitioner.</p>

HB 13-1261	Garcia & Dore/None	Use of the Fort Lyon Correctional Facility Prop	Hou Local Gov't	Designates a portion of the Fort Lyon property, which was the site of a former state correctional facility, as a transitional residential community for the homeless to provide substance abuse supportive services, medical care, job training, and skill development for the residents. For this purpose, the Division of Housing in the Department of Local Affairs is required to provide for the maintenance and operation of the Fort Lyon property and to enter into a contract with a private contractor to establish the residential community.
HB 13-1264	Levy & Melton/Guzman & Carroll	Repeal of the Death Penalty	Hou JUD, 03/19	Repeals the death penalty as a sentencing option for class 1 felony offenses committed on or after July 1, 2013, and makes conforming amendments.