

FOCUS Call for Mentors

Boulder County's FOCUS Mentor Reentry Program is searching for adults over 25 years of age to work with offenders pre-and post-release from the Boulder County Jail and with the 20th Judicial District Probation Department Programs.

Same gender mentors build a relationship with the non-violent offender while they are still incarcerated and then help them stabilize their lives on reentry into society. This is an opportunity to impact another person's life and create a safer community.

The FOCUS program was started to bring some encouragement, support, friendliness and a reference point into these situations; to fill the service gaps and help establish and maintain a basic needs network. Our offender clients are often emotionally scarred individuals who have solved life challenges by relying on alcohol and drugs.

The mentor commitment is for a year, 1-2 hours per week. Mentors receive twelve hours of preliminary training. This includes an introduction to the legal system, FOCUS and Jail guidelines and protocols, victim sensitivity training, training in Motivational Interviewing and Stages of Change and information on setting boundaries and recognizing forms of manipulation. There is also 1.5 hours of mandatory orientation at the jail and a background check. Attendance at a one time per month evening workshop and three out of six annual Review Board evening meetings are also required. Mentors have access to an online database to report on their weekly meetings.

Extensive support is available to mentors. FOCUS staff and the therapists and criminal justice professionals associated with the program are also available for one on one discussion.

If you are interested in becoming a FOCUS Mentor or to learn more please visit our website at www.focusreentry.org, or phone us at 303-938-9916.

CCJRC is very proud to announce that two new members have joined our Board of Directors.

Danielle Haraburda has been a public defender in Adams County since 2004. She has also been involved with a number of non-profit organizations including Mi Casa and the Colorado Progressive Coalition. She is a former board member of Colorado Legal Initiatives Project and a participant in the Lundy Leadership Initiative, a three-year leadership training program for members of the GLBT community.

Rosemary Marshall is a Denver native and was educated at both the Community College of Denver and Colorado State University. She served four terms in the Colorado House of Representatives from 2000 - 2008. She was chairperson of the Committee on Business Affairs and Labor, and served on the committees of Judiciary and Audit. Before her election, she was director of the Office of Public Relations and Policy for the Colorado Department of Labor and Employment.

Other current board members include John Riley, Joe Mauro, Mardy Wilson, Dr. Richard Jackson, and Catherine Guerrero.

We also want to thank Julia Yoo, Esq., for her service as a board member since 2005. Julia recently resigned from the board but will continue to serve as CCJRC's counsel

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for programs to reduce recidivism for individuals with mental illness who have been involved in the criminal justice system. A county government or a collaboration among a group of counties is eligible to apply. The annual cost of this program was anticipated at \$200,000 a year and no state funding was allocated.

The bill authorizes the Division of Criminal Justice to accept gifts, grants and donations. To apply for the grants, county governments must fill out an application with information on the strategies, goals, and outcomes of the program as well as information on costs and how the grant monies will be used. Examples of what the grant program would fund include:

- ~ mental health courts
- ~ transitional housing or employment programs
- ~ re-entry services
- ~ alternatives to incarceration
- ~ transition services
- ~ community corrections programs.

Status: Passed House (49-11), passed Senate (28-7), and signed into law by Governor Ritter on May 21, 2009

SB 6: Concerning Creation of an Identification Processing Unit for Detention Facilities
Sponsors: Senators Boyd and Representative Solano

SB 6 creates a mobile county jail identification unit within the Division of Motor Vehicles will travel to the jails in Adams, Arapahoe, Boulder, Douglas, Denver, Jefferson and Broomfield to process identification cards for individuals who require an identification card and have been determined to meet the legal requirements necessary for the State to issue the ID. The unit will give priority to a person in jail with a mental illness. The person in jail is responsible for the cost of the identification card unless the jail chooses to pay. Jail personnel are authorized to help prisoners obtain the necessary documentation to get the identification card. The cost of this program was estimated to be \$186,000. No state funds were allocated to cover this expense and funding will need to come from gifts, grants, or donations. The counties identified in the legislation will be working with the Department of Revenue to secure the necessary funding, and to determine how best to administer this new program. Because of a computer system refresh at the Department of Revenue, this bill does not go into effect until that refresh is completed and the funding for the program has been secured.

Status: Passed Senate (29-4) and passed House (64-1) and signed into law by Governor Ritter on June 2, 2009

SB 79: Concerning Improving the Well-Being of Children In the Foster Care System by Improving the Ability of Birth Siblings to Maintain Long-Term Connections
Sponsors: Senator Newell and Representatives Acree and Kefalas

When a parent goes to prison, particularly a single parent, oftentimes the children are placed in foster care and/or adopted. It is possible that children will not be placed together. Legislation passed in 2008 requires social services to make efforts so that siblings in separate foster care placements are allowed to have contact with one another when appropriate. As originally introduced, SB 79 would have given siblings (who are still minors) a right to maintain contact with one another even if one of the siblings was adopted. Unfortunately, that provision was removed from the bill as a result of opposition from adoption advocates who felt this would violate the confidentiality of adoption and diminish the rights of adoptive parents. As passed, SB 79 allows adult siblings two options to try and find each other. Former foster children over the age of 18 are able to use the confidential intermediary program to search for an adult birth sibling who may or may not have been adopted. Adult siblings may also use the voluntary adoption registry. The bill may create more opportunities for siblings to seek one another once they reach adulthood at 18 years of age. However, it did not create a similar opportunity for minor siblings that have been separated from one another due to foster care placement and/or adoption.

Status: Passed by Senate (34-0), and House (65-0), signed into law by Governor Ritter on March 25, 2009

What HB 1263 Does

HB 1263 created the potential for people sentenced to serve a jail sentence and incarcerated in jail to be awarded up to three days of earned time a month for the completion of certain programs or educational activities, for outstanding progress in any assigned program or activity, or for unusual or extraordinary actions as determined by the sheriff. People serving a jail sentence can also be awarded up to two days a month of good time and up to ten days a month for trustee time, if eligible. HB 1263 also clarified how jail credit is to be deducted for parolees who are incarcerated in jail pending a parole revocation hearing. HB 1263 requires that a person confined in jail pending a parole revocation who is revoked to prison is entitled to credit for the entire period of such confinement. This credit must be applied to any period of re-incarceration imposed. For example, if someone spends 30 days in jail pending a parole revocation hearing and then is revoked for 180 days back to prison, then the 30 days in jail is credited against that 180 days and the person would spend 150 days back in prison.)

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COLORADO JUSTICE REPORT

Summer 2009

QUARTERLY NEWSLETTER OF THE COLORADO CRIMINAL JUSTICE REFORM COALITION

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Founded in 1999, CCJRC is a network of organizations, faith communities and individuals working to reverse the trend of mass incarceration in Colorado.



2009 Legislative Wrap-Up

As you can tell by the number of bills included in this newsletter, CCJRC was incredibly busy during the legislative session. In addition to helping to pass legislation, some of the most impactful accomplishments were in helping to defeat bills we opposed. We thank all of our members for responding to the many action alerts that were issued this session. You made a big difference.

CCJRC and our friends at ACLU, the Independence Institute, the Criminal Defense Bar Association, and Colorado Union of Taxpayers were able to defeat HB 1238 which would have gutted the asset forfeiture reforms we helped pass in 2001. Thanks to all of you who responded to our action alerts and contacted your legislators, HB 1238 was killed in the House Judiciary Committee.

CCJRC also led the charge to defeat two bills that would have dramatically expanded statutory employment disqualifications for people with criminal records. As originally introduced, HB 1075 would have expanded employment disqualifications in the Department of Human Services due to criminal convictions to all job positions, not just those positions that had direct contact with vulnerable people. In the same vein, HB 1324 would have placed significant employment barriers on anyone with a felony conviction from employment in any position in public schools, school districts or charter schools in Colorado.

As a result of these two bills, CCJRC suggested to the Commission on Criminal and Juvenile Justice that it conduct a review of all statutory and regulatory barriers to employment or licensing based on criminal convictions and survey all state departments and agencies to assess their formal and informal hiring practices related to people with a criminal conviction. The Commission agreed with this suggestion and approved it as a formal recommendation in May 2009. This research has begun, and we hope that it

Legislative Wrap-up continued on page 3

Smooth Sailing For Commission Legislation

In September 2008, the Commission on Criminal and Juvenile Justice approved a number of recommendations that would require legislation to implement. Governor Ritter reviewed these recommendations and informed the Commission of his support with the exception of several recommendations that would have reformed the bond system. It is likely that efforts independent of the Commission may move forward with bond reform in the 2010 legislative session.

In total, the Commission referred the following six bills to the 2009 legislative session. It was stunning to watch how much bipartisan support there was for these bills, all of which passed unanimously or with little opposition. All have been signed into law by Governor Ritter. The ease with which these bills sailed through the legislative session is a strong indication of the deference legislators are giving the Commission. This outcome is also probably due to the fact that most of the bills made relatively minor changes, with the exception of HB 1263 and HB 1266, two bills which actually made substantive changes.

HB 1044: Concerning Expungement of Records Relating to a Criminal Matter for Which a Juvenile Is Sentenced as a Juvenile after Being Charged by the Direct Filing of Charges in District Court
Sponsors: Representative Roberts and Senator Morse

CCJRC Position: SUPPORT

Prior law did not allow a juvenile conviction to be sealed if the charges were originally filed in adult court. HB 1044 clarifies that a juvenile conviction can be sealed if it was originally filed in adult court but

Commission Bills continued on page 2

Other Criminal Justice Bills

There were a number of other criminal justice related bills that CCJRC monitored during the 2009 legislative process.

HB 1321: Concerning the Placement of a Juvenile Who Is Awaiting Trial in District Court
Sponsors: Representative Levy and Senator Carroll
 HB 1321 was introduced following the suicide of a juvenile while detained in the Denver County Jail. He was facing adult criminal charges and had been transferred from a juvenile detention facility to adult jail pending trial. As originally introduced, the bill would have prevented a juvenile charged as an adult from being held in an adult jail pending trial unless the district court determined after a hearing that such placement was appropriate. There was a significant cost to the bill and the district attorneys opposed, so a compromise was reached. The bill that passed allows a juvenile charged as an adult to be housed pretrial in an adult lockup unless the district attorney and the defense attorney agree otherwise. The bill also lays out criteria that should be considered in making that decision. There is currently federal legislation pending that, if passed, would require states to adopt a policy that is almost identical to the original version of the bill.
 Status: Passed House (50-15), passed Senate (32-3), signed into law by Governor Ritter on June 1, 2009

HB 1022: Concerning Assistance to Counties to Implement Recidivism Reduction Programs for the Mentally Ill (bill from the Legislative Oversight Committee for the Continuing Examination of the Treatment of Persons with Mental Illness Who Are Involved in the Criminal and Juvenile Justice Systems)
Sponsors: Representative Solano and Senator Boyd
 HB 1022 creates a Recidivism Reduction Grant Program within the Division of Criminal Justice. The grant program is to provide three year implementation grants for

Other Bills Continued on Page 4

YES! I want to join CCJRC and help stop perpetual prison expansion in Colorado. Enclosed is my **tax-deductible** annual membership or additional contribution:

Annual membership dues:

Individual: \$35 Low income/student/senior: \$12
 Household: \$50 Prisoner: \$3 (or equivalent in postage stamps)
 Sustainer: \$100+

My check is enclosed (made payable to CCJRC)
 Please charge my credit card:
 Visa Mastercard Discover American Express
 Once monthly quarterly

Name _____ Signature _____

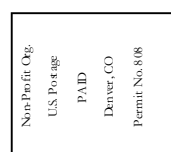
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City _____ State _____ ZIP _____ Phone _____

Email _____ FAX _____

Credit Card # _____ ex- _____

pires _____



Colorado Criminal Justice Reform Coalition
 1212 Mariposa St., #6
 Denver, CO 80204

Change Services Requested

Recycle for our Earth's sake.

2009 Legislative Vote Count

House of Representatives								
Representatives	Dist/Party	HB-1122	HB-1263	HB-1266	HB-1274	HB-1351	SB-135	SB-286
Status		Signed	Signed	Signed	Passed	Signed	Signed	Signed
Final Vote		58-5	63-1	51-9	33-32	40-25	65-0	43-22
CCJJ Bill		**	**	**	partial	partial		
Acree, Cindy	40/R	Y	Y	Y	N	N	Y	N
Apuan, Dennis	17/D	Y	Y	Y	Y	N	Y	Y
Balmer, David	39/R	Y	Y	Y	N	N	Y	N
Baumgardner, R	57/R	Y	Y	Y	N	N	Y	N
Benefield, D	29/D	Y	Y	Y	Y	Y	Y	Y
Bradford, Laura	55/R	Y	Y	Y	N	N	Y	N
Carroll, Terrance	7/D	E	Y	E	Y	Y	Y	Y
Casso, Edward	32/D	Y	Y	Y	N	Y	Y	Y
Court, Lois	6/D	Y	Y	Y	Y	Y	Y	Y
Curry, Kathleen	61/D	Y	Y	Y	N	Y	Y	Y
Ferrandino, Mark	2/D	Y	Y	Y	Y	Y	Y	Y
Fischer, Randy	53/D	Y	Y	Y	Y	Y	Y	Y
Frangas, Jerry	4/D	Y	Y	N	N	Y	Y	Y
Gagliardi, Sara	27/D	Y	Y	Y	N	Y	Y	N
Gardner, Bob	42/D	Y	Y	Y	N	N	Y	N
Gardner, Cory	21/R	N	Y	N	N	N	Y	N
Gerou, Cheri	25/R	Y	Y	Y	N	N	Y	Y
Green, Gwyn	23/D	Y	N	N	Y	Y	Y	Y
Hullinghorst, D	10/D	Y	Y	Y	Y	Y	Y	Y
Judd, Joel	5/D	Y	Y	Y	Y	Y	Y	Y
Kefalas, John	52/D	Y	Y	Y	Y	Y	Y	Y
Kerr, Andy	26/D	Y	Y	Y	Y	Y	Y	Y
Kerr, James	28/R	Y	Y	Y	N	N	Y	N
King, Steve	54/R	E	Y	Y	N	N	Y	N
Labuda, Jeanne	1/D	Y	Y	E	Y	Y	Y	Y
Lambert, Kent	14/R	N	Y	Y	N	N	Y	N
Levy, Claire	13/D	Y	Y	Y	Y	Y	Y	Y
Liston, Larry	16/R	Y	Y	Y	N	N	Y	N
Looper, Marsha	19/R	Y	Y	N	N	N	Y	N
Marostica, Don	51/R	Y	Y	Y	Y	Y	Y	Y
Masse, Tom	60/R	Y	Y	E	N	Y	Y	Y
May, Mike	44/R	Y	Y	Y	N	N	Y	N
McCann, Beth	8/D	Y	Y	E	Y	Y	Y	Y
McFadyen, Buffie	47/D	Y	Y	N	Y	Y	Y	Y
McGihon, Kagan	3/D	Y	Y	Y	Y	Y	Y	Y
McKinley, Wes	64/D	Y	Y	Y	Y	Y	Y	Y
McNulty, Frank	43/R	N	Y	Y	N	N	Y	N
Merrifield, Mike	18/D	Y	Y	E	Y	Y	Y	Y
Middleton, Karen	42/D	Y	Y	Y	N	Y	Y	Y
Miklosi, Joe	9/D	Y	Y	Y	Y	Y	Y	Y
Murray, Carole	45/R	Y	Y	Y	N	N	Y	N
Nikkel, B.J.	49/R	Y	Y	Y	N	N	Y	N
Pace, Sal	46/D	Y	Y	Y	Y	Y	Y	Y
Peniston, C.	35/D	Y	Y	Y	Y	Y	Y	Y
Pommer, Jack	11/D	Y	E	Y	Y	Y	Y	Y
Primavera, D	33/D	Y	Y	Y	Y	Y	Y	Y
Priola, Kevin	30/R	Y	Y	Y	N	N	Y	N
Rice, Joe	38/D	Y	Y	Y	Y	Y	Y	Y
Riesberg, Jim	50/D	Y	Y	N	Y	Y	Y	Y
Roberts, Ellen	59/R	Y	Y	Y	N	Y	Y	Y
Ryden, Su	36/D	Y	Y	Y	Y	Y	Y	Y
Scanlan, C	56/D	Y	Y	Y	Y	Y	Y	Y
Shafer, Sue	24/D	Y	Y	Y	Y	Y	Y	Y
Solano, Judy	31/D	Y	Y	Y	Y	Y	Y	Y
Sonnenberg, J.	65/R	N	Y	N	N	N	Y	N
Soper, John	34/D	Y	Y	N	N	Y	Y	Y
Stephens, Amy	20/R	Y	Y	Y	N	N	Y	N
Summers, Ken	22/R	N	Y	Y	N	N	Y	N
Swalm, Spencer	37/R	Y	Y	Y	N	N	Y	Y
Tipton, Scott	58/R	Y	Y	N	N	N	Y	N
Todd, Nancy	41/D	Y	Y	Y	Y	Y	Y	Y
Vaad, Glenn	48/R	Y	Y	Y	N	N	Y	N
Vigil, Edward	62/D	Y	Y	Y	Y	Y	Y	Y
Waller, Mark	15/R	Y	Y	Y	N	N	Y	N
Weissmann, Paul	12/D	Y	Y	Y	Y	Y	Y	Y

Senate								
Senators	Dst/Party	HB-1122	HB-1263	HB-1266	HB-1274	HB-1351	SB-135	SB-286
Status		Signed	Signed	Signed	Lost	Signed	Signed	Signed
Final Vote		34-1	35-0	33-0	17-18	24-11	31-0	25-10
CCJJ		**	**	**	partial	partial		
Bacon, Bob	14/D	Y	Y	Y	Y	Y	Y	Y
Boyd, Betty	21/D	Y	Y	Y	Y	Y	Y	Y
Brophy, Greg	1/R	N	Y	Y	N	N	Y	N
Cadman, Bill	10/R	Y	Y	E	N	N	Y	N
Carroll, Morgan	29/D	Y	Y	Y	Y	Y	Y	Y
Foster, Joyce	35/D	Y	Y	Y	Y	Y	Y	Y
Gibbs, Dan	16/D	Y	Y	Y	Y	Y	Y	Y
Groff, Peter	33/D	Y	Y	Y	Y	Y	Y	Y
Harvey, Ted	30/R	Y	Y	Y	N	N	Y	N
Heath, Rollie	18/D	Y	Y	Y	Y	Y	Y	Y
Hodge, Mary	25/D	Y	Y	Y	N	Y	Y	Y
Hudak, Edie	19/D	Y	Y	Y	Y	Y	Y	Y
Isgar, Jim	6/D	Y	Y	Y	N	Y	Y	Y
Keller, Moe	20/D	Y	Y	Y	Y	Y	Y	Y
Kester, Ken	2/R	Y	Y	Y	N	N	Y	Y
King, Keith	12/R	Y	Y	Y	N	Y	Y	Y
Kopp, Mike	22/R	Y	Y	Y	N	N	E	N
Lundberg, Kevn	15/R	Y	Y	Y	N	Y	Y	Y
Mitchell, Sean	23/R	Y	Y	Y	N	N	E	N
Morse, John	11/D	Y	Y	Y	N	N	Y	Y
Newell, Linda	26/D	Y	Y	Y	Y	Y	Y	Y
Penry, Josh	7/R	Y	Y	Y	N	N	Y	N
Renfro, Scott	13/R	Y	Y	Y	N	N	Y	Y
Romer, Chris	32/D	Y	Y	Y	Y	Y	Y	Y
Sandoval, P	34/D	Y	Y	Y	Y	Y	Y	Y
Scheffel, Mark	4/R	Y	Y	Y	N	N	Y	N
Schulthies, D.	9/R	Y	Y	Y	N	N	Y	N
Schwartz, Gail	5/D	Y	Y	Y	Y	Y	Y	Y
Shaffer, B	17/D	Y	Y	Y	Y	Y	Y	Y
Spence, Nancy	27/R	Y	Y	E	N	N	E	N
Tapia, Abel	3/D	Y	Y	Y	Y	Y	Y	Y
Tochtrop, Lois	24/D	Y	Y	Y	N	Y	Y	Y
Veiga, Jennifer	31/S	Y	Y	Y	Y	Y	E	Y
White, Al	8/R	Y	Y	Y	N	Y	Y	N
Williams, S.	28/D	Y	Y	Y	Y	Y	Y	Y

Commission Bills continued on page 3

later transferred to juvenile court.

Status: Passed House (58-5), and Senate (34-0), signed into law by Governor Ritter on March 18, 2009

HB 1122: Concerning Increasing the Age of Persons Eligible for Sentencing to the Youthful Offender System
Sponsors: Representative Roberts and Senator Morse

CCJRC Position: SUPPORT

HB 1122 increases the age of eligibility for sentencing to the Youthful Offender System in lieu of adult prison to people who are 19 years old at the time the offense was committed (rather than 18 years old) so long as s/he is sentenced before the age of 21. The bill also expands the list of crimes for which a person is eligible for a sentence to YOS and requires the warden of YOS to make a determination whether the defendant is acceptable for sentencing to YOS that must be included in the presentence investigation report.

Status: Passed House (58-5), passed Senate (34-1), signed into law by Governor Ritter on April 2, 2009

HB 1262: Concerning the Issuance of a Summons Instead of an Arrest Warrant in Certain Circumstances
Sponsors: Representative Casso and Senator Morse

CCJRC Position: SUPPORT

HB 1262 authorizes the court to issue a summons commanding the appearance of the defendant in lieu of issuing an arrest warrant for lower level felony offenses unless a law enforcement officer presents in writing a basis to believe there is a significant flight risk or that the victim or public safety may be compromised. It also repealed the provision that only allows the court to issue a summons if the prosecuting attorney consents.

Status: Passed the House (61-3), passed Senate (35-0), signed into law by Governor Ritter on April 3, 2009

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Commission continued from page 2

HB 1263: Concerning Time Computation While an Inmate is Incarcerated in a County Jail
Sponsors: Representative Casso and Senator Carroll

CCJRC Position: SUPPORT

HB 1263 would create the potential for people in jail to be awarded up to two days of earned time a month in addition to good time. The bill also clarifies how jail credit is calculated for people in jail pending a parole revocation hearing. (See additional article for more detailed information.)
 Status: Passed House (63-1), passed Senate (35-0), signed into law by Governor Ritter on April 3, 2009

HB 1264: Concerning the Costs Associated with College-Level Academic Programs for State Inmates
Sponsors: Representative Benefield and Senator Hudak

CCJRC Position: SUPPORT

Under prior law, people in prison had to pay for the cost of attending college programs while in prison. HB 1264 creates more flexibility in the law to allow people in prison to receive grants or other funding to enroll in higher education classes while incarcerated. The bill does not provide any funding and people in prison are still ineligible for federal grants or federal financial aid while incarcerated. Status: Passed House (65-0), passed Senate (31-1), signed into law by Governor on April 16, 2009

HB 1266: Concerning the Repeal of the Loss of Driving Privileges as a Penalty For Certain Crimes
Sponsors: Representative McCann and Senator Carroll

CCJRC Position: SUPPORT

People convicted of a felony routinely had their driving privileges revoked, even if they were placed on probation. HB 1266 would limit the loss of driving privileges to only those crimes that are driving related, (i.e. motor vehicle assault, motor vehicle theft, etc.) HB 1226 does not change current law that allows a driver's license to be suspended for failing to pay child support.
 Status: Passed House (51-9), passed Senate (33-0), signed into law by Governor on June 1, 2009

What SB 135 Does

In an effort to increase the transparency of parole board decision making, Senator Josh Penry and Representative Joe Miklosi sponsored SB 135 which was passed unanimously in both the House of Representatives and the Senate and signed into law by Governor Ritter on June 1, 2009.

CCJRC supported this bill because of the difficulties we have had in the past in obtaining reliable information about parole board decision-making and the lack of consistency in data that was reported.

Senator Penry was motivated to run this legislation when the state auditor conducted a parole board performance audit in 2008 and found deficiencies in data collection by the parole board, the Department of Corrections, and the Division of Criminal Justice so that a complete analysis of parole board decision-making was not possible.

SB 135 requires the parole board to work collaboratively with the Division of Criminal Justice to develop a process to capture and analyze data related to the basis for and the outcomes of the parole board's decisions. The process shall track data related to the board's rationale for granting, revoking, or denying parole.

When the parole board grants parole, data will also be tracked related to whether the parolee had previously recidivated, the type of re-entry program given as part of the parole plan, and whether the parolee successfully completed parole or not.

The parole board is required to provide this data to the Division of Criminal Justice which will conduct an analysis and provide training to the parole board to facilitate the board's future decision-making.

On or before November 1, 2009, the Colorado Board of Parole and the Division of Criminal Justice will issue a report to the legislature which will be updated each November 1 thereafter.

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will help identify some of the employment barriers to people and allow a more comprehensive review in order to repeal barriers that are unnecessary, are overly broad, or aren't time limited.

The great disappointment of the session for CCJRC was the one-vote defeat of HB 1274, which would have repealed the death penalty in Colorado. The bill passed the House by a one vote margin and was defeated in the Senate by a one vote margin. The credit for the incredible and sophisticated organizing behind the bill belongs to the members of Families of Homicide Victims and Missing Persons, Coloradans Against the Death Penalty, Colorado Criminal Defense Bar, Catholic Coalition, Hunger for Justice, and the Colorado ACLU for their front-line efforts lobbying at the Capitol day after day. We also thank the National Coalition to Abolish the Death Penalty for their tremendous assistance and expertise. We also thank the bill's sponsors, Representative Paul Weissmann and Senator Morgan Carroll, for their aggressive and thoughtful leadership.

The DOC budget for 2009-10 is \$760 million, of which \$678 million is general fund dollars and is roughly the same as last year. In an effort to cut costs, DOC closed Colorado Women's Correctional Facility and moved the women to the other women's prisons. The effort to close the men's prison at Rifle Correctional Facility was scuttled due to community opposition over the loss of jobs. The opening of CSP II is being delayed but it is not clear at this point how long that delay will be.

There were also a number of changes in the legislative line-up with the unexpected resignation of four Democratic legislators: Representative Anne McGihon resigned and was replaced by Daniel Kagan to represent HD 3; Representative Gwen Green resigned and was replaced by Max Tyler to represent HD 23; Senator Jennifer Veiga resigned and was replaced by Pat Steadman to represent SD 31; and Senate President Peter Groff resigned and was replaced by Michael Johnston to represent SD 33.

Given that the Commission on Criminal and Juvenile Justice is now moving into sentencing reform, the 2010 legislative session could be very significant. We will keep you posted.

Commission Next Steps

This year, the Commission has been focusing on developing implementation plans for the recommendations it approved in late 2008 which will be detailed in the commission's 2009 report (available sometime this summer.)

The big change at the Commission is the result of the passage of SB 286 that requests the Commission to evaluate sentencing and make recommendations for reform. At its May meeting, the Commission voted unanimously to prioritize a review of sentencing, particularly in light of the budget crisis facing the state. The Commission should be establishing task forces on particular issues (e.g., drug sentencing), which will be a priority for CCJRC. SB 286 requires the Commission to submit an update by November 30, 2009 regarding the Commission's findings, recommendations, and proposed plan for the ongoing study of sentence reform. By February 1, 2010, the Commission is also required to submit a report to the legislature on whether to modify any sentences or sentencing laws.

CCJRC will continue to be heavily involved and we will keep you posted. It is very likely there will be sentencing reform proposed for the 2010 legislative session.

One of the task forces formed last year will continue its review of parole board decision-making and parole structure. The Commission is also continuing to gather data for its analysis of racial disparity, as required by statute, although no deadline has been set. The Commission is also continuing its task force on behavioral health to better identify the needs of people in the criminal justice system that have mental health and substance abuse issues.

What HB 1351 does

For our members in prison and on parole, you'll want to pay particular attention to HB 1351 as it increases the potential earned time available to people in prison and on parole, if they meet certain criteria. The bill was introduced in the last two weeks of the session by Representatives Ferrandino and Pommer as a way to save money in the state budget. It's a little complicated to understand so we hope this summary will provide you with some additional information. The bill doesn't go into effect until July 1, 2009.

The bill amends CRS 17-22.5-405 and 17-22.5-402 by making three changes related to earned time.

First, HB 1351 increases the amount of earned time that can be awarded to people in prison and on parole from 10 days to 12 days, if they also meet the following criteria:

- currently serving a sentence for a Class 4, 5 or 6 felony;
- has no Code of Penal Discipline (COPD) violations
- is program compliant
- is not currently serving a sentence, nor ever been convicted of a crime in sections 18-7-402 to 18-7-407, CRS, Section 18-12-102, CRS, or Section 18-12-109, CRS or a crime listed in Section 24-4.1-302(1).

(These crimes include: soliciting for child prostitution; pandering of a child; procurement of a child; keeping a place of child prostitution; pimping of a child; inducement of child prostitution; patronizing a prostituted child; possession of a dangerous or illegal weapon; possession/use/removal of explosives or incendiary device; murder (1st & 2nd degree); manslaughter; criminally negligent homicide; vehicular homicide, assault (1st, 2nd, 3rd degree); vehicular assault; menacing; kidnapping (1st & 2nd degree); sexual assault (1st, 2nd, 3rd degree); unlawful sexual contact; sexual assault on a child; sexual assault on a child by one in a position of trust; sexual assault on a client by a psychotherapist; robber; aggravated robbery; aggravated robbery of controlled substances; incest; aggravated incest; child abuse; sexual exploitation of children; crimes against at-risk adults or at-risk juveniles; domestic violence; stalking; bias-motivated crime; careless driving resulting in death; failure to stop at the scene of an accident where the accident results in death; retaliation against a victim/witness; intimidating a victim/witness; aggravated intimidation of a victim/witness; tampering with a victim/witness; indecent exposure; violation of a protective order issued against someone charged with sexual assault, sexual assault on a child, sexual assault on a child by one in a position of trust, sexual assault on a client by a psychotherapist; the attempt, conspiracy, criminal solicitation, or accessory involving any of the above-referenced crimes.)

If a person isn't eligible or becomes ineligible for the 12 days of earned time, s/he is still eligible for the standard 10 days of earned time.

Second, HB 1351 increases the cap on earned time from 25% to 30%. Under former law, a person's sentence couldn't be reduced by earned time more than 25% of the sentence. Under HB 1351, this is increased to 30% of the sentence and applies to everyone.

Finally, HB 1351 creates a new type of "earned release time" for people who are to be released on his/her mandatory release date, if they meet additional criteria. The parole board is required to schedule someone's release date up to 60 days prior to his/her mandatory release date (MRD) if convicted of a Class 4 or 5 felony or up to 30 days prior to MRD if convicted of a Class 6 felony if the person meets the following criteria:

- no Code of Penal Discipline violations
- is program compliant
- is not currently serving a sentence, nor ever been convicted of a crime in sections 18-7-402 to 18-7-407, CRS, Section 18-12-102, CRS, or Section 18-12-109, CRS or a crime listed in Section 24-4.1-302(1). (same list as referenced above)

We are aware this bill may not affect a lot of people, particularly because of the requirement that people not have any COPD convictions.

We tried to amend the bill to put a time limit on this requirement (e.g., no Class I COPD in the last year, no Class II COPD in the past 3 months, and exclude Class III COPD altogether). However, we were not successful in getting the bill amended this time but we will try again in the 2010 legislative session.