

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 27, 2009  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB09-286 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute the following:

3 **"SECTION 1. Legislative declaration.** (1) The general  
4 assembly finds and declares that:

5 (a) In 2007, it created the Colorado commission on criminal and  
6 juvenile justice, referred to in this section as the "commission", in House  
7 Bill 07-1358;

8 (b) The commission was tasked with enhancing public safety,  
9 ensuring justice, and ensuring protection of the rights of victims through  
10 the cost-effective use of public resources by studying evidence-based,  
11 recidivism reduction initiatives that ensure the cost-effective expenditure  
12 of limited criminal justice funds;

13 (c) Based on that study and consistent with its mission, the  
14 commission developed sixty-six recommendations, including six bills  
15 referred to the general assembly during the 2009 legislative session; and

16 (d) The state of Colorado faces an unprecedented budget crisis  
17 during the coming fiscal year, and it is imperative that the general  
18 assembly consider cost-saving measures in the criminal justice system  
19 during the second regular session of the sixty-seventh general assembly.

1 (2) Therefore, the general assembly determines that it is necessary  
2 to direct the commission to prioritize the study of sentencing reform while  
3 maintaining the public safety.

4 **SECTION 2.** 16-11.3-103, Colorado Revised Statutes, is  
5 amended BY THE ADDITION OF A NEW SUBSECTION to read:

6 **16-11.3-103. Duties of the commission - mission - staffing -**  
7 **repeal.** (2.5) (a) USING EMPIRICAL ANALYSIS AND EVIDENCE-BASED  
8 DATA, THE COMMISSION SHALL STUDY SENTENCING PRACTICES IN  
9 COLORADO.

10 (b) SPECIFICALLY, THE COMMISSION MAY STUDY, INCLUDING BUT  
11 NOT LIMITED TO THE FOLLOWING SENTENCING AREAS:

12 (I) A STATEWIDE DEPARTMENT OF CORRECTIONS CORRECTIONAL  
13 FACILITY MANAGEMENT PLAN AND POTENTIAL DEPARTMENT OF  
14 CORRECTIONS CORRECTIONAL FACILITY BED LIMITATION;

15 (II) SENTENCING PRACTICES RELATED TO THE OFFENSE OF DRIVING  
16 UNDER RESTRAINT DESCRIBED IN SECTION 42-2-138, C.R.S.;

17 (III) SENTENCING PRACTICES RELATED TO DRUG CRIMES  
18 DESCRIBED IN ARTICLE 18 OF TITLE 18, C.R.S.; AND

19 (IV) WHETHER PAROLE SHOULD BE INCLUDED IN THE SENTENCE OR  
20 OUTSIDE THE SENTENCE.

21 (c) (I) BY NOVEMBER 30, 2009, THE COMMISSION SHALL UPDATE  
22 THE GOVERNOR, THE ATTORNEY GENERAL, THE CHIEF JUSTICE OF THE  
23 SUPREME COURT, AND THE EXECUTIVE COMMITTEE OF THE GENERAL  
24 ASSEMBLY REGARDING THE COMMISSION'S FINDINGS, RECOMMENDATIONS,  
25 AND PROPOSED PLAN FOR THE ONGOING STUDY OF SENTENCING REFORM.  
26 ADDITIONALLY, BY FEBRUARY 1, 2010, THE COMMISSION SHALL PROVIDE  
27 THE EXECUTIVE COMMITTEE OF THE GENERAL ASSEMBLY WITH SPECIFIC  
28 RECOMMENDATIONS REGARDING THE SENTENCING PRACTICES STUDIED  
29 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2.5).

30 (II) THIS PARAGRAPH (c) AND PARAGRAPH (b) OF THIS SUBSECTION  
31 (2.5) ARE REPEALED, EFFECTIVE JULY 1, 2010.

1           **SECTION 3. Safety clause.** The general assembly hereby finds,  
2 determines, and declares that this act is necessary for the immediate  
3 preservation of the public peace, health, and safety.".

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