

Colorado Justice Report

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

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2015 Legislative Update

The legislative session began on Wednesday, January 7 and is thankfully more than halfway through. Republicans have a one-seat majority in the Senate and the Democrats control the House by three-seats. This divide in majority leadership has made for some interesting committee hearings to say the least. There are also a lot of new legislators and so the session has been, well... unpredictable. As far as criminal justice bills go, CCJRC has been playing a lot of defense this session but there are also a number of really important bills that we are working to get passed.

We're not able to list all of the important criminal justice reform bills, so here is a brief overview of some of the interesting themes from this session.

Due to recent events both nationally and locally, we know of at least 13 bills that have or will be introduced regarding police practices. Those already introduced include SB15-058 that requires adoption of evidence-based practices in eyewitness identification procedures and SB15-185 that requires significant data collection, including race and ethnicity, for law enforcement, courts, the Department of Corrections and the Colorado Board of Parole. Bills that will be introduced shortly include use of body-cams by police, recording of police officers, limitations on the use of chokeholds, defining what is a lawful order by police, and requiring transparency in employment records when an officer is hired by another law enforcement agency. Several bills address shootings by law enforcement, including the ability for there to be a challenge in court should a prosecutor decline to file charges against a police officer involved in a shooting.

There are two very important juvenile bills that would better protect the human rights of children. SB15-184 by Sen. Holbert (R) would prevent children from being put in detention for truancy. Truancy is a status offense, not a crime. When children are put in

detention they are taken in shackles to a Division of Youth Corrections facility and stripped searched as part of admissions. CCJRC agrees with Sen. Holbert that, under no circumstances, should a child go through this traumatic ordeal for not going to school. Similarly, HB 15-1091 aims to dramatically reduce the shackling of children in juvenile court. Several CCJRC members testified in support of this bill from their own personal experiences of being shackled as a juvenile. Their testimony spoke to the shame, humiliation and trauma of their experience. Juston Cooper, CCJRC's Deputy Director, also testified in support of both bills.

Finally, there are several bills that are challenging the primacy of criminal justice when other considerations are more important. Specifically, SB15-116 would prohibit someone from being arrested for possession of a syringe or possession of trace amounts of drugs on the syringe if the person informs law enforcement prior to the search. The bill makes it a priority to promote the health of the officer rather than arresting someone. The bill passed the House and Senate and is awaiting signature by the Governor to become law. SB 30 creates an affirmative defense to the charge of prostitution if the person can establish that they were a victim of sex trafficking. SB 128 removes the requirement that medical personnel must contact police when examining a victim of sexual assault unless he or she consents. Victims would also be able to make an anonymous report to police. This bill prioritizes the importance of a victim receiving medical treatment over the collection of evidence for a criminal case. There have been fascinating debates on these three bills and strong bi-partisan support.

Another big issue is the Department of Corrections budget. For next year (FY15-16), the DOC is requesting \$837 million, which is a \$29 million increase over last year and a \$120 million increase over the budget four years ago in FY12-13. This is a stunning growth in the DOC budget at a time when the prison population actually declined from 21,037 to 20,669. The budget bill will be debated in late March.

CCJRC's legislative agenda is shepherded by our Policy Coordinator, Terri Hurst. Here is a summary of bills that we are the most active on. We will provide you a legislative summary, including vote counts, in the next edition of our newsletter. Stay tuned! We also send out a weekly update by email so if you'd like to receive these weekly updates and you aren't already, just send pam@ccjrc.org an email.

CCJRC PRIORITY BILLS

SB15-006 Prohibit Forfeitures Without Criminal Conviction

Sponsors: Senator Woods (R) & Representative Saine (R)

CCJRC Position: Priority - Support

Description: Expands the opportunities of property owners to determine the validity of the seizure or to require the return of the property; would make changes to local law enforcement's ability to assist in federal forfeiture actions and would change the distribution of proceeds received by local law enforcement from federal forfeitures.

Status: Died in Senate Judiciary Committee

SB15-124 Concerning the use of evidence-based practice in response to technical violations of parole

Sponsors: Senator Merrifield (D-Colorado Springs) & Representative Lee (D-Colorado Springs)

CCJRC Position: Priority - Support

Description: Last year, almost 4,000 people were re-incarcerated for a technical violation of parole. SB 124 requires that parole officers utilize all available intermediate sanctions and community support services prior to filing a complaint for revocation with the Parole Board unless the nature of the technical violation and a parolee's criminal history creates a high risk for re-offense. Also allows the DOC to use short jail terms (no more than 5 days) as an intermediate sanction for a parolee who has had a pattern of technical violations instead of revocation.

Status: Passed Senate Judiciary unanimously – sent to Senate Appropriations (not yet calendared)

HB15-1043 Felony Offense for Repeat DUI Offenders

Sponsors: Representatives Saine (R) and McCann (D) & Senators Cooke (R) and Johnston (D)

CCJRC Position: Priority - Opposition

Description: Creates a class four felony for DUI if the violation occurred: (1) after 3 or more prior convictions for DUI, DWAI, vehicular homicide, vehicular assault or any combination thereof; or (2) after 2 prior convictions, the current violation included at least one of the following circumstances: (a) a minor was in the vehicle (b) the person caused damage or injury to property or person; (c) the person fled the scene; or (d) the person's BAC was .15 or higher. The 5-year cost for incarceration alone is estimated to be between \$19 - \$42 million. CCJRC opposes this bill because it is a high-cost but low-impact approach that is not comprehensive. According to the Centers for Disease Control, only 1% of all DUI episodes result in arrest. The National Transportation Safety Board reported that 71% of all alcohol-related fatalities were committed by a driver with NO prior convictions for DUI. Therefore, HB 1043 has no strategies to address the 99% of all DUIs that will not come into the criminal justice system at all because there was no arrest. There is also no funding to improve treatment despite the fact that the majority of people with multiple DUI convictions have an addiction and are very likely to also have a co-occurring serious mental illness or traumatic brain injury.

Status: Scheduled in House Finance Committee – Wed. 3/25/15

HB15-1087 Alcohol and Substance Abuse Medical Detox Centers

Sponsors: Representative Vigil (D) & Senators Steadman (D) and Jahn (D)

CCJRC Position: Priority - Support

Description: As amended, would create a pilot program in the Office of Behavioral Health to fund up to three medical detox centers. Currently detox centers in Colorado operate a "social detox model," meaning that little to no medical services are provided to individuals as they are withdrawing from alcohol and/or drugs. Withdrawing from opioids or heavy alcohol use can be severe and painful and in some extreme cases, cause death.

Status: Passed House PH&HS Committee – Sent to House Appropriations

HB15-1122 Parole Application and Revocation

Sponsors: Representative Fields (D)

CCJRC Position: Now neutral due to amendments made

Description: Would make an inmate in DOC ineligible for a discretionary parole hearing if the inmate: (1) had been convicted of a class I COPD within the past twelve months; or (2) has declined in writing to participate in programs that have been recommended and made available to him or her. CCJRC was able to successfully advocate for two amendments to this bill. The first, deleted the provision that made someone in prison ineligible for a parole hearing if s/he was within six months of MRD/SDD. The other, deleted the provision that would have given the parole board the authority to revoke for remainder any parolee who requests self-revocation.

Status: Passed the House and Senate and is awaiting action by the Governor

HB15-1203 Earned time for habitual offenders serving life

Sponsors: Rep Rosenthal (D) and Sen. Steadman (D)

CCJRC Position: Priority Support (CCJJ recommendation)

Description: Under current law, a person sentenced as a habitual offender to serve a 40-calendar-year-to-life sentence between July 1, 1985 but before July 1, 1993 is not eligible for earned time. The bill permits those sentenced under those circumstances to be eligible for earned time. DOC estimates that 64 people in prison may be impacted by this bill.

Status: Hearing scheduled in House Judiciary Committee – Tues. 3/24/15

HB15-1263 Criminal Record Sealing

Sponsors: Representatives Lebsock (D) and Tate (R)

CCJRC Position: Support - Amend

Description: Would allow 1st conviction for a misdemeanor to be eligible for sealing after 5 years from completion of sentence and if no additional criminal charges have been filed. There are some misdemeanor crimes that would not be eligible for sealing. As introduced, the bill gives veto power to the prosecutor in any sealing case. CCJRC opposes this and will support the bill only if that is amended out. There are now "dueling" record sealing bills as HB 15-1061 would make ineligible for sealing any municipal offense conviction for domestic violence. All municipal offenses were made eligible for sealing in 2013 in SB 123.

Status: Died in House Local Government Committee – 3/18/15

GO-Guide survey questions

CCJRC is starting to work on a new edition of our re-entry guide called Getting on After Getting out. We plan to have it completed by late 2015 or early 2016. We would really appreciate your input and feedback as part of the redesign process. You can fill out this form and return it to CCJRC or email your answers to Juston@ccjrc.org. Thank you! Feel free to add any additional feedback or suggestions that you have.

Did you or do you use the Go-Guide?

- Not at all
- Some chapters
- Most chapters
- All of the chapters

Please tell us why you chose this answer?

When reading the Go-Guide, is it

- Easy to read and understand
- Difficult to read and understand
- Impossible to read and understand

If there are parts of the GO Guide that are difficult or impossible to read or understand, please tell us why and give any examples: _____

When reading the Go-Guide, is it:

- Easy to find the information you want
- Somewhat easy to find the information you want
- Difficult to find the information you want
- Very difficult to find the information you want
- I cannot find the information you want

Please tell us why you chose this answer?

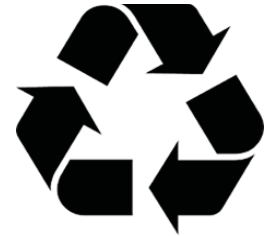
Please tell us if there is anything missing from the Go-Guide that you would like to see included in the next edition.

Please tell us if there is any information in the GO Guide that you think is not helpful or not needed _____



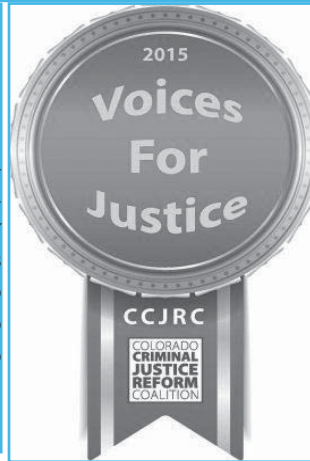
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Ankeney et. al. v. Raemish –
Case summary and update as of 3/16/2015

On 3/16/2015, the Supreme Court of Colorado decided against the Court of Appeals original decision for Ankeney and ruled that good time only applies to establishing parole eligibility date and not mandatory release date. We understand that this is extremely disappointing for a lot of people. There is no appeal to the US Spreme Court because the issue revolves around Colorado law and the Colorado Supreme Court has the final say on Colorado law.



VOICES FOR JUSTICE
Thursday, September 3, 2015
5:30 p.m. to 9:00 p.m

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YES! Count me in! I want to support CCJRC and help to reduce the trend of mass incarceration in Colorado. Enclosed is my tax-deductible contribution!

Your support makes all the difference!

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- Individual \$35
- Household \$50
- Sustainer \$100 or more
- Freedom Fighter \$__ charge me monthly/quarterly
- Low Income/senior \$15
- Prisoner \$3 (cash or stamps)

Credit Card #

_____ Exp date _____

Please return to:
CCJRC 1212 Mariposa St. #6 Denver, CO. 80204

CCJRC will celebrate our seventh annual night of fun and fundraising with an open bar, delicious food, and a magnificent silent auction at Mile High Station in Denver, Colorado. This year we are honoring

Lisa Caldèron

with the Rupert-Tate Game Changer Award. Lisa Caldèron is a trail blazer and fearless advocate for criminal justice reform. She has fought to help make Colorado's communities safer and healthier by providing resources to and advocating for the rights of people with criminal convictions. Her work helping both victims and justice involved people has had a profound impact on the debate and demand for meaningful criminal justice reform and racial justice.

CCJRC is a member of Community Shares. Ask your employer about workplace giving!