



2010 Legislative Summary

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Executive Summary

An unprecedented number of criminal justice reform bills were passed with bi-partisan support by the General Assembly and signed into law during the 2010 legislative session. To understand this accomplishment, some historical context may be useful regarding the process by which many of these bills were developed and the goals they hoped to accomplish.

In January 2007 former Denver District Attorney Bill Ritter took office as the Governor of Colorado. In his first state-of-the-state address, Governor Ritter announced that reducing recidivism would be a priority of his administration. Faced with high recidivism rates, limited sentencing alternatives and treatment programs, and significant budget shortfalls, the General Assembly passed HB 07-1358 which created a 26 member cross-agency, multi-discipline, bi-partisan Commission on Criminal & Juvenile Justice (CCJJ). The CCJJ was tasked with making research-based recommendations to improve the administration of justice, reduce recidivism, and use limited correctional resources in the most cost effective manner while ensuring public safety and respecting the rights of victims. The CCJJ first focused on prisoner re-entry and made a number of recommendations that were adopted through administrative policy changes and new laws passed during the 2009 legislative session.

During the 2009 legislative session, the General Assembly also passed SB 09-286 which required the Commission to study sentencing laws. To this end, the CCJJ and its task forces reviewed, analyzed, and made recommendations in specific areas including: (1) driving under the influence, (2) drug offenses, and (3) statutes limiting judicial discretion in sentencing, particularly with regard to the escape statute and probation eligibility.

A number of criminal justice reform bills that were passed in the 2010 legislative session stemmed from recommendations made by the CCJJ. Most notably, HB 10-1352 marks a shift in philosophy and strategy related to people charged with lower level drug use and possession offenses. As noted in the CCJJ November 2009 report, the number of people in prison whose most serious conviction charge was drugs increased from 192 inmates in FY 1987 to 4,502 in FY 2008. Nearly 37 percent of offenders discharged from community corrections in FY 2007 had been sentenced for a drug offense, which represents the most frequently occurring conviction crime for individuals serving time in community corrections. (This report is available at http://cdpsweb.state.co.us/ccjj/PDF/2009_Nov_Report/SB09-286-Report_11-30-09.pdf)

Because research unequivocally supports the value of treatment to reduce both drug use and criminal behavior, the CCJJ concluded that Colorado drug policy and public safety would be improved by better differentiating among drug offenders who are primarily users and addicts and those more serious offenders who engage in the crimes of distribution, manufacturing and trafficking of drugs. For those drug offenders who are primarily users and addicts, the CCJJ determined that intervention and treatment in the community would be a more effective use of resources than the current system of escalating punishments that often results in a prison sentence. Unfortunately, Colorado ranks at the bottom of states nationwide in public funding for substance abuse and mental health treatment.

HB 10-1352 incorporated the CCJJ recommendations and reduced penalties for drug use and possession offenses and reinvested \$1.4 million in savings in the Department of Corrections' budget to substance abuse and mental health treatment in its first year of implementation. HB 10-1352 also increased penalties for drug distribution by an adult to a minor.

Other CCJJ recommendations that were passed into law include revising the statutory parole guidelines to better incorporate evidence based practice and structured decision making by the parole board (HB 10-1374) and restoring some judicial discretion in sentencing for people with two-prior felony convictions (HB 10-1338) and non-inmates who were convicted of escape (HB 10-1373). HB 10-1347 increased penalties and imposed minimum jail sentences for people convicted of multiple DUIs.

Another significant policy and funding change occurred with HB 10-1360 which was collaboratively developed by numerous criminal justice stakeholders in an attempt to reduce the re-incarceration of parolees for technical violations. According to the Department of Corrections, in 2009 over 3,700

parolees were re-incarcerated in prison for a technical violation of parole, representing 34 percent of total prison admissions. Many parolees are not successful due to undertreated substance abuse or mental health issues and struggles in obtaining employment, housing, or other life necessities.

HB 10-1360 expanded funding for treatment options in lieu of revocation for technical violations and lowered to 90 days the amount of a time a nonviolent parolee can be incarcerated in prison for a technical violation if s/he has not been assessed as a person at high risk of re-offense. This year (FY 10-11) HB 10-1360 will reinvest over \$4.5 million in savings from the corrections budget into residential and outpatient substance abuse and mental health treatment and wrap-around services for parolees.

In the first year, the CCJJ bills (HB 10-1338, HB 10-1352, HB 10-1373, HB 10-1374) and HB 10-1360 are projected by Legislative Council to reduce the need for 385 prison beds and save over \$9 million in corrections costs. By the fifth year (FY 14-15), these bills are projected to reduce the need for 970 prison beds with a cumulative cost savings in the Department of Corrections' budget of almost \$103 million.

Reducing recidivism and addressing barriers to re-entry was also a focus of the interim legislative Economic Opportunity and Poverty Reduction Task Force (EOPRTF) which was created in 2009 with the passage of HB 09-1064. The goal of this bi-partisan task force is to develop a plan to reduce the number of people in Colorado who are living in poverty by 50 percent by 2019. This task force is required to assess current state policies and practices that promote economic opportunity, study and evaluate federally supported and state-supported programs that serve persons living in poverty, and examine factors that contribute to poverty and its economic impact.

One of the factors this task force identified that contributes to poverty in Colorado is the long-term impact of having a criminal record. The Bureau of Justice Statistics estimates that approximately 30 percent of the work force has a criminal record. Research and anecdotal information clearly indicates that having a criminal record can often dramatically limit someone's employment opportunities, life-time earning potential, and housing options which can drive chronic poverty, financial instability, and homelessness.

Consequently, two of the eight recommendations from this task force aimed to increase employment opportunities for those with a criminal record and reduce re-entry barriers for those recently released from incarceration. HB 10-1023 is an attempt to create more employment opportunities by clarifying employer liability when hiring an employee with a criminal record. SB 10-06 provides for a free state identification card for people leaving incarceration who are referred by a jail, the Department of Corrections, or the Division of Youth Corrections.

In a related but independent effort, HB 10-1112 attempts to increase employment among people leaving prison by strengthening the vocational programs offered in prison so that people are better equipped and skilled to enter the job market after release.

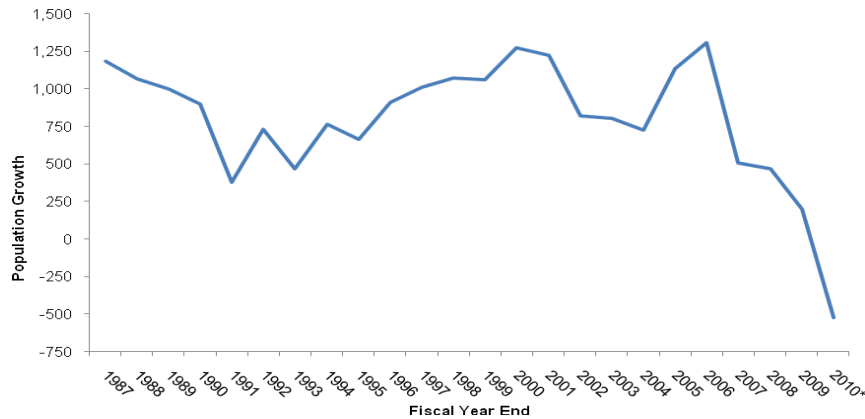
The work of the CCJJ and the EOPRTF was instrumental in several substantive policy changes that were achieved in the 2010 legislative session. The diverse and bi-partisan composition of these bodies and the commitment and integrity of its members, staff and volunteers in meeting their statutory mandate promoted strong support from legislators and Governor Ritter. Rather than being driven by short-sighted and often reactionary "get tough on crime" strategies, the more deliberative process and research-based approaches simply produced a better policy product. CCJRC actively participated in both of these groups and will continue to do so in the future.

For over a decade, CCJRC has advocated for sensible criminal justice reform under the belief that we are overusing incarceration in Colorado. We are encouraged there has been a slowing in the growth of the prison population over the past few years and that in FY 2009-10, the total inmate jurisdictional population in Colorado actually declined by 326 people. The decline is more pronounced for the female inmate population; consequently, the Department of Corrections decommissioned the Colorado Women's Correctional Facility (capacity 224) in 2009 and terminated its contract with Cornell Companies, Inc. to house female inmates at the private High Plains Correctional Facility as of the end of June 2010.

As demonstrated by the chart below produced by the Division of Criminal Justice, this trend is remarkable considering that just a few years ago, in FY 2005-2006, the prison population grew by a record 1,308 people, or more than 100 inmates per month. (See *Elements of Change*, Office of Research & Statistics, Division of Criminal Justice, Colorado Department of Public Safety, April 2010, available at http://dcj.state.co.us/ors/pdf/docs/EOC_vol14no1_Apr2010_v5.pdf)

In its analysis, the Division of Criminal Justice projected that the decline in the prison population will continue through 2014 with extremely slow growth occurring the FY 2015 (1.75%) and FY 2016 (2.33%). These population projections did not incorporate the anticipated reduction in the need for prison beds as a result of the sentencing reform bills passed in the 2010 legislative session.

Annual Growth in the Size of the Colorado Prison Population



* Represents the first six months of FY 2010 only.

DCJ Source: Colorado Department of Corrections Annual Statistical Reports and Monthly Capacity and Population Reports.

In its analysis, the Colorado Division of Criminal Justice summarized the downward trend as follows:

“Since July 2009 the prison population has actually decreased, an unprecedented trend expected to continue for the next few years. The “Baby Boom” generation is aging out of their crime-prone years. This, along with a temporary reduction in the growth in the segment of the state’s population most at-risk for criminal activity, those in the 19-39 age group, is likely to be significantly lowering crime rates in the short-term. Fewer court filings, perhaps linked to lower crimes rates, led to a reduction in prison admissions, particularly among women. Probation revocations to prison decreased, possibly as a result of initiatives spearheaded by the state Division of Probation Services to promote the implementation of evidence-based practices in many jurisdictions cross the state. Finally, new legislation and policies have been implemented in 2010 which may continue to accelerate releases from prison.”

Despite the decline in the prison population, and over opposition by CCJRC, ACLU, NAMI-Colorado, the Colorado Criminal Defense Bar, the state Public Defender, and other groups, the General Assembly provided \$9.3 million to the Department of Corrections to open the first tower (316 cells) at the Colorado State Penitentiary II, an administrative segregation prison, scheduled to open in September 2010.

Late in the session, HB 10-1421 was introduced with bi-partisan sponsorship that would have required the Department of Corrections to close a prison with at least a 500-bed capacity. HB 10-1421 passed the House, was amended in the Senate, and died altogether when the House and Senate rejected each other’s versions and failed to concur.

In conclusion, the 2010 legislative session was remarkable and perhaps even historic not just for the passage of substantive criminal justice reform but also in the degree of bi-partisan and criminal justice stakeholder support. As Colorado attempts to address a \$1 billion budget deficit in 2011-12, continuing to scrutinize criminal justice expenditures and proffer policy reforms that will effectively reduce crime, reduce recidivism, and expenditures in corrections will be paramount to our success as a state.

Legislation Summary

This section provides a descriptive summary and final vote for various criminal justice bills that were considered during the 2010 legislative session. Those bills that were developed from recommendations by the Colorado Commission on Criminal & Juvenile Justice and the interim legislative Economic Opportunity and Poverty Reduction Task Force are organized under those headings. These summaries try to capture the major components of the bills but may not be comprehensive. This is also not an exhaustive list of all the criminal justice related bills introduced during the legislative session.

In Colorado, there are 65 members of the House of Representatives and 35 members of the Senate. Sometimes, vote totals in a chamber do not total to this number due to legislators being absent or excused at the time the final vote was recorded. The vote count in parentheses refers to the recorded vote on third reading and final passage in each chamber. For more information, you can go to the Colorado General Assembly website at www.leg.state.co.us.

Colorado Commission on Criminal & Juvenile Justice

HB 1081: Concerning Money Laundering

Sponsors: Representative Priola (R) and Senator Steadman (D)

CCJRC position: monitor

Status: Passed the House (62-1) and Senate (34-0) and signed into law on May 25, 2010.

Effective date: August 11, 2010

Description: HB 1081 relocates the money laundering statute from the Controlled Substance Act to the fraud statute and includes money laundering in the definition of racketeering activity for purposes of prosecution under the Colorado Organized Crime Act.

HB 1338: Concerning the Eligibility for Probation of a Person Who Has Two or More Prior Convictions

Sponsors: Representative McCann (D) and Senator Steadman (D)

CCJRC position: support

Status: Passed the House (54-7) and Senate (24-11) and signed into law on May 25, 2010.

Effective Date: May 25, 2010

Description: Under previous law, a defendant with two prior felony convictions was ineligible for probation on a subsequent conviction without the district attorney's consent. With the passage of HB 1338, the district attorney's consent is only required if one of the prior felony convictions was for: first or second degree murder, manslaughter, first or second degree assault, first or second degree kidnapping, sexual offense, first degree arson, first or second degree burglary, robbery, aggravated robbery, or a felony offense against a child.

HB 1347: Concerning Misdemeanor Penalties for Persons Who Are Convicted of Multiple Traffic Offenses Involving Alcohol or Drugs

Sponsors: Representative Levy (D) and Senator Morse (D)

CCJRC position: monitor

Status: Passed the House (64-0) and Senate (33-1) and signed into law on May 25, 2010.

Effective date: July 1, 2010

Description: HB 1347 increases the penalties for a second offense of DUI, DWAI, and driving as a habitual user of controlled substances. On a second offense, the minimum jail term is set at 10 consecutive days. If the second offense is within five years of the first offense, the defendant is not eligible for home detention but is eligible for work release or treatment release if he or she was already employed or engaged in treatment prior to incarceration and the jail allows work/treatment release. For a third or subsequent conviction, the minimum jail term is set at 60 consecutive days. Home detention is not a sentencing option. All repeat DUI offenders must complete at least two years of probation and as a condition the court must impose a suspended one-year jail sentence, all or part of which may be imposed

if the offender violates a condition of probation. The persistent drunk driver surcharge was increased from \$50 to \$100 and half of the revenues will be deposited into the persistent drunk driver fund and the other half into the newly created court-ordered alcohol treatment fund. A first-time DUI offender with a blood-alcohol level of .20 or higher will also be subject to a mandatory 10-day jail sentence.

HB 1352: Concerning Changes to Crime Involving Controlled Substances, and Making An Appropriation in Connection Therewith

Sponsors: Representative Waller (R) and Senators Steadman (D) and Mitchell (R)

Co-sponsors: Representatives Pace (D), Court (D), Gardner, B. (R), Gerou (R), Kagan (D), King S. (R), Levy (D), Looper (R), Massey (R), May (R), McCann (D), Miklosi (D), Nikkel (R), Roberts (R), Ryden (D) and Stephens (R) and Senators Carroll, M.(D), Hudak (D), Morse (D), Newell (D), Penry (R), and White (R)

CCJRC position: support-priority

Status: Passed the House (58-5) and the Senate (30-5) and signed into law on May 25, 2010.

Effective date: August 11, 2010

Description: HB 1352 made the following changes to drug offenses contained in Article 18 of Title 18 of the Colorado Revised Statutes.

Drug possession offenses

- Relocates the crime of possession of a controlled substance (other than marijuana) to a new statute thereby separating it from the crime of manufacturing, dispensing, selling, distributing or possessing with the intent to manufacture, dispel, sell or distribute.
- Reduces the crime of use of a schedule I or II controlled substance from a class 6 felony to a class 2 misdemeanor and lowers the crime of use of a schedule III, IV, V controlled substance from a class 1 misdemeanor to a class 2 misdemeanor.
- Increases the threshold quantity from 1 gram or less to 4 grams or less for the class 6 felony crime of possession of flunitrazepam, ketamine, and schedule I or II controlled substances, except possession of methamphetamine for which possession of 2 grams or less is the class 6 felony.
- Possession of more than 4 grams of a schedule I or II controlled substance or more than 2 grams of methamphetamine is designated as a class 4 felony, lowering the crime classification from a class 2, 3 or 4 felony depending on circumstances.
- Treats ketamine like a schedule I and II controlled substance for purposes of crime classification.
- Reduces possession of schedule III-V drugs from a felony to a class 1 misdemeanor.
- Reduces the penalty for fraud and deceit in connection with controlled substances from a class 5 to a class 6 felony.
- Repeals the aggravation for possession offenses if the defendant had a prior conviction. For example, under prior law, possession of 1 gram or less of a schedule I or II controlled substance was a class 6 felony but if the defendant had a prior drug offense, the current charge was aggravated to a class 4 felony.

Offenses related to marijuana and marijuana concentrate

- Increases the quantity of marijuana that differentiates various crime classifications, to wit: possession of 2 ounces or less (petty offense), possession of more than 2 ounces but no more than 6 ounces (class 2 misdemeanor), possession of more than 6 ounces but less than 12 ounces (class 1 misdemeanor), and possession of more than 12 ounces (class 6 felony).
- Creates a distinction in crime classification based on quantity of marijuana concentrate, to wit: possession of 3 ounces or less (class 1 misdemeanor) and possession of over 3 ounces (class 6 felony). Under prior law, possession of any quantity of marijuana concentrate was a class 5 felony or a class 4 felony if the defendant had a prior conviction for the same offense.
- Reduces the crime classification for marijuana cultivation and bases the class on the number of plants, to wit: cultivation of 6 or fewer plants (class 1 misdemeanor), cultivation of between 7-29 plants (class 5 felony) and cultivation of 30 or more plants (class 4 felony).
- Changes the spelling from marihuana to marijuana in statute.

Increasing penalties for drug distribution

- Creates a new class 3 felony crime of distribution of a controlled substance by an adult to a minor and if the adult is more than 2 years older than the minor, imposes a mandatory minimum prison sentence.

- Creates a new mandatory minimum sentence for the crime of distribution of marijuana or marijuana concentrate by an adult to a minor if the minor is less than 15 years old.
- Increases to a class 3 felony the crime of distribution of over five pounds of marijuana or one pound of marijuana by an adult if the minor is at least 15 years of age.
- Increases the crime classification to a class 3 felony for distribution of ketamine.

Changes to the Special Offender statute

- Increases the quantity to 4 grams of a schedule I or II controlled substance or 2 grams of methamphetamine in order for a defendant to be designated as a special offender for sentencing purposes for introducing or importing such a controlled substance into Colorado.
- Clarifies the conditions under which possession of a firearm during the commission of a drug offense designates a defendant as a special offender for sentencing purposes to require that the deadly weapon is on a defendant's person or his within immediate reach, or a firearm is within the defendant's or confederate's access in a manner that posed a risk to others, or when a firearm is in a vehicle the defendant was occupying.

Other provisions

- Requires the Division of Criminal Justice in the Department of Public Safety to annually analyze the amount of fiscal savings the bill generates over the previous fiscal year and report such analysis to the Joint Budget Committee.
- Requires that cost savings from the bill be allocated to fund treatment for substance abuse or co-occurring disorders to adults who are assessed to be in need of treatment who are on probation, on diversion, on parole, in community corrections, or in jail. In 2010-11, \$1.4 million in cost savings was appropriated for the treatment of substance abuse or co-occurring disorders.
- Increases the drug offender surcharge by drug crime class as follows: class 4 felony-\$2,000 (up from \$1,500), class 5 felony-\$1,500 (up from \$1,125), class 6 felony-\$1,250 (up from \$750), class 1 misdemeanor-\$1,000 (up from \$600), class 2 misdemeanor-\$600 (up from \$450), class 3 misdemeanor-\$300 (up from \$225), and petty offense-\$200 (up from \$100).

HB 1373: Sentencing Changes For Escape Crime

Sponsors: Representative T. Carroll (D) and Senator Hudak (D)

CCJRC position: support

Status: Passed the House (58-7) and Senate (19-16) and signed into law on May 25, 2010.

Effective date: May 25, 2010

Description: Under previous law, a broad range of scenarios could be considered to be the crime of escape which required the court to impose a mandatory consecutive sentence. With the passage of HB 1373 the mandatory consecutive sentence for escape applies only to people on "inmate status" which includes people in secured correctional facilities, work release, and transition clients from DOC in community corrections. Diversion clients in community corrections and parolees on intensive supervision may receive a consecutive sentence for escape, but it is not mandatory.

HB 1374: Changes to Parole

Sponsors: Representative Ferrandino (D) and Senator Penry (R)

CCJRC position: support-priority

Status: Passed the House (63-0) and Senate (35-0) and signed into law on May 25, 2010.

Effective Date: May 25, 2010

Description: HB 1374 made several reforms related to parole including: (1) clarifying eligibility criteria for the enhanced earned time that was created last year in HB 09-1351; (2) repealing some archaic language in statute that mandates the arrest of a parolee under certain circumstances; (3) substantially revising the statutory parole guidelines; and (4) requiring the parole board to make an annual presentation before the House and Senate judiciary committees. The first three are described in more detail below.

In 2009, HB 09-1351 passed which, for those meeting the eligibility requirements, increased the amount of earned time that could be awarded each month to inmates and parolees serving a sentence for a class 4, class 5, and class 6 felony from 10 days to 12 days a month and required the parole board to release

people either 30 days (if convicted of a class 6 felony) or 60 days (if convicted of a class 4 or 5 felony) prior to the mandatory release date. The eligibility criteria established in HB 1351 included no history of a violent conviction, not serving a sentence for a violent offense, no prison rule violations, and program compliance. Due to a lack of specificity in HB 09-1351, there was some difficulty in implementation and therefore HB 1374 provided the following additional specificity to the eligibility criteria to include:

- An inmate must not have a conviction for a class II code of penal discipline (COPD) violation within the past twelve months or a class I COPD violation within the past twenty-four months.
- An inmate must not have been convicted of a felony offenses in the enumerated disqualifying crimes. Also, a number of additional crimes were added to the list of disqualifying offenses including CRS §§ 18-6-701 (contributing to the delinquency of a minor), 18-3-303 (false imprisonment), 18-3-305 (enticement of a child) and 18-3-306 (internet luring of a child).
- An inmate must be currently program compliant.

HB 1374 also eliminated several of the mandatory arrest requirements for parolees under CRS § 17-2-207(3) when:

- a parolee leaves the state without lawful permission;
- a parolee is within a county where a correctional facility is located without permission; and
- a parolee resides within a county where a correctional facility is located without permission.

This modification restores discretion to the parole officer as to whether to arrest a parolee or not under the aforementioned circumstances.

HB 1374 also made substantial changes to the statutory parole guidelines in CRS 17-22.5-404 including:

- adding a legislative declaration
- modifying the parole release factors to include, but not be limited to:
 - the testimony or written statement of the victim, relative or designee
 - actuarial risk of reoffense
 - assessed criminogenic need level
 - program or treatment participation and progress
 - institutional conduct
 - adequacy of parole plan
 - whether the inmate has or has caused the victim or family to be harassed or threatened either verbally or in writing while under sentence
 - aggravating or mitigating factors from the criminal case
 - the testimony or written statement from a prospective parole sponsor, employer, or other available to assist the inmate if released on parole
 - whether the inmate has ever absconded or escaped or attempted such while on community supervision
 - whether the inmate completed or worked towards completing a high school diploma, GED, or a college degree while incarcerated
- requires the parole board to use an administrative release guideline instrument for both release and revocation decision making. This instrument will include a matrix of advisory decision recommendations for the different risk levels.
- Requires the development of a specific administrative release guideline instrument for people convicted of a sex offense and serving a determinate sentence
- Modifies the parole revocation factors to include but not be limited to:
 - proof of conviction of a new crime
 - actuarial risk of reoffense
 - seriousness of the technical violation
 - frequency of the technical violation
 - effort by the parolee to comply with previous corrective action plan
 - the imposition of any intermediate sanctions by the parole officer
 - whether modification of parole conditions is appropriate in lieu of revocation
 - prior to revoking parole for a technical violation, the parole board must make a factual finding that the parole officer has utilized intermediate sanctions or that modification of

conditions of parole or the imposition of intermediate sanctions is not appropriate or consistent with public safety.

- Training and reporting responsibilities were also modified

Economic Opportunity and Poverty Reduction Interim Legislative Task Force

HB 1023: Concerning Clarifying Civil Liability Regarding Negligent Hiring Practices for an Employer That Hires a Person with a Criminal Record

Sponsors: Representative Waller (R) and Senator Hudak (D); co-sponsors include Representatives Gagliardi (D), Kagan (D), Kefalas (D), Summers (R) and Senators Boyd (D), Sandoval (D), Scheffel (R), and White (R)

CCJRC position: support-priority

Status: Passed the House (63-0) and Senate (35-0) and signed into law on March 25, 2010.

Effective date: August 11, 2010

Description: This law limits the admissibility of evidence of an employee's criminal history in a civil action against an employer where: (1) the criminal history did not have a direct relationship to the underlying cause of action in the civil case, (2) the criminal record was sealed prior to the acts underlying the cause of action, (3) the criminal history consists of an arrest that did not lead to a criminal conviction, (4) the conviction received a pardon, or (5) the defendant successfully completed a deferred judgment.

SB 06: Concerning Reductions in Barriers to Obtaining Identity-Related Documents

Sponsors: Senator Boyd (D) and Representative Summers (R); co-sponsors include Senators Hudak (D), Sandoval (D), White (R) and Representatives Gagliardi (D), Kefalas (D), and Waller (R)

CCJRC position: support-priority

Status: Passed the House (48-16) and Senate (22-12) and signed into law on June 5, 2010.

Effective Date: June 5, 2010

Description: Among other things, SB 6 waives the payment of the fee to obtain an identification card for those referred by a county department of social services or those referred by a county jail, the Department of Corrections, or the Division of Youth Corrections. The bill also restored the authority of a district court to allow a person with a criminal record to legally change his or her name if such name change is necessary to obtain an identification card. Prior to ordering the name change, the petitioner must meet multiple requirements and interested parties must be notified.

Other bills CCJRC supported

HB 1090: Concerning the Punishment for a Person Who Is Convicted of Driving a Motor Vehicle with Knowledge That His or Her Driver's License Is Under Restraint

Sponsors: Representative Waller (R) and Senator Morse (D)

CCJRC position: support

Status: Passed the House (57-6) and Senate (35-0) and signed into law on March 29, 2010.

Effective Date: August 11, 2010

Description: This bill eliminates the mandatory 5-day jail sentence for a person who is convicted of driving a motor vehicle or off-highway vehicle upon any highway of the state with knowledge that his license or privilege to drive is under restraint for any reason other than conviction of driving under the influence (DUI), driving while ability impaired (DWAI), or underage drinking and driving.

HB 1112: Concerning the "Correctional Education Program Act of 1990"

Sponsors: Representative Miklosi (D) and Senator Newell (D)

CCJRC position: support-priority

Status: Passed the House (50-13) and Senate (31-4) and signed into law on March 31, 2010.

Effective Date: August 11, 2010

Description: This law sets performance objectives for vocational programs in the Department of Corrections to require that: vocational programming is more market-relevant; participation in programs is considered prior to an inmate's transfer to another facility; and information about vocational programs, enrollment, and completion rates shall be included in the DOC's annual statistical report.

HB 1201: Concerning Duties Related to Peace Officer Contacts

Sponsors: Representative Middleton (D), T. Carroll (D), Ferrandino (D), McFadyen (D), Miklosi (D), Pace (D), Vigil (D), and Weissman (D) and Senator Steadman (D)

CCJRC position: support

Status: Passed the House (37-28) and Senate (35-0) and signed into law on April 29, 2010.

Effective Date: April 29, 2010

Description: This new law requires that prior to conducting a consensual search of a person, personal effects, or vehicle a peace officer must get either oral or written consent for the search after advising the person that they may refuse. This new law does not apply to a valid search incident to a lawful arrest or to a search for which there is a legal basis which includes, but is not limited to, searches in correctional facilities, jails, community corrections facilities, mental health facilities or searches of a person on probation or parole by a probation or parole officer when such searches are a condition of supervision.

HB 1360: Reducing Revocations for Technical Violations

Sponsors: Representative Pace (D) and Senator Steadman (D)

CCJRC position: support-priority

Status: Passed the House (54-9) and Senate (24-11) and signed into law on May 25, 2010.

Effective Date: May 25, 2010

Description: In lieu of revocation for a technical violation, the parole board may modify the conditions of parole and require the parolee to participate in a residential or outpatient treatment program. If parole is revoked for a technical violation, the maximum time of re-incarceration in prison is 90 days if the parolee was assessed as lower than high risk and the parolee's underlying conviction was not for a crime of violence, menacing, or stalking. A parolee can be re-incarcerated in prison for up to 180 days if s/he is assessed as high risk or is revoked to a community return to custody facility or community corrections facility and the underlying conviction was not for a crime of violence, menacing, or stalking. Placement in a community return to custody facility for a technical parole violation was expanded to include people convicted of a class 4 felony, excluding crimes of violence and stalking. The Department of Corrections, Division of Adult Parole is required to provide the judiciary committees of the House and Senate with a status report on parole outcomes and an accounting of appropriations made pursuant to HB 1360. Each year the General Assembly is required to appropriate some of the cost savings from HB 1360 for re-entry support services for parolees related to obtaining employment, housing, transportation, substance abuse treatment, mental health treatment, mental health medication, or offender specific services.

Approximately \$4.5 million in avoided prison costs was appropriated in FY 10-11 into treatment and re-entry support services for parolees.

HB 1413: Concerning Juveniles Who Are Tried as Adults, and Making an Appropriation in Connection Therewith.

Sponsors: Representatives Levy (D) and May (R) and Senators Newell (D) and Lundberg (R)

CCJRC position: support

Status: Passed the House (55-8) and Senate (27-8) and signed into law by on May 25, 2010.

Effective Date: August 11, 2010

Description: For purposes of direct file, HB 1413 increases the minimum age of the defendant from 14 to 16 years, except in those cases where the defendant is charged with first degree murder, second degree murder or a sex offense. At least 14 days prior to filing the charges in district court, the district attorney must file the charges in juvenile court with a notice of decision on direct file. The bill lists the criteria that the district attorney must consider in determining whether to file charges in adult court against a juvenile. The district attorney must submit a written statement listing the criteria relied upon in deciding

to direct file. The bill also permits a juvenile convicted in district court of a class 2 felony (non sex offense) to be eligible for sentencing to the youthful offender system.

SB 54: Concerning the Provision of Educational Services For Juveniles Against Whom Charges Have Been Filed in District Court

Sponsors: Senator Hudak (D) and Representative Levy (D)

CCJRC position: support

Status: Passed the House (52-13) and Senate (18-15) and signed into law on May 25, 2010.

Effective Date: May 25, 2010

Description: The bill requires a school district to provide educational services during the school year to a juvenile being held, pending charges as an adult, in a jail within the school district. The school district is also required to comply with the "Individuals with Disabilities Education Act" if the juvenile has a disability. There are a number of exceptions to this requirement.

SB 159: Concerning Defendant Statements at a Community Corrections Hearing

Sponsors: Senator Foster (D) and Representative Miklosi (D)

CCJRC position: support-priority

Status: Passed the House (65-0) and Senate (33-0) and signed into law on May 27, 2010.

Effective Date: August 11, 2010

Description: An inmate has the right to submit a written statement to a community corrections board considering his or her transitional referral to community corrections. This written statement must be timely submitted by the inmate to the DOC case manager so that it can be included in the initial electronic application submitted by DOC to a community corrections board or program. Community corrections boards have the discretion to decide whether to accept a written or oral statement by a third party on behalf of an inmate and these policies must be in writing and publicly accessible. Affirms that a victim shall have the right to provide a written impact statement and a separate oral statement to a community corrections board considering an offender's transitional to community corrections.

SB 189: Concerning Authorization for Government Agencies to Approve Clean Syringe Exchange Programs to Reduce the Spread of Blood-Borne Disease

Sponsors: Senator Steadman (D) and Representative Weissmann (D)

CCJRC position: support-priority

Status: Passed the House (57-6) and Senate (24-10) and signed into law on May 26, 2010.

Effective Date: August 11, 2010

Description: SB 189 authorizes to a county board of health or district board of health to approve a clean syringe program proposed by county or district public health agency provided that certain procedures are followed and community stakeholders are consulted. One or more counties represented on a district board of health may at any time opt out of a proposed or approved program. An employee or volunteer of such program will be exempt from drug paraphernalia laws.

SB 193: Concerning the Safe Treatment of Pregnant Persons in Custody

Sponsors: Senator Hudak (D) and Representative Levy (D)

CCJRC position: support-priority

Status: Passed the House (62-1) and Senate (34-0) and signed into law on May 27, 2010.

Effective Date: January 1, 2011

Description: The law limits the use of restraints on pregnant women in custody or confined in prisons, city/county jails, juvenile detention, or department of human services facilities. Corrections staff will not be permitted to use restraints of any kind on a pregnant woman during labor and delivery unless exceptional circumstances exist. Correctional staff is required to use the least restrictive measures of restraint during postpartum recovery and transport for medical care.

Other criminal justice bills that became law (CCJRC took no position)

HB 1065: Concerning a Prohibition Against Counting Any Time a Juvenile Spends on Escape Status Toward Completion of the Juvenile's Commitment

Sponsors: Representative McCann (D) and Senator Tochtrop (D)

Status: Passed the House (63-0) and Senate (33-0) and signed into law on March 18, 2010.

Description: If a juvenile committed to the Department of Human Services escapes from a facility, the time the juvenile is on escape status will not be counted toward service of the term of the commitment.

HB 1089: Concerning Placement After a Parole Revocation of a Parolee Who Is A Sexually Violent Predator

Sponsors: Representative Waller (R) and Senator Newell (D)

Status: Passed the House (64-0) and Senate (34-0) and signed into law on March 31, 2010.

Description: Prior to the enactment of HB 1089, a parolee who was revoked from parole for a technical violation and who was under sentence for a conviction of a nonviolent class 5 or class 6 felony could only be placed in a community return to custody facility (CRCF), which are DOC contract beds in community corrections facilities. This law authorizes the parole board to send an otherwise CRCF eligible parole violator to prison for a technical parole violation if s/he was designated a sexually violent predator.

HB 1104: Veterans' Treatment Court

Sponsors: Representative Looper (R) and Senator Williams (D)

Status: Passed the House (64-0) and Senate (34-0) and signed into law on April 16, 2010.

Description: HB 1104 authorizes the state court administrator to apply for federal grant funds on behalf of the state for the establishment, maintenance or expansion of veterans' treatment courts and authorizes the chief judge in the judicial district to establish a program for veterans and members of the military.

HB 1109: Concerning the Availability of Workers' Compensation to Jail Inmates Who Are Working For a Program That Has Been Certified By the Federal Prison Industry Enhancement Certification Program

Sponsors: Representative McCann (D) and Senator Mitchell (R)

Status: Passed the House (46-18) and Senate (35-0) and signed into law on May 3, 2010.

Description: Federal law requires that in order to participate in the federal prison industry enhancement certification program (PIECP), inmates in the program must have workers' compensation benefits available to them. HB 1109 complies with this federal law by requiring PIECP to carry workers' compensation insurance and defining a jail or department of corrections inmate participating in a PIECP as an employee of that program for purposes of workers' compensation eligibility. Public entities are permitted to select more than one method of workers' compensation insurance.

HB 1215: Concerning the Use of Cash Bond Deposits After the Discharge of the Bond To Satisfy Outstanding Court-Ordered Debts

Sponsors: Representative Waller (R) and Senator Scheffel (R)

Status: Passed the House (63-1) and Senate (34-0) and signed into law on April 15, 2010.

Description: When a defendant deposits funds with the court for purposes of making bond, this new law allows a court to apply these funds toward the payment of fines, fees, costs, and surcharges assessed against the defendant. If the depositor is someone other than the defendant, the law would allow the court to apply the funds toward payment of court-ordered debt with written consent of the depositor. If the amount of the deposit is greater than the amount owed, any balance will be returned to the depositor.

HB 1277: Concerning An Extension of the Prohibition Against Sexual Conduct in Correctional Institutions

Sponsors: Representative DelGrosso (R) and Senator Steadman (D)

Status: Passed the House (63-0) and Senate (34-0) and signed into law on May 25, 2010.

Description: Current law prohibits and makes it a crime for an employee or volunteer of a correctional facility to have sexual activity with an inmate. HB 1277 extends that prohibition to any detention facility, commitment facility, or community corrections program housing juveniles.

HB 1334: Concerning Public Indecency

Sponsors: Representative King (R) and Senator Steadman (D)

Status: Passed the House (64-0) and Senate (35-0) and signed into law June 7, 2010

Effective date: August 11, 2010

Description: This bill changes indecent exposure to require that the act be with the intent to cause arousal or to satisfy sexual desire. The bill further makes public masturbation the crime of indecent exposure. The bill expands public indecency (a petty offense) to include those exposures of the genitals that cause affront or alarm (which were previously class 1 misdemeanors and sex offenses under statute). The second offense for exposure of the genitals which cause affront or alarm would be a class 1 misdemeanors and a sex offense. Registration as sex offender is required if there is a second offense for this subsection of public indecency within 5 years.

SB 128: Concerning Invasion of Privacy

Sponsors: Senator Hudak (D) and Representative Rice (D)

Status: Passed the House (64-1) and the Senate (33-0) and signed into law on June 10, 2010

Effective date: July 1, 2010 for sections that add live feed and decrease penalty for eavesdropping, July 1, 2012 for sections that create crime of invasion of privacy for sexual gratifications and increase penalties for 2nd offense and for minor under 15 with actor over 4 years older.

Description: This bill makes eavesdropping a class 1 misdemeanor (from a class 6 felony). It adds “live feed” as a method of committing unlawful invasion of privacy under 18-7-801. The bill removes from the statutory section on unlawful sexual contact (18-3-404) the section concerning “observes or photographs intimate parts” and creates a new section in 18-7, invasion of privacy for sexual gratification. Makes a second offense of invasion of privacy for sexual gratification a class 6 felony and a first offense a class 6 felony if the victim is less than 15 and the actor is over 4 years older.

SB 140: Concerning Human Trafficking

Sponsors: Senator Mitchell (R) and Representative McCann (D)

Status: Passed the House (34-0) and Senate (63-0) and signed into law on April 21, 2010

Effective Date: April 21, 2010

Description: This bill repeals and relocates the current statutes regarding human trafficking of adults and children and coercion of involuntary servitude. It adds human trafficking as a qualifying offense under the Colorado Organized Crime Control Act.

SB 204: Concerning Careless Driving Resulting in Death

Sponsors: Senator Shaffer (D) and Representative Solano (D)

Status: Passed the Senate (35-0) and passed the House (59 -6), although it was amended to reduce the penalty to 8 points. The Senate adhered to its position and the House eventually concurred and signed into law on May 21, 2010.

Effective Date: May 21, 2010

Description: In addition to other criminal sanctions, this bill raises the penalty to 12 points against a person’s driver’s license for careless driving resulting in death.

Criminal justice bills that did not become law

SB 179: Changes in voting requirements

Sponsors: Senator Steadman (D) and Representative Weissmann (D)

CCJRC position: support-priority

Status: This bill passed the Senate (20-15) but failed on second reading in the House after the Governor informed the Representative Weissmann that he would veto the bill.

Description: This bill would have restored voting eligibility for people on parole, would have clarified that people in community corrections as diversion clients are eligible to vote, and would have required criminal justice supervision agencies (jails, DYC, community corrections, probation, and parole) to have information available to clients regarding voter eligibility, voter registration, and voting.

HB 1082: Concerning Disqualification From School Employment For Conviction of Certain Offenses, And, In Connection Therewith, Enacting the “Felon-Free Schools Act of 2010”

Sponsors: Representative McNulty (R) and Senator Penry (R)

CCJRC Position: Oppose

Status: This bill failed in the House Judiciary Committee on a 7-4 vote on February 22, 2010.

Description: This bill would prohibit a school district or public school from employing in a nonlicensed position a person who has a conviction for certain offenses, including any felony drug offense. The bill also amends existing mandatory disqualifications for licensed positions to include any conviction for a felony drug offense.

HB 1364: Concerning the Sex Offender Management Board, and, in Connection Therewith, Continuing the Sex Offender Management Board, and Making an Appropriation

Sponsors: Representative Ryden (D) and Senator Hudak (D)

Status: Passed the House (61-0) and Senate (34-0) but was vetoed by Governor Ritter on May 21, 2010.

Description: The bill would have extended the repeal date for the sex offender management board by five years to July 1, 2015. Major changes would have included; (1) removing the “no known cure” language from the evaluation and identification procedures; (2) adding family counseling and shared living arrangements to the continuum of treatment programs that may be used for adult and juvenile sex offenders; (3) requiring the board to include a data collection and reporting requirement to all sex offender treatment, evaluation, or polygraph services as part of their standards as determined by the SOMB; (4) establishing a formal process to review complaints and grievances against sex offender treatment providers that shall be referred to the department of regulatory agencies (DORA) which is required to investigate the complaints and grievances and take appropriate disciplinary action; (5) requiring the board to report annually to the judiciary committees; (6) requiring (non-incarcerated) offenders to be given a choice of a minimum of three sex offender treatment providers, if available.

HB 1421: Concerning the decommission of a correctional facility operated by the department of corrections

Sponsors: by Representative(s) May (R) and Weissmann (D), Ferrandino (D), Pommer (D), Lambert (R), Gardner B. (R), Waller (R); also Senator(s) King K. (R) and Tochtrop (D)

Status: HB 1241 passed the House on May 3, 2010 (57-6). The Senate passed an amended version (26-9) on May 12, 2010. The House adhered to its version and the bill failed for lack of concurrence.

Description: The version passed by the House would have required the Department of Corrections to decommission a state run prison that has at least a 500 bed capacity by November 1, 2010 unless an extension or suspension of this requirement was approved. At least 20% of the savings from the prison closure would be allocated to the DOC community reentry subprogram for programs that reduce recidivism and another 30% would be allocated to vocational, academic and treatment programs for inmates and to improve staffing ratios at state prisons. The major change in the Senate required the DOC by November 1, 2010 to reduce prison bed capacity by at least 300 beds or create comparable savings by decommissioning a state prison, reducing private prison contracts beds, or any other means. Any reduction in private prison beds must be in the same proportion as a reduction in state prison beds.

Vote count on select criminal justice bills by chamber and legislator

The following section provides the vote count on select criminal justice bills by chamber and legislator that were of specific interest of CCJRC. Each of these bills received significant bi-partisan support, several passed unanimously.

HB 1023: Concerning Clarifying Civil Liability Regarding Negligent Hiring Practices for an Employer That Hires a Person with a Criminal Record

HB 1090: Concerning the Punishment for a Person Who Is Convicted of Driving a Motor Vehicle with Knowledge That His or Her Driver's License Is Under Restraint

HB 1112: Concerning the "Correctional Education Program Act of 1990"

HB 1201: Concerning Duties Related to Peace Officer Contacts

HB 1338: Concerning the Eligibility for Probation of a Person Who Has Two or More Prior Convictions

HB 1347: Concerning Misdemeanor Penalties for Persons Who Are Convicted of Multiple Traffic Offenses Involving Alcohol or Drugs

HB 1352: Concerning Changes to Crime Involving Controlled Substances, and Making An Appropriation in Connection Therewith

HB 1360: Reducing Revocations for Technical Violations

HB 1373: Sentencing Changes For Escape Crime

HB 1374: Changes to Parole

HB 1413: Concerning Juveniles Who Are Tried as Adults, and Making an Appropriation in Connection Therewith

SB 6: Concerning Reductions in Barriers to Obtaining Identity-Related Documents

SB 159: Concerning Defendant Statements at a Community Corrections Hearing

SB 189: Concerning Authorization for Government Agencies to Approve Clean Syringe Exchange Programs to Reduce the Spread of Blood-Borne Disease

SB 193: Concerning the Safe Treatment of Pregnant Persons in Custody

Vote Count - SENATE

Senator	Dist/Pty	HB 1023	HB 1090	HB 1112	HB 1201	HB 1338	HB 1347	HB 1352	HB 1360	HB 1373	HB 1374	HB 1413	SB 6	SB 159	SB 189	SB 193
	Vote	35-0	35-0	31-4	35-0	24-11	33-1	30-5	24-11	19-16	35-0	27-8	22-12	33-0	24-10	35-0
Status-Governor		signed	signed	signed	signed	signed	signed	signed	signed	signed	signed	signed	pending	pending	signed	pending
Bacon, Bob	14/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Boyd, Betty	21/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Brophy, Greg	1/R	Y	Y	Y	Y	N	Y	Y	N	N	Y	N	N	Y	N	Y
Cadman, Bill	10/R	Y	Y	N	Y	N	Y	N	N	N	Y	N	N	Y	N	Y
Carroll, Morgan	29/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Foster, Joyce	35/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Gibbs, Dan	18/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Harvey, Ted	30/R	Y	Y	Y	Y	N	Y	N	N	N	Y	N	N	Y	N	Y
Heath, Rollie	18/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Hodge, Mary	25/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Hudak, Evie	19/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Johnston, Michael	33/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y
Keller, Moe	20/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Kester, Ken	2/R	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	N	Y	Y	Y
King, Keith	12/R	Y	Y	Y	Y	N	Y	Y	N	N	Y	N	N	Y	N	Y
Kopp, Mike	22/R	Y	Y	N	Y	N	E	N	N	N	Y	N	N	Y	N	Y
Lundberg, Kevin	15/R	Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y	N	Y	N	Y
Mitchell, Shawn	23/R	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y
Morse, John	11/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Newell, Linda	26/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Penry, Josh	7/R	Y	Y	Y	Y	N	Y	Y	N	N	Y	N	N	Y	N	Y
Renfroe, Scott	13/R	Y	Y	N	Y	N	Y	N	N	N	Y	Y	E	Y	N	Y
Romer, Chris	32/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Sandoval, Paula	34/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Scheffel, Mark	4/R	Y	Y	Y	Y	N	Y	Y	N	N	Y	N	N	Y	N	Y
Schultheis, David	9/R	Y	Y	N	Y	N	N	N	N	N	Y	N	N	Y	N	Y
Schwartz, Gail	5/D	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
Shaffer, Brandon	17/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Spence, Nancy	27/R	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	N	E	Y	Y
Steadman, Pat	31/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Tapia, Abel	3/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Tochtrop, Lois	24/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
White, Al	8/R	Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
Whitehead, Bruce	6/D	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
Williams, Suzanne	28/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	E	Y

Vote Count-HOUSE OF REPRESENTATIVES

Representative	Dist/Party	HB 1023	HB 1090	HB 1112	HB 1201	HB 1338	HB 1347	HB 1352	HB 1360	HB 1373	HB 1374	HB 1413	SB 6	SB 159	SB 189	SB 193
Final Vote		63-0	57-6	50-13	37-28	54-7	64-0	58-5	54-9	58-7	63-0	55-8	48-16	65-0	57-6	62-1
Status-Governor		signed	signed	signed	signed	signed	signed	signed	signed	signed	signed	signed	pending	pending	signed	pending
Acree, Cindy	40/R	Y	Y	N	N	Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y
Apuan, Dennis	17/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Balmer, David	39/R	Y	Y	N	N	Y	Y	N	N	N	Y	N	N	Y	Y	Y
Baumgardner, R.	57/R	Y	N	N	N	N	E	N	N	N	Y	Y	N	Y	N	Y
Benefield, Debbie	29/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Bradford, Laura	55/R	Y	Y	N	N	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y
Carroll, Terrance	7/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Casso, Edward	32/D	Y	Y	Y	N	N	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
Court, Lois	6/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Curry, Kathleen	61/U	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Delgrosso, Brian	51/R	Y	Y	Y	N	Y	Y	Y	N	Y	Y	Y	N	Y	Y	Y
Ferrandino, Mark	2/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Fischer, Randy	53/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Frangas, Jerry	4/D	Y	Y	Y	Y	E	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
Gagliardi, Sara	27/D	Y	Y	Y	Y	Y	Y	Y	E	Y	E	Y	Y	Y	Y	Y
Gardner, Bob	21/R	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Gardner, Cory	63/R	Y	N	N	N	N	Y	N	N	N	Y	N	N	Y	N	Y
Gerou, Cheri	26/R	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Hullinghorst, D.	10/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Judd, Joel	5/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Kagan, Daniel	3/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Kefalas, John	52/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Kerr, Andy	26/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Kerr, Jim	28/R	E	E	E	N	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y
King, Steve	54/R	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Labuda, Jeanne	1/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Lambert, Kent	14/R	Y	N	N	N	N	Y	Y	N	N	Y	Y	N	Y	N	Y
Levy, Claire	13/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Liston, Larry	16/R	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Looper, Marsha	19/R	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Massey, Tom	60/R	Y	Y	Y	N	Y	Y	Y	E	Y	E	Y	Y	Y	Y	Y
May, Mike	44/R	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
McCann, Beth	8/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

McFayden, Buffie	47/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
McKinley, Wes	64/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
McNulty, Frank	43/R	Y	Y	N	N	N	Y	Y	N	N	Y	Y	N	Y	N	Y
Merrifield, Michael	18/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Middleton, Karen	42/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Miklosi, Joe	9/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	E	E	Y	Y	Y
Murray, Carole	45/R	Y	N	Y	N	Y	Y	N	Y	Y	Y	Y	Y	Y	N	Y
Nikkel, B.J.	49/R	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Pace, Sal	46/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	E	Y
Peniston, Cheryl	35/D	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Pommer, Jack	11/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	E
Primavera, Dianne	33/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Priola, Kevin	30/R	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Rice, Joe	38/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Riesberg, Jim	50/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Roberts, Ellen	59/R	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Ryden, Su	36/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Scanlan, Christine	56/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	E	Y	Y	Y	Y
Schafer, Sue	24/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Solano, Judy	31/D	Y	Y	Y	Y	Y	Y	E	Y	Y	Y	Y	Y	Y	Y	Y
Sonnenberg, Jerry	65/R	Y	N	N	N	N	Y	E	N	N	Y	Y	N	Y	E	Y
Soper, John	34/D	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Stephens, Amy	20/R	Y	Y	Y	N	E	Y	Y	Y	Y	Y	Y	Y	Y	Y	E
Summers, Ken	22/R	Y	Y	N	N	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
Swalm, Spencer	37/R	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Tipton, Scott	58/R	E	E	E	N	E	Y	N	N	Y	Y	N	N	Y	N	Y
Todd, Nancy	41/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Tyler, Max	23/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Vaad, Glenn	48/R	Y	Y	Y	N	E	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Vigil, Edward	62/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Waller, Mark	15/R	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Weissmann, Paul	12/D	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Representative	Dist/Party	HB 1023	HB 1090	HB 1112	HB 1201	HB 1338	HB 1347	HB 1352	HB 1360	HB 1373	HB 1374	HB 1413	SB 6	SB 159	SB 189	SB 193

Estimated Prison Bed Impact

Each bill is analyzed for financial impact. Legislative Council solicits information from affected state departments and prepares an independent analysis called a fiscal note. It is not uncommon for a bill to have multiple fiscal notes if it is amended or otherwise requires a revised fiscal note. When relevant, a fiscal note also includes an analysis of estimated prison bed impact for the first five years. The following information was obtained from a review of the individual fiscal notes regarding HB 1360, HB 1338, HB 1352, HB 1373, and HB 1374. Each of these bills was estimated to reduce the need for prison beds. Consequently, the fiscal note calculated an associated cost-savings in the DOC budget through a reduction in funding for contract prison beds (aka “external capacity”).

It is important to note that a fiscal note only estimates the prison bed impact of a specific bill. Fiscal notes do not consider the cross-impact of other legislation passed in the same session on the prison population. Both Legislative Council and the Division of Criminal Justice in the Department of Public Safety annually and independently provide the General Assembly with a projection on the adult prison population which is more comprehensive.

HB 1360 (reducing technical parole violations): For FY 10-11, this legislation is projected to have a reduction of 59,400 prison bed days (or 162.7 prison beds per year) due to an increase in options for the parole board in lieu of parole revocation for technical violations. The bill was projected to save \$4,738,823 in corrections costs in the first year.

HB 1338 (two-prior felony): The fiscal note projected that approximately 90 offenders each year will be sentenced to probation instead of the DOC and will save \$2,541,810 in corrections costs in FY 10-11. Over time, it was anticipated that the reduction in need for prison beds will increase because the average length of stay for every felony class is more than 12 months.

HB 1352 (drug sentencing): The fiscal note assumes that due to the reduction in penalties for the various offenses included in the bill, fewer offenders will be sentenced to the DOC and those who are sentenced to prison will have a shorter length of stay. For FY 10-11, the fiscal note projected a reduction of 108.6 prison beds and a savings in corrections of \$1,523,589 in FY 10-11 to account for offenders that will now be sentenced for misdemeanor offenses that would have otherwise been felony offenses prior to enactment of HB 1352. The fiscal note also assumes that 195 offenders each year will be sentenced to probation rather than prison in the second and subsequent years. Over time, the reduced need for prison beds increases each year because the average length of stay for every felony class is more than 12 months.

HB 1373 (escape): The bill was assessed to have no fiscal impact in FY 10-11 and FY 11-12 but anticipated savings in corrections beginning in FY 13-14 based on several variables. First, the fiscal note assumes that 20 parole absconders each year will be returned to prison with a concurrent sentence that will be approximately 4 months shorter than a consecutive sentence for the same offender. The average length of stay for a consecutive sentence is 40.3 months. For a concurrent sentence, it is 36.3 months. Additionally, 10 new court commitments, representing escapes from community corrections programs, are expected to be sentenced to a concurrent prison term that is 12 months shorter than a consecutive sentence for the same offender (28.3 months versus 40.3 months).

HB 1374 (statutory parole guidelines): The only aspect of the bill that was assessed to impact the prison population was the modification to earned time for inmates. The fiscal note did not include any assumptions as to whether the implementation of the new statutory parole guidelines would impact the prison population due to a change in rates of discretionary releases to parole or parole revocation by the parole board. In FY 10-11, the modification of earned time was projected to reduce 8,636 prison bed days (or 23.7 beds per year) with an associated savings in corrections of \$548,067 in FY 10-11.

In this chart, figures in parentheses are negative numbers and represent the annual reduction in prison beds and the associated savings in the DOC budget for contract prison beds for each of the next five years. As of the end of June 2010, there were 4,795 people sentenced to DOC housed in a private prison in Colorado. The DOC budget reduction figures reflected below do not include any appropriations made to the DOC or other state department for costs associated with implementing these bills. A more detailed appropriations summary is provided in the next section.

Fiscal Year	HB 1360 (parole tech viol) Fiscal Note: 5/6/2010		HB 1338 (two prior felony) Fiscal Note: 4/28/10		HB 1352 (drug policy reform) Fiscal Note: 4/27/10		HB 1373 (escape) Fiscal Note: 4/12/10		HB 1374 (parole guidelines) Fiscal Note: 4/9/10		FY Cumulative total
	Prison bed impact	DOC budget reduction	Prison bed impact	DOC budget reduction	Prison bed impact	DOC budget reduction	Prison bed impact	DOC budget reduction	Prison bed impact	DOC budget reduction	
FY 10-11	(162.7)		(90)		(108.6)		0		(23.7)		Prison bed impact
		(\$4,738,823)		(\$2,541,810)		(\$1,523,589)		\$0		(\$548,067)	DOC budget reduction
FY 11-12	(162.7)		(137.8)		(217.1)		0		(26.1)		(385)
		(\$4,738,823)		(\$3,901,890)		(\$6,215,070)		\$0		(\$604,104)	(9,352,289)
FY 12-13	(162.7)		(162.1)		(477.8)		0		(26.1)		(540.7)
		(\$4,738,823)		(\$4,598,724)		(\$13,649,159)		\$0		(\$604,104)	(15,459,887)
FY 13-14	(162.7)		(169.1)		(580.2)		(6.4)		(26.1)		(825.7)
		(\$4,738,823)		(\$4,802,422)		(\$16,576,581)		(\$183,214)		(\$604,104)	(23,590,810)
FY 14-15	(162.7)		(176.1)		(588.9)		(16.7)		(26.1)		(944.5)
		(\$4,738,823)		(\$5,006,120)		(\$16,825,665)		(\$475,728)		(\$604,104)	(26,905,144)
5YR total		(\$23,694,115)		(\$20,850,966)		(\$54,790,064)		(\$658,942)		(\$2,964,483)	(970.5)
											(\$27,650,440)

Appropriation Summary FY 2010-11

This section provides narrative and financial details on appropriations made in FY 10-11 related to departmental implementation costs associated with HB 1360, HB 1338, HB 1352, and HB 1374.

HB 1360 (reducing technical parole violations): In FY 10-11, the fiscal note indicates a cost savings in the DOC budget of \$4,738,823. In order to meet the legislative intent of reducing technical parole violations, both the Department of Public Safety and the Department of Corrections received appropriations to provide additional treatment options and support services for parolees at risk of revocation for a technical violation. The Department of Public Safety received an appropriation of \$53,086 (.8FTE) for expenses associated with implementation and \$1,492,323 to contract for additional community corrections beds for parolees including 30 Intensive Residential Treatment beds and after-care outpatient treatment for those clients, 20 mental health beds, 10 therapeutic community treatment beds, and 10 transition beds specifically for sex offenders. The appropriation to the DOC included \$320,509 (6.1 FTE) for implementation expenses and \$1,807,225 for parolee wrap-around services, \$500,000 for parolee employment services, and \$250,000 for aftercare mental health treatment for people leaving the residential mental health community corrections program. Additionally, \$240,755 was appropriated from cost savings in HB 1360 to fund the cost associated with implementing HB 1413 (direct file). The net general fund savings was \$0.

HB 1360 requires the Department of Corrections, Division of Adult Parole to provide the judiciary committees of the House and Senate with a status report on parole outcomes and an accounting of appropriations made pursuant to HB 1360. Each year the General Assembly is required to appropriate some of the cost savings from HB 1360 for re-entry support services for parolees related to obtaining employment, housing, transportation, substance abuse treatment, mental health treatment, mental health medication, or offender specific services after consideration of this status report.

HB 1338 (two-prior felony): In FY 10-11, the fiscal note indicated cost-savings in the DOC budget of \$2,541,810. The Judicial Department was appropriated \$308,628 (5.2 FTE) for expenses associated with implementation. Five other bills received appropriations from cost savings in HB 1338 to fund their implementation expenses, including: HB 1081-money laundering (\$91,370), HB 1277-sexual conduct in correctional facility (\$83,861), HB 1347-DUI (\$438,518), HB 09-1137 –tax refund intercept passed in 2009 (\$336,057), and HB 1176-government recovery audits (\$161,643). Just over \$1 million in cost savings from HB 1338 was appropriated to the Department of Human Services (\$991,919) and Health Care Policy & Finance (\$28,887) for child welfare related services. HB 1364 (sex offender management board) also was appropriated \$100,926 in cost savings from HB 1338; when this bill was vetoed, these funds reverted to the general fund.

HB 1352 (drug sentencing): The fiscal note indicates a cost-savings of \$1,523,589 in the DOC and \$244,512 from a reduction in caseload for the Office of the State Public Defender. The Department of Public Safety was appropriated \$36,528 (.5 FTE) and the Judicial Department was appropriated \$263,377 (4.8 FTE) for costs associated with implementing HB 1352. In order to meet the legislative intent increasing the accessibility of effective treatment, the remaining cost savings in the bill, \$1,468,196, was appropriated to the Judicial Department to fund additional substance abuse treatment services for adults in the criminal justice system. The net general fund savings was \$0.

HB 1352 requires the Division of Criminal Justice in the Department of Public Safety to annually analyze the amount of fiscal savings the bill generates over the previous fiscal year and report such analysis to the Joint Budget Committee. The General Assembly is required to allocate cost savings from the bill to fund treatment for substance abuse or co-occurring disorders to adults who are assessed to be in need of treatment who are on probation, on diversion, on parole, in community corrections, or in jail.

HB 1374 (statutory parole guidelines): In FY 10-11, the fiscal note indicates a cost-savings of \$548,067 in the DOC budget. The DOC received an appropriation in the amount of \$353,786 (7.9 FTE) for expenses associated with implementation.. The Department of Public Safety was appropriated \$80,154 (.7 FTE) for costs associated with implementation and \$114,127 to support the ongoing work of the Colorado Commission on Criminal & Juvenile Justice. The net general fund savings was \$0.

Appropriation Summary FY 2010-11		HB 1360 (parole tech viol)		HB 1338 (2 prior felony)		HB 1352 (drug sentencing)		HB 1374 (parole guidelines)	
BUDGET REDUCTION IN DOC		(\$4,738,823)		(\$2,541,810)		(\$1,523,589)		(\$548,067)	
BUDGET REDUCTION IN State Public Defender						(\$244,512)			
TOTAL BUDGET REDUCTIONS		(\$4,738,823)		(\$2,541,810)		(\$1,768,101)		(\$548,067)	
TOTAL APPROPRIATION		\$4,738,823		\$2,440,883		\$1,768,101		\$548,067	
NET GENERAL FUND SAVINGS		\$0		\$100,927		\$0		\$0	
DPS/DCJ			FTE		FTE		FTE		FTE
	30 IRT beds & aftercare (\$1500 per)	\$779,616							
	20 mental health beds	\$141,363							
	10 transition beds –sex offenders	\$260,000							
	10 TC beds	\$311,344							
	Personnel - reporting and analysis	\$45,563	.8			\$28,246	.5	\$43,925	.7
	Operating & capital outlay	\$7,523				\$4,010		\$10,925	
	Travel					\$1,842		\$3,304	
	Report production/meeting costs					\$2,430			
	Consulting							\$22,000	
	Commission on Criminal & Juvenile							\$114,127	
	DPS/DCJ Subtotal	\$1,545,409				\$36,528		\$194,281	
DOC									
	Personnel- 1FTE-Parole-facilitator for CRCF; 1 FTE-Parole Brd/admin; 1 FTE-IT;2.1 FTE-parole officers	\$214,146	5.1						
	1.9 FTE-reporting & analysis; 2 FTE case managers; 4 FTE parole officers							\$248,906	7.9
	Operating expenses	\$10,515						\$2,755	
	Capital outlay	\$14,010						\$18,213	
	Parole officer start-up costs	\$33,142						\$64,472	
	Parole and ISP contract services	\$42,601							
	Vehicles and mileage	\$6,020						\$14,040	
	Treatment aftercare-mental health	\$250,000							
	Parolee employment services	\$500,000							
	Personnel-revocation hearing officer	\$75,000	1.0						
	Parolee wrap around services	\$1,807,225							
	Parole officer operating expenses							\$5,400	
	DOC Subtotal	\$2,952,659						\$353,786	
Judicial									
	Personnel - Probation officers			\$275,204	5.2	\$232,501	4.8		
	Operating expense & cap outlay			\$29,224		\$26,976			
	Safety equipment			\$4,200		\$3,900			
	Drug Offender Surcharge Fund-tx					\$1,468,196			
	Judicial Subtotal			\$308,628		\$1,731,573			
OSPD									
	Personnel					(\$239,192)	(5.6)		
	Operating expenses					(\$5,320)			
	OSPD Subtotal					(\$244,512)			
OTHER									
	HB 1413-direct file	\$240,755							
	HB 1081-money laundering			\$ 91,370					
	HB 1277-sexual conduct in corr facil			\$ 83,861					
	HB 1347-DUI			\$438,518					
	HB 09-1137-Dept of Revenue			\$336,057					
	HB 10-1176- govt recovery audits			\$161,643					
	Dept Human Services-child welfare			\$991,919					
	Health Care Policy & Finance			\$ 28,887					
	HB 1364-SOMB-\$100,926 (vetoed)								
	TOTAL APPROPRIATION	\$4,738,823		\$2,440,883		\$1,768,101		\$548,067	

HB 1374 (Statutory Parole Guidelines)

HB 1374 was based on three recommendations from the Colorado Commission on Criminal & Juvenile Justice (CCJJ).

One of those recommendations (PIS09-3) involved extensive revisions to the statutory parole guidelines (CRS 17-22.5-404) to better reflect evidence based practice, including the use by the parole board of structured decision-making in both release and revocation decisions. Structured decision making is used in many states and generally involves the development of a decision-tree or decision-matrix to guide the parole board.

The following document is the Administrative Release Guideline Instrument for use by the parole board that was developed by the post incarceration supervision task force of the CCJJ and approved by the CCJJ.

The goal of this administrative release guideline instrument is to provide a framework for the Colorado parole board to evaluate and weigh the statutorily mandated factors, victim, and community impact in their decision making and offer advisory decision recommendations. These guidelines are advisory and parole board members retain the authority to make the release decision that s/he believes is most appropriate in any particular case. This administrative release guideline instrument is not to be used in considering those inmates for discretionary release for whom the Sex Offender Management Board has established separate and distinct release guidelines.

The use of structured decision-making tools, such as the following Release Guideline Instrument, is designed to:

- To enhance public safety.
- To reflect evidence-based practice.
- To include existing data elements and practices employed by members of the State Board of Parole, the Division of Parole, and the Department of Corrections.
- To focus on considerations of offender risks and criminogenic needs.
- To include, as an essential element, considerations of re-entry readiness.
- To provide greater consistency in parole decision making.
- To further the process of systematically collecting data on parole decisions.

HB 1374 also enacted a legislative declaration as part of the statutory parole guidelines in 17-22.5-404(1) to read:

(1) The General Assembly hereby finds that:

- (a) The risk of reoffense shall be a central consideration by the parole board in making decisions related to the timing and conditions of release on parole or revocation of parole.
- (b) Research demonstrates that actuarial risk assessment tools can predict the likelihood or risk of reoffense with significantly greater accuracy than professional judgment alone. Evidence-based correctional practices prioritize the use of actuarial risk assessment tools to promote public safety. The best outcomes are derived from a combination of empirically-based actuarial tools and clinical judgment.
- (c) Although the parole board is made up of individuals, using structured decision-making unites the parole board members with a common philosophy and set of goals and purposes while retaining the authority of individual parole board members to make decisions that are appropriate for particular situations. Evidence-based correctional practices support the use of structured decision-making.
- (d) Structured decision making by the parole board provides for greater accountability, standards for evaluating outcomes, and transparency of decision-making that can be better communicated to victims, offenders, other criminal justice professionals, and the community.
- (e) An offender's likelihood of success may be increased by aligning the intensity and type of parole supervision, conditions of release, and services with assessed risk and need level.

**Colorado Parole Board
Release Guidelines Instrument**

Colorado Revised Statute § 17-22.5-404 lists the factors the parole board must consider in deciding whether to release someone to discretionary parole. The goal of this administrative release guideline instrument is to provide a framework for the Colorado parole board to evaluate and weigh the statutorily mandated factors, victim, and community impact in their decision making and offer advisory decision recommendations. These guidelines are advisory and parole board members retain the authority to make the release decision that s/he believes is most appropriate in any particular case. This administrative release guideline instrument is not to be used in considering those inmates for discretionary release for whom the Sex Offender Management Board has established separate and distinct release guidelines.

Inmate Information

Name _____ Number _____ Age _____ Gender _____

****Other information that would normally be included in the header section for an inmate parole hearing****

Custody Level: V IV III II I

Victim notification required pursuant to Victim’s Rights Act: Yes No

Has the offender previously absconded or escaped while on community supervision? No Yes, (when and details) _____

Last COPD conviction for Class I: (date/description) _____

Class II: (date/description) _____

Has inmate been convicted of a COPD violation related to making a verbal or written threat against a victim(s) during the period of incarceration? No Yes, (when and details) _____

STEP 1: Determine Risk Level

CARAS (dated _____) score _____ very high high medium low very low

LSI-R (dated _____) score _____ high (29-54) medium (19-28) low (0-18)

STEP 2: Evaluate Criminogenic Needs (LSI-R domains)

- | | | | |
|-----------------------|-------------------------------|---------------------------------|------------------------------|
| Education/Employment | <input type="checkbox"/> high | <input type="checkbox"/> medium | <input type="checkbox"/> low |
| Financial | <input type="checkbox"/> high | <input type="checkbox"/> medium | <input type="checkbox"/> low |
| Family/Marital | <input type="checkbox"/> high | <input type="checkbox"/> medium | <input type="checkbox"/> low |
| Accommodation | <input type="checkbox"/> high | <input type="checkbox"/> medium | <input type="checkbox"/> low |
| Leisure/Recreation | <input type="checkbox"/> high | <input type="checkbox"/> medium | <input type="checkbox"/> low |
| Companions | <input type="checkbox"/> high | <input type="checkbox"/> medium | <input type="checkbox"/> low |
| Alcohol/Drug Problems | <input type="checkbox"/> high | <input type="checkbox"/> medium | <input type="checkbox"/> low |
| Emotional/Personal | <input type="checkbox"/> high | <input type="checkbox"/> medium | <input type="checkbox"/> low |
| Attitude/Orientation | <input type="checkbox"/> high | <input type="checkbox"/> medium | <input type="checkbox"/> low |

STEP 3: Evaluate Readiness/Performance

EVALUATE PROTECTIVE FACTORS (LSI-R RATER SCORE)

Education/Employment

Participation/Performance	-	0	1	2	3	+
Peer interactions	-	0	1	2	3	+
Authority interactions	-	0	1	2	3	+

Financial

Problems	-	0	1	2	3	+
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Family/Marital

Dissatisfaction with marital/equivalent situation	-	0	1	2	3	+
Nonrewarding, parental	-	0	1	2	3	+
Nonrewarding, other	-	0	1	2	3	+
Criminal family/spouse	-	0	1	2	3	+

Accommodation

High crime neighborhood	-	0	1	2	3	+
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Leisure/Recreation

Could make better use of time	-	0	1	2	3	+
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Alcohol/Drug problems

Alcohol problem, currently	-	0	1	2	3	+
Drug problem, currently	-	0	1	2	3	+

Attitude/Orientation

Supportive of crime	-	0	1	2	3	+
Unfavorable attitude toward convention	-	0	1	2	3	+

PROGRESS ASSESSMENT SUMMARY RATINGS

Date PAS completed _____.

PAS I – Work Level N/A high good fair poor disruptive

PAS II-Academic/Voc N/A good progress fair progress progress minimal progress no progress

PAS III-medical N/A no limitations minor/treatable moderate moderately severe severe

PAS IV-substance abuse N/A good progress fair progress minimal progress no progress regressing

PAS V-sexual violence N/A good progress fair progress minimal progress no progress regressing

PAS VI-mental health N/A good progress fair progress minimal progress no progress regressing

PAS VII-anger N/A good progress fair progress minimal progress no progress regressing

PAS VIII-MRDD N/A good progress fair progress minimal progress no progress regressing

PAS IX-conduct N/A highly acceptable acceptable moderate unacceptable highly unacceptable

PAS X-pre-release N/A highly acceptable acceptable moderate unacceptable highly unacceptable

PAROLE PLAN

Suitability of parole sponsor:

Suitability of residence:

Recommendation for additional conditions:

After evaluating all of these factors, an inmate is categorized as being “high”, “average”, or “low” readiness for reentry.

OVERALL PAROLE READINESS high average low

- **HIGH** readiness is defined as an inmate who has fully participated in and/or successfully completed recommended programs available to him/her (or is likely to participate and successfully complete recommended programs in the community), has demonstrated an acceptable level of institutional behavior, has had few major conduct violations, and has a strong parole plan.
- **AVERAGE** readiness is defined as an inmate that has fully participated in and/or successfully completed some of the recommended core programs available to him/her (or is likely to participate and successfully complete recommended programs in the community), has demonstrated an acceptable level of institutional behavior, has had few major conduct violations, and has an adequate parole plan.
- **LOW** readiness is defined as an inmate who has refused, not fully participated and/or unsuccessfully completed recommended programs available to him/her (and is not likely to participate and/or successfully complete recommended programs in the community), has not demonstrated an acceptable level of institutional behavior, has a pattern of major conduct violations, and does not have an adequate parole plan.

STEP 4: Parole release decision

Very low risk: the guidelines suggest the inmate is to be **RELEASED** to discretionary parole at the first (or any subsequent) parole hearing unless:

- the inmate had harassed the victim either verbally or in writing during the period of incarceration; (if present, the parole board should delay release until it is established that the inmate does not pose a threat to the victim and an adequate supervision plan can be developed); or
- the inmate was convicted of a Class I Code of Penal Discipline violation within the past twelve months or a Class II violation within the past three months; (if present, the parole board should delay release until the inmate meets the timeline for being violation free as indicated above); or
- the inmate is currently incarcerated after being regressed from community corrections as a transition inmate; (if present, the parole board does not necessarily have to deny parole but should consider whether any special conditions of parole are warranted based on the reasons for the regression).

Very high risk: the guidelines suggest **NOT TO RELEASE** on discretionary parole unless:

- there are factors such as advanced age, medical disability, or successful completion of an intensive treatment program that would significantly reduce the risk of re-offense; or
- the parole board has confidence that risk can be reasonably controlled with intensive supervision.

Low, medium or high risk: For those inmates assessed as low, medium or high risk, the advisory decision options are outlined in the following risk by readiness matrix:

	High Readiness	Average Readiness	Low Readiness
Low Risk	<p>Advisory decision recommendation is to RELEASE if:</p> <p>a suitable parole plan can be developed with conditions and transition services to adequately address risk.</p> <p>If the decision is to NOT RELEASE, the parole board should indicate to the inmate areas that would address the issues or concerns of the parole board. If the parole board recommends that a program be completed, the prison case manager should assist the inmate in enrolling or being prioritized for enrollment in that program prior to the next scheduled parole hearing, to the greatest extent possible.</p>	<p>Advisory decision recommendation is to RELEASE if:</p> <p>a suitable parole plan can be developed with conditions and transition services to adequately address risk.</p> <p>If the decision is to NOT RELEASE, the parole board should indicate to the inmate areas that would address the issues or concerns of the parole board. If the parole board recommends that a program be completed, the prison case manager should assist the inmate in enrolling or being prioritized for enrollment in that program prior to the next scheduled parole hearing, to the greatest extent possible.</p>	<p>Advisory decision recommendation is to NOT RELEASE.</p> <p>If the decision is to NOT RELEASE, the parole board should indicate to the inmate areas that would address the issues or concerns of the parole board. If the parole board recommends that a program be completed, the prison case manager should assist the inmate in enrolling or being prioritized for enrollment in that program prior to the next scheduled parole hearing, to the greatest extent possible.</p> <p>If the decision is to RELEASE, the parole board should ensure that a suitable parole plan can be developed with special conditions and transition services to adequately address risk.</p>
Medium Risk	<p>Advisory decision recommendation is to RELEASE if:</p> <p>a suitable parole plan can be developed with conditions and transition services to adequately address risk.</p> <p>If the decision is to NOT RELEASE, the parole board should indicate to the inmate areas that would address the issues or concerns of the parole board. If the parole board recommends that a program be completed, the prison case manager should assist the inmate in enrolling or being prioritized for enrollment in that program prior to the next scheduled parole hearing, to the greatest extent possible.</p>	<p>Advisory decision recommendation is to RELEASE if:</p> <p>a suitable parole plan can be developed with conditions and transition services to adequately address risk.</p> <p>If the decision is to NOT RELEASE, the parole board should indicate to the inmate areas that would address the issues or concerns of the parole board. If the parole board recommends that a program be completed, the prison case manager should assist the inmate in enrolling or being prioritized for enrollment in that program prior to the next scheduled parole hearing, to the greatest extent possible.</p> <p>Or parole board should determine whether the inmate should be referred to community corrections or residential treatment program.</p>	<p>Advisory decision option is to NOT RELEASE.</p> <p>If the decision is to NOT RELEASE, the parole board should indicate to the inmate areas that would address the issues or concerns of the parole board. If the parole board recommends that a program be completed, the prison case manager should assist the inmate in enrolling or being prioritized for enrollment in that program prior to the next scheduled parole hearing, to the greatest extent possible.</p> <p>If the decision is to RELEASE, the parole board should ensure that a suitable parole plan can be developed with special conditions and transition services to adequately address risk.</p> <p>Or parole board should determine whether the inmate should be referred to community corrections or residential treatment program.</p>
	High Readiness	Average Readiness	Low Readiness
High risk	<p>Advisory decision option is to RELEASE if</p>	<p>Advisory decision option is to NOT RELEASE.</p>	<p>Advisory decision option is to NOT RELEASE.</p>

	<p>a suitable parole plan can be developed with special conditions and transition services to ensure effective monitoring and accountability.</p> <p>Or parole board should determine whether the inmate should be referred to community corrections or residential treatment program.</p>	<p>The parole board should indicate to the inmate areas the inmate can work on to increase their readiness in preparation for the next parole hearing.</p> <p>Or parole board should determine whether the inmate should be referred to community corrections or residential treatment program.</p> <p>If the decision is to RELEASE, the parole board should ensure that a suitable parole plan is developed with special conditions and transition services that provides for effective monitoring and accountability.</p>	<p>The parole board should indicate to the inmate areas the inmate can work on to increase their readiness prior to the next parole hearing.</p> <p>Or parole board should determine whether the inmate should be referred to community corrections or residential treatment program.</p> <p>If the decision is to RELEASE, the parole board should ensure that a suitable parole plan is developed with special conditions and transition services that provides for effective monitoring and accountability.</p>
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STEP 5: Setting Conditions

One of the important roles of the releasing authority is to set conditions of release. The Board has established a list of standard conditions applicable to all offenders released to the supervision of the Division of Adult Parole, Community Corrections, Youth Offender System.

In addition to the standard conditions of release, some offenders may need additional “special conditions” based on their individual risk and need and/or statutory mandates. Special conditions should address the issues for the individual offender identified by the LSI-R. and/or specific issues identified in the progress assessment summary. Great care should be taken to ensure that any special condition is consistent with the criminogenic need area identified by the LSI-R or specific criminogenic need area identified in the progress assessment summary. If there is a need for further evaluation or assessment of a particular criminogenic need area, it is recommended that the Board request an assessment of that area or issue in the community upon release and direct the offender to comply with recommendation(s) that are developed by the parole officer as a result of the assessment.

STEP 6: Notice of Colorado Parole Board Action Form

The parole board action form will be revised to reflect these guidelines, provide required data, and to adequately capture the parole board’s decision-making rationale. If the parole board departs from the advisory decision recommendation, the rationale for such should be documented on the action form.



Commission on Criminal and Juvenile Justice

Peter Weir, Chair

Executive Director - Department of Public Safety

SUPPORT

HB 1352: Concerning Changes to Crimes Involving Controlled Substances

Sponsored by: Representative Waller

Co-sponsored by: Representatives, Pace, Court, Gardner, B., Gerou, Kagan King S., Levy, Looper, Massey, May, McCann, Miklosi, Nikkel, Roberts, Ryden Stephens and Senators Steadman and Mitchell

co-sponsored by: Senators Carroll M., Hudak, Morse, Newell, Penry, White

Bill Summary: HB 1352 consists of recommendations approved by the Commission on Criminal and Juvenile Justice (CCJJ) that would more clearly differentiate among those drug offenders who are primarily users and addicts from the more serious offenders who engage in the crimes of distribution, manufacturing and trafficking of drugs. Generally, these recommendations would:

- Reduce current penalties for those individuals whose only crime is the use or possession of drugs for personal use;
- Redirect some cost-savings from averted prison costs to evidence-based treatment and supervision,
- Increase the crime classification and mandate a minimum prison sentence for drug offenders who distribute controlled substances to a minor if the offender is more than 2 years older than the minor, and
- Clarify the special offender drug statute related to drug offenses involving a deadly weapon.

CCJJ Discussion¹ Senate Bill SB 09-286 directed the CCJJ to study sentencing laws and report on its findings, recommendations, and a plan for its ongoing study of the state's sentencing statutes. To this end, the CCJJ created a twenty-three member Drug Policy Task Force comprised of law enforcement representatives, behavioral health experts, treatment providers, and other interested and knowledgeable parties to study Article 18 of Title 18, CRS. The Drug Policy Task Force also created subcommittees consisting of additional individuals with specific expertise. These groups, consisting of dozens of stakeholders, met frequently and developed recommendations that were considered and voted on by the CCJJ.

Research As noted in the Commission's November 2009 report (see Footnote 1), the number of offenders in prison whose most serious conviction charge was drugs increased from 192 inmates in FY 1987 to 4,502 in FY 2008.² Nearly 37 percent of offenders discharged from community corrections in FY 2007 had been sentenced for a drug offense, which represents the most frequently occurring conviction crime for individuals serving time in community corrections.³ National studies estimate that approximately 50 percent of crimes were committed while the offender was under the influence of drugs or alcohol.⁴ Additionally, drug abusers often commit other crimes to support their drug addiction.⁵ Reductions in crime and victimization are common reasons that economists find that substance abuse treatment is cost beneficial.⁶ To achieve the best outcomes, the National Institute on Drug Abuse promotes a blending of a public health

¹For more detail, see the Commission's full report, *Findings, Recommendations, and Proposed Plan for the Ongoing Study of Sentencing Reform* (November 2009) available at http://cdpsweb.state.co.us/ccjj/PDF/2009_Nov_Report/SB09-286-Report_11-30-09.pdf

²Colorado Department of Corrections Annual Statistical Reports (1987-2008).

³Office of Community Corrections (2008). *Community Corrections FY 2007 Annual Report*. Denver, CO: Office of Community Corrections, Division of Criminal Justice, Department of Public Safety.

⁴Mumola, C.J., & Bonzar, T.P. (1996). *Substance abuse treatment of adults on probation, 1995*. Washington, D.C.: Bureau of Justice Statistics, U.S. Department of Justice (NCJ 166661); Mumola, C.J. (1999). *Substance abuse and treatment, state and federal prisons*. Washington, D.C.: Bureau of Justice Statistics, U.S. Department of Justice (NCJ 172871).

⁵Nurco, D.N., Hanlon, T.E., Tinlock, T.W. & Duszynski, K.R. (1988). Differential criminal patterns of narcotic addicts over an addiction career. *Criminology* 26, 407-424.

⁶The research is conclusive that substance abuse treatment reduces recidivism and is therefore cost beneficial. Funding spent on substance abuse treatment provides up to \$7 in taxpayer benefits for every \$1 in cost. This compares to less than \$.40 in return for every dollar spent incarcerating drug offenders. See Przybylski, R. (2009). *Correctional and sentencing reform for drug offenders: Research findings on selected key issues*. Report

approach with the criminal justice response by combining personal accountability, risk and needs assessments, criminal penalties, and appropriate treatment.⁷

Commission position Because research unequivocally supports the value of treatment to reduce both drug use and criminal behavior,⁸ the CCJJ concluded in its November report that Colorado drug policy and public safety would be improved by differentiating among drug offenders who are primarily users and addicts and those more serious offenders who engage in the crimes of distribution, manufacturing and trafficking of drugs. For those drug offenders who are primarily users and addicts, the CCJJ determined that intervention and treatment in the community would be a more effective use of resources than the current system of escalating punishments that often results in a prison sentence.

The Commission reviewed legislation passed in 2003 that reduced the penalty for possession of one gram or less of a controlled substance to a class 6 felony and concluded that this drug amount may have been set arbitrarily. Consequently, the CCJJ recommended a reduction in current penalties for those individuals whose only crime is the use of or possession of drugs for personal use. It also recommended that the General Assembly redirect some cost-savings from averted prison costs to evidence-based treatment and supervision of drug offenders in the community.

For those drug offenders who engage in drug distribution to a minor where the defendant is more than two years older than the minor, the CCJJ recommended increasing the crime classification and enacting a mandatory minimum prison sentence for that offense.

The CCJJ also reviewed the special offender statute and determined that clarification to the subsection related to a deadly weapon was appropriate. Current provisions only require that the individual “possessed or had available for use a deadly weapon.” This language can be subject to broad application of the enhanced sentencing provisions within the special offender statute where the weapon was separated from the actual drug transaction by both distance and circumstance.

Next steps The CCJJ is continuing to study drug and other sentencing laws, treatment allocations and service gaps. Potential recommendations may involve a new sentencing grid specific to drug crimes. Movement toward an integrated accountability/treatment sentencing model requires the expansion of drug treatment resources and the development of a method to provide program effectiveness information to local decision makers.

commissioned on behalf of the Colorado Criminal Justice Reform Coalition. Lakewood, CO: RKC Group. Available at http://www.ccjrc.org/pdf/Correctional_and_Sentencing_Reform_for_Drug_Offenders.pdf

⁷ National Institute on Drug Abuse. (2009). *Principles of drug addiction treatment: A research-based guide*. 2nd edition. National Institutes of Health, U.S. Department of Health and Human Services. NIH Publication No. 09-4180.

⁸ Gerstein, D.R., Datta, R.A., Ingels, J.S., Johnson, R.A., Rasinski, K.A., Schildhaus, S., & Talley, K. (1997). *Final report: National Treatment Improvement Evaluation Survey*. Chicago, IL: National Opinion Research Center.

Endorsement and Media Coverage on HB 1352

HB 1352 was endorsed by the following: Attorney General John Suthers, County Sheriff's of Colorado, Colorado Association of Chiefs of Police, Colorado District Attorney's Council, Colorado Counties, Inc., Colorado Criminal Defense Bar, State Public Defender Doug Wilson, Colorado Bar Association, Colorado Coalition Against Domestic Violence, Colorado Coalition Against Sexual Assault, national and Colorado state chapters of Drug Endangered Children, Colorado Criminal Justice Reform Coalition, Independence Institute, Prison Fellowship, Firearms Coalition of Colorado, Colorado ACLU, Colorado Behavioral Health Care Council, North Range Behavioral Health, Colorado Alcohol And Drug Service Providers, Arapahoe/Douglas Mental Health Network, Mental Health Council of Denver, Arapahoe House, Inc., 9 – 5 Association of Working Women, New Foundations, Mile-Hi Council, Drug Policy Alliance, FRESC, Northern Colorado CURE, Advocates for Recovery, Redemption Fellowship, Trinity United Methodist Church, Empowerment, Charities House Ministries, Rocky Mountain Peace and Justice Center, Youth Transformation, Lutheran Advocacy Ministry, Cynergetics Institute, Voices For Justice, Denver Works, Denver Inner City Parish, Progress Now, Northern Colorado Social Legislative Network, Turnabout, Colorado Progressive Leadership, Colorado Progressive Coalition, Bayaud Industries, Inc., Center For Spirituality at Work, Surrounded by Recovery, It Takes A Village, Colorado CURE, CHARG Resource Center, The Harm Reduction Center, Pendulum Foundation, National Lawyers Guild, Left Hand Book Collective, Sensible Colorado, League of Women Voters of Colorado, and SAFER Choice.

HB 1352 Media Coverage *January – May 2010*

Grand Junction Daily Sentinel

“Lower crime rate proves meth treatment does work”

Pete Hautzinger, guest column

January 29, 2010

http://gjsentinel.com/opinion/articles/lower_crime_rate_proves_meth_t

Colorado Springs Gazette

“Waller proposes reducing prison time for drug offenses”

Tom Roeder, reporter

February 5, 2010

<http://www.gazette.com/articles/drug-93755-springs-possession.html>

Colorado Springs Gazette

“OUR VIEW: Progress on prison reform”

Editorial

February 5, 2010

<http://www.gazette.com/opinion/percent-93752-prison-incarcerate.html>

KDBI Channel 12

Independent Thinking with host Jon Caldera, guests Rep. Mark Waller and Senator Pat Steadman

“Let's get smart on crime instead”

February 12, 2010

http://www.youtube.com/view_play_list?p=C4E67FE59C32E5B6

Denver Post.com

“Lawmakers propose changes to drug sentencing”

Colleen Slevin, Associated Press Writer

February 23, 2010

http://www.denverpost.com/search/ci_14453598

Associated Press

“Lawmakers propose changes to drug sentencing”

Colleen Slevin, reporter

February 23, 2010

DENVER (AP) - Drug users could end up getting treatment instead of long prison sentences under legislation picking up bipartisan support at the Capitol.

Rep. Mark Waller, R-Colorado Springs, plans to introduce a bill as early as Tuesday that would change the standard for when someone is prosecuted as a drug user as opposed to a drug dealer. Currently, the tipping point is whether a person has more or less than one gram. The bill would change that to four grams for most drugs.

The aim is to use the money saved from reduced sentences to pay for drug treatment. "I'm convinced that warehousing people who are addicts doesn't do anything to solve the problem," Waller said.

Sen. Pat Steadman, D-Denver, and Sen. Shawn Mitchell, R-Broomfield, plan to back the proposal in the Senate.

The proposal is based on recommendations of the criminal justice commission appointed by Democratic Gov. Bill Ritter, Denver's former district attorney, and has the backing of Republican Attorney General John Suthers.

Steadman said he wants to draw a better distinction between drug users who are feeding their own habit but haven't crossed over into violent crime to support it and dealers possessing larger quantities of drugs.

He said commission members came up with the new four-gram standard after talking to addicts as well as drug investigators about what amounts of drugs they think they separate users from dealers.

Colorado Springs Gazette

"Sentencing reform bill would cut some prison terms, fund drug rehab"

Tom Roeder, reporter

February 24, 2010

<http://www.gazette.com/articles/prison-94667-bill-reform.html>

Denver Post

"More rehab, less jail in drug-reform measure"

Jessica Fender, reporter

February 24, 2010

http://www.denverpost.com/search/ci_14459351

NewsFirst 5 (NBC), Colorado Springs

"Lawmakers propose changes to drug sentencing"

February 24, 2010

<http://www.newsfirst5.com/news/lawmakers-propose-changes-to-drug-sentencing/>

Colorado News Agency

"Lawmakers unite behind new approach to drug offenders"

Debi Brazzale, reporter

February 24, 2010

<http://www.coloradonewsagency.com/2010/02/23/lawmakers-unite-behind-new-approach-to-drug-offenders/>

Denver Daily News

"Prison or counseling? Lawmakers introduce bill to reform sentences for drug users"

Peter Marcus, Staff Writer

February 24, 2010

<http://www.thedenverdailynews.com/article.php?aID=7408>

Westword.com

"Drug sentencing debate: Time for a gram of sanity?"

Alan Prendergast, reporter

February 24, 2010

http://blogs.westword.com/latestword/2010/02/time_for_a_gram_of_sanity_in_d.php

Denver Post

“Bill to help drug abusers needs cash commitment”

Editorial

February 25, 2010

http://www.denverpost.com/opinion/ci_14465050

Aurora Sentinel

“Drug bill: Keep worst offenders off the streets, treatment for others”

Sara Castellanos, reporter

March 5, 2010

http://www.aurorasentinel.com/articles/2010/03/05/news/metro_aurora/doc4b8ff8fc92f80530885309.txt

Addiction Treatment Magazine

“House Bill Replaces Jail Time with Addiction Treatment”

March 5, 2010

<http://addictiontreatmentmagazine.com/addiction-news/addiction-the-law/house-bill-replaces-jail-time-with-addiction-treatment/>

Grand Junction Daily Sentinel

“Prison vs. treatment”

Editorial

March 21, 2010

http://www.gjsentinel.com/opinion/articles/prison_vs_treatment/

Denver Daily News

“Sentencing reform bill moves”

Peter Marcus, reporter

March 23, 2010

<http://thedenverdailynews.com/article.php?aID=7753>

State Bill News

“HB10-1352: ‘Historic’ sentencing reform bill moves”

Peter Marcus, DDN reporter

March 23, 2010

<http://www.statebillnews.com/2010/03/hb10-1352-historic-sentencing-reform-bill-moves/>

Boulder Weekly

“Sentencing-reform bill clears first hurdle”

March 23, 2010

<http://www.boulderweekly.com/article-2084-sentencing-reform-bill-clears-first-hurdle.html>

Denver Open Media

“Views from Denver—Meet Senator Steadman”

Host Nancy Ulrich

March 26, 2010

<http://www.denveropenmedia.org/project/views-denver/show/senator-pat-steadman>

Boulder Daily Camera

“Cost-effective justice”

Erika Stutzman, editor

April 11, 2010

http://www.dailycamera.com/editorials/ci_14854097

Greeley Tribune

“Reviewing punishment versus rehab in drug laws and practices”

Kendall Alexander, LSCW, guest column

April 13, 2010

<http://www.greeleytribune.com/article/20100413/READERS/100419887/1027&parentprofile=1025>

Denver Post

“Drug sentencing reform passes House”

Jessica Fender, reporter

April 15, 2010

<http://blogs.denverpost.com/thespot/2010/04/15/drug-sentencing-reform-passes-house/>

KDVR Denver, Fox31 News

“New bill shifts drug laws to 'rehabilitate' instead of 'incarcerate'”

Interview with Rep. Mark Waller

Julie Hayden, reporter

April 15, 2010

<http://www.kdvr.com/news/kdvr-drug-sentencing-041510,0,3694021.story>

The Cauldron: By Caldara

“Modest sentencing reform bill long overdue”

Mike Krause, writer

April 21, 2010

<http://www.joncaldara.com/2010/04/21/modest-sentencing-reform-bill-long-overdue/>

Huffington Post

“Modest sentencing reform bill is long overdue”

Mike Krause, writer

April 23, 2010

http://www.huffingtonpost.com/mike-krause/modest-sentencing-reform_b_550214.html

Fort Collins Coloradoan

“Bill targeting substance abuse makes sense”

Editorial

April 26, 2010

<http://www.coloradoan.com/article/20100426/OPINION01/4260309>

Denver Daily News

“Drug sentencing on tap: Measure would lower simple possession sentences”

Gene Davis, Staff Writer

Monday, April 26, 2010

<http://thedenverdailynews.com/article.php?aID=8192>

Denver Post

“Ritter to get drug-rehab measure”

Legislative briefs

May 11, 2010

A measure to reduce sentences for most drug offenders who seek rehabilitation counseling from community groups is on its way to the governor's desk after the Senate on a 30-5 vote approved House Bill 1352. Bill backers hope to use savings from keeping drug offenders out of prison to build more robust rehabilitation programs.

“Senate OKs drug sentencing reform legislation”

May 11, 2010

<http://www.thedenverdailynews.com/article.php?aID=8399>

Colorado Springs Gazette

“Live coverage: Drug sentencing reform to hit Ritter's desk”

Tom Roeder, reporter

May 12, 2010

<http://www.gazette.com/articles/gazette-98482-coverage-assembly.html>

Denver Post

“Gov. Ritter signs bundle of bills to promote rehabilitation of criminals”

Jessica Fender, reporter

May 25, 2010

http://www.denverpost.com/ci_15154787

Fort Collins Coloradoan

“Treatment key part of sentencing bill”

Nate Taylor, reporter

May 25, 2010

<http://www.coloradoan.com/article/20100525/NEWS01/100525001/Treatment-key-part-of-sentencing-bill>

Durango Herald

“Some penalties for illegal drug use to decrease”

P. Solomon Banda, Associated Press

May 25, 2010

http://durangoherald.com/sections/News/2010/05/25/Some_penalties_for_illegal_drug_use_to_decrease/

Denver Post

“Ritter signs DUI measure requiring jail for repeat offenders”

David Olinger, reporter

May 26, 2010

http://www.denverpost.com/headlines/ci_15161885

Fort Collins Coloradoan

“State laws get tougher, smarter on substance abusers”

Nate Taylor, reporter

May 26, 2010

<http://www.coloradoan.com/article/20100526/NEWS01/5260315/State-laws-get-tougher-smarter-on-substance-abusers>

Durango Herald

“Ritter and crime: Bringing laws into line with current thinking”

Editorial

May 28, 2010

http://durangoherald.com/sections/Opinion/Editorial/2010/05/28/Ritter_and_crime/

Denver Open Media, Channel 56/57

“Views from Denver” with host Nancy Ulrich, guests state Representative Mark Waller and Christie Donner (Colorado Criminal Justice Reform Coalition)

June 10, 2010

<http://denveropenmedia.org/project/views-denver/show/rep-mark-waller-with-christie-donner>

KDBI Channel 12

Independent Thinking with host Jon Caldera, guests state Representative Claire Levy and elected district attorney Don Quick (17th Judicial District)

“What’s Next for Sentencing Reform?”

June 11, 2010

http://www.youtube.com/watch?v=yspu-JyywZs&feature=player_embedded

Colorado Public Radio

Colorado Matters with host Ryan Warner and guest Peter Weir, Director of the Colorado Department of Public Safety and Chair of the Colorado Commission on Criminal & Juvenile Justice

“New Laws Mean Less Jail Time for Some”

June 17, 2010

http://www.cpr.org/#load_article|New_Laws_Mean_Less_Jail_Time_for_Some

Summit Daily News

“New drunken driving laws could lead to more trials -- State gets more strict on DUIs, less on drug possession”

Robert Allen, reporter

July 5, 2010

<http://www.summitdaily.com/article/20100705/NEWS/100709916&parentprofile=search>