



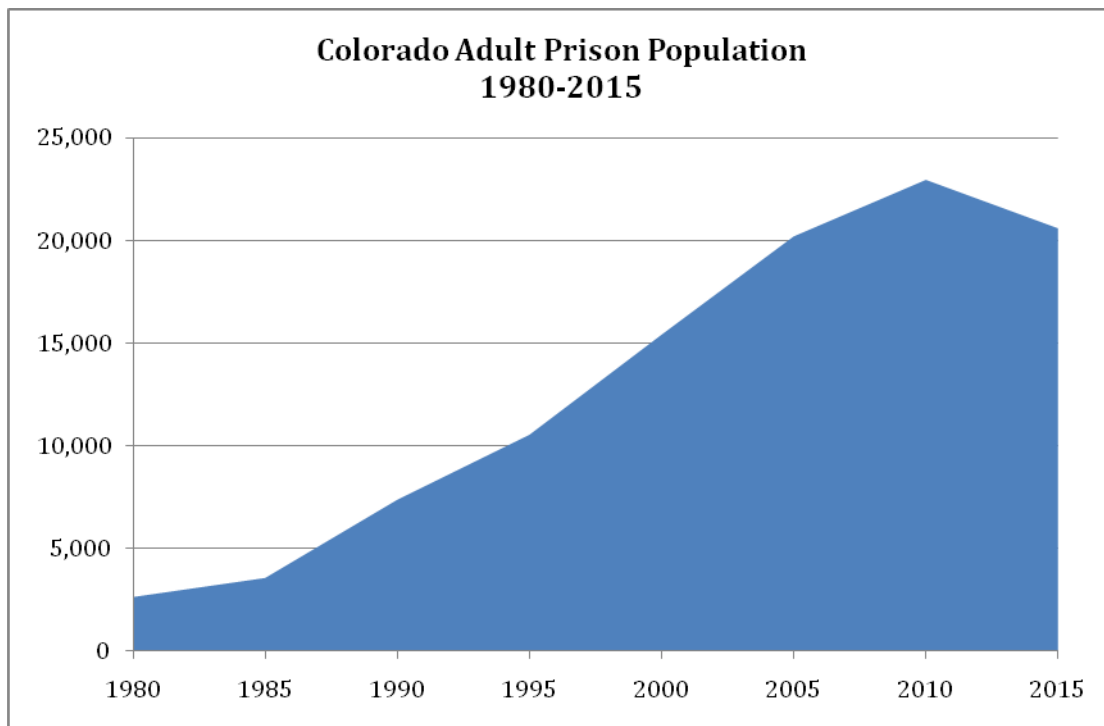
2013-2015 Legislative Summary

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This document provides historical information on the growth of the prison population and budget, recent prison closures, and detailed summaries of criminal justice reform legislation enacted during the 2013, 2014 and 2015 legislation sessions. CCJRC previously published a report entitled *Course Correction or Not?* which summarized reform legislation enacted from 2009-2012.

Historical Prison Population Growth in Colorado

In 1985, the Colorado Legislature passed HB 85-1320 (known as the “Mielke” bill) which doubled the maximum presumptive prison sentence for all felony offenses. At the time, it was believed that HB1320 would have little impact on the prison population. However, within the first five years of passage the prison population doubled and continued to grow at unprecedented rates until it peaked in 2010. For the past few years, the prison population has declined, although at variable rates. Each year, two different agencies do prison population projections. Both agencies project that the prison population will continue to decline until 2017 when it will start to rise again.

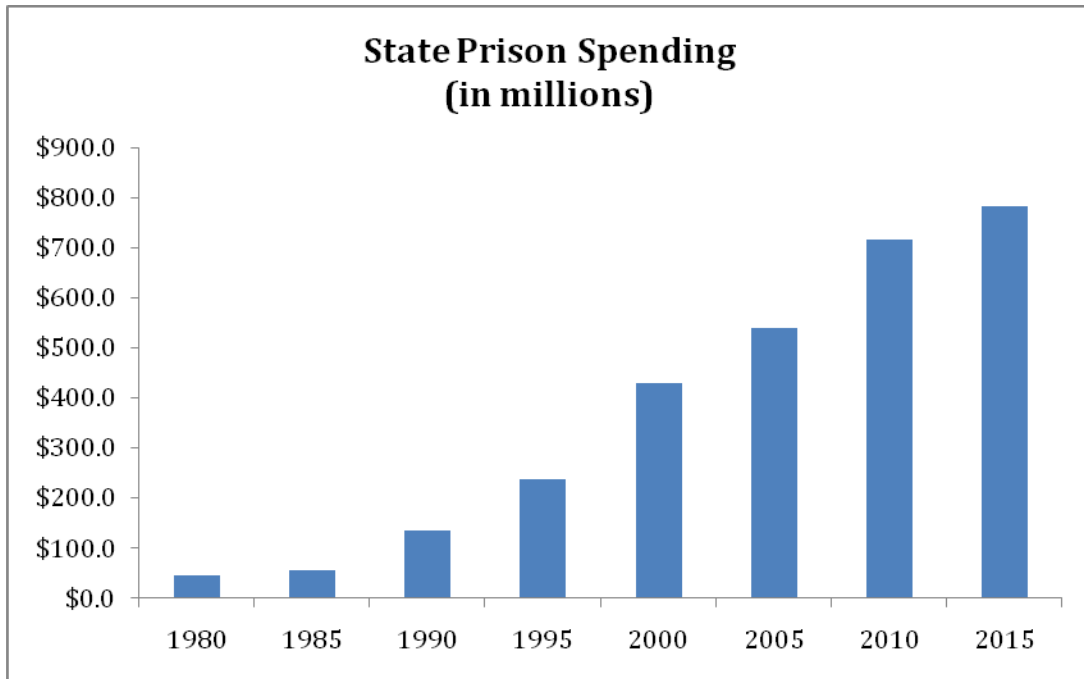


FY 1980	FY 1985	FY1990	FY 1995	FY 2000	FY2005	FY2010	FY2015
2,658	3,586	7,398	10,564	15,441	20,228	22,980	20,623

Source: Colorado Department of Corrections, *Statistical Report* for fiscal years 1985-2011; DOC Monthly Population & Capacity Report (June 30, 2015); population reported includes the Total Inmate Jurisdictional Population and does not include people under parole supervision by the Department of Corrections.

State Prison Budget

In 1985, legislators believed that increasing sentence lengths under the Mielke bill would not have much impact on the Department of Corrections' (DOC) budget. In reality, the prison budget exploded and has increased 1288% since 1985, reducing funding available for education and other state needs.



FY 1980	FY 1985	FY1990	FY 1995	FY 2000	FY2005	FY2010	FY2015
\$45.7 M	\$56.4 M	\$136.7 M	\$238.3 M	\$429.9 M	\$539.4 M	\$716.4 M	\$782.6 M

Source: General Assembly, Appropriations Reports FY 1985-FY 2015; JBC staff analyst provided actual expenditures for 2015

Recent prison closures and upcoming prison utilization study

Since 2009, three state prisons and two private prisons have closed and 100-bed units have been closed at three more state prisons.

- 2009: Colorado Women's Correctional Facility – 250-bed women's state prison
- 2010: High Plains Correctional Facility -- 280-bed women's private prison (owned by GEO/Cornell)
- 2010: Huerfano County Correctional Facility – 774-bed men's private prison (owned by CCA)
- 11-12: Ft. Lyon Correctional Facility–500-bed state men's prison (phased closure completed 3/2012)
- June 2012: closure of 100 bed units at state facilities in Trinidad and Sterling
- Aug 2012: closure of 117 bed unit at Buena Vista Correctional Facility
- Nov 2012: Colorado State Penitentiary II- 316-bed men's administrative segregation

Legislative Reforms

The 2013-2015 legislative sessions enacted some substantial sentencing reforms on drug and theft offenses, and expanded diversion and pretrial options. There were also several bills passed that focused on improving parole outcomes and reducing the collateral consequences of a criminal conviction. Significant harm reduction legislation was passed to prevent overdose and transmission of communicable disease. Prison conditions were improved through the limitation

on the use of solitary confinement, especially for those with mental illness. In 2015, a mandatory minimum sentence was repealed in Colorado for the first time.

The following summarizes the legislation that was enacted, the sponsors and vote count. You can read the full text of the legislation by clicking on the title.

SB 13-014 Concerning the Use of Opiate Antagonists to Treat Persons Who Suffer Opiate-Related Drug Overdose Events

Sponsors: Senator Aguilar (D) and Representative Pettersen (D)

Description: This bill would provide immunity from criminal prosecution and immunity from civil liability if a person, acting in good faith, administers an opiate antagonist to another person whom the person believes to be suffering an opiate-related drug overdose. A licensed health-care practitioner who is permitted by law to prescribe or dispense an opiate antagonist shall be immune from criminal prosecution for and is not liable for any civil damages resulting from such prescribing.

Status: Passed the Senate 26-8, passed the House 63-1 and signed into law on May 10, 2013.

SB 13-123 Concerning Provisions That Improve The Reintegration Opportunities for Persons Involved in the Criminal Justice System

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

Description: The bill allows petty offenses and municipal violations to be eligible for sealing through a court process; requires the court to provide written advisement of sealing available following a conviction for a petty or municipal offense. The bill would also allow a judge to grant relief from a collateral consequence at sentencing if the defendant met other eligibility requirements and requires that the Commission on Criminal & Juvenile Justice make recommendations and submit a report no later than December 15, 2013 on specific strategies for reducing the collateral consequences of a criminal conviction or other recommendations to improve reentry.

Status: passed the Senate 35-0, passed the House 38-27 and was signed into law on May 24, 2013.

SB 13-208 Concerning Limitations on Drug Paraphernalia Laws

Sponsors: Senators Steadman (D), Aguilar (D), Guzman (D), Hudak (D), Nicholson (D), Ulibarri (D) and Representative May (D)

Description: Current criminal law exempts from prosecution people who possess paraphernalia if they are an employee or volunteer of a syringe exchange program approved by the department of public health and environment. The bill extends this exemption to persons who are participants in an approved program.

Status: Passed the Senate 28-6, passed the House 37-28 and was signed into law on May 10, 2013.

SB13-250 Concerning Changes to Sentencing for Persons Convicted of Drug Crimes

Sponsors: Senators Steadman (D) and S. King (R) and Representatives Levy (D) and DelGrosso (R)

Description: This bill is based on numerous recommendations from the Commission on Criminal & Juvenile Justice that rewrites the entire Controlled Substances Act. Major provisions include: creating a stand-alone sentencing scheme for drug offenses; consolidating all drug possession of scheduled substances into one felony level but allowing that felony to be reduced to a misdemeanor upon successful completion of probation or community corrections sentence, if other criteria is met; requiring the court to exhaust all appropriate and available sentencing options for convictions of a level 4 drug felony prior to sentence to incarceration; allows people convicted of a misdemeanor to be supervised on intensive supervised probation if assessed to be higher risk; creating different felony crime levels to distinguish between low, medium, and high-level dealers based on drug quantity; expanding access to treatment for people serving a sentence for a drug offense; and making numerous conforming amendments. \$3.5million in prison savings was reinvested into substance abuse treatment for people in the criminal justice system starting in FY14-15.

Status: Passed the Senate 34-1, passed the House 65-0 and was signed into law on May 28, 2013.

HB13-1156 Concerning Creation of an Adult Diversion Program

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

Description: Creates a pre-filing diversion programs for adults statewide and creates a state grant program that district attorneys can apply for funding to create or expand an adult pre-filing diversion program. The district attorney is required to develop eligibility guidelines and may enter into a diversion agreement with a defendant for up to two years without filing a criminal case against the defendant. This bill is based on a recommendation by the Colorado Commission on Criminal & Juvenile Justice.

Status: Passed the House 61-2, passed the Senate 35-0 and was signed into law on May 28, 2013.

HB13-1160 Concerning Criminal Theft

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

Description: This bill repeals theft of rental property and theft by receiving as separate statutes and incorporates these crimes into the theft statute. It also changes the amount for various offense levels. This bill is based on a recommendation by the Colorado Commission on Criminal & Juvenile Justice.

Status: Passed the House 62-0, passed the Senate 33-1 and was signed into law on June 5, 2013.

HB13-1236 Concerning Pretrial Release from Custody

Sponsors: Senator Ulibarri (D), and Representative Levy (D)

Description: The bill repeals and reenacts the provisions of the criminal procedure code related to bail bonds. The new provision places a greater emphasis on evidence-based and individualized decision-making during the bond-setting process and discourages use of monetary conditions for bond. This bill is based on a recommendation by the Colorado Commission on Criminal & Juvenile Justice.

Status: Passed the House 63-1, passed the Senate 21-14 and was signed into law on May 11, 2013.

2014 Legislative Session

SB14-62 Reinstatement of Parental Rights

Sponsors: Senators Guzman (D) and Roberts (R) and Representatives Foote (D) and Gardner (R)

Description: This bill was brought forward by human services in an attempt to address the heartbreaking situation where children have not been adopted after the termination of the parent-child legal relationship. The bill allows the parent-child legal relationship to be reinstated if the parent has remedied the issue that led to the termination, both the child and the parent want reinstatement of the relationship, a trial period is successful, and it is found to be in the best interest of the child.

Status: Passed the Senate 35-0, passed the House 64-0 and signed into law on March 27, 2014.

HB14-1355 Reentry Programs for Adult Offenders

Sponsors: Representatives Kagan (D) and Gardner (R) and Senators Guzman (D) and King (R)

Description: This bill is a comprehensive effort to mandate reentry planning and programming for people leaving DOC and returning to the community. The bill funds additional reentry planning services within the department but also creates a grant program to support community based programs.

Status: Passed the Senate 32-3; passed the House 47-15 and signed into law on June 6, 2014.

HB 14-1061 Concerning Sentences Imposing Monetary Payments and Elimination of Prison for Persons Who Are Unable to Pay Criminal Monetary Penalties

Sponsors: Representative Salazar (D) and Senator Ulibarri (D)

Description: The bill states that a defendant must be given time to pay any monetary fine and costs and is required to be given proper notice and due process before taken into custody for failure to pay. The court must find on the record that the defendant has the ability to comply with the court's order to pay monetary amount without undue hardship to the defendant or the defendant's dependents or the defendant had not made a good faith effort to comply with the court's order in order for the court to find a violation of the court's order. A warrant can be issued for failure to appear at a hearing but not for failure to pay a monetary amount. These provisions apply to all court including municipal courts.

Status: Passed the House 64-0, passed the Senate 34-1 and was signed into law on May 9, 2014.

SB 14-064 Use of Solitary Confinement for Mentally Ill

Sponsors: Senator Ulibarri (D) and Representative Salazar (D)

Description: People in prison with serious mental illness shall not be placed in long term solitary confinement except in exigent circumstances. The bill creates a working group for review of solitary confinement procedures within the Department of Corrections.

Status: Passed the Senate 34-0, passed the House 63-2 and was signed into law on June 6, 2014.

HB 14-1266 Penalties for Certain Value Based Crimes

Sponsors: Representatives McCann (D) and Gardner (R) and Senators Newell (D) and King (R)

Description: This bill is based on recommendations from the Commission on Criminal & Juvenile Justice. It harmonizes certain value based crimes to the thresholds set in last year's bill that changed the theft crimes. The crimes included in the bill are fraud by check, defrauding a secured creditor, unauthorized use of financial transactional device, and computer crime. The bill also includes changes to criminal mischief statutes but the felony threshold remains the same at \$1000. There are also changes to the Aggravated Motor Vehicle Theft statute changing the thresholds to less than 20K for the class 5 felony, 20k to less than 100K for the class 4 felony and over 100K for the class 3 felony.

Status: Passed the House 64-0, passed the Senate 65-0 and was signed into law on May 9, 2014.

2015 Legislative Session

SB15-53 – Concerning the Ability to Furnish a Supply of Emergency Drugs for Purposes of Treating Individuals Who May Experience an Opiate Related Drug Overdose Event

Sponsors: Senator Aguilar (D) & Representatives McCann (D) and Lontine (D)

Description: Would allow standing orders for naloxone so that first responders and direct service providers can distribute naloxone without a direct prescription. Naloxone is an opioid antagonist that can reverse the effects of an overdose and potentially save someone's life if administered in time.

Status: Passed the Senate 35-0, passed the House 64-0 and was signed into law on April 6, 2015.

SB 15-116 – Concerning Needle Stick Prevention

Sponsors: Senator Steadman (D) & Representative Garnett (D)

Description: Would prohibit law enforcement from arresting someone for possession of a syringe ("drug paraphernalia") or drug possession (if the syringe contained trace amounts of illegal drugs) if the person informs law enforcement prior to a search of their person, vehicle or personal belongings that s/he has a syringe.

Status: Passed the Senate 34-0, passed the House 62-2 and was signed into law on April 3, 2015.

SB 15-124 Concerning The Use of Evidence-Based Practice In Response to Technical Violations of Parole

Sponsors: Senator Merrifield (D) & Representative Lee (D)

Description: SB 124 requires that parole officers utilize all available intermediate sanctions and

community support services prior to filing a complaint for revocation with the Parole Board unless the nature of the technical violation and a parolee's criminal history creates a high risk for re-offense. Also allows the DOC to use short jail terms (no more than 5 days) as an intermediate sanction for a parolee who has had a pattern of technical violations instead of revocation. Redefines drug use on parole as a technical violation, not a new crime and repeals the mandatory arrest requirement if a parolee refuses to submit a urinalysis for a drug cost. Cost savings was reinvested to fund 48 additional residential treatment beds available for people on parole and added \$710,000 to the community grant program created in 2014 through HB 1355.
Status: Passed the Senate 35-0, passed the House 64-0 and was signed into law on May 29, 2015.

HB15-1203 Concerning Earned Time for Certain Offenders Serving Life Sentences As Habitual Offenders

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

Description: Under current law, a person sentenced as a habitual offender to serve a 40-calendar-year-to-life sentence before July 1, 1993 is not eligible for earned time. The bill permits those sentenced under those circumstances to be eligible for earned time.

Status: Passed the House 64-1, passed the Senate 27-7 and was signed into law on May 4, 2015.

HB15-1303 Concerning Eliminating the Application of Certain Sentencing Provisions to Certain Persons Who Are Convicted of Assault in the Second Degree

Sponsors: Representatives Melton (D), Field (D), Kraft-Tharp (D), Ryden (D), Salazar (D) and Tyler (D) and Senators Lundberg (R), Merrifield (D), Neville (R), and Steadman (D)

Description: The bill repeals the 5 year mandatory minimum prison sentence for conviction of Assault in the Second Degree when the victim is a police officer, fire fighter or first responder unless there a person intentionally causes serious bodily injury. This is the first time a mandatory minimum sentence has been repealed in Colorado.

Status: Passed the House 42-23, passed the Senate 35-0 and was signed into law on May 20, 2015.