

Colorado Justice Report

Founded in 1999, CCJRC is a network of organizations, faith communities, and individuals working to eliminate the overuse of the criminal justice system and advance community health and safety in Colorado.

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2024 Legislative Update

It was a whirlwind of a legislative session with high highs and low lows for us. There were a lot of bills, so we can't provide vote counts and sponsors for each bill. For those that have access to internet, you can go to the General Assembly website (<https://leg.colorado.gov/>) and under the "bills" tab you can click on "find a bill" and enter in the bill number for much more information.



Jail-based voting

Since 2004, CCJRC has run the only civic engagement program in Colorado specifically focused on voting rights for justice involved people. This session, we worked on a first-in-the nation bill to mandate that county sheriffs and election officials across the state ensure that confined eligible voters in jail can vote, including requiring in-person voting opportunities.

[SB24-072: Voting for Confined Eligible Voters](#)

Sponsors: Sen Gonzales (D) and Rep Rutinel (D)

Status: passed Senate 21-12 and House 50-14; signed into law on 5/31/2024

Description: Concerning provisions to ensure that confined eligible voters at a county jail or other detention center may vote, including:

- County jails to set up in-person, jail-based polling stations;
- A jail staffer to be the designated lead to facilitate the voting events; and
- Information to be disseminated to those in jails about their eligibility to vote and how to register

Department of Corrections Related

The DOC budget for FY24-25 that was approved in the Long Bill, [HB24-1430](#), is just shy of \$1.2 Billion, an increase of over \$120 million from FY23-24. Despite an ongoing [crisis](#) in DOC due to staff shortages, DOC received funding for over three hundreds new prison beds. CCJRC had drafted a bill to strengthen the existing Prison Population Management Measures law to reduce the prison population, but the sponsor (Rep Amabile) refused to introduce the bill after getting pressure from DOC and the Governor's office. This is the first time in twenty-five legislative sessions where we've had that experience.

Other DOC related bills included: [HB24-1461](#) (passed House 63-0-2; passed Senate 29-5-1; signed into law on 6/5/2024) removes the limit on earned time that a person in prison can earn by completing accredited higher education programs. [HB24-1462](#) (passed House and Senate unanimously and signed into law on 6/3/2024) requires the state Auditor to hire a third-party by October 1, 2024 to conduct an audit of the Department of Corrections' budget practices. The third-party is required to provide an update to the Joint Budget Committee and Legislative Audit Committee by March 1, 2025, and a final report by June 30, 2025.

Drug Policy Related

There were a lot of drug policy related bills this session. Some came out of an interim legislative study committee including: [SB24-047](#) that will advance more research and analysis to prevent substance abuse disorders and overdose deaths; [SB24-048](#) implements a voluntary designation process for recovery-friendly workplaces and declares that recovery residences, sober living facilities, and sober homes are a residential use of land for zoning purposes; and [HB24-1045](#) to improve access to treatment. The most consequential of this batch was [HB24-1037](#) that advances harm reduction strategies including:

- Reduces warrant checking in hospital settings of people who use drugs
- Clarifies that civil and criminal immunity protects a person who acts in good faith that either administers or furnishes an opioid antagonist.
- Decriminalizes all drug paraphernalia that a participant received from an approved syringe exchange program or harm reduction organization.
- Allows money appropriated to the department of public health and environment to be used to purchase drug testing equipment for a wider range of drugs, not just opioids.
- Authorizes clean syringe exchange programs to provide drug testing services.
- Prohibits law enforcement from using the presence of naloxone narcas as probable cause for a search.

Several bad drug policy bills were killed in committee including [HB24-1023: Civil Forfeiture Reform](#), [HB24-1126 Substance Abuse Treatment as a Condition of Bond](#), and [HB24-1306 Increase in the Criminal Penalty Associated with Possession of Synthetic Opiates](#). Tragically, a really important life-saving bill also died in committee, [HB24-1028](#), that would have allowed municipalities to operate an overdose prevention center.

Sentencing reform

It was not a good year for sentencing reform. CCJRC supported [SB24-118: Indeterminate Sex Offender Sentencing](#) which was killed in committee despite the desperate need to revise day-to-life sentencing for specific sex

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offenses. CCJRC opposed [HB24-1127 Truth in Sentencing Parole Violent Offenses](#) was also killed in committee but that may be a hollow victory. There is likely to be a ballot measure ([#112](#)) that would accomplish the same thing, namely requiring people convicted of certain violent crimes to serve 85% of their sentence prior to parole eligibility. Proponents are gathering signatures now and we will update you with a lot more information on this and other ballot measures prior to the November election.

Parole and Probation related

[HB24-1445](#) was signed into law and gives the option for people on parole or probation to report to their supervising officer virtually and requires the state court administrator and the Department of Corrections to annually report supervision fees assessed in the previous year. Fortunately, one bad policy bill, [HB24-1109 Detention of Parolee Arrested for Violent Crime](#), died in committee as did [SB24-012](#) that would have created a cash assistance pilot program for people released from prison.

Criminal Justice Agency Performance Metrics

Last summer, CCJRC was asked to participate in an interim legislative working group on recidivism and both recommendations that came out of that working group were passed with strong bi-partisan support and signed into law. [SB24-029](#) requires the Division of Criminal Justice to create a working group to propose alternative metrics other than recidivism to assess supervision outcomes and performance. [SB24-30](#) requires the Division of Criminal Justice to create a working group to develop a common definition of recidivism to be used by DOC, Division of Youth Services, Probation and Community Corrections.

Child welfare and impact on justice system involved families

Because so many children and families are negatively impacted when a parent is incarcerated and because having a criminal record can prevent a family member from being approved for kinship care placement, CCJRC has deepened our engagement in bills that sit at the intersection of both child welfare and criminal justice to better protect and support justice-involved families. This session, that included two bills: [SB24-008](#) increases financial support to expand opportunities for family and close friends to be able to serve as kinship care placements for a child that has been removed from their home. [SB24-202](#) removes the mandate that a court require a parent to pay for the costs of a guardian ad litem and of providing for residential care for a child in out-of-home placement.

Record sealing and other collateral consequences

All three of these bills passed with strong bi-partisan support. [HB24-1004](#) aims to reduce barriers to registration, certification, or licensing in state regulated occupations for people with criminal convictions. It places guard rails on the regulator's ability to disqualify individuals based on criminal history. [HB24-1432](#) repeals the requirement that people must pay the Colorado Bureau of Investigation for costs related to record sealing, although there is still a fee for filing the motion in court. [HB24-1133](#) made changes to criminal record sealing and expungement including: arrests due to mistaken identity can be sealed without fees; an individual's attorney can have access to their sealed records; clarifies automatic sealing procedures; allows a hearing on sealing motion be held remotely; changes the waiting period for sealing municipal records; creates a record sealing procedure for convictions where the particular conduct is no longer illegal.

Jail related

Although CCJRC didn't actively work on these bills, we did support them and thought you might be interested. [HB24-1054](#) (passed House 46-17 and Senate 23-12; signed into law on 6/3/2024) that extends the jail oversight committee until September 1, 2033, which is responsible for developing jail standards. Each county jail must comply with the jail standards beginning July 1, 2026. [HB24-1079](#) (passed House 53-9 and Senate 22-12; signed into law 5/17/2024) -Beginning July 1, 2025, prohibits law

enforcement who take a juvenile into custody on an emergency mental health commitment from detaining the juvenile in jail.

Increases reporting requirements for adults taken into protective custody on an emergency commitment who were taken to an approved treatment facility or detained in an emergency medical facility or jail. [HB24-1355](#) (passed House 55-8 and Senate 30-1; signed into law on 6/6/24) - Requires each judicial district to develop a diversion program with wraparound services for eligible individuals who are in jail and evaluated as incompetent to proceed with prosecution. Provides funding for the wrap around services to the Bridges program.

Bail related

[HCR24-1002](#) is a referred measure that will be on the ballot in November 2024 that would amend the Colorado Constitution to prohibit bail when the charge is for first degree murder and "proof is evident or presumption great". [HB24-1241](#) removes a monetary bond if threshold for the municipal property crime is comparable to a petty

Remembering a True Warrior

By Christie Donner

It is with such deep sadness that we share news of the unexpected and untimely passing of Doug Wilson.



I'm having a hard time remembering when the name Doug Wilson wasn't a part of my life. Before he ran the Aurora Municipal Public Defender's office, and before he was co-chair of the Colorado Commission on Criminal & Juvenile Justice, and before he ran the state public defender's office, I knew him as a fierce courtroom brawler who ran the Pueblo Public Defender's office. I'm not sure if I even met Doug until he started to run the state PDs office in 2006 but his reputation and personality always walked in the door ahead of his physical presence.

The defense community has lost a warrior as his commitment to indigent defense and abolishing the death penalty was in the marrow of his bones and what he so passionately and completely dedicated his life to. But the wider community, including myself, feel like we've lost a beloved friend and ally as well. I often turned to Doug for his legal expertise or perspective in how to navigate the intersection of politics, personality, and policy. Mostly I just loved hanging out with him. Somehow, he always made me laugh, and sometimes shake my head at him at some of the things that would come out of his mouth, but always walking away feeling energized to keep up the fight.

Doug didn't have a lot of patience for bullshit or ignorance from people in positions of power because he knew that the risks and the stakes were so high for the people on the downstream of those decisions. That's why he fought and pushed so hard to not only protect and strengthen the role of indigent defense, but also for changes in state policy and courtroom practice aimed at mitigating the substantial harm that inevitably results from the criminal legal system.

Sometimes he won the battle and sometimes he didn't, but he never stopped fighting, ever. That's why the community could always trust him. That's why I loved him. And why he will be so deeply missed by so many. CCJRC sends our love and condolences to his wife Doyle, and his other family members, including his friends and colleagues in the legal community.

When you were born you cried, and the world rejoiced. Live your life so that when you die, the world cries and you rejoice.-Cherokee proverb

“A Place Time Forgot”: A Pilgrimage to the Cradle and the Birthplace

By Kyle Giddings

When you step off the plane in Montgomery, Alabama, the first thing you feel is the weight of the humidity and the oppressive June heat. The airport is modest, featuring a few convenience stores and walls adorned with advertisements for local attractions. Amongst the promotions for the “White House of the Confederacy” and “Battle Sites of the Civil War” are the reasons for our visit: The National Memorial for Peace and Justice, The Legacy Museum, and Freedom Monument Sculpture Park. These Legacy sites, created by the Equal Justice Initiative, commemorate the true history and legacy of slavery, racial terrorism, and mass incarceration in the United States.

Representatives from the Colorado Criminal Justice Reform Coalition (CCJRC) and our Transforming Justice partners from across the state are here on what has become our annual pilgrimage. This journey is a time to reconnect with the core reasons behind our work, to remember the truths we fight for, and to restore a sense of urgency and understanding to our mission of eliminating the overuse of the criminal justice system and promote community safety.

As you leave the airport, you continue to be surrounded by photos of Montgomery’s storied and complicated past. On the farthest wall, mounted over a photo of the Mississippi riverbanks, is the “Great Seal” of the city of Montgomery. Two phrases are declared on the seal: “Cradle of the Confederacy” and “Birthplace of the Civil Rights Movement.” These contrasting phrases capture Montgomery and its ongoing struggle to reconcile the past with the present, not only for the city but for our nation.

For three days, our group immersed itself in Montgomery’s history, visiting Legacy Sites, reflecting on our experiences with each other, and learning about the local efforts of the Equal Justice Initiative to represent indigent defendants as Alabama does not have a statewide public defender system. We also heard of their efforts to help people released from prison, their clients and others including a mobile health clinic that travels near and far.

We also traveled to Selma, Alabama, walking across the Edmund Pettus Bridge retracing the steps of those who faced violence and brutality during the historic ‘Bloody Sunday’ events of 1965. Our time in Alabama was a constant reminder that every breakthrough for racial equality during the civil rights movement was preceded by days, months, years and decades of relentless work by activists and organizers, who often met with violence.

On our final day in Montgomery, as many headed back to the airport, the heat and humidity were particularly intense even in the early morning. A few of us took an Uber to a local breakfast spot. Our driver, an older gentleman who had moved to Montgomery years ago to become a pastor and was now retired, declared to our questions about Montgomery, “Montgomery is a place time forgot.” His words have resonated with me as I reflect on our visit. The modern struggles against mass incarceration, both nationally and in Colorado, are deeply rooted in our nation’s violent history of slavery, which has evolved into the modern mass incarceration crisis. If we don’t recognize the roots of the problems that we face, we will not be able to deconstruct the system that is currently in place.

As we return to our work in Colorado, we are determined to integrate the enduring lessons of Montgomery—the place time forgot—into the fabric of our efforts here at home. Inspired by profound struggles witnessed there, we aim to instill in our work with the same resilience and commitment.



CCJRC Staff and Transforming Justice partners at the AME Church in Selma

Voices of Change: From Selma to SB-072

By: Jasmine Ross

On June 6th, CCJRC and twenty-five other community organizers from Colorado embarked on a powerful journey through history by walking in the footsteps of voting rights activists before us by crossing the Edmund Pettus Bridge in Selma, Alabama. This symbolic act held deep significance for us as we honored those who faced violence and brutality during the historic ‘Bloody Sunday’ events of 1965 in their fight for equal voting rights.

Although fifty-nine years have passed since ‘Bloody Sunday’, the struggle for voting rights continues. Amidst this ongoing battle, we are proud to announce a significant victory closer to home. Governor Polis recently signed SB-072 into law, ensuring equitable access to the ballot for incarcerated individuals in our state’s jails and detention centers, many of whom are Black and Brown.

This groundbreaking legislation mandates in-person voting events in all jails and detention centers in Colorado, providing those in pretrial detention or serving misdemeanor sentences a crucial opportunity to participate in our democracy. This achievement would not have been possible without the unwavering dedication of our community partners and the tireless work of those that came before us. Together, we have taken a meaningful step toward guaranteeing that all eligible voters can exercise their fundamental right to vote while incarcerated. Voting is not just a privilege but a vital cornerstone of our democracy, and it is essential that we continue striving for equitable access to the ballot for everyone.

What does the passing of SB-072 mean for those in Colorado jails? It means:

- Access to nonpartisan candidates and ballot information.
- Six hours of in-person voting opportunities in all 61 jails and detention centers in Colorado.
- The ability to cure a ballot where an ID or signature issue may be present.
- Same-day voter registration.
- Eligibility questions can be answered, and concerns addressed.
- Their voices can be heard in their community!

The first election with in-person voting will take place this November during the Presidential General Election. We look forward to building on the success of SB-072 and continuing the fight to educate our justice involved communities on their right to vote!



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CCJRC was founded as community members came together in 1999 to support a prison moratorium bill introduced Senator Dorothy Rupert and Representative Penfield Tate, which was the first bill introduced in the country calling for a halt to state prison expansion. The Rupert Tate Game Changer Award honors their legacy and recognizes outstanding efforts to transform the status quo to advance community health, safety, and equity.

CCJRC proudly announces that we will awarding two Rupert-Tate Game Changer Awards at our annual event on September 11, 2024, to

Mari Newman, Civil Rights Attorney

For her many years of defending and litigating on behalf of people whose rights have been violated by police, jails, courts, and prisons.
and the

Office of the Respondent Parents Counsel

For their tireless advocacy to change the child welfare system to better support incarcerated parents and their children.

YES! Count me in! I want to support CCJRC and help eliminate the overuse of the criminal justice system in Colorado.
Enclosed is my tax-deductible contribution!

Your support makes all the difference!

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- | | |
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CCJRC 821 22nd St., Denver, CO 80205



Please help us celebrate our
25th anniversary!
Join us for our
15th Annual Voices for Justice
fundraising event on
Wednesday
September 11, 2024
at the Mile High Station
Tickets on sale June 1st!
Go to ccjrc.org for more info!



CCJRC is a proud member
of Community Shares of
Colorado!