

***Bylaws of the
Colorado Commission on
Criminal and Juvenile Justice***



*Last updated September 11, 2020
Maintained by the Division of Criminal Justice of the Colorado Department of Public Safety*

Bylaws of the Colorado Commission on Criminal and Juvenile Justice

For the effective operation of the Colorado Commission on Criminal and Juvenile Justice (hereinafter the “Commission”), these Bylaws are established pursuant to Section 16-11.3-102(5), Colorado Revised Statutes (2007)

Article I – Establishment of Commission and Legislative Declaration

Section 1.1: The Colorado Commission on Criminal and Juvenile Justice (“Commission”) was established by the Colorado Legislature, in HB07-1358, which was signed into law on May 23, 2007. The Commission was renewed in 2013 (SB13-007) and in 2018 (HB18-1287).

Section 1.2: Statutory provisions applicable to the Commission are found in Article 11.3, Title 16, Colorado Revised Statutes.

Section 1.3: The legislative declaration regarding the needs for and composition of the Commission is found in Section 16-11.3-101, C.R.S. (2007).

Article II – Role and Responsibility of the Colorado Department of Public Safety

Section 2.1: The Commission is created in the Colorado Department of Public Safety (see Section 16-11.3-102(1)(a), C.R.S.).

Section 2.2: The powers, duties and functions of the Commission are to be exercised and performed as if they were transferred to the Colorado Department of Public Safety by a type 2 transfer (see Article 1 of Title 24, C.R.S.).

Section 2.3: The Division of Criminal Justice in the Colorado Department of Public Safety, in consultation with the Colorado Department of Corrections, shall provide resources for data collection, research, analysis, and publication of the Commission’s findings and reports (see Section 16-11.3-103(5)(a), C.R.S.).

Article III – Mission Statement

Section 3.1: The Mission of the Commission is to enhance public safety, to ensure justice, and to ensure protection of the rights of victims through the cost-effective use of public resources. The work of the commission will focus on evidence-based recidivism reduction initiatives and the cost-effective expenditure of limited criminal justice funds (see Section 16-11.3-103(1), C.R.S.).

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Article IV – Statutory Duties of Commission (Section 16-11.3-103(2), C.R.S.)

Section 4.1: The Commission will conduct an empirical analysis of and collect evidence-based data on sentencing policies and practices, including but not limited to the effectiveness of the sentences imposed in meeting the purposes of sentencing and the need to prevent recidivism and re-victimization.

Section 4.2: The Commission will investigate effective alternatives to incarceration, the factors contributing to recidivism, evidence-based recidivism reduction initiatives, and cost-effective crime prevention programs.

Section 4.3: The Commission will make an annual report of findings and recommendations, including evidence-based analysis and data.

Section 4.4: The Commission will study and evaluate the outcomes of Commission recommendations as implemented.

Section 4.5: The Commission will conduct and review studies (including work done in other states) and make recommendations concerning policies and practices in the criminal and juvenile justice systems. (Prioritization of areas of study will be based upon the potential impact on crime and corrections and the resources available for conducting the work.)

Section 4.6: The Commission will include among its areas of study the reduction of racial and ethnic disparities within the criminal and juvenile justice system.

Section 4.7: The Commission will work with other state-established boards, task forces, or commissions that study or address criminal justice issues.

Section 4.8: The Commission, at its discretion, may respond to inquiries referred by members of the General Assembly, the Governor, and the Chief Justice of the Colorado Supreme Court, as resources allow.

Article V – Commission Membership (29 total)

Section 5.1: Membership based upon position. The following individuals (or their designee) are members of the Commission: The Executive Director of the Department of Public Safety; the Executive Director of the Department of Corrections; the Executive Director of the Department of Human Services; the Executive Director of the Department of Higher Education; the Attorney General; the Executive Director of the Colorado District Attorneys' Council; the State Public Defender; the Chair of the State Board of Parole; and the Chair of the Juvenile Parole Board (see Section 16-11.3-102(2)(a), C.R.S.). The position incumbent may change

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his/her designee, but continuity and consistency of membership should be considered when decisions are made to make any designee changes.

Section 5.2: Membership based upon appointment. Two members of the Judicial Branch, appointed by the Chief Justice of the Colorado Supreme Court (one must be a current or retired judge); four members of the General Assembly (one appointment by each of the following: Speaker of the House of Representatives, Minority Leader of the House of Representatives, President of the Senate, and Minority Leader of the Senate); one elected District Attorney to be designated by the Executive Director of the Colorado District Attorneys' Council; thirteen members appointed by the Governor (a representative of a police department; a representative of a sheriff's office; an expert in juvenile justice issues; a county commissioner; a criminal defense attorney; a representative of a victims' rights organization; a representative of a community corrections provider, community corrections board member or mental health or substance abuse treatment provider; a victim/survivor; a former offender; a representative of a nonprofit organization representing municipalities; a victims' advocate; and two at-large members) (see Section 16-11.3-102(2)(a), C.R.S.).

Section 5.3: Voting. Only members of the Commission are permitted to participate in the Commission's formal decision-making process; specifically making motions, seconds of motions, discussion of formal motions, and votes.

Section 5.4: Non-voting member. The Director of the Division of Criminal Justice in the Department of Public Safety serves as a non-voting member of the Commission (see Section 16-11.3-102(2)(b), C.R.S.).

Section 5.5: Terms of Office for Appointed Commission Members.

Section 5.5.1: The following members appointed by the governor will serve initial two year terms: elected district attorneys, county commissioner, criminal defense attorney, victims' rights organization representative, representative of community corrections, mental health or substance abuse treatment provider, and the at-large members. Appointments to these positions after the initial two-year term shall be for three-year terms (see Section 16-11.3-102(3)(a), C.R.S.).

Section 5.5.2: All other appointed members (judicial and legislative members) will serve three-year terms (see Section 16-11.3-102(3)(a), C.R.S.).

Section 5.6: Term Limitations.

Section 5.6.1: Appointed members are limited to serving two consecutive full terms, in addition to any remaining portion of a term, vacated by a previously appointed commissioner (see Section 16-11.3-102(3)(b), C.R.S.).

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Section 5.6.2: A person who has been appointed and subsequently reappointed to the Commission by the same governor in any capacity described in Section 5.5.1 may not be appointed by the same governor to serve in any other capacity described in said Section 5.5.1 (see Section 16-11.3-102(3)(c), C.R.S.).

Section 5.7: Appointed Member Vacancy. In the event of vacancy of an appointed Commission position the appointing authority shall appoint a replacement to fill the position for the remainder of the unexpired term. The replacement shall meet the established qualifications for the position being vacated (see Section 16-11.3-102(3)(b), C.R.S.).

Section 5.8: Member Duties and Responsibilities

Section 5.8.1: Commission members and individuals who serve on subgroups of the Commission (for example, Task Forces, Subcommittees, Working Groups, and/or Study Groups) shall perform their duties in a well-informed and considerate manner that supports the mission, goals and objectives of the Commission and its subgroups, as detailed in statute and bylaws or as established by the Commission.

Section 5.8.2: Membership is not intended to be used to promote individual political, religious or social ideologies.

Section 5.8.3: Commission members shall regularly attend and actively participate at meetings. Upon demonstration of compelling need, the Chair of the Commission may authorize a Commission member to attend and participate in meetings by teleconference. Commission members, other than those appointed by the legislature, with three or more absences per calendar year may be removed from the Commission pursuant to Section 5.9 of these Bylaws.

Section 5.8.4: Each Commission member shall serve on at least one Commission subgroup (for example, a Task Force or a Subcommittee) as appointed by the Commission Chair. This participation requirement may be waived only by the Chair of the Commission.

Section 5.9: Removal from Commission. In the event a Commission member is alleged to have engaged in misconduct, to have neglected his or her duties (including attendance at and participation in meetings), or is found to be unable to adequately perform the responsibilities of the Commission, the Chair of the Commission shall bring the issue to the attention of the appointing authority for that Commission member. Upon appropriate evaluation and if the appointing authority agrees with the recommendation of the Commission Chair, the appointing authority shall rescind the appointment of the identified Commission member. The appointing authority will designate a replacement who will meet the qualifications for the position and who will serve for the remainder of the unexpired term. If the appointing authority decides not to replace the member based upon the allegations, the Chair shall bring the situation to the attention

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of the Commission. If a majority of the Commission members vote to replace the member, that member shall be removed and a replacement will be made by the appointing authority.

Section 5.10: Chair; Vice-Chair. The governor shall select the chair and vice-chair from among Commission members (see Section 16-11.3-102(4)(a), C.R.S.).

Section 5.10.1: Chair Duties. It shall be the Chair's responsibility to a) preside at each of the meetings of the Commission; b) keep Commission members informed of matters pertinent to their responsibility; c) set the agenda for full Commission meetings; d) represent the Commission and be spokesperson for the Commission with the media and at governmental, community, or other meetings or designate another Commission member as a Commission representative; and e) sign letters and other official documents of behalf of the Commission.

Section 5.10.2: Vice-Chair. The Vice-Chair will preside over meetings when the Chair is absent and perform any other relevant duties when so assigned by the Chair.

Section 5.11: Compensation. Members of the Commission will serve without compensation. However, members may be reimbursed for any actual and necessary travel expenses incurred in the performance of their duties and pursuant to rules and regulations of the State for such reimbursement, as administered by the Colorado Department of Public Safety (see Section 16-11.3-102(4)(b), C.R.S.).

Section 5.12: Conflict of Interest. Any Commission member who is present at a meeting at which any matter is discussed in which he or she has a private, pecuniary or property interest shall declare that he or she has a potential conflict of interest. He or she shall refrain from attempting to influence the decisions of the other members of the Commission in voting on the matter, and shall abstain in respect to such matter.

Section 5.13: Executive Director. Subject to the availability of adequate funding, the Governor may hire an executive director to work in conjunction with staff to conduct the on-going business of the Commission. The Executive Director will be placed in the Colorado Department of Public Safety and will report to the Commission, but will be subject to the immediate supervision of the Executive Director of the Colorado Department of Public Safety.

Article VI: Advisory Committees (Section 16-11.3-103(3), C.R.S.)

Section 6.1: The Commission shall establish advisory committees, namely, Task Forces and Subcommittees to focus on specific subject matters and make findings and present recommendations to the full Commission.

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Section 6.2: The Commission Chair is responsible to select and appoint individuals who are preferably current members of the Commission to chair Task Forces and Subcommittees of the Commission. The Commission Chair is also responsible to appoint Commission members to serve as members on such advisory committees.

Section 6.3: The Chairs of Task Forces and Subcommittees are responsible to identify and recommend to the Commission Chair non-Commission members from interested members of the community, including subject-matter experts, to serve on the committees established by the Commission.

Section 6.4: The Commission Chair, with input from the Commission, Task Force and Subcommittee Chairs, and commission staff, shall define the objectives, performance measures and timelines for each established Commission committee and appoint committee membership.

Section 6.4.1: Task Force. A Task Force is seated by the Commission to address a topic area and to produce recommendations for Commission consideration. A Task Force shall meet at times and locations as determined by the Task Force Chair. With the consent of the Commission Chair, a Task Force Chair may designate Working Groups and Study Groups to conduct research and discuss issues that are directly related to the mission of the Task Force. Working Groups that produce recommendations will present these to the Task Force for consideration.

Only formally appointed members of Task Forces shall vote on recommendations. A quorum is required to conduct any Task Force vote and approval will be accomplished through a simple majority. The results of all final votes related to all Task Force recommendations will be reported to the Commission.

Section 6.4.2: Subcommittee. A Subcommittee is seated by the Commission to address a specific issue or to accomplish a specific task associated with the mission of the Commission. A Subcommittee may produce recommendations and/or issue reports to the Commission. Subcommittees shall meet at times and locations as determined by the Chair of the Subcommittee.

Only formally appointed members of Subcommittees shall vote on recommendations. A quorum is required to conduct any Subcommittee vote and approval will be accomplished through a simple majority. The results of all final votes related to all Subcommittee recommendations will be reported to the Commission.

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Article VII: Meetings and Conduct of Commission Business

Section 7.1: The Commission shall meet at least once per month or on a schedule determined by the chairperson to review and discuss information necessary to properly conduct the business of the Commission (see Section 16-11.3-102(6), C.R.S.).

Section 7.2: Records will be kept of motions made, moving and seconding members, abstentions, and votes taken. Whenever possible, consensus shall be used as the operational decision making process. However, the rules contained in the most current edition of *Robert's Rules of Order, Revised*, shall govern all Commission meetings except in instances of conflict between the rules of order and the Bylaws of the Commission or provisions of law. The Chair (or Vice-Chair, if presiding), will not vote on an issue except in the event of a tie vote. The Chair will determine whether to vote to break a tie vote.

Section 7.3: A simple majority of the voting members of the Commission constitute a quorum for the transaction of business. Members who cannot attend a meeting in person may teleconference and be considered present and part of the quorum.

Section 7.4: Decisions shall be made, as defined in the CCJJ Process and Protocols document, by majority or supermajority vote of Commission members present and voting at any scheduled Commission meeting. Upon the announcement of vote results, votes are considered final.

Article VIII – Public Access and Communications

Section 8.1: Meetings of the Commission and all Task Forces and Subcommittees are open to the public.

Article IX --- Adoption and Amendment of By-laws

Section 9.1: A motion to the Commission to amend the Commission Bylaws may occur only after written notice of proposed amendments is provided to all members of the Commission at least thirty days prior to any motion to amend the Bylaws. Amendments to the Bylaws are effective upon adoption by a majority vote by a quorum of the members of the Commission.

Section 9.2: The Bylaws of the Commission will be effective upon adoption by a majority vote by a quorum of the members of the Commission.

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Approval and Revision History

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