

Colorado Commission on Criminal and Juvenile Justice

**Legislative Subcommittee
Minutes**

May 22, 2020, 3:00 PM - 4:00 PM
VIRTUAL MEETING

ATTENDEES:

SUBCOMMITTEE MEMBERS

Stan Hilkey, Chair, CCJJ; Department of Public Safety
Abigail Tucker, Vice-Chair, CCJJ; Community Reach Centers
Shawn Day, Aurora Municipal Court
Janet Drake, Attorney General's Office
Tom Raynes, Colorado District Attorneys' Council (CDAC)
Megan Ring, Office of the State Public Defender
Maureen Cain, *ex officio*, Office of the State Public Defender

STAFF

Joe Thome, Division of Criminal Justice
Kim English, Division of Criminal Justice
Kevin Ford, Division of Criminal Justice
Laurence Lucero, Division of Criminal Justice

Issue/Topic	Discussion
<p>Senate Bill 20-161 Stan Hilkey, Maureen Cain & Subcommittee members</p>	<p>Stan Hilkey, Chair of the Commission reminded the group that the Commission met earlier on the same day and approved the Legislative Subcommittee to convene during the period of CCJJ suspension (April 11-June 11). The Subcommittee was requested to determine whether Senate Bill 2020-161 (<i>Concerning Pretrial Release</i>) continued to reflect the intent of CCJJ Recommendation FY20-PR #03 (<i>Implement Bail Bond Reform</i>) and thereby continue to support the bill (i.e., to make an “intent/support determination”). The Commission also authorized the Legislative Subcommittee, at its discretion, to refer this intent/support determination to the Commission.</p> <p>According to CCJJ Bylaws, the Commission Chair may call a meeting of the full Commission [Bylaws Section 5.10; cdpsdocs.state.co.us/ccjj/About/2018-05-31-CCJJBylaws.pdf] and the CCJJ “Policy on Legislative Recommendations” allows the full Commission to make intent/support determinations regarding bills derived from CCJJ recommendations [cdpsdocs.state.co.us/ccjj/About/2018-05-31_LegislativePolicy-Subc.pdf].</p> <p>Maureen Cain provided some context from a recent discussion she had with Senator Lee, one of the sponsors of Senate Bill 20-161. Senator Lee asked whether the Commission still supports Senate Bill 20-161 as amended.</p> <p>Maureen believed that the bill could still move forward with support, offering the following points:</p> <ul style="list-style-type: none"> - The bill would enable judicial districts to start working on administrative orders - There is no longer a requirement to implement risk assessment tools or supervision - DCJ may begin work with judicial districts to develop best practices guidelines - The bill does not require exclusive reliance on risk assessment tools and other elements deemed relevant to pretrial decision-making by the court (therefore, current law is unchanged) - The provisions of the current law regarding least restrictive conditions remain and there is no requirement of release on non-monetary bond - The bill clarifies the reconsiderations of bond - There is language to increase the use of summons - All language regarding new crime and the use of electronic monitoring has been removed from the initial draft <p>Some members were concerned that the substantial changes to the bill rendered the amended bill inconsistent with the intent of Commission Recommendation FY20-PR #03. CCJJ approved this recommendation as a</p>

<p>Issue/Topic Senate Bill 20-161 (continued)</p>	<p>package with two others that included the provision of additional statewide resources (see Recommendations FY20-PR #01 and PR #02 available on the Commission website at, colorado.gov/ccjj/ccjj-recs).</p> <p>The group discussed the options either to make the intent/support determination or to refer the decision to the full Commission. It was suggested that, considering the substantial changes made to the bill, the full Commission should have the opportunity to make that determination.</p> <p>Janet Drake moved that the Commission Chair convene a meeting of the full Commission to consider the current (amended) version of Senate Bill 20-161 and whether to continue to support the bill. Tom seconded the motion.</p> <p>Stan Hilkey asked for further discussion and seeing none, Subcommittee members proceeded to a vote.</p> <p>VOTE: To refer the “intent/support” determination to the full Commission. Support: 6 Do not support: 0 Abstain: 1 The motion was APPROVED to refer consideration to the Commission.</p>
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<p>Issue/Topic Next Steps & Adjourn Stan Hilkey</p>	<p style="text-align: center;">Discussion</p> <p>A virtual Commission meeting will be scheduled for Wednesday, May 27 at 1:30 pm [<i>The date and time were determined following the meeting</i>]. Details of the meeting will be posted on the Commission website.</p> <p>Maureen Cain will present a review of the amendments to Senate Bill 20-161.</p> <p>The meeting was adjourned at 3:40pm</p>
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