

Colorado Commission on Criminal and Juvenile Justice

**Legislative Subcommittee
Minutes**

February 15, 2022 / 4:00PM - 4:05PM
Phone Meeting

ATTENDEES

SUBCOMMITTEE MEMBERS

Stan Hilkey, CCJJ Chair and Legislative Subcommittee Chair; Colorado Department of Public Safety
Tom Raynes, Colorado District Attorneys' Council (CDAC)
Megan Ring, Office of the State Public Defender

ABSENT

Shawn Day, Aurora Municipal Court
Janet Drake, Attorney General's Office
Abigail Tucker, CCJJ Vice-Chair and Legislative Subcommittee Vice-Chair; representing mental health treatment providers

STAFF

Joe Thome, *ex officio*, Division of Criminal Justice
Joel Malecka, *ex officio*, CDPS Legislative Liaison
Laurence Lucero, Division of Criminal Justice

Issue/Topic	Discussion
<p>Regarding a Potential Amendment to H.B. 2022-1229 <i>Stan Hilkey, Legislative Subcommittee Chair</i></p>	<p>Stan Hilkey convened the Legislative Subcommittee at the request of Subcommittee member Tom Raynes. Mr. Raynes requested the phone meeting to quickly review one potential amendment (see below) to <i>House Bill 2022-1229 (Concerning Adopting Clean-Up Provisions to Senate Bill 21-271 which Enacted the 2021 Recommendations of the Colorado Commission on Criminal and Juvenile Justice)</i>. He felt a brief discussion of and decision regarding a potential amendment was warranted to determine whether the amendment was consistent with the intent of <i>Recommendation FY21-SR #01 (Revise Misdemeanor Sentencing and Offenses [Statutory])</i>, which provided the source material for <i>S.B. 21-271 (Concerning the adoption of the 2021 Recommendations of the Colorado Criminal and Juvenile Justice Commission regarding Sentencing for Offenses)</i>.</p> <p>This potential amendment had been shared with Mr. Raynes by Terry Scanlon (Legislative Liaison, Colorado Judicial Branch). The specific amendment to <i>H.B. 22-1229</i> was as follows: Page 3, lines 4-5: strike “or when restitution may be at issue” [<i>represented below</i>]</p> <p>1 (1) (a) AT ANY TIME THAT A PEACE OFFICER, AS DESCRIBED IN SECTION 2 16-2.5-101, CHARGES A PERSON WITH THE COMMISSION OF ANY CIVIL 3 INFRACTION, THE PEACE OFFICER MAY, EXCEPT WHEN PROHIBITED BY THE 4 SECTION DESCRIBING THE CHARGED CIVIL INFRACTION OR WHEN 5 RESTITUTION MAY BE AT ISSUE, OFFER TO GIVE A PENALTY ASSESSMENT 6 NOTICE TO THE PERSON. FOR ALL CIVIL INFRACTIONS, THE FINE LISTED ON 7 THE PENALTY ASSESSMENT NOTICE IS ONE HUNDRED DOLLARS, UNLESS THE 8 FINE IS OTHERWISE PROVIDED IN THE SECTION DESCRIBING THE CIVIL 9 INFRACTION.</p> <p>Regarding civil infractions, it was felt that restitution is unlikely to be “at issue” and, in instances where injury or harm is involved, a charge for such injury or harm would be filed separately from a civil infraction. In that case, any restitution would be connected to the additional charge and not the civil infraction charge. This amendment would not appear to diverge from the original intent of <i>FY21-SR #01</i> as reflected in the proposed amendment to the revisions of <i>S.B. 21-271</i> proposed in <i>H.B. 22-1299</i>.</p> <p>After this brief discussion and in accord with CCJJ “Legislative-Related Policies,”¹ the Legislative Subcommittee quorum represented by Stan Hilkey, Tom Raynes and Megan Ring agreed that the potential amendment continued to reflect the intent of <i>Recommendation FY21-SR #01</i>.</p> <p>With no further business, Mr. Hilkey adjourned the meeting at 4:05pm.</p>

¹ The CCJJ “Legislative-Related Policies” document is available from ccjj.colorado.gov/ccjj-bylaws-policy, specifically at, cdpsdocs.state.co.us/ccjj/About/2018-05-31_LegislativePolicy-Subc.pdf