

Colorado Commission on Criminal and Juvenile Justice

Legislative Subcommittee

MINUTES

April 12, 2023 / 10:00 - 10:15AM

Virtual Meeting

ATTENDEES

SUBCOMMITTEE MEMBERS

Stan Hilkey, CCJJ Chair and Legislative Subcommittee Chair/ Colorado Department of Public Safety

Shawn Day, Aurora Municipal Court

Janet Drake, Attorney General's Office

Tom Raynes, Colorado District Attorneys' Council (CDAC)

ABSENT

Abigail Tucker, CCJJ Vice-Chair and Legislative Subc. Vice-Chair/ representing mental health treatment providers

Megan Ring, Office of the State Public Defender

GUEST

Maureen Cain, Office of the State Public Defender

STAFF

Joe Thome, *ex officio*, Staff/ DCJ Director

Joel Malecka, *ex officio*, Staff/ CDPS Legislative Liaison

Jack Reed, Division of Criminal Justice

Laurence Lucero, Division of Criminal Justice

Kevin Ford, Division of Criminal Justice

Issue/Topic	Discussion
<p>Regarding <i>Rec. FY23-SR #04</i> and the Draft of <i>House Bill 2023-1292</i> <i>Stan Hilkey,</i> <i>Legislative Subcommittee Chair</i></p>	<p>Stan Hilkey convened the Legislative Subcommittee at the request of Subcommittee member Tom Raynes. Mr. Raynes requested the meeting to quickly review the components in the draft of <i>House Bill 2023-1292 (Concerning the adoption of the 2023 recommendations of the Colorado commission on criminal and juvenile justice regarding enhanced sentencing)</i>.¹ He felt a brief discussion of and decision regarding the draft was warranted to determine whether the draft was consistent with the intent of CCJJ <i>Recommendation FY23-SR #04 (Change Felony Crime Classifications and Sentence Enhancement Provisions of the Criminal Code [Statutory])</i>.²</p> <p>Mr. Raynes and guest Maureen Cain provided an overview of an issue in <i>Rec. FY23-SR #04</i> revealed during the drafting of <i>H.B. 23-1292</i>. In sum, the Extraordinary Risk (ER) section of <i>Rec. FY23-SR #04</i> removed ER from applicability for Felony 5 and Felony 6 crimes. However, there are four sex offenses in those classes that might still warrant ER consideration or that should be reclassified. The bill sponsor preferred to exclude this element until these issues can be resolved.</p> <p>The Sentence Structure Working Group of the Sentencing Reform Task Force has not completed its review of sex offense felonies. Tom and Maureen, representing that Working Group, agreed with the position of the sponsor that the ER section should be removed and felt the remaining bill elements continued to reflect the intent of the remaining elements of <i>Rec. FY23-SR #04</i>.</p> <p>With input from staff regarding Commission protocol in accordance with CCJJ “Legislative-Related Policies”³ and after a brief discussion, Subcommittee members agreed that the remaining bill elements reflect the intent of <i>Rec. FY23-SR #04</i>. The ER element should be returned to the Sentencing Reform Task Force for further work. Given the timing, these circumstances can be presented to Commission members at the upcoming meeting on Friday, April 14, 2023. The Subcommittee will outline the issues and position that the bill (<i>H.B. 23-1292</i>) continues to reflect the intent of <i>Rec. FY23-SR #04</i>.</p> <p>With no further business, Mr. Hilkey adjourned the meeting at 10:15am.</p>

At the direction of the CCJJ, the Legislative Subcommittee meets on an as-needed basis, often under conditions of urgency, sometimes virtually by Zoom, by phone or by e-mail. The Legislative Subcommittee meets almost exclusively during the Colorado legislative session between January and May.

***Details of meetings are forwarded to the group and posted on the CCJJ web and calendar as soon as the need for a meeting is known.
(ccjj.colorado.gov/ccjj-meetings & ccjj.colorado.gov/ccjj-calendar).***

¹ *House Bill 2023-1292* can be found at, leg.colorado.gov/bills/hb23-1292.

² CCJJ *Rec. FY23-SR #04* can be found at, ccjj.colorado.gov/ccjj-recyr-fy23.

³ 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