



Commission on Criminal and Juvenile Justice
Peter Weir, Executive Director - Department of Public Safety

SUPPORT

HB 1262: Issuance of summons in lieu of arrest warrant in certain circumstances

HB 1263: Time computation for jail inmates

HB 1264: College-level education for state inmates

HB 1266: Repeal of the loss of driving privileges as a penalty for certain crimes

The Commission on Criminal and Juvenile Justice (CCJJ) approved several recommendations that are incorporated into the following legislation:

HB 1262: Concerning the Issuance of a Summons Instead of an Arrest Warrant in Certain Circumstances

Sponsors: Representative Casso and Senator Morse

Bill Summary: Permits the issuance of a summons instead of an arrest warrant for certain crimes without the consent of the district attorney. Prohibits the court from issuing a summons instead of an arrest warrant for certain crimes if a law enforcement officer presents a written basis for believing that the defendant is a flight or public safety risk.

CCJJ DISCUSSION: The implementation of this recommendation would result in a reduction in the number of pretrial detainees without compromising public safety. Poor offenders are disproportionately unlikely to bond out of jail. In those cases, bonding becomes punitive and often results in loss of job, income, housing, and child custody. This recommendation requires local law enforcement agencies to review current policies and practices in light of reserving the use of jail cells for the most serious incarceration population. Issuing a summons in lieu of arrest has been a recommended practice for decades.

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HB 1263: Concerning Time Computation While An Inmate Is Incarcerated In A County Jail.

Sponsors: Representative Casso and Senator Carroll

Bill Summary: Clarifies how time credits are calculated for award purposes on a 30 day period, rather than each month. Creates the possibility for jail inmates to be awarded earned time in addition to good time. Entitles a person who is confined pending a parole revocation hearing to credit for the entire period of such confinement against any period of reincarceration imposed in the parole revocation proceeding.

CCJJ DISCUSSION: This modification allows for the equitable application of time credits in county jails and will moderately reduce the average length of stay. C.R.S. 17-26-109 currently states that, with the exception of those that escape or attempt to escape from a county jail, any person "who performs faithfully the duties assigned to him during his imprisonment therein is entitled to a deduction from the time of his sentence of two days in each month." It is the intention of this recommendation to allow sheriffs the discretion to vary the amount of earned time awarded to an inmate based on performance in programs as well as the demonstration of behaviors that are above and beyond requirements. This

discretion will provide incentives to the inmates to behave in a positive manner as well as participate in programs. Current statutes are unclear and time is credited inconsistently regarding credit for jail time served for parolees detained due to a pending parole revocation hearing. A person who is confined in jail pending a hearing for a violation of parole should be given credit for that period of confinement. This recommendation targets technical violators who have not been convicted of a new crime.

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HB 1264: Concerning the Costs Associated With College-Level Academic Programs for State Inmates

Sponsors: Representative Benefield and Senator Hudak

Bill Summary: Requires that costs associated with a college-level academic program for an inmate shall be borne by the inmate unless he or she receives financial aid or scholarships for the program.

CCJJ DISCUSSION: Currently, most education programs in DOC facilities are administered and funded by the DOC. With the realization that increased educational attainment has a direct positive correlation with reduced levels of recidivism, the DOC and Department of Higher Education, through the Colorado Community College System (CCCS), are exploring (and currently piloting at one community college) a new approach to inmate education. Specifically, under this program inmates can enroll directly in a community college while still in prison and thus receive community college credit and a community college transcript upon completing a course. Colorado provides funding for higher education institutions in part through the College Opportunity Fund (COF). The COF is not a loan, nor is it financial aid. Rather, COF vouchers are applied to a student's bill, irrespective of that student's age, income, or financial aid eligibility. Thus, inmates who are enrolled at a participating institution of higher education should be eligible for COF. Inmates should also have access to educational programs funded through other sources, for example, grants to DOC or to the state. However, current statutory language makes unclear an inmate's ability to have his/her higher education courses paid for by any state or other sources. Moreover, inmates are by federal law not eligible for federal financial aid, and often state financial aid follows federal guidelines. Colorado statute [C.R.S. 17-32-105] states that "Costs associated with the college-level academic programs shall be borne entirely by the person participating in the program." This statute, while referring to "academic" programs and not career technical education (the primary focus of the programs included in the DOC-CCCS partnership) impedes an inmate's access education even though it should not impact an inmate's eligibility for COF.

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HB 1266: Concerning the Repeal of the Loss of Driving Privileges As A Penalty For Certain Crimes

Sponsors: Representative McCann and Senator Carroll

Bill Summary: Eliminates the loss of driving privileges as a penalty upon a conviction of certain criminal offenses.

CCJJ DISCUSSION: Although loss of a driver's license may be intended to serve as a deterrent, many defendants are not aware that this is a possible sanction for their crime. In addition, the mandatory driver's license revocation creates an obstacle to the successful completion of supervision for a variety of reasons. Driver's license revocation inhibits one's ability to work, receive or attend treatment or other appointments in a timely manner, provide useful public service, or even meet with supervising officers. Public transportation is often inadequate and can create barriers to the successful completion of supervision for individuals who are prohibited from driving. The theory that the removal of a driver's license for non-driving offenses is a deterrent to specific criminal behaviors is not supported by research. This recommendation excludes the loss of one's driver's license for failure to pay child support as good leverage to encourage payment.

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