



CCJJ Bills¹

HB 1347: Concerning Misdemeanor Penalties for Persons Who Are Convicted of Multiple Traffic Offenses Involving Alcohol or Drugs

Sponsors: Representative Levy (D) and Senator Morse (D)

Status: Passed the House (64-0) and Senate (33-1) and was signed by Governor Ritter on May 25, 2010.

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- First Offenses – There is no change to current law.
- Repeat Offenders – The bill changes the sentencing structure for repeat offenders to specifically consider both punishment and treatment in two components:
 - Punishment – There is a component of uniform mandatory minimum punishment for persons with two or more alcohol/drug driving offenses.
 - Second offenses - the minimum will be 10 days, up to one year.
 - The 10 days must be in jail if the second is within 5 years of a first offense - work, education, treatment release is authorized.
 - The 10 days may be jail or home detention or a jail alternative if the second offense is outside of 5 years of a first.
 - Third and subsequent offenses - The minimum will be 60 days in jail, up to a year - work, education, or treatment release is authorized.
 - Treatment – Under current law, if someone has multiple priors and the Court wishes to impose greater punishment – anything up to a year, the offender will still get out of jail with no time to impose treatment. This is also no effective sanction if someone does not complete treatment.
 - So, this bill creates:
 - A mandatory two years of probation on all repeat offenders.
 - The probation begins immediately so the conditions of probation will apply to all those that have work release or educational release sentences as well.
 - The probation will extend sufficiently beyond the punishment component (at least a year, usually longer) to allow for treatment after jail.
 - An additional year in jail is permitted if the offender violates the probation/treatment component of the sentence.

¹ Information provided by Christie Donner, with the Criminal Justice Reform Coalition (member of the CCJJ Drug Policy Task Force).



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- Therefore, a repeat offender that does not comply with treatment and is therefore a significant danger to the community can actually receive two years in the county jail (twice as much as current law).

- Increases the persistent drunk driver surcharge from \$50 to \$100- half of the revenues will be deposited into the persistent drunk driver fund and the other half into the newly created court-ordered alcohol treatment fund.

HB 1352: Drug Sentencing Reform

Sponsors: Representative Waller (R) and Senators Steadman (D) and Mitchell (R)
Co-sponsors: Representatives Pace (D), Court (D), Gardner, B. (R), Gerou (R), Kagan (D), King S. (R), Levy (D), Looper (R), Massey (R), May (R), McCann (D), Miklosi (D), Nikkel (R), Roberts (R), Ryden (D) and Stephens (R) and Senators Carroll, M.(D), Hudak (D), Morse (D), Newell (D), Penry (R), and White (R)
Status: Passed the House (58-5) and the Senate (30-5) and was signed by Governor Ritter on May 25, 2010.

- Reduce penalties for the crime of drug use or possession and redirect cost savings in corrections to substance abuse and mental health treatment.
- Enhanced penalties for adults convicted of selling drugs to a minor.
- The bill also makes two changes to the special offender statute:
 - Exclude “simple possession” quantities from the sentence enhancement for importation of drugs, and
 - Redefines the nexus required for the sentence enhancement for involvement of a weapon during a drug offense.
- The bill appropriated the anticipated first year cost savings in averted incarceration costs (approximately \$1.5 million) to expand funding for substance abuse and co-occurring treatment for people in the criminal justice system.

HB 1081: Concerning Money Laundering²

Sponsors: Representative Priola (R) and Senator Steadman (D)
Status: Passed the House (62-1) and Senate (34-0) and is awaiting action by Governor Ritter.

Under current law, the crime of money laundering is limited to the Controlled Substances Act.

This bill relocates the money laundering statute from the Controlled Substance Act to the fraud statute and includes money laundering in the definition of racketeering activity for purposes of prosecution under the Colorado Organized Crime Act.

HB 1338: Concerning the Eligibility for Probation of a Person Who Has Two or More Prior Convictions

Sponsors: Representative McCann (D) and Senator Steadman (D)
Status: Passed the House (54-7) and Senate (24-11) and was signed by Governor Ritter on May 25, 2010.

² The money laundering bill was inspired by work from the CCJJ Drug Policy Task Force but was officially a bill from the Attorney General’s office.



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- Make changes to the two-prior felony statute that currently makes a defendant with two prior felonies ineligible for probation without the district attorney's consent.
- This bill requires district attorney consent only if the current charge or one (or more) of the prior convictions was for a specific offense including: first or second degree murder, manslaughter, first or second degree assault, first or second degree kidnapping, sexual offense, first degree arson, first or second degree burglary, robbery, aggravated robbery, or a felony offense against a child.
- A number of other bills were conditioned upon the passage of HB 1338 in order to use cost savings to provide funding for the costs associated with these other bills.³
- A significant portion of the cost savings from HB 1338 was also used to restore some of the funding cut from the Department of Human Services, Child Welfare Division.

HB 1373: Sentencing Changes For Escape Crime

Sponsors: Representative T. Carroll (D) and Senator Hudak (D)

Status: Passed the House (58-7) and Senate (19-16) and was signed by Governor Ritter on May 25, 2010.

- Under current law, a broad range of scenarios can be considered escape which requires the court to impose a mandatory consecutive sentence.
- This bill excludes diversion clients in community corrections and parolees on intensive supervision from the *mandatory* consecutive sentencing requirement if convicted of escape.
 - Judges retain the authority to impose a consecutive sentence in any given case.
- People on "inmate status" will still face the mandatory consecutive sentence, which includes people in secured correctional facilities, work release, and transition clients in community corrections.

HB 1374: Changes to Parole

Sponsors: Representative Ferrandino (D) and Senator Penry (R)

Status: Passed the House (63-0) and Senate (35-0) and was signed by Governor Ritter on May 25, 2010.

- This bill created parole changes that encompassed three different recommendations:
 - I. Changes the statutory parole guidelines and requires the parole board to use structured decision-making in both release and revocation hearings;
 - II. Clarifies eligibility for enhanced earned time that was passed last year in HB 09-1351; and
 - III. Repeals some archaic language in statute that mandates the arrest of a parolee under certain circumstances (e.g., if the parolee is in a county where there is a correctional facility without permission of the parole officer).
- Now requires the SOMB to develop release guidelines for sex offenders with determinate sentences.
- The parole board must provide an annual briefing to the joint judiciary.
- First year cost savings of \$114,127 was appropriated to support the ongoing work of the Commission on Criminal & Juvenile Justice.

³ These include HB 1081, HB 1277, HB 1347, HB 1364, and HB 1176.



Non-CCJJ Bill of Interest

HB 1360: Reducing Revocations for Technical Violations⁴

Sponsors: Representative Pace (D) and Senator Steadman (D)

Status: Passed the House (54-9) and Senate (24-11) and was signed by Governor Ritter on May 25, 2010.

- This bill requires the parole board to consider the treatment needs (substance abuse and/or mental health) prior to revoking parole for a technical violation.
- If the parolee is amenable to treatment and if it is consistent with public safety, the parole board may modify the conditions of parole (in lieu of revocation) and require participation in a residential or outpatient treatment program, consistent with an assessment using an instrument approved by the Department of Human Services.
- The bill reduces the maximum time a revoked parolee could be re-incarcerated in prison for a technical parole violation to 90 days (from the current statutory cap of 180 days) only if s/he were assessed as lower than high risk using a research-based risk assessment instrument approved for use by the DOC and the Colorado Board of Parole.
 - The parolees underlying conviction cannot have been for a crime of violence, menacing, or stalking.
- The current 180-day statutory limit on the period of re-incarceration will be retained when the parolee is assessed as high risk or is revoked to a community return to custody facility or community corrections facility.
- The bill also expands eligibility for placement in a community return to custody facility for a parolee revoked for a technical violation if the underlying conviction was for a class 4 felony, excluding crimes of violence and stalking.
- First year cost savings from this bill in averted incarceration costs (approximately \$4.5 million) was allocated for re-entry support and treatment services for parolees as part of the 2010-11 state budget.
- The appropriation breakdown is as follows:
 - Department of Public Safety (\$1,545,409)*
 - \$1,492,323 for additional community corrections beds for parolees (30 beds for 90 day intensive residential treatment beds and follow-up outpatient treatment, 20 mental health beds, 10 therapeutic community beds, 10 transition community corrections beds for sex offenders)
 - \$53,086 for .8 FTE for analysis and reporting and associated operating outlay)
 - Department of Corrections (\$2,952,659)*
 - \$1,807,225 for wrap around services for parolees
 - \$500,000 for job training/employment services
 - \$250,000 for outpatient mental health services
 - \$385,434 for 6.1 FTE for 2.1 parole officers, 2.0 for administrative support, 1.0 for IT, 1.0 to parole board for additional administrative hearing officer

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