



FY2022 RECOMMENDATION/FY22-SR01 Define the Purposes of Probation [Statutory]

Status: Implementation Complete

Actions/Updates

2022 UPDATE (JUNE)

During the FY 2022 Legislative Session, this recommendation was included in House Bill 2022-1257 (Concerning the adoption of the 2022 recommendations of the Colorado Criminal and Juvenile Justice Commission regarding sentencing provisions for offenses). The bill was passed by the General Assembly 3/31/2022 and was signed by the Governor 4/7/2022.

With the passage and signing of this bill, this recommendation is considered complete.

2021 UPDATE (DECEMBER)

This recommendation, approved by the Commission on December 10, 2021, involves statutory revisions and is first applicable for action during the FY 2022 legislative session.

Description

Amend Part 2 of §16-11, C.R.S. to include the following to define the purposes of probation:

- To serve as a sentencing option and a response to crime in order to moderate and deter future criminal behavior and victimization.
- To support persons in behavior change through the coordination and provision of effective and individualized services which may include, but are not limited to, educational, therapeutic, restorative and skill building services
- To hold persons accountable for their behavior through supervision and interventions that promote reparation of harm to community and victims which shall include, but is not limited to, restitution to victims.
- To serve as a cost-effective option for persons appropriate for community supervision.
- To honor the statutory and constitutional rights of victims of crime.

[See the "Recommendation Text" for the Proposed Statutory Language.]

Agencies Responsible

Division of Probation Services (Colorado Judicial Branch), General Assembly

Discussion

Colorado statute does not currently define the purposes of probation. Since its evolution in the United States in the mid-1800s, probation was not designed for the purposes of incapacitation, punishment or retributive justice. The role of probation is to provide rehabilitative and restorative

intervention for qualifying persons (see qualifications in §18-1.3.201, C.R.S.), to enhance public safety and is limited to prioritize and serve the purposes defined above.