

Colorado Commission on Criminal and Juvenile Justice
Sentencing Reform Task Force

Sentence Structure Working Group
MINUTES

March 1, 2022 / 3:00PM-4:00PM
Virtual Meeting

ATTENDEES

WORKING GROUP MEMBERS

Michael Dougherty, Co-chair/District Attorney, 20th Judicial District
Valarie Finks, Crime Victim Compensation, 1st JD
Jessica Jones, Defense Attorney

STAFF

Richard Stroker, CCJJ Consultant
Stephane Waisanen, Sentence Structure Working Group Staff, Division of Criminal Justice
Laurence Lucero, Sentencing Reform Task Force Staff, Division of Criminal Justice

ABSENT

Maureen Cain, Office of the State Public Defender Dan
Christie Donner, Colorado Criminal Justice Reform Coalition
Tom Raynes, Colorado District Attorneys' Council
Dan Rubinstein, District Attorney, 21st JD
Lisa Wayne, Defense Attorney

<p>Issue/Topic Welcome & Updates <i>Michael Dougherty</i></p>	<p>Discussion Michael welcomed members and informed the group that he would provide a legislative update and an update on the re-activation of the Sentence Progression Working Group.</p>
<p>Issue/Topic Legislative Updates <i>Michael Dougherty</i></p>	<p>Discussion Michael mentioned that several members of the Working Group have been very engaged with this legislative session and provided the following updates:</p> <ul style="list-style-type: none"> • <i>House Bill 2022-1229: S.B.21-271 Clean-up</i> is making its way through the legislative process. Senate Bill 2021-271 created a civil infraction as a penalty for violations of the law that do not rise to criminal conduct. S.B. 21-271 included procedures for civil infractions. The bill repeals those provisions and replaces them with new procedures for handling civil infractions. • <i>House Bill 2022-1257: FY22 CCJJ Recommendations.</i> Six substantive recommendations from the CCJJ are contained in H.B. 22-1257. There were robust discussions about the criminal offenses related to professional licensing, the probation recommendations, and the list of offenses that would be POWPO¹-eligible. Based on that discussion, as well as the conversations since the hearing, it seems as though many of the questions and concerns have been addressed. The bill is making its way through the House. Because it is critically important to add the offenses that the CCJJ approved for the POWPO statute, members of the Sentence Structure WG will continue to monitor the bill's progress.
<p>Issue/Topic Questions/Discussion <i>Michael Dougherty</i> <i>All</i></p>	<p>Discussion Jes asked whether amendments were introduced to the POWPO statute to include aggravated motor vehicle theft and distribution of dangerous drugs. Michael responded that while robust discussions occurred at the Legislature, no amendments were introduced.</p> <p>Valarie asked for more information about the arguments against the revised POWPO list. Michael responded that some members felt the list should be expanded to include aggravated motor vehicle theft and dangerous drug distribution. Michael believed that the overall concern was more related to the increase of criminal offenses and public safety.</p> <p>Michael stated that, after much discussion regarding concerns addressed with legislators and various interest groups, the following amendments to H.B. 22-1257 were introduced:</p> <ol style="list-style-type: none"> 1. Add the following language in Section I, page 3 to: "if the person fraudulently represents the self as a licensed professional".

¹ Possession of Weapons by Previous Offenders

<p>Issue/Topic Questions/Discussion Michael <i>Dougherty</i> All</p>	<p>2. Remove “electricians” from the list of professions. The practice without a license would remain a misdemeanor offense.</p> <p>3. Remove (VI) direct-entry midwifery from the list, as it is already included in (VIII) Professional Nursing.</p> <p>Michael mentioned that the CCJJ Legislative Subcommittee had met just prior to the current meeting and agreed that the amendments continued to reflect the intent of the CCJJ recommendations.</p> <p>The Sentence Structure Study Group met this morning and the group will continue to work on the enhanced felony grid. The group reviewed the first 37 offenses and placed them into the new classifications F1-F5 (F6 classification would be removed). The group is also exploring the extreme indifference 1st degree murder statute and will consider expanding it to include vehicular homicide.</p>
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<p>Issue/Topic Progression Working Group & Adjourn Michael <i>Dougherty</i></p>	<p style="text-align: center;">Discussion</p> <p>Michael and Rick Kornfeld (Co-chair of the Sentencing Reform Task Force) will meet this week with Greg Mauro to discuss the Sentence Progression Working Group. He emphasized that both the Sentence Progression WG and the Sentence Structure WG would most likely work closely, considering the potential overlapping areas of work.</p> <p>Michael asked members if there were any questions, and, seeing none, thanked attendees for their time. He mentioned that the next Sentence Structure Working Group is Tuesday, March 15 from 3:00 pm-5:00 pm.</p>
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Next Meeting

Tuesday, March 15, 2022 / 3:00PM – 5:00PM (Virtual Meeting)

Meeting information will be emailed to members and posted at, colorado.gov/ccjj/ccjj-meetings