

Colorado Commission on Criminal and Juvenile Justice
Sentencing Reform Task Force

Sentence Structure Working Group
MINUTES

April 5, 2022 / 3:00PM-5:00PM
Virtual Meeting

ATTENDEES

WORKING GROUP MEMBERS

Michael Dougherty, *Working Group Leader*, District Attorney/20th Judicial District
Valarie Finks, Crime Victim Compensation, 1st JD
Jessica Jones, Defense Attorney
Dan Rubinstein, District Attorney, 21st JD

STAFF

Richard Stroker, CCJJ Consultant
Jack Reed, Division of Criminal Justice
Stephané 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
Christie Donner, Colorado Criminal Justice Reform Coalition
Tom Raynes, Colorado District Attorneys' Council
Lisa Wayne, Defense Attorney

Issue/Topic	Discussion
<p>Welcome & Updates <i>Michael Dougherty,</i> <i>Working Group Leader</i></p>	<p>Michael welcomed members and stated he would give a brief legislative update on <i>HB22-1257: FY22 CCJJ Recommendations</i> and on the Study Group’s progress.</p>

Issue/Topic	Discussion
<p>Updates <i>Michael Dougherty</i></p>	<p>Michael reported that the Study Group will continue to review and analyze discretionary parole, the enhanced felony severity/classification chart, sentencing ranges along with habitual sentences, mandatory consecutive sentences for crimes of violence, and the felony sentencing grid.</p> <p>Legislative updates:</p> <ul style="list-style-type: none"> • <i>House Bill 2022-1229: S.B.21-271 Clean-up.</i> Senate Bill 21-271 created a civil infraction as a penalty for violations of the law that do not rise to criminal conduct. <i>Senate Bill 21-271</i> 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 Recs.</i> Six substantive recommendations from the Sentencing Reform Task Force and CCJJ are contained in <i>HB 22-1257</i> including criminal offenses related to professional licensing, the probation recommendations, and the list of offenses that would be POWPO-eligible. <p>Michael informed the group that <i>HB 22-1257</i> was passed by the legislature and will be signed by the Governor on Thursday, April 7, 2022.</p> <ul style="list-style-type: none"> • <i>House Bill 2022-1224: Theft of Public Benefits</i> passed in the House and had passed on Third Reading in the Senate. <p>Michael, Rick Kornfeld, and Greg Mauro met to discuss the reactivation of the Sentence Progression Working Group and who might serve as its Co-leaders.</p> <p>Michael mentioned to the Working Group members that the Parole Board Director position was posted last week on the Government jobs website and encouraged members to share the job posting with their contacts.</p> <p>Dan mentioned that Maureen and he are developing a discretionary parole presentation focusing on models offering more certainty in sentencing without using discretionary parole. They have reviewed what has worked in other jurisdictions and incorporated stakeholders’ feedback. Dan and Maureen will present regarding discretionary parole and discuss its role in certainty in sentencing at the May meeting.</p>

Issue/Topic	Discussion
<p data-bbox="224 212 423 239">Public Comment</p> <p data-bbox="212 247 435 275"><i>Michael Dougherty</i></p> <p data-bbox="305 283 342 310"><i>All</i></p>	<p data-bbox="570 247 1479 275">Michael asked if there was anyone from the public who wanted to comment.</p> <p data-bbox="570 317 1471 422">Carol Thompson, a graduate student in the School of Social Work at the University of Denver, asked for clarification on the background/policy of the sentencing felony grid in regards to certainty and sentencing.</p> <p data-bbox="570 428 1479 533">Michael thanked Carol for joining the Working Group and, before addressing Carol’s question, directed her to reach out to any members in the Working Group and referenced the CCJJ website for further information.</p> <p data-bbox="570 569 1495 884">Michael stated that the current sentencing laws in Colorado have not been comprehensively reviewed since 1985. The sentencing laws are ambiguous as to the length of a sentence an individual will serve when sentenced to state prison, the eligibility for community corrections, and parole. The Sentencing Reform Task Force has had conversations on setting a minimum percentage of every sentence to be served by offenders in state prison while giving the Department of Corrections (DOC) enough time to use incentives for good behavior. There have been conversations with DOC to build an approach that would allow more consistency in sentences.</p> <p data-bbox="570 926 1487 1031">Carol asked if other states enacted certainty in sentencing legislation. Michael mentioned states have various processes, and that it really depends on the state.</p> <p data-bbox="570 1066 1503 1199">Carol wanted to know if it would change the length of time for individuals who are incarcerated. Michael stated that the Task Force is not intending to change the length of the sentences but to build a system where there is more certainty in a sentence.</p>

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<p data-bbox="185 1316 464 1344">Next Steps and Adjourn</p> <p data-bbox="212 1352 436 1379"><i>Michael Dougherty</i></p> <p data-bbox="240 1421 409 1449">ACTION ITEM</p> <p data-bbox="126 1457 529 1631">Maureen Cain, Jes Jones, and Dan Rubinstein will present on discretionary parole and its role in building more certainty in sentencing.</p>	<p data-bbox="570 1352 1487 1457">Michael mentioned that, at the next WG meeting, Maureen Cain, Jes Jones, and Dan Rubinstein will present on discretionary parole and discuss its role in building more certainty in sentencing.</p> <p data-bbox="570 1493 1495 1598">With no further discussion, Michael thanked the group and guests, and reminded members that, from this date forward, the Working Group will meet on a monthly basis.</p> <p data-bbox="570 1633 1373 1661">Next meeting is Tuesday, May 10, 2022 from 3:00 p.m. to 5:00 p.m.</p>