

Colorado Commission on Criminal and Juvenile Justice
Sentencing Reform Task Force

Sentence Structure Working Group
MINUTES

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

ATTENDEES

WORKING GROUP MEMBERS

Michael Dougherty, *Working Group Leader*, District Attorney/ 20th Judicial District (J.D.)
Maureen Cain, Office of the State Public Defender
Valarie Finks, Crime Victim Compensation/ 1st J.D.
Jessica Jones, Defense Attorney
Tom Raynes, Colorado District Attorneys' Council
Dan Rubinstein, District Attorney, 21st J.D.

STAFF

Richard Stroker, CCJJ Consultant
Jack Reed, Division of Criminal Justice
Stephané Waisanen, Sentence Structure Working Group Staff, Division of Criminal Justice

ABSENT

Christie Donner, Colorado Criminal Justice Reform Coalition
Lisa Wayne, Defense Attorney

Issue/Topic	Discussion
<p>Welcome <i>Michael Dougherty</i> Working Group Leader</p>	<p>Michael welcomed members and stated he would give a quick update on the progress of the Sentence Structure Study Group efforts on the crime severity chart and felony sentencing grid.</p>

Issue/Topic	Discussion
<p>Felony Chart – Person Offenses <i>Michael Dougherty</i> All</p>	<p>Michael provided a brief overview of Felony Chart for Person Offenses and the sections below:</p> <ul style="list-style-type: none"> • Crime • Elements • Statutory Citation • Categorization • Number of times crime charged • Current Classification <p>Michael informed members that the Study Group (SG) will submit the draft of a proposal to the WG regarding the reclassification of destruction of life and property offenses to a Class 5 Felony from a Class 6. The Study Group is currently working on categorizing enhanced felonies into classification levels and reviewing the felony sentencing range.</p> <p>Maureen added that the SG has also focused on addressing certainty in sentencing by adjusting sentencing ranges to reflect time credits.</p> <p>Jes asked if there was a discussion of bifurcating the destruction of life and property. Michael responded the SG started discussing bifurcation around elements of harm but will continue the discussion at the next meeting.</p> <p>Dan reported that the SG discussed arson and related arson crimes when a person’s life is in danger and moving these crimes from property to crimes against persons. Dan suggested that arson be categorized in an enhanced felony category rather than a general felony category.</p> <p>There was a lengthy discussion about the murder of a peace officer and the SG is considering classifying this crime into the extreme indifference category.</p> <p>Michael suggested inviting Jocelyn Rhymer and Fran Lanzer from Mothers Against Drunk Driving (MADD) to present what other states have implemented regarding driving offenses and vehicular homicide. Michael believes the presentation would be beneficial and would inform the discussion of extreme indifference.</p>

Issue/Topic	Discussion
<p>Next Steps and Adjourn <i>Michael Dougherty</i> <i>All</i></p>	<p>Richard reminded the WG of the Sentencing Reform Task Force tomorrow (July 6, 2022) meeting where the WGs will provide updates:</p> <ul style="list-style-type: none"> • The Sentencing Alternatives/Decisions & Probation WG will provide an update on the early termination of probation, and • The Sentence Progression WG will discuss how the development of its approach and scope of work and the challenges faced by the previous group. <p>Jes asked whether the Sentence Structure WG would continue to meet once a month. Michael suggested that the WG continue to meet once a month and resume meeting twice a month in the fall.</p> <p>At the next meeting, the group will continue to discuss the crime severity chart and felony sentencing grid. Michael expected that the crime severity chart proposal will be presented to the Task Force in the upcoming months.</p>
<p>ACTION ITEM DCJ to send severity/sentencing felony chart to WG members</p>	<p>Michael asked the DCJ staff to send the felony chart to the WG.</p> <p>With no further discussion, Michael thanked the group and reminded members that the next Working Group meeting is Tuesday, August 9, 3:00 to 5:00 p.m.</p>

Next Meeting
Tuesday, August 9, 2022 / 3:00 – 5:00pm