

*Colorado Commission on Criminal and Juvenile Justice*

**Sentencing Reform Task Force**

**Sentence Structure Working Group**

**MINUTES**

September 6, 2022 / 3:00PM-5:00PM

Virtual Meeting

**ATTENDEES**

**WORKING GROUP MEMBERS**

Michael Dougherty, *WG Leader*, District Attorney/20<sup>th</sup> Judicial District (JD)

Maureen Cain, Office of the State Public Defender

Valarie Finks, Crime Victim Compensation/ 1st JD

Jessica Jones, Defense Attorney

Tom Raynes, Colorado District Attorneys' Council

Dan Rubinstein, District Attorney/ 21st JD

**STAFF**

Richard Stroker, CCJJ Consultant

Stephané Waisanen, CCJJ Staff, Division of Criminal Justice

Laurence Lucero, CCJJ Staff, Division of Criminal Justice

**ABSENT**

Christie Donner, Colorado Criminal Justice Reform Coalition

Lisa Wayne, Defense Attorney

**GUESTS**

Anne Andrews, Staff, Colorado State Board of Parole

J.R. Hall, Chair, Colorado State Board of Parole

Mike Tessean, Director, Colorado State Board of Parole

Issue/Topic	Discussion
<p>Welcome <i>Michael Dougherty, WG Leader</i></p>	<p>Michael Dougherty (Leader, Sentence Structure Working Group) welcomed and thanked participants for attending. He indicated that today’s meeting goal is to provide an update from the Sentence Structure Study Group.</p>

Issue/Topic	Discussion
<p>Update by the Study Group &amp; Discussion <i>Michael Dougherty, WG Leader</i> <i>All</i></p>	<p>Michael mentioned the Study Group continued to meet regularly to review and analyze the “enhanced felony” severity classification chart, felony-sentencing grid, sentencing ranges, habitual sentence enhancers, mandatory consecutive sentences, and methods to enhance certainty in sentencing. The immediate focus is on the crime severity chart, extreme indifference for vehicular homicide, and mandatory consecutive sentences.</p> <p>Michael stated that the review of the enhanced felony chart is near completion. A draft proposal will be forwarded to Working Group members before the October WG meeting.</p> <p>Below are the current issues the Study Group is addressing:</p> <ul style="list-style-type: none"> <li>• Organize the enhanced felony grid by offense and statute</li> <li>• Revise the current six-level classification scheme to a five-level scheme</li> <li>• Review each felony charge and assess whether it should be moved to to a higher (more serious) or lower (less serious) classification</li> <li>• Review each felony offense and assess whether its sentencing range should be increased or decreased.</li> </ul> <p>Maureen added that the Study Group will provide a separate sentencing chart for sex offenses. The Study group continues to review affidavits of filings for extreme indifference.</p> <p>The Study Group has met with the following groups: Mental Health Colorado, Disability Law Colorado, and Mothers Against Drunk Driving (MADD), and continues conversations about extreme indifference laws for vehicular homicide and mandatory consecutive sentences for habitual offenders. MADD will offer a presentation at the next Working Group meeting on Tue., Oct. 11.</p> <p>Maureen mentioned that Mental Health Colorado and Disability Law Colorado are focused on such areas as competency and second-degree assault on police officers. Both groups are interested in a felony-level reclassification for assault on police officers.</p> <p>Jes asked if Mental Health Colorado will be presenting to the Working Group. Maureen stated that the Study Group is working on identifying areas of concern with Mental Health Colorado and will present any concerns or requests to the WG in the upcoming months.</p>

Issue/Topic	Discussion
Public Comment <i>Michael Dougherty, WG Leader</i>	Michael solicited public comment, hearing none, moved to the conclusion of the meeting.

Issue/Topic	Discussion
Next Steps & Adjourn <i>Michael Dougherty, WG Leader</i> <i>Richard Stroker, CCJJ Consultant</i>	<p>Michael reiterated that the enhanced felony chart will be sent to WG members before the October meeting and asked the group to be prepared to discuss/finalize the tentative elements that will be presented to the SRTF in November. Depending on how this is received by the SRTF, a preliminary proposal will be presented to the SRTF and CCJJ sometime between December and January.</p> <p>Richard thanked attendees for their contributions and reminded members of the Sentencing Reform Task Force meeting tomorrow and the CCJJ meeting on Friday.</p> <p>Michael informed the group that the October meeting would start at 1:30 pm to allow ample time for presentations, review and discussion of the “enhanced felony” grid.</p> <p>He asked if members had any questions, and with none, Michael adjourned the meeting.</p>

**Next Meeting**

**NOTE! EARLIER START TIME**

Tuesday, October 11, 2022 / 1:30 pm – 5:00 pm

Details of the meeting will be forwarded to the group and posted on the CCJJ web and calendar ([ccjj.colorado.gov/ccjj-meetings](http://ccjj.colorado.gov/ccjj-meetings) & [ccjj.colorado.gov/ccjj-calendar](http://ccjj.colorado.gov/ccjj-calendar)).