



Colorado Commission on Criminal and Juvenile Justice

UPDATE-Colorado General Assembly

2017 Interim Study Committees: Final Approved Bills

November 9, 2017

*Note: If passed during the FY 2018 Legislative session, the bill provisions below **in bold** would extend and assign specific mandates to the Commission.*

Sentencing in the Criminal Justice System

(Senators: Cooke [V. Chair], Kagan & Lundberg; Representatives: Lee [Chair], Weissman & Wist)

Bill #1 "Determinate Sentence For Indeterminate Offense" (Sponsor: Lundberg)

- Gives the Court discretion to sentence an indeterminate offense to either a determinate sentence or an indeterminate sentence.
- Outlines the following factors that a court must consider. Some example of the factors are: whether the defendant is high risk to reoffend; whether the defendant poses a high risk of sexual recidivism; whether the defendant appears unable to live in the community without engaging in illegal sexual behavior; and whether the defendant is likely to indefinitely require ongoing monitoring and management to ensure the safety of victims or potential victims.
- The court must specify reasons for choosing the sentence.
- Passed interim committee 4-2 (Wist & Cooke).

Bill #8 "Sentences For Habitual Criminals" (Kagan)

- Repeals the provision that requires courts to sentence a person who has been convicted of three felonies within ten years to three times the maximum of the presumptive range.
- Currently someone convicted of four felonies must be sentenced to four times the presumptive range. This bill changes the provision so that it only applies to felonies specified in the bill and changes the sentence enhancer to between two and three times the maximum of the presumptive range.
- A habitual offender is eligible for parole after he or she has served 75% of the sentence.
- Passed interim committee 4-2 (Wist & Cooke).

Bill #9 "Reauthorize Commission on Criminal & Juvenile Justice" (Weissman)

- **Extends the repeal date for the CCJJ to July 1, 2028.**
- Passed interim committee 6-0.

Bill #12 "Lowering Mandatory Parole From 5 Years To 3 Years" (Weissman)

- Lowers the length of mandatory parole for class 2 and 3 felonies from five years to three years.
- Passed interim committee 6-0.

Bill #14 "CCJJ Criminal Sentencing Study" (Kagan)

- **Directs the CCJJ to contract for a study of the most effective criminal sentencing practices available.**
- **The CCJJ shall establish an advisory committee to review the study and make recommendations for changes to the Colorado sentencing scheme**
- Passed interim committee 6-0.

County Courthouse and County Jail Funding and Overcrowding Solutions

(Senators: Coram [Chair], Crowder & Fields; Representatives: Benavidez [V. Chair], Beckman & Michaelson Jenet)

Bill #1 “Financial Assistance For County Jails & Courts” (Beckman/Coram)

- Allows grants for up to 50% of a county’s annual approved debt service on any approved financing of construction or remodeling costs of jails and courthouses.
- Creates a low-interest loan program to finance construction or remodeling costs of jails and courthouses.
- \$30 million GF until FY 2022-23 for debt service grants and low-interest loan program.\
- Passed interim committee 5-1 (Benavidez).

Bill #4 “Increase DOC Reimbursement To County Jails” (Michaelson Jenet/Crowder)

- Increases the rate that DOC pays to jails to \$108.78 per day.
- Passed interim committee 6-0.

Bill #5 “Court System For Remote Participation In Hearings” (Michaelson Jenet/Crowder & Fields)

- Requires DCJ to operate a program that allows court hearings to take place remotely.
- Passed interim committee 6-0.

Bill #10 (Resolution) “Medicaid Eligibility Detained Individuals” (Benavidez & Michaelson Jenet/Fields & Crowder)

- Requests federal action on Medicaid policies pertaining to inmates.
- Passed interim committee 5-1 (Beckman).

Opioid and Other Substance Use Disorders

(Senators: Lambert [V. Chair], Jahn, Moreno, Priola & Tate; Representatives: Pettersen [Chair], Buck, Kennedy, Navarro & Singer)

Bill #3 “Harm Reduction” (Lambert & Jahn/Singer)

- Specifies that hospitals may be used as clean syringe exchange sites.
- Provides civil immunity for participants of a clean syringe exchange program.
- Creates a supervised injection facility pilot program in Denver and provides civil and criminal immunity for the injection facility.
- Allows schools to develop a policy by which school may obtain naloxone and employees are trained to administer it.
- **Requires the CCJJ to study topics related to opioids and synthetic opioids and include its findings and any recommendations in next year’s annual report. The specific topics for study are:**
 - **The efficacy of criminal penalties related to the unlawful manufacturing, distribution, dispensing, and sale of carfentanyl, fentanyl, and other synthetic opioids.**
 - **The extent to which current criminal penalties for the unlawful use and possession of opioids and synthetic opioids impact the ability of a person with a substance abuse disorder to seek treatment.**