



Colorado Commission on Criminal and Juvenile Justice

2019 Legislation Update

March 8, 2019

CCJJ Recommendations - "CCJJ Bills"	Bill/Sponsors	Status
FY19-PR #01 Require pretrial risk assessment tools. Amend §16-4-103 (3) (b), C.R.S. to require that Pretrial Risk Assessment shall be available and utilized by Judicial Officers in all counties throughout Colorado for purposes of setting bond and establishing conditions of release for felony and misdemeanor level offenses. The court shall not use the results of any such instrument as the sole basis for setting type of bond and conditions of release. Other criteria may include those circumstances contained in §16-4-103 (5), C.R.S.	???	[Ed.: See NOTE below!]
FY19-PR #03 Expand pretrial services programs statewide. Amend §16-4-106, C.R.S., such that pretrial services programs shall exist in all counties in Colorado and the Colorado General Assembly shall create a state formula funding program to incentivize local jurisdictions (counties) to develop and support pretrial programs and services. Jurisdictions without pretrial programs shall be prioritized to receive funding.	???	
FY19-PR #04 Create a Pretrial Services Alternative for Smaller Jurisdictions. Modify §16-4-106, C.R.S., such that pretrial services shall exist in all counties in Colorado and amend §13-6-201 (1) to conform. A county identified as Class C or D pursuant to §13-6-201, C.R.S., may opt out of state formula funding for the provision of pretrial services and may instead, request that the state judicial department utilize formula funding to provide services on behalf of counties within a judicial district.	???	
FY19-PR #06 Establish an expedited pretrial release process. Modify §16-4-102 and §16-4-103, C.R.S., to establish, through a locally-determined research-based administrative order, an expedited screening process for persons arrested for an offense committed in that jurisdiction which shall be conducted as soon as practicable upon, but no later than 24 hours after, arrival of a person at the place of detention, allowing for the immediate release of certain low/medium risk persons. If a person does NOT meet the criteria for release as determined by administrative order, the person SHALL BE HELD until the initial court appearance. Also, in §16-4-109, C.R.S., expand the definition of "bonding commissioner."	???	
FY19-PR #07 Revise the initial bond hearing process and the considerations of monetary conditions of bond. For individuals who do not meet the criteria for expedited pretrial release (see Recommendation FY19-PR #06), revise the statutory elements in §16-4-104, -107, & -109, C.R.S., related to the initial bond hearing process.	???	

Colorado Commission on Criminal and Juvenile Justice: 2019 Legislation Update

CCJJ Recommendations - "CCJJ Bills"	Bill/Sponsors	Status
FY19-PR #09 Clarify public defender and district attorney involvement in bail hearings. Append §16-4-104, C.R.S., to clarify in statute that a person is entitled to counsel at the initial bail setting hearing. Clarify that counsel shall have adequate time to prepare for an individualized hearing on bail. Retain language that the district attorney has the right to appear and pretrial information shall be shared.	???	

NOTE: This document was prepared on Thursday, March 7, 2019. On Friday, March 8, 2019, House Bill 2019-1226 was introduced by Reps. Herod & Soper (also, Sen. Lee) on First Reading in the Colorado House of Representatives. This S.B. 19-1226 encompasses the six CCJJ recommendations above.

CCJJ Recommendations - Non-"CCJJ Bills"	Bill/Sponsors	Status
FY19-PR #10 Create a statewide court date reminder system. Amend §13-3-101(11), C.R.S, to require that on or before July 1, 2020, the state court administrator shall develop and manage a statewide court date reminder system. Senate Bill 2019-036 Title: State Court Administrator Reminder Program Concerning requiring the state court administrator to administer a program to remind criminal defendants to appear in court as scheduled.	SB19-036 Sens. Lee/Cooke & Reps. Benavidez/ Carver	Sen. Judiciary Hearing: 2/11/19 Approved, 5-0 To Appropriations

Legislative Mandates to CCJJ	Bill/Sponsors	Status
House Bill 2019-1149 Title: Age Of Delinquency Study Concerning directing the age of delinquency task force of the Colorado commission on criminal and juvenile justice to study serving emerging adults in the juvenile justice system. CCJJ shall: <ul style="list-style-type: none"> • <u>Compile data regarding all criminal filings</u> in the state from the last 3 years that data is available <u>in which a defendant is at least 18 or up to 25 years of age</u>; • <u>Study the established brain research</u> for emerging adults, study the data collected, study the potential impacts on the division of youth services and youthful offender system if they also served emerging adults, and <u>make recommendations to the general assembly</u> regarding appropriate uses of the juvenile justice system for emerging adults; and • <u>Create a report</u> of the collected data and recommendations for the Judiciary Committees of the House of Representatives and Senate <u>by June 30, 2020</u>. 	HB19-1149 Sen. Lee & Rep. Gonzalez- Gutierrez	House Judiciary Hearing: 2/14/19 Approved, 9-1 To Appropriations

Colorado Commission on Criminal and Juvenile Justice: 2019 Legislation Update

Legislative Mandates to CCJJ	Bill/Sponsors	Status
<p>Senate Bill 2019-008 Title: Substance Use Disorder Treatment In Criminal Justice System Concerning treatment of individuals with substance use disorders who come into contact with the criminal justice system, and, in connection therewith, making an appropriation. CCJJ shall <u>study and make recommendations</u> concerning:</p> <ul style="list-style-type: none"> • <u>Alternatives to filing criminal charges</u> against individuals with substance use disorders who have been arrested for drug-related offenses; • <u>Best practices for investigating unlawful opioid distribution</u> in Colorado; and • <u>A process for automatically sealing criminal records for drug offense convictions.</u> <p><u>The commission shall provide a report by July 1, 2020</u> with its findings and recommendations made pursuant to the Judiciary and the Public Health Care and Human Services Committees of the House of Representatives and the Judiciary and the Health and Human Services Committees of the Senate, or any successor committees.</p>	<p>SB19-008 Sens. Moreno/ K. Priola & Reps. Kennedy/ Singer</p>	<p>Sen. Judiciary Assigned: 1/4/19 Hearing: Not set</p>

Of Note	Bill/Sponsors	Status
<p>House Bill 2019-1160 Title: Concerning a Mental Health Facility Program The bill creates a new 3-year mental health facility pilot program to provide residential care, treatment, and services to persons with both a mental health diagnosis and a physical health diagnosis. It contains requirements for applicants and directs the department of public health and environment to select one or 2 applicants for the pilot program.</p>	<p>HB19-1160 Sen. Gardner & Reps. Landgraf/ Singer</p>	<p>House Public Health Care & Human Services Hearing: 2/27/19 Approved, 10-0 To Appropriations</p>
<p>Senate Bill 2019-108 Title: Juvenile Justice Reform Concerning changes to improve outcomes for youth in the juvenile justice system. <i>[Derived from the Colorado: Improving Outcomes for Youth recommendations presented at the December 2018 Commission meeting.]</i></p>	<p>SB19-108 Sens. Lee/Gardner & Reps. Michaelson Jenet/ Soper</p>	<p>Sen. Judiciary Assigned: 1/29/19 Hearing: 2/27/19 Approved, 5-0 To Appropriations</p>

Colorado Commission on Criminal and Juvenile Justice: 2019 Legislation Update

NOT COMPLETED FROM FY 2018 SESSION

CCJJ Recommendation	Sponsors	Status
FY17-RE #02 Prevent adverse private employment actions on the basis of non-conviction, sealed, and expunged records. Promote community safety and economic growth by preventing adverse employment action on the basis of arrests that did not result in a conviction, or criminal justice records that have been sealed or expunged.	Not introduced during 2018 session.	
FY17- RE #04 Promote housing opportunities for people with non-conviction, sealed, and expunged records. Promote community safety and economic growth by: <ul style="list-style-type: none"> • Preventing adverse housing action on the basis of arrests that did not result in conviction, or criminal justice records that have been sealed or expunged. • Allowing prospective tenants denied housing due to a criminal history or credit record to obtain a copy of the record. • Correcting a statutory omission regarding landlords' inquiry into sealed records. • Enacting protections for landlords in civil cases. 	SB18-057 "Consequences of records with respect to housing"	Postponed indefinitely in State, Veterans & Military Affairs
FY17- RE #05 Provide statutory guidance on public housing decisions. Promote community safety and economic growth by: <ul style="list-style-type: none"> • Preventing public housing authorities from taking adverse action against individuals on the basis of arrests that did not result in a conviction, or convictions that have been pardoned, sealed or expunged. • Requiring public housing authorities to consider other convictions using the same criteria the state currently applies for licensure and employment decisions. 	SB18-057 "Consequences of records with respect to housing"	Postponed indefinitely in State, Veterans & Military Affairs

*The list of CCJJ recommendations above includes those with suggestions for statutory modifications relevant to the FY 2019 Legislative session and those not completed in the prior session. The Commission also produces non-statutory, policy-oriented recommendations and monitors their implementation status. **All of the recommendations approved by the Commission and the implementation status of each may be found at, colorado.gov/ccjj/ccjj-recs.***