



## Colorado Commission on Criminal and Juvenile Justice

### Criminal Justice Related Bills

March 8, 2019

#### SENATE BILLS

- ***SB 030 Remediating Improper Guilty Pleas (Gonzales)***
  - The bill finds that some criminal defendants who, when they entered a guilty plea in connection with a deferred judgment, were not advised that there may be additional penalties that attach to the plea even if the plea is later withdrawn and the case is dismissed. These defendants did not knowingly, intelligently, and voluntarily enter the plea of guilty as required by law. The bill authorizes these persons to petition the court for an order vacating the guilty plea.
  - Introduced and assigned to Judiciary, Hearing Jan. 30
  - Passed 3-2 to Approps.
  
- ***SB 049 Sexual Crime 5 Years Statute of Limitation (Sen. Fields/Rep. Michaelson-Jenet)***
  - The bill makes the statute of limitations 3 years for failure to report child abuse when a mandatory reporter has reasonable cause to know or suspect that a child has been subjected to unlawful sexual behavior or observed the child being subjected to circumstances or conditions that would reasonably result in unlawful sexual behavior.
  - Introduced and assigned to Judiciary, Hearing Jan. 28
  - Passed Senate 31-3.
  
- ***SB 064 Concerning Retention of Criminal Justice Programs Funding (Sen. Lee/Rep. Weissman)***
  - Currently money appropriated but unspent for the community-based reentry grant program, the crime victims grant program, the justice reinvestment crime prevention grant program, and the justice reinvestment crime prevention small business program (programs) reverts to the general fund at the end of the fiscal year. The bill creates cash funds for each of the programs so that money for the programs is appropriated into the cash funds and unspent money is available for spending in future years. Currently, the justice reinvestment crime prevention initiative is scheduled for repeal on September 1, 2020. The bill extends the repeal date to September 1, 2023.
  - Assigned to Judiciary, Hearing Jan. 28, Passed 5-0, Referred to Appropriations.
  - Hearing in Approps, March 8. Passed 10-0 to COW.
  
- ***SB 071 Minor Sex Assault Hearsay (Sen. Fields/ Rep. Roberts)***
  - The bill amends the statutory exception to the hearsay rule to admit an out-of-court statement made by a child if certain conditions are satisfied:
  - Introduced and assigned to Judiciary, Hearing Feb. 6
  - Passed Senate 34-0.
  
- ***SB 143 Parole Changes (Sens. Gonzales, Lee/Rep. Herod)***
  - Under current law, there are prison population measures that can be used when the vacancy rate drops below 2 percent. The bill changes the rate to 3 percent and adds a new measure. The new measure allows the department to submit a list of inmates who meet a specified eligibility criteria, have an approved parole plan, and have been assessed to be less than high risk to the parole board for a file review.
  - Introduced and Assigned to Judiciary. Hearing March 13.

- ***SB 165 Increase Parole Board Membership (Sen. Rodriguez)***
  - Under existing law, the state parole board (board) is comprised of 7 members. Two members have experience in law enforcement, and one has experience in offender management. The remaining 4 members must have experience in a relevant field. The bill increases the board's membership to 9 members. The 2 additional members must have experience in a relevant field.
  - Introduced and Assigned to Senate Judiciary, not yet calendared.
- ***SB 182 Death Penalty Repeal (Sens. Williams, Gonzales, Bridges, Court, Garcia, Priola/Reps. Arndt, Benavidez)***
  - The bill repeals the death penalty in Colorado for offenses charged on or after July 1, 2019, and makes conforming amendments.
  - Introduced and assigned to Judiciary.
  - Hearing March 6, passed 3-2 to COW.
- ***SB 185 Protections for Minor Human Trafficking Victims (Sen. Fields/Rep. Landgraf)***
  - The bill clarifies definitions in the "Colorado Children's Code" concerning victims of human trafficking of a minor for involuntary servitude and for sexual servitude. The bill creates immunity for a violation of a prostitution-related offense if probable cause exists to believe that a minor was a victim of either human trafficking of a minor for involuntary servitude or for sexual servitude. The bill establishes an affirmative defense for all criminal violations, except class 1 felonies, if a minor proves that he or she was:
    - A victim of human trafficking of a minor for involuntary servitude or sexual servitude; and
    - Forced or coerced into engaging in the criminal acts.
  - Introduced and assigned to State Affairs, not yet calendared.

## HOUSE BILLS

- ***HB 1051 Concerning Human Trafficking Prevention Training by the Department of Public Safety (Rep. Carver/McLachlan Sen. Gardner/Jinal)***
  - The bill requires the division of criminal justice to provide human trafficking training to law enforcement agencies and entities that provide services to human trafficking victims.
  - Introduced and assigned in Judiciary, Hearing Jan. 17, *Passed 11-0 to Appropriations*
- ***HB 1064 Victim Rights Opt In (Rep. Sullivan)***
  - The bill eliminates requirements that victims must opt in to effect their rights in criminal proceedings involving their alleged offender or offender.
  - Introduced and assigned to Judiciary, Hearing Feb. 28
  - Passed 7-3, to Approps.
- ***HB 1073 CISC Grant Program (Rep. Benevitez/Sen. Fields)***
  - The bill creates the law enforcement, public safety, and criminal justice information sharing grant program (grant program) within the division of homeland security and emergency management (division) in the department of public safety. The grant program provides grants to assist local law enforcement agencies in gaining access to the information-sharing system created by the Colorado information sharing consortium (CISC). Grant recipients can use the money to pay for computer hardware, software, and programming costs necessary to connect to CISC's information-sharing systems.
  - Introduced and assigned to Judiciary, Hearing Jan. 29<sup>th</sup>,
  - Passed 7-3, Sent to Approps, not yet calendared.

- ***HB 1119 Disclosure of IA Files (Rep. Coleman)***
  - The bill makes an internal investigation file (file) of a peace officer for in-uniform or on-duty conduct that involves a member of the public subject to an open records request. The bill requires some information to be redacted and allows other information to be redacted before complying with the open records request. The bill allows the custodian of the file to first provide a summary of the file to the requester and then allows the requester access to the file after the requester has reviewed the summary. Under the bill, a custodian of a file in which there is an ongoing criminal case can deny inspection of the file. The file becomes open for inspection after all the charges are dismissed or the defendant is sentenced.
  - Introduced and assigned to Judiciary.
  - Passed 7-4 to COW, Passed House 33-29
  
- ***HB 1124 Federal Overreach (Rep. Benavidez)***
  - The bill prohibits a department, agency, board, commission, or officer or employee of the state or a political subdivision of the state from using public funds or resources to assist in the enforcement of federal civil immigration laws. The bill allows a state employee or employee of a political subdivision of the state to cooperate or assist federal immigration enforcement authorities in the execution of a warrant issued by a federal judge or magistrate or honoring any writ issued by any state or federal judge concerning the transfer of a prisoner to or from federal custody.
  - Introduced and assigned to Transportation and Local Gov't Appropriations, Hearing March, 20.
  
- ***HB 1166 Name-Based Criminal History Record Checks (Rep. Sullivan)***
  - Current law requires certain people, including applicants for certain licenses, employment, or volunteer activities, to undergo a fingerprint-based criminal history record check. The bill adds the requirement that the person submit to a name-based criminal history record check when the fingerprint-based check reveals a record of arrest but does not show a disposition in the case.
  - Introduced and Assigned to Business and Labor, Hearing Feb. 13.
  - Passed 11-0, to Approps.
  
- ***HB 1184 Demographic Notation on Legislative Bills (Reps Herod/Caraveo)***
  - The bill requires the staff of the legislative council to prepare demographic notes on legislative bills in each regular session of the general assembly. The speaker of the house of representatives, the minority leader of the house of representatives, the president of the senate, and the minority leader of the senate are authorized to request 5 demographic notes each, or more at the discretion of the director of research of the legislative council.
  - Introduced and assigned to Finance.
  - Hearing March, 4, passed 6-3 to Approps.