



Colorado Commission on Criminal and Juvenile Justice

Minutes

SPECIAL MEETING
 May 27, 2020 / 1:30pm
 (Virtual meeting)

Commission Member Attendance

Stan Hilkey, Chair	Serena Gonzales-Gutierrez - ABSENT	Tom Raynes
Abigail Tucker, Vice Chair	Kristen Hilkey	Cliff Riedel
Chris Bachmeyer - ABSENT	Nancy Jackson	Megan Ring
Minna Castillo-Cohen - ABSENT	Jessica Jones	Gretchen Russo - ABSENT
Shawn Day	Bill Kilpatrick – ABSENT	Matt Soper - ABSENT
Janet Drake	Rick Kornfeld	Jennifer Stith – ABSENT
Valarie Finks	Matt Lewis - ABSENT	Glenn Tapia
Bob Gardner	Andrew Matson	Anne Tapp
Priscilla Gartner	Greg Mauro	Dean Williams
Julie Gonzales - ABSENT	Angie Paccione	Joe Thome, <i>ex officio</i>

Guests: Maureen Cain, Office of Public Defender

Mr. Hilkey, Commission Chair called the meeting to order at 1:30 pm. Mr. Hilkey thanked Commissioners for attending and stated that he called a Commission meeting to determine whether Senate Bill 2020-161 (Concerning Pretrial Release) continues to reflect the intent of CCJJ Recommendation FY20-PR #03 (Implement Bail Bond Reform) and thereby maintain the support of the Commission. This matter was referred by the members of the CCJJ Legislative Subcommittee in a meeting on Friday, May 22. The Subcommittee is charged to make such decisions regarding CCJJ-derived bills, but, in accordance with CCJJ protocol, decided to refer the matter to the Commission for consideration.

Due to the prevailing April 10 Commission motion to “suspend the Commission proceedings until June”, Mr. Hilkey requested a motion “to reopen the CCJJ for business and be able to consider this amended version of S.B. 20-161.” A proper motion was established and with no further discussion, and in accordance with Commission protocol, a simple majority vote of the quorum was conducted. Mr. Hilkey asked whether there was opposition to the motion. There was no opposition.

VOTE:

Support: 19

Do not support: 0

The motion was APPROVED.

**CONSIDERATION OF SENATE BILL 2020-161 (Concerning Pretrial Release)
and the intent of CCJJ Recommendation FY20-PR #03 (Implement Bail Bond Reform)**

Mr. Hilkey explained that Recommendation FY20-PR #03 was approved by the Commission and, based on that recommendation, S.B. 20-161 was subsequently drafted and introduced. Funding priorities have shifted in response to COVID-19 and significant changes have been made to the bill, including the loss of funding. Mr. Hilkey invited Ms. Cain to provide an overview of the amendments to the bill.

Ms. Cain directed Commissioners to a document (“Brief Summary of the Proposed Changes to SB20-161”) distributed to Commissioners by email that she used as the outline of her remarks. The document is available on the Commission website at, Colorado.gov/ccjj/ccjj-mtgs-2020, under “May 27, 2020 - Special Meeting.” In sum, most of the changes were to eliminate the aspects of the bill with associated costs, providing jurisdictions the ability to implement elements of the bill only if resource become available.

Ms. Cain noted communicating with a representative of the bail industry who indicated that they will continue to oppose the bill. She also contacted Colorado Counties, Inc., but they have yet to provide a position on the amended bill. Ms. Jackson believed the general feeling is that as long as Counties are protected from any additional costs, there would be no opposition.

DISCUSSION

Mr. Riedel moved that the Commission NOT SUPPORT [*withdraw CCJJ support from*] the amended Senate Bill 2020-161. Ms. Finks seconded the motion.

Commissioners expressed a variety of perspectives in support and in opposition to the motion:

- Might provisions of the amended bill still reduce jail populations, which, in light of the current COVID-19 crisis, would be a positive outcome? Some of the provisions could eliminate or reduce the pretrial period of time spent in jails.
- The original bill was based on a package of pretrial changes in the recommendation and the amended Senate Bill 20-161 no longer reflects the recommendation intent.
- The critical focus of the recommendation was to provide pretrial services statewide as a preliminary step toward the elimination of money bond. Without uniform statewide pretrial services, the ability to mitigate the potential risks of non-monetary releases is lost.
- The statewide implementation of pretrial services was an essential element for the victim community.
- Funding priorities have shifted in response to COVID-19 and the set-aside of \$5M within the Governor’s budget is no longer allocated for the statewide pretrial services component. If the bill passes without an integrated funding component, state and local entities would have to compete against each other for funds in subsequent budget cycles.
- Local jurisdictions, especially the smaller and more rural jurisdictions cannot support the amended bill due to the loss of funding.

- Although the mandate to implement statewide pretrial services has been lost, the amended bill still offers a framework to build toward statewide pretrial services, which, in fact, would save jurisdictions money.
- Even without the mandate, the philosophical underpinning of the amended bill sets the stage for culture change around pretrial processes and moving forward with the amended bill helps provide a degree of consistency in pretrial methods.

Mr. Hilkey solicited the members for any further discussion and seeing none, and in accordance with Commission protocol, a simple majority vote of the quorum was conducted by roll call. Accounting for two announced abstentions and to prevent vote parity, the Chair did not vote.

VOTE

Support: 8

Do not support: 9

Abstain: 2

The motion to NOT SUPPORT (withdraw CCJJ support from] Senate Bill 2020-161 was NOT APPROVED.

Ms. Jackson asked whether the CCJJ position might somehow reflect the degree of division inherent in such a close vote. Mr. Hilkey observed that the vote total would definitely represent that fact.

PUBLIC COMMENT

Mr. Hilkey asked whether there was any member of the public in attendance who would like to offer comment. No public comment was offered.

ADJOURNMENT

Mr. Hilkey thanked Commissioners for their time, asked the group for any final comments, and seeing none, he reminded members of the upcoming June 12, 2020 Commission meeting. Seeing no further business, Mr. Hilkey adjourned the meeting at 2:31 pm.

NOTE: Subsequent to this May 27, 2020 CCJJ Special Meeting, the Colorado Senate Committee on Appropriations postponed Senate Bill 2020-161 Indefinitely on 06/10/2020.