

Colorado Commission on Criminal and Juvenile Justice

Sentencing Reform Task Force

Sentence Structure Working Group

Q & A Session: Possession of Weapons by Previous Offenders (POWPO)

February 4, 2022 / 1:30PM-1:45PM

Virtual Meeting

ATTENDEES

WORKING GROUP MEMBERS

Michael Dougherty, Co-chair/District Attorney, 20th Judicial District

Jessica Jones, Defense Attorney

STAFF

Jack Reed, Division of Criminal Justice

Kevin Ford, Division of Criminal Justice

Laurence Lucero, Division of Criminal Justice

Stephane Waisanen, Division of Criminal Justice

COMMISSIONERS/GUESTS

Stan Hilkey, CCJJ Chair/CDPS Executive Director

Gretchen Russo, Commissioner/Juvenile Parole Board member

Issue/Topic	Discussion
Welcome and Overview <i>Michael Dougherty</i>	Michael welcomed Commissioners to the meeting. This optional Question & Answer Session was offered by members of the Sentencing Reform Task Force (SRTF) and its Sentence Structure Working Group to answer questions from Commission members and guests regarding the preliminary recommendation on Possession of Weapons by Previous Offenders (POWPO) presented by the SRTF at the January 26 meeting of the Commission. This meeting was open to the public.

Issue/Topic	Discussion
Overview of POWPO Recommendation <i>Michael Dougherty</i>	Mr. Dougherty reminded the group that the review of <i>Senate Bill 2021-271: Misdemeanor Reform</i> , which has an implementation date of March 2022, identified substantive changes necessary before the implementation specifically regarding Possession of Weapons by Previous Offenders (POWPO). POWPO previously allowed for the prosecution of anyone with a previous felony conviction who was found in possession of a firearm. <i>Senate Bill 2021-271</i> limited that crime to the 49 felonies present in the Victim's Rights Amendment (VRA). The Working Group, collaborating with CDAC, Colorado Ceasefire, and other stakeholders, found other POWPO-eligible offenses that would be appropriate for inclusion. The Working Group's efforts and feedback

<p>Issue/Topic Overview of POWPO Recommendation <i>Michael Dougherty</i> (continued)</p>	<p>from stakeholders yielded a list of additional felonies that were recommended for inclusion. The Working Group, after considering that feedback, recommended adding 61 felony offenses to the list of VRA offenses. Specifically, the expanded list includes offenses with a potential impact on public safety or direct harm to victims.</p>
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<p>Issue/Topic Questions/Public Comment <i>Michael Dougherty</i></p>	<p style="text-align: center;">Discussion</p> <p>At the SRTF meeting in January, an amendment to the recommendation was offered to add the offenses “<i>Distribution of Dangerous Drugs</i>” and “<i>Aggravated Motor Vehicle Theft</i>,” but the amendment failed.</p> <p>Mr. Hilkey asked for more information about the arguments against adding “<i>Distribution of Dangerous Drugs</i>” and “<i>Aggravated Motor Vehicle Theft</i>.” Mr. Hilkey shared that he had received feedback from numerous sheriffs and police chiefs who recommend that offenses such as Aggravated Motor Vehicle Theft and the distribution of “hard drugs” should be predicate offenses under this POWPO revision.</p> <p>Mr. Dougherty responded that one of arguments against adding those charges was the belief that the charges do not appear to fit the public safety considerations. While some members felt that the list should be expanded, others who felt the list should be reduced. Mr. Dougherty reported that most of the Task Force members voted against the amendment in the spirit of compromise considering the collaborative process that led to the recommendation, which represented a significant amount of work and consideration from all the Working Group members along with input from stakeholders. He also explained that because “<i>Aggravated Assault</i>” and other violent crime charges would be POWPO-eligible, the charge of “<i>Aggravated Motor Vehicle Theft</i>” could still be brought in the context of other violent crime committed during the motor vehicle theft.</p>
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<p>Issue/Topic Adjournment <i>Michael Dougherty</i></p>	<p style="text-align: center;">Discussion</p> <p>Michael asked if there were any additional comments and, hearing none, adjourned the meeting about 1:45pm.</p>
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