

CHAPTER 318

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 18-1287

BY REPRESENTATIVE(S) Weissman, Becker K., Buckner, Coleman, Exum, Gray, Hamner, Hansen, Herod, Hooton, Jackson, Kennedy, Lee, Melton, Michaelson Jenet, Pettersen, Rosenthal, Singer, Winter, Young, Duran;
also SENATOR(S) Cooke and Kagan, Aguilar, Fenberg, Fields, Gardner, Guzman, Jahn, Jones, Kefalas, Kerr, Lambert, Martinez Humenik, Merrifield, Moreno, Tate, Todd.

AN ACT

CONCERNING THE EXTENSION OF THE REPEAL OF THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **amend** 16-11.3-105 as follows:

16-11.3-105. Repeal of article. This ~~article~~ ARTICLE 11.3 is repealed, effective ~~July 1, 2018~~ JULY 1, 2023. PRIOR TO SUCH REPEAL, THE DEPARTMENT OF REGULATORY AGENCIES SHALL REVIEW THE COMMISSION AS DESCRIBED IN SECTION 2-3-1203.

SECTION 2. In Colorado Revised Statutes, 24-1-128.6, **amend** (8)(b) as follows:

24-1-128.6. Department of public safety - creation - repeal. (8) (b) This subsection (8) is repealed, effective ~~July 1, 2018~~ JULY 1, 2023.

SECTION 3. In Colorado Revised Statutes, 16-11.3-102, **amend** (2)(a) introductory portion, (2)(a)(XI) introductory portion, (2)(a)(XI)(H), (2)(a)(XI)(I), and (3)(b); **repeal** (2)(a)(XI)(D); and **add** (2)(a)(V.5), (2)(a)(XI)(J), (2)(a)(XI)(K), (2)(a)(XI)(L), (2)(a)(XI)(M), and (3)(c) as follows:

16-11.3-102. Colorado commission on criminal and juvenile justice - creation - membership - operation. (2) (a) The commission consists of ~~twenty-six~~ TWENTY-NINE voting members, as follows:

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(V.5) THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT ATTORNEYS' COUNCIL, OR HIS OR HER DESIGNEE, AND ONE ELECTED DISTRICT ATTORNEY, TO BE DESIGNATED BY THE COLORADO DISTRICT ATTORNEYS' COUNCIL;

(XI) ~~Twelve~~ THIRTEEN members appointed by the governor as follows:

(D) ~~Two elected district attorneys;~~

(H) One member who is a representative of a community corrections provider, a community corrections board member, or a behavioral, mental health, or substance use disorder treatment provider; ~~and~~

(I) ~~Three members who shall be appointed at-large.~~ ONE MEMBER WHO IS A VICTIM, AS DEFINED IN SECTION 24-4.1-302 (5), WHO HAS DEMONSTRATED KNOWLEDGE OF THE CRIMINAL JUSTICE SYSTEM AND ITS IMPACTS;

(J) A PERSON WHO IS A FORMER OFFENDER WHO HAS DEMONSTRATED KNOWLEDGE OF THE CRIMINAL JUSTICE SYSTEM AND ITS IMPACTS;

(K) A REPRESENTATIVE OF A NONPROFIT ORGANIZATION REPRESENTING MUNICIPALITIES;

(L) A VICTIM'S ADVOCATE, AS DEFINED IN SECTION 13-90-107 (1)(k)(II); AND

(M) TWO MEMBERS WHO SHALL BE APPOINTED AT-LARGE.

(3) (b) Each appointing authority shall appoint the initial appointed members of the commission within sixty days after May 23, 2007. THE GOVERNOR SHALL APPOINT THE COMMISSION MEMBERS DESCRIBED IN SUBSECTION (2)(a)(XI)(I), (2)(a)(XI)(J), (2)(a)(XI)(K), AND (2)(a)(XI)(L) OF THIS SECTION ON OR BEFORE JULY 1, 2018. An appointed member shall not serve more than two consecutive full terms, in addition to any partial term. In the event of a vacancy in an appointed position by death, resignation, removal for misconduct, incompetence, neglect of duty, or otherwise, the appointing authority shall appoint a member to fill the position for the remainder of the unexpired term.

(c) A PERSON WHO HAS BEEN APPOINTED AND SUBSEQUENTLY REAPPOINTED TO THE COMMISSION BY THE SAME GOVERNOR IN ANY CAPACITY DESCRIBED IN SUBSECTION (2)(a)(XI) OF THIS SECTION MAY NOT BE APPOINTED BY THE SAME GOVERNOR TO SERVE IN ANY OTHER CAPACITY DESCRIBED IN SAID SUBSECTION (2)(a)(XI).

SECTION 4. In Colorado Revised Statutes, 16-11.3-103, **add** (7) as follows:

16-11.3-103. Duties of the commission - mission - staffing. (7) ON OR BEFORE MAY 1 OF EACH EVEN-NUMBERED YEAR, THE COMMISSION SHALL REQUEST A LETTER FROM THE GOVERNOR SUGGESTING TOPICS FOR THE COMMISSION TO STUDY. IN PREPARING THE LETTER, THE GOVERNOR IS ENCOURAGED TO CONSULT WITH THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT AND THE MAJORITY AND MINORITY LEADERS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE.

SECTION 5. In Colorado Revised Statutes, 2-3-1203, **add** (14)(a)(VII) as follows:

2-3-1203. Sunset review of advisory committees - legislative declaration - definition - repeal. (14) (a) The following statutory authorizations for the designated advisory committees are scheduled for repeal on September 1, 2023:

(VII) THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE CREATED IN SECTION 16-11.3-102.

SECTION 6. Appropriation. (1) For the 2018-19 state fiscal year, \$255,443 is appropriated to the department of public safety. This appropriation is from the general fund and is based on an assumption that the department will require an additional 2.5 FTE. To implement this act, the department may use this appropriation as follows:

Executive director's office, administration

Health, life, and dental	\$23,781
Short-term disability	\$216
S.B. 04-257 amortization equalization disbursement	\$5,685
S.B. 06-235 supplemental amortization equalization disbursement	\$5,685

Division of criminal justice, administration

DCJ administrative services	\$220,076 (2.5 FTE)
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SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 30, 2018