

CHAPTER 12

CRIMINAL LAW AND PROCEDURE

SENATE BILL 24-029

BY SENATOR(S) Gonzales and Rodriguez, Buckner, Coleman, Cutter, Danielson, Exum, Fields, Hansen, Hinrichsen, Kolker, Marchman, Michaelson Jenet, Priola;
also REPRESENTATIVE(S) Amabile and Garcia, Martinez, Bacon, Boesenecker, Brown, Clifford, Daugherty, deGruy Kennedy, Epps, Froelich, Hernandez, Herod, Jodeh, Kipp, Lindsay, Mabrey, Marvin, Mauro, McLachlan, Ortiz, Parenti, Ricks, Rutinel, Sirota, Story, Titone, Valdez, Vigil, Weissman, Willford, McCluskie.

AN ACT**CONCERNING A STUDY OF HOW TO MEASURE THE EFFECTIVENESS OF THE CRIMINAL JUSTICE SYSTEM USING METRICS OTHER THAN RECIDIVISM.**

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Emerging research indicates that reliance on recidivism rates as the only measure of desistance from criminal behavior does not capture other important markers of successful reintegration into society; and

(b) A 2022 consensus study report of the National Academies of Sciences, Engineering, and Medicine, "The Limits of Recidivism", recommends that efforts to evaluate success within the criminal legal system should: Shift away from exclusive reliance on measuring recidivism, which it describes as an imprecise proxy at best for measuring return to criminal behavior; clarify the limitations of certain measures of recidivism; draw more heavily on desistance as a measure of post-release outcomes in the criminal legal system; and expand the measurement of success to include well-being in a broad range of life domains.

(2) Therefore, expanding the scope of metrics used by the criminal legal system is necessary to more comprehensively assess supervision outcomes, criminal desistance, system performance, and client experience while under criminal justice supervision.

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

SECTION 2. In Colorado Revised Statutes, **add** 24-33.5-535 as follows:

24-33.5-535. Alternative metrics to measure criminal justice system performance - working group - created - report - repeal. (1) THERE IS CREATED IN THE DIVISION THE ALTERNATIVE METRICS TO MEASURE CRIMINAL JUSTICE SYSTEM PERFORMANCE WORKING GROUP TO MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING METRICS OTHER THAN RECIDIVISM TO ASSESS SUPERVISION OUTCOMES, CRIMINAL DESISTANCE, CLIENT EXPERIENCE IN THE CRIMINAL JUSTICE SYSTEM, AND CRIMINAL JUSTICE SYSTEM PERFORMANCE.

(2) (a) THE WORKING GROUP CONSISTS OF THE FOLLOWING MEMBERS:

(I) A REPRESENTATIVE OF THE DIVISION OF YOUTH SERVICES WITHIN THE DEPARTMENT OF HUMAN SERVICES, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES;

(II) A REPRESENTATIVE OF THE DEPARTMENT OF CORRECTIONS, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS;

(III) A REPRESENTATIVE OF THE JUDICIAL DEPARTMENT, APPOINTED BY THE STATE COURT ADMINISTRATOR;

(IV) A REPRESENTATIVE OF THE DEPARTMENT OF PUBLIC SAFETY, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY;

(V) TWO MEMBERS FROM AN INSTITUTION OF HIGHER EDUCATION WITH EXPERTISE IN THE CRIMINAL LEGAL SYSTEM WHO HAVE CONDUCTED RELEVANT RESEARCH REGARDING THE EFFECTIVENESS OF THE CRIMINAL LEGAL SYSTEM, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY; AND

(VI) TWO MEMBERS WHO ARE EACH A REPRESENTATIVE OF A COMMUNITY-BASED ORGANIZATION THAT WORKS FOR CRIMINAL LEGAL REFORM, APPOINTED BY THE PRESIDENT OF THE SENATE.

(b) NO LATER THAN NOVEMBER 30, 2024, THE APPOINTING AUTHORITIES SHALL MAKE THEIR APPOINTMENTS TO THE WORKING GROUP.

(c) MEMBERS OF THE WORKING GROUP DO NOT RECEIVE COMPENSATION OR REIMBURSEMENT FOR EXPENSES.

(d) THE DIVISION SHALL FACILITATE THE WORK OF THE WORKING GROUP. THE WORKING GROUP SHALL ALLOW FOR REMOTE PARTICIPATION AT EACH MEETING OF THE WORKING GROUP.

(3) (a) THE DIVISION SHALL CONVENE THE FIRST MEETING OF THE WORKING GROUP NO LATER THAN FEBRUARY 1, 2025.

(b) THE WORKING GROUP SHALL CONSULT WITH STAKEHOLDERS EITHER IDENTIFIED BY THE WORKING GROUP OR WHO REQUEST TO PARTICIPATE IN THE WORKING GROUP'S WORK. THE GENERAL ASSEMBLY ENCOURAGES THE WORKING

GROUP TO PROVIDE AN OPPORTUNITY FOR STAKEHOLDER PARTICIPATION AT EACH WORKING GROUP MEETING.

(4)(a) THE WORKING GROUP SHALL STUDY METRICS AND METHODS, OTHER THAN MEASURING RECIDIVISM, TO:

(I) SUPPLEMENT THE CURRENT MEASURE OF RECIDIVISM, INCLUDING MEASURES OF DESISTANCE FROM CRIME SUCH AS REDUCTIONS IN THE FREQUENCY AND SERIOUSNESS OF NEW CRIMINAL BEHAVIOR AND INCREASES IN THE LENGTH OF TIME BETWEEN CRIMINAL BEHAVIORS;

(II) MEASURE RISK-REDUCTION OUTCOMES;

(III) COMPREHENSIVELY MEASURE SUCCESSFUL OUTCOMES THAT CONSIDER VARIOUS ASPECTS OF LIFE, INCLUDING EMPLOYMENT, HOUSING, EDUCATION, MENTAL HEALTH, PERSONAL WELL-BEING, SOCIAL SUPPORTS, AND CIVIC AND COMMUNITY ENGAGEMENT; AND

(IV) MORE EFFECTIVELY MEASURE CRIMINAL JUSTICE SYSTEM PERFORMANCE TO ENSURE ALIGNMENT WITH BEST PRACTICES BOTH IN SUPERVISION PROGRAM DESIGN AND IMPLEMENTATION.

(b) AS PART OF ITS STUDY OF ALTERNATIVE METRICS AND METHODS, THE WORKING GROUP SHALL ALSO IDENTIFY:

(I) METHODS TO OBTAIN INFORMATION FROM INDIVIDUALS UNDER SUPERVISION, AS WELL AS THOSE RECENTLY TERMINATED FROM SUPERVISION, REGARDING THE INDIVIDUALS' SUPERVISION EXPERIENCES. THE INFORMATION MAY INCLUDE THE QUALITY AND PERCEIVED EFFECTIVENESS OF THE RELATIONSHIP WITH AN INDIVIDUAL'S SUPERVISING AGENT; ACCESS TO NEEDED SUPPORTS AND SERVICES; AND SELF-ASSESSMENT OF AN INDIVIDUAL'S STABILITY AND OVERALL WELL-BEING, BOTH BEFORE AND AFTER SUPERVISION.

(II) DATA COLLECTION GAPS OR BARRIERS, AND MAKE RECOMMENDATIONS FOR HOW TO ADDRESS THOSE GAPS OR BARRIERS, INCLUDING THE NEED FOR THE STATE TO INVEST IN STRENGTHENING DATA COLLECTION AND DATA MATCHING CAPACITY;

(III) LIMITATIONS OR QUALIFIERS THAT NEED TO BE UNDERSTOOD REGARDING ANY METRIC OR METHOD INCLUDED IN THE WORKING GROUP'S RECOMMENDATIONS;

(IV) THE TIMELINE TO DEVELOP AND IMPLEMENT A NEW METRIC OR METHOD, AND POTENTIAL RESOURCES NEEDED FOR DEVELOPMENT AND IMPLEMENTATION; AND

(V) ANY CUSTOMIZATION OF A METRIC OR METHOD THAT MAY BE NECESSARY TO ACCOUNT FOR THE AGE, GENDER, RACE, ETHNICITY, OR RISK-LEVEL OF A SPECIFIC COHORT BEING MEASURED USING A RECOMMENDED METRIC OR METHOD.

(5) ON OR BEFORE JULY 1, 2025, THE WORKING GROUP SHALL SUBMIT ITS REPORT TO THE HOUSE OF REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE AND THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE AND THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE AND THE SENATE

JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES. THE REPORT MUST INCLUDE A SUMMARY OF THE WORKING GROUP'S WORK AND ANY RECOMMENDATIONS OF THE WORKING GROUP ABOUT THE DEVELOPMENT AND IMPLEMENTATION OF METHODS AND METRICS, OTHER THAN MEASURING RECIDIVISM, TO EVALUATE THE EFFECTIVENESS OF THE CRIMINAL JUSTICE SYSTEM.

(6) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2026.

SECTION 3. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: March 6, 2024