

STATE OF COLORADO

Colorado General Assembly

Natalie Castle, Director
Legislative Council Staff

Colorado Legislative Council
200 E. Colfax Ave., Room 011
Denver, Colorado 80203-1716
303-866-3521
lcs.ga@coleg.gov



Ed DeCecco, Director
Office of Legislative Legal Services

Office of Legislative Legal Services
1375 Sherman St., Suite 300
Denver, Colorado 80261
303-866-2045
olls.ga@coleg.gov

MEMORANDUM

To: Elisabeth Sciotto and Anthony Caraveo

From: Legislative Council Staff and Office of Legislative Legal Services

Date: May 27, 2026

Subject: Proposed Initiative Measure 2027-2028 #6, Concerning Clemency Powers

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Legislative Council Staff and the Office of Legislative Legal Services to “review and comment” on initiative petitions for proposed laws and amendments to the Colorado Constitution. We hereby submit our comments and questions to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council Staff and the Office of Legislative Legal Services is to provide comments and questions intended to aid designated representatives, and the proponents they represent, in determining the language of their proposal and to avail the public of the contents of the proposal. Our first objective is to be sure we understand your intended purposes of the proposal. We hope that the comments and questions in this memorandum provide a basis for discussion and understanding of the proposal. Discussion between designated representatives or their legal representatives and employees of the Legislative Council Staff and the Office of Legislative Legal Services is encouraged during review and comment meetings, but comments or discussion from anyone else is not permitted.

Purposes

The major purpose of the proposed amendment to the Colorado Constitution appears to be to add adjudication to the list of eligible conduct for which the governor can grant a reprieve, commutation, or pardon.

Substantive Comments and Questions

The substance of the proposed initiative raises the following comments and questions:

1. Article V, section 1 (5.5) of the Colorado Constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
2. Article V, section 1 (8) of the Colorado Constitution requires that the following enacting clause be the style for all laws adopted by the initiative: “Be it Enacted by the People of the State of Colorado”. To comply with this constitutional requirement, this phrase must be added to the beginning of the proposed initiative.
3. In addition to the constitutional changes, you have also included in the initiative an explanation of the changes. If you want that explanation included in the measure, it should be a declaration or intent statement. Otherwise, please omit the explanatory statements from the measure and include only the proposed changes to the law and other required language (see substantive question #2, above, and the technical comments below).
4. Article V, section 1 (4)(a) of the Colorado Constitution requires that when the majority of voters approve an initiative, the initiative is effective on and after the date of the official declaration of the vote and proclamation of the governor.
 - a. Because the proposed initiative does not contain an effective date, this would be the default effective date. Does this default effective date satisfy your intent? If not, you should include the desired effective date that is not earlier than the default effective date to comply with this constitutional requirement.
 - b. Do you intend the initiative to apply to juvenile adjudications entered on or after the effective date, or to apply retroactively?
5. Would you consider adding in “and delinquent acts” after “offenses” to clarify the intended outcome in covering both adult offenses and juvenile delinquent acts?
6. Current statutory law, article 17 of title 16, C.R.S., prescribes the procedure and process by which an offender applies for a commutation or pardon of their sentence. Would you consider adding in juvenile adjudication to that section or

creating a similar section to address the reprieve, commutation, and pardon of a juvenile adjudication?

7. Various other current statutory provisions refer only to the pardon of a conviction for an offense. Would you consider updating those provisions to include the pardoning of a juvenile adjudication?

Technical Comments

The following comments address technical issues raised by the form of the proposed initiatives. These comments will be read aloud at the public meeting only if the designated representatives so request. You will have the opportunity to ask questions about these comments at the review and comment meeting. Please consider revising the proposed initiative as follows:

1. Each constitutional provision being amended, repealed, or added is preceded by a separate clause, referred to as the “amending clause,” that explains how the law is being changed. Amending clauses are written in lowercase type and follow a specific format. Example: “In the constitution of the state of Colorado, **amend** section 7 of article IV as follows:”.
2. Each section in the Colorado Constitution has a headnote. Headnotes briefly describe the content of the section. The applicable headnote here is:
“Section 7. Governor may grant reprieves and pardons.”
3. It is standard drafting practice to use SMALL CAPITAL LETTERS, not ***bold italics***, to show the language being added to the C.R.S. or Colorado Constitution. To find small capital letters in Microsoft Word, go to the Home tab, click the arrow in the bottom right corner of the Font group, and in the Font dialog box, check the Small Caps checkbox under Effects. If you choose to make changes to the headnote, those changes should remain in lowercase **bold** letters. If you choose to include a non-constitutional declaration or intent statement, those remain in regular type because they are not part of the law.
4. Would you consider updating the section to use gender-neutral language and our current drafting style, for example, changing “he” to “the governor”?