



## Legislative Council Staff

*Nonpartisan Services for Colorado's Legislature*

Room 029 State Capitol, Denver, CO 80203-1784

Phone: (303) 866-3521 • Fax: (303) 866-3855

[lcs.ga@state.co.us](mailto:lcs.ga@state.co.us) • [leg.colorado.gov/lcs](http://leg.colorado.gov/lcs)

## Memorandum

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February 21, 2020

**TO:** Interested Persons

**FROM:** Juliann Jenson, Research Analyst, 303-866-3264

**SUBJECT:** Criminal Justice Reform Bills

### Summary

This memorandum provides a listing of criminal justice reform bills passed in Colorado over the past several years. More specifically, the attached table provides the bill number, title, and description of the criminal justice reform legislation, organized by category (i.e., bail, juvenile, sentencing, etc.).

Please note that this listing only highlights legislation that is typically considered to be reformative in nature, in that it aims to fix or improve upon perceived errors or current practices in the criminal justice system. Criminal justice reform encompasses every step in the criminal justice system, from what a state chooses to criminalize, to law enforcement and prosecutor engagement with communities and the accused, to how long people are kept in prison or jail, to reintegration upon return to society.

**Table 1  
Criminal Justice Reform Legislation in Colorado:  
2013-2019**

<b>Bill #</b>	<b>Title</b>	<b>Description</b>
<b>Bail, Bond, and Pretrial</b>		
HB13-1156	Adult Pretrial Diversion Program	Creates a pre-filing diversion program for adults statewide and a state grant program for district attorneys to create or expand an adult pre-filing diversion program.
HB13-1210	Right to Legal Counsel in Plea Negotiations	Makes Colorado law consistent with a U.S. Supreme Court decision regarding the right to legal counsel during critical stages, including plea negotiations.
HB13-1236	Best Practices in Bond Setting	Repeals and reenacts provisions of the Criminal Procedure Code related to bail bonds; places a greater emphasis on evidence-based and individualized decision-making during the bond-setting process and discourages use of monetary conditions for bond.
HB13-1242	Repeal Mandatory Sentence Bail Condition Violation	Repeals mandatory sentencing provisions related to violation of bail bond conditions.
HB16-1104	Summons in Lieu of Warrant for Non-violent Crimes	Changes the rules and procedures for when a summons can be issued to a defendant in lieu of a warrant.
HB16-1309	Right to Counsel in Municipal Court	Requires counsel to be provided at first appearance to defendants who cannot afford to bond out of jail on a minor municipal offense and who face a possible jail sentence.
SB17-178	Marijuana Use as a Condition of Bond	Prohibits courts from requiring medical marijuana patients to abstain from their medicine as a condition of bond.
HB19-1225	No Monetary Bail for Certain Low-Level Offenses	Prohibits judges from requiring cash bail for anyone accused of a traffic offense, petty offense, or similar municipal offense.
SB19-036	State Court Administrator Reminder Program	Requires the state court system to implement a program that sends defendants reminders about court dates via text messages.
SB19-191	Prompt Pretrial Liberty and Fairness	Creates timelines for bond hearings and the release of people who post bail.
<b>Behavioral Health</b>		
SB17-012	Competency Restoration Services and Education	Requires court to consider out-of-custody competency services on an outpatient basis for defendants on bond or summons and for juvenile competency services to be provided in the least restrictive environment.
SB17-021	Assistance to Released Mentally Ill Offenders	Establishes a housing program that provides vouchers and other support services to people with a mental health or co-occurring behavioral health disorder who are transitioning out of Department of Corrections (DOC), Division of Youth Corrections, or a county jail.
SB17-207	Strengthen Colorado Behavioral Health Crisis System	Establishes a coordinated behavioral health crisis response system.
HB18-1050	Competency to Proceed Juvenile Justice System	Establishes juvenile-specific definition of competent to proceed and incompetent to proceed for juveniles involved in the juvenile justice system.
SB18-249	Redirection Criminal Justice Behavioral Health	Establishes alternative programs in the criminal justice system to divert individuals with a mental health condition to community treatment.
SB18-250	Jail Based Behavioral Health Services	Establishes the Jail Based Behavioral Health Services program within the Office of Behavioral Health.
SB18-251	Statewide Behavioral Health Court Liaison Program	Creates a behavioral health court liaison program within the Office of the State Court Administrator.
SB19-008	Substance Use Disorder Treatment in the Criminal Justice System	Requires jails to have policies in place as to how they will provide Medication Assisted Treatment (MAT) to people who are incarcerated with a history of opiate use. Also creates a harm reduction grant program.

**Table 1 (Cont.)  
Criminal Justice Reform Legislation in Colorado:  
2013-2019**

<b>Bill #</b>	<b>Title</b>	<b>Description</b>
<b>Behavioral Health (cont.)</b>		
SB19-222	Improving Access to Behavioral Health Services for Individuals At Risk of Institutionalization	Asks the Department of Health Care Policy and Financing as well as the Department of Human Services to improve access to behavioral health services for people at risk of being institutionalized.
SB19-223	Actions Related to Competency to Proceed	Overhauls the competency-to-proceed process so that people who are not competent to stand trial due to a mental illness receive treatment sooner.
<b>Collateral Consequences</b>		
HB18-1344	Relief from Collateral Consequences	Allows an individual to request an order of collateral relief after the time of sentencing and adds juvenile courts.
HB18-1418	Use of Criminal Convictions in Employment	Makes a number of changes regarding the use of criminal history information in public employment and licensure-related credentialing decisions.
SB18-150	Voter Registration Individuals Criminal Justice System	Facilitates voter registration of individuals in the criminal justice system.
HB19-1025	Limits on Job Applicant Criminal History Inquiries	Bans the box that asks about criminal history on employment applications.
HB19-1266	Restore Voting Rights Parolees	Restores voting rights for parolees.
SB19-170	Inquiry into College Applicant Criminal History	Bans the box on college applications regarding criminal history.
<b>Corrections</b>		
SB14-064	Use of Solitary Confinement Mental Illness	Prohibits placing an offender with serious mental illness in long-term isolated confinement except when exigent circumstances are present.
SB15-182	DOC Transfer Offenders to Youthful Offender System	Allows DOC to transfer certain offenders in the youthful offender system to participate in age-appropriate programs.
HB16-1328	Use of Restraint and Seclusion on Individuals	Strengthens the safety provisions for the use of restraint and seclusion, particularly for youths, who are being detained by a state or local agency.
HB17-1330	No Escape Convictions for Habitual Criminals	Clarifies current law that states a conviction for an escape or an attempt to escape cannot be used to declare a person a habitual criminal unless it is the basis of the conviction.
HB18-1040	Inmate Treatment Incentive Plans	Requires DOC to monitor the number of inmates who are not receiving required sex offender treatment and develop incentive plans to attract additional mental health providers to geographic areas where inmates are not receiving treatment and services.
HB18-1251	Community Corrections Transition Placements	Modifies the procedures for community corrections transition placement referrals between the State Board of Parole, the DOC, and community corrections boards and programs.
HB18-1410	Prison Population Management Measures	Requires DOC to take proactive measures when the prison bed vacancy rate drops to 2 percent or less, or exceeds 3 percent, for 30 days, as well as establishes a process by which an inmate's release date may be set up to 30 days prior to the inmate's mandatory release date.
HB19-1224	Free Menstrual Hygiene Products in Custody:	Requires jail, prisons, and the Department of Human Services facilities to provide free tampons and pads to people in custody.
SB19-259	Use CSP II to House Inmates in an Emergency	Allows for the temporary use of the south campus of the Centennial Correctional Facility when the state male inmate vacant bed rate falls below 1 percent for two consecutive months.

**Table 1 (Cont.)  
Criminal Justice Reform Legislation in Colorado:  
2013-2019**

Bill #	Title	Description
<b>Courts</b>		
HB13-1035	Add One Judge to 5 <sup>th</sup> and 9 <sup>th</sup> Judicial Districts	Increases the number of judges in the 5 <sup>th</sup> and 9 <sup>th</sup> judicial districts.
HB14-1050	Increase Judges in 18 <sup>th</sup> Judicial District	Increases the number of district court judges for the 18 <sup>th</sup> judicial district from 21 to 23.
HB15-1034	Add Judge in 12 <sup>th</sup> Judicial District	Increases the number of district court judges in the 12 <sup>th</sup> judicial district from 3 to 4.
HB18-1078	Court Programs for Veterans	Establishes programs for defendants in the United States Armed Forces or veterans of such forces.
SB19-043	Increasing Number of District Court Judges	Increases 15 district court judges across 10 judicial districts.
<b>Crimes and Sentencing</b>		
HB13-1166	Repeal Crimes with Marital Status as Element	Repeals the crimes of adultery and promoting sexual immorality and a requirement that peace officer standards and training certification be denied to a person convicted of promoting sexual immorality.
SB13-229	Criminal Omnibus	Addresses several areas of law governing criminal offenses and court proceedings, including juvenile offenses.
SB13-250	Drug Sentencing Changes	Creates a stand-alone sentencing scheme for drug offenses; consolidates all drug possession of scheduled substances into one felony level and allows that felony to be reduced to a misdemeanor upon successful completion of probation or a community corrections sentence; requires the court to exhaust all appropriate and available sentencing options for convictions of a level 4 drug felony; allows people convicted of a misdemeanor to be supervised on intensive supervised probation if assessed at a higher risk; and expands access to treatment for people serving a sentence for a drug offense.
HB15-1042	Presentence Reports by Probation Officers	Requires presentence investigations concerning a defendant's eligibility for release from incarceration.
HB15-1203	Earned Time for Habitual Offenders Before 1993	Permits certain offenders sentenced before July 1, 1993, to accrue earned time.
HB15-1303	Sentencing for Certain 2 <sup>nd</sup> Degree Assaults	Removes the mandatory minimum of four years for a 2 <sup>nd</sup> degree assault on a peace officer and aligns this offense with other class 4 felonies; allows the judge to take into consideration the circumstances of the individual case.
SB16-051	Judge's Discretion Regarding Consecutive Sentences	Increases judicial discretion regarding the imposition of consecutive sentences for violent crimes.
SB16-102	Repeal Certain Mandatory Minimum Prison Sentences	Removes the mandatory term of incarceration that must accompany convictions of certain types of second degree assault or violations of bail bond conditions.
HB17-1015	Clarify Good Time Sentence Reduction in Jails	Provides uniform earned time standards for jails.
HB17-1162	Outstanding Judgments and Driver Licenses	Repeals driver license penalties for failure to pay certain traffic infractions and provides courts the option of withholding a driver's state income tax refund in order to satisfy the outstanding judgment.
SB17-008	Legalize Gravity Knives and Switchblades	Legalizes the possession of a gravity or switchblade knife by removing such knives from the definition of "illegal weapon."
HB19-1148	Change Maximum Penalty One Year to 364 Days	Changes the maximum jail sentence for a class 2 misdemeanor, misdemeanors without a fixed statutory penalty, and municipal ordinance violations from one year to 364 days.
HB19-1263	Offense Level for Controlled Substance Possession	Changes the penalty for possessing personal-use levels of narcotics from a felony to a misdemeanor.

**Table 1 (Cont.)  
Criminal Justice Reform Legislation in Colorado:  
2013-2019**

<b>Bill #</b>	<b>Title</b>	<b>Description</b>
<b>Juveniles</b>		
HB14-1023	Social Workers for Juveniles	Allows the state public defender to hire social workers to assist in defending juveniles.
HB14-1032	Defense Counsel for Juvenile Offenders	Makes changes to the procedures concerning the appointment of counsel for juveniles and requires that information about right to counsel be provided on a promise to appear or summons.
HB15-1022	Juvenile Petty Offense Contracts	Creates a new type of pre-diversion program for juveniles committing minor offenses.
SB16-180	DOC Program for Juvenile Offenders	Requires the DOC to create a specialized program for offenders who committed a felony as a juvenile and were sentenced as an adult.
SB16-181	Sentencing Juveniles Convicted of Class 1 Felonies	Creates a procedure for resentencing offenders who were sentenced as juveniles to life without parole.
HB17-1207	No Detention Facility Requirement Youth Ages 10-12	Prohibits incarceration of youth under age 13 unless they are charged with a felony.
HB17-1329	Reform Division of Youth Corrections	Changes the name from Division of Youth Corrections to Division of Youth Services, establishes a pilot program that includes trauma informed care, and provides for independent evaluations.
HB18-1010	Department of Human Services Report Data and Add Members to Working Group	Adds two members (Child Protection Ombudsman and a parent) to the Youth Restraint and Seclusion Working Group that advises DYS on policies, procedures, and best practices related to restraint and seclusion.
HB18-1156	Limit Penalties for Juvenile Truancy	Prohibits a court from placing a child in a juvenile detention facility for truancy.
SB18-154	Juvenile Planning Committee Crossover Youth Plans	Requires local juvenile services planning committees to develop a plan for identifying youths in the juvenile justice system who also are or have been involved in the child welfare system.
SB19-108	Juvenile Justice Reform	Recommends a series of changes to how youth offenders are treated, including provisions related to treatment, deferred sentences, and the number of youth in detention.
<b>Legal Financial Obligations</b>		
HB14-1035	Restitution Collection Deferred Judgment	Clarifies that restitution ordered as a part of a deferred judgment can be collected by the court after the deferred judgment is dismissed until the restitution judgment is satisfied.
HB14-1061	Eliminate Prison for Inability to Pay Fines	Requires that a defendant must be given time to pay any monetary fine or fee and is required to be given proper notice and due process before taken into custody for failure to pay.
HB14-1266	Value-based Crime Threshold Level Changes	Adjusts the penalties for certain value-based crimes based on the value of the goods or property stolen, making some current felonies into misdemeanors and some current misdemeanors into lower level offenses.
SB15-283	Debt Collections Actions and Exemptions	Modifies exemptions and procedures in certain debt collection actions; allows alternative methods to notify debtors of a pending levy.
HB16-1311	Procedures when Orders Require Monetary Payment	Prohibits a court from jailing a defendant when the defendant's only remaining obligation is money owed to the court, except when a defendant willfully failed to pay.
SB16-065	Restitution in Criminal Cases	Modifies the treatment of restitution for criminal offense and lowers the rate of interest on unpaid restitution; repeals the prohibition against reinstating a person's license until all restitution has been paid; allows juvenile delinquency records to be expunged upon satisfaction of a restitution order or by being current with a restitution payment plan to the court.

**Table 1 (Cont.)**  
**Criminal Justice Reform Legislation in Colorado:**  
**2013-2019**

Bill #	Title	Description
<b>Legal Financial Obligations (cont.)</b>		
HB19-1310	Interest on Orders of Restitution	Lowers the interest rate charged on restitution and suspends interest while someone is incarcerated or for juvenile delinquency cases under the age of 21.
<b>Probation, Parole, and Reentry</b>		
HB13-1129	Evidence-based Practices for Offender Services	Creates the evidence-based practices implementation for capacity resource center in the Division of Criminal Justice in the Department of Public Safety.
HB14-1355	Reentry Programs for Adult Offenders	Mandates reentry planning and programming for individuals leaving DOC and returning to the community. Funds additional reentry planning services within DOC and also creates a grant program to support community-based programs.
HB15-1122	Parole Application and Revocation	Clarifies procedures regarding parole for offenders under the supervision of DOC to align statute with current DOC practice.
HB15-1267	Use of Medical Marijuana During Probation	Exempts medical marijuana from probation conditions unless the person is convicted of an offense related to medical marijuana.
SB15-124	Reduce Parole Revocations for Technical Violations	Reduces parole revocations for technical violations and requires that parole officers use all available intermediate sanctions and community support services prior to filing a complaint for revocation with certain exceptions.
HB16-1215	Purposes of Parole	Redefines the purposes of parole to focus on successful reintegration.
HB16-1278	Residential Drug Treatment for Probationers	Expands the discretion of judges to sentence offenders to residential drug treatment as a term of probation, even if the underlying charge is not a drug offense.
HB16-1359	Use of Medical Marijuana While on Probation	Eliminates an exception related to an assessment to determine medical marijuana use for a person on probation.
HB17-1308	Individualized Conditions of Parole	Removes mandatory requirements placed on parolees and instead leaves the decision to impose these requirements at the discretion of the State Board of Parole and parole officers.
HB17-1326	Justice Reinvestment Crime Prevention Initiative	Redirects cost savings from parole reforms into crime prevention initiatives in north Aurora and southeast Colorado with a focus on community/economic development and direct services.
HB18-1029	Lowering Mandatory Parole from 5 Years to 3 Years	Reduces from five years to three years the mandatory parole periods for those released from prison who served time for class 3 felony crimes committed on and after July 1, 2018, and for class 2 felony crimes that are not crimes of violence.
HB18-1109	Discretionary Parole of Special Needs Offenders	Lowers the age from 60 to 55 years of age the threshold for qualifying as a special needs offender under one category, and adds a third category of special needs offenders to include those determined to be incompetent to complete any sentence and not likely to pose a risk to public safety.
HB18-1176	Sunset Offender Reentry Grant Program	Reauthorizes the DOC reentry grant program for another five years.
SB19-064	Retain Criminal Justice Program Funding	Retains criminal justice program funding for reentry grant programs, crime prevention, and victim services.
SB19-143	Parole Changes	Changes the state's parole system and makes it harder for the Parole Board to deny release to and to bring a person back to prison for many technical violations.
SB19-165	Increase Parole Board Membership	Increase the Parole Board by two members.

**Table 1 (Cont.)  
Criminal Justice Reform Legislation in Colorado:  
2013-2019**

<b>Bill #</b>	<b>Title</b>	<b>Description</b>
<b>Policing</b>		
HB15-1285	Law Enforcement Use of Body-worn Cameras	Establishes the body-worn camera grant program for law enforcement agencies to purchase body-worn cameras and to train law enforcement officers on their use.
HB15-1290	Stop Police Interference Cop Incident Recordings	Prohibits a peace officer from interfering with a person lawfully recording a peace officer-involved incident.
SB15-218	Disclose Misrepresentations by Peace Officers	Prevents peace officers from hiding unfavorable entries in their personnel files simply by joining a different police force.
SB15-219	Peace Officer Shooting Transparency Measures	Requires law enforcement agencies to develop protocols for participating in a multi-agency team involving the investigation of a peace officer-involved shooting.
HB16-1263	Racial Profiling Prohibition	Updates the police profiling definition to include national origin, language, religion, sexual orientation, gender identity, and disability.
HB16-1264	Ban Law Enforcement Use of a Chokehold	Prohibits a peace officer from intentionally using a chokehold against another person.
HB16-1390	Immunity When Overdoses Reported	Removes the threat of prosecution or arrest for individuals who report drug or alcohol overdoses.
SB17-254	Long Bill	Funding for the Law Enforcement Assisted Diversion Programs in four Colorado jurisdictions.
HB17-1313	Civil Forfeiture Reforms	Increases transparency of asset forfeiture through reporting of both state and federal asset forfeitures and encourages the use of the state's forfeiture laws (rather than federal), by limiting the proceeds available to state and local governments.
HB18-1020	Civil Forfeiture Reforms	In addition to civil forfeiture provisions, creates the law enforcement Community Services Grant Program to improve services to the community through policing; outreach; drug intervention, prevention, treatment, and recovery; technology; training; and other community services.
<b>Sealing or Expungement</b>		
HB13-1082	Expunging Juvenile Delinquency Records	Expands eligibility for expungement of juvenile records and reduces the waiting period before one can apply for expungement.
SB 13-123	Collateral Consequences	Allows petty offenses and municipal violations to be eligible for sealing through a court process and requires the court to provide written advisement about it.
SB14-206	Criminal Record Sealing Clean-up	Allows a person to seal an arrest record if he or she is not charged with a crime, and the statute of limitations has not run, but the person is no longer being investigated by law enforcement.
HB16-1265	Expunge Arrest Records Based on Mistaken Identity	Requires the court to expunge the arrest and criminal records of a person who was arrested as a result of mistaken identity and who did not have charges filed against him or her.
SB16-132	Blood Alcohol Content Test Results Not Public Information	Requires the Colorado Department of Public Health and Environment (CDPHE) to keep all personal identifying information related to blood alcohol content test results confidential.
HB17-1204	Juvenile Delinquency Record Expungement	Requires a written notice to the juvenile regarding the right and process of expungement.

**Table 1 (Cont.)  
Criminal Justice Reform Legislation in Colorado:  
2013-2019**

<b>Bill #</b>	<b>Title</b>	<b>Description</b>
<b>Sealing or Expungement (cont.)</b>		
HB17-1208	Record Sealing Clarifications	Clarifies the criminal record sealing process related to the expedited process that is available for people who have been acquitted, completed a diversion agreement or deferred judgment and sentence, and whose case has been dismissed.
HB17-1266	Seal Misdemeanor Marijuana Conviction Records	Allows persons who were convicted of misdemeanors for the use or possession of marijuana to petition for the sealing of criminal records relating to such convictions if their behavior would not have been a crime after legalization.
HB17-1360	Allow Criminal Record Sealing Subsequent Offense	Allows a person to seal records if he or she had a single non-felony conviction that did not involve domestic violence, unlawful sexual behavior, or child abuse during a three-year period and no other convictions in ten or more years from the final disposition of all criminal proceedings.
HB19-1275	Increased Eligibility for Criminal Record Sealing	Creates a streamlined process to seal certain criminal records without filing for action in civil court.
HB19-1335	Juvenile Record Expungement Clean-Up	Clarifies changes to the expungement process and clarifies that juvenile record expungement applies to municipal courts.
<b>Unclassified/Miscellaneous</b>		
HB15-1094	Restorative Justice Council and Pilot Changes	Makes several changes to restorative justice programs in the Judicial Department.
SB18-026	Make Sex Offender Registration More Effective	Clarifies that the court is required to grant a petition to discontinue being on the sex offender registry if certain conditions are met.
HB19-1297	Jail Capacity Data Collection	Requires jails to collect and report data on certain metrics, such as average daily population, average length of stay, etc.

Source: Legislative Council Staff.