

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0305.01 Richard Sweetman x4333

HOUSE BILL 18-1287

HOUSE SPONSORSHIP

Weissman,

SENATE SPONSORSHIP

Cooke and Kagan,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Sentencing in the Criminal Justice System Interim Study Committee. Current law repeals the Colorado commission on criminal and juvenile justice, effective July 1, 2018. The bill extends the repeal date to July 1, 2028.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

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

4 **16-11.3-105. Repeal of article.** This ~~article~~ ARTICLE 11.3 is
5 repealed, effective ~~July 1, 2018~~ JULY 1, 2023. ~~PRIOR TO SUCH REPEAL, THE~~
6 ~~DEPARTMENT OF REGULATORY AGENCIES SHALL REVIEW THE COMMISSION~~
7 ~~AS DESCRIBED IN SECTION 2-3-1203.~~

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

10 **24-1-128.6. Department of public safety - creation - repeal.**
11 (8) (b) This subsection (8) is repealed, effective ~~July 1, 2018~~ JULY 1,
12 2023.

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

18 **16-11.3-102. Colorado commission on criminal and juvenile**
19 **justice - creation - membership - operation.** (2) (a) The commission
20 consists of ~~twenty-six~~ TWENTY-NINE voting members, as follows:

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

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

1 (D) ~~Two elected district attorneys;~~
2 (H) One member who is a representative of a community
3 corrections provider, a community corrections board member, or a
4 behavioral, mental health, or substance use disorder treatment provider;
5 and
6 (I) ~~Three members who shall be appointed at-large~~ ONE MEMBER
7 WHO IS A VICTIM, AS DEFINED IN SECTION 24-4.1-302 (5), WHO HAS
8 DEMONSTRATED KNOWLEDGE OF THE CRIMINAL JUSTICE SYSTEM AND ITS
9 IMPACTS;
10 (J) A PERSON WHO IS A FORMER OFFENDER WHO HAS
11 DEMONSTRATED KNOWLEDGE OF THE CRIMINAL JUSTICE SYSTEM AND ITS
12 IMPACTS;
13 (K) A REPRESENTATIVE OF A NONPROFIT ORGANIZATION
14 REPRESENTING MUNICIPALITIES;
15 (L) A VICTIM'S ADVOCATE, AS DEFINED IN SECTION 13-90-107
16 (1)(k)(II); AND
17 (M) TWO MEMBERS WHO SHALL BE APPOINTED AT-LARGE.
18 (3) (b) Each appointing authority shall appoint the initial
19 appointed members of the commission within sixty days after May 23,
20 2007. THE GOVERNOR SHALL APPOINT THE COMMISSION MEMBERS
21 DESCRIBED IN SUBSECTION (2)(a)(XI)(I), (2)(a)(XI)(J), (2)(a)(XI)(K), and
22 (2)(a)(XI)(L) OF THIS SECTION ON OR BEFORE JULY 1, 2018. An appointed
23 member shall not serve more than two consecutive full terms, in addition
24 to any partial term. In the event of a vacancy in an appointed position by
25 death, resignation, removal for misconduct, incompetence, neglect of
26 duty, or otherwise, the appointing authority shall appoint a member to fill
27 the position for the remainder of the unexpired term.

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

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

8 **16-11.3-103. Duties of the commission - mission - staffing.**

9 (7) ON OR BEFORE MAY 1 OF EACH EVEN-NUMBERED YEAR, THE
10 COMMISSION SHALL REQUEST A LETTER FROM THE GOVERNOR SUGGESTING
11 TOPICS FOR THE COMMISSION TO STUDY. IN PREPARING THE LETTER, THE
12 GOVERNOR IS ENCOURAGED TO CONSULT WITH THE CHIEF JUSTICE OF THE
13 COLORADO SUPREME COURT AND THE MAJORITY AND MINORITY LEADERS
14 OF THE HOUSE OF REPRESENTATIVES AND THE SENATE.

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

17 **2-3-1203. Sunset review of advisory committees - legislative**
18 **declaration - definition - repeal.** (14) (a) The following statutory
19 authorizations for the designated advisory committees are scheduled for
20 repeal on September 1, 2023:

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

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

1	Executive director's office, administration	
2	Health, life, and dental	\$23,781
3	Short-term disability	\$216
4	S.B. 04-257 amortization equalization	
5	disbursement	\$5,685
6	S.B. 06-235 supplemental amortization	
7	equalization disbursement	\$5,685
8	Division of criminal justice, administration	
9	DCJ administrative services	\$220,076 (2.5 FTE)

10 **SECTION 7. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.