A BILL FOR AN ACT

CONCERNING REQUIRED DATA COLLECTION BY DISTRICT ATTORNEYS

RELATED TO DEFENDANTS THAT IS AVAILABLE TO THE PUBLIC.

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.)

The bill requires each district attorney to collect data regarding defendants related to demographics, charges filed, pretrial release results, and sentencing. The district attorney is required to create an annual report with the data collected and make the data collected available to the public upon request.
Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, add 20-1-115 as follows:

20-1-115. Prosecution data reports - definition. (1) Each district attorney in the state shall collect the following data related to each defendant in the judicial district:

(a) A defendant's demographic data including:

(I) The defendant's age, race, ethnicity, and gender;

(II) The defendant's zip code;

(III) The defendant's primary language;

(IV) The defendant's national origin; and

(V) Whether the court determined the defendant is indigent;

(b) Criminal charge data including:

(I) Each charge filed and, if the charge is a charge pursuant to article 18 of title 18, the drug and amount of drug that is the basis for the charge; and

(II) The alleged date and place of the offense;

(c) Bail and pretrial release data including:

(I) The pretrial release determination at the arraignment hearing;

(II) The conditions of release;

(III) The amount of bail or bond, if any;

(IV) Whether revocation of bail, bond, or pretrial release occurred due to a new offense or failure to appear; and

(V) The district attorney's recommendation regarding
BAIL, BOND, OR PRETRIAL RELEASE; AND

(d) Sentencing data including:

(I) The offense and offense classification for each conviction;

(II) The district attorneys' recommendation on the sentence;

(III) The sentence imposed;

(IV) Diversionary programs offered and completed; and

(V) Plea bargains offered and whether a plea bargain was accepted.

(2) The data collected pursuant to subsection (1) of this section must not personally identify the defendant or any victims. The data collected pursuant to subsection (1) of this section must be collected so that each defendant's data is identified as belonging to the defendant without identifying that defendant.

(3) The district attorney shall create an annual report of data collected pursuant to subsection (2) of this section and make the data collected pursuant to this section available to the public.

(4) As used in this section, unless the context otherwise requires, "defendant" means a person, including a juvenile, arrested or cited for a felony, misdemeanor, drug felony, or drug misdemeanor.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August
5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.