

CHAPTER 474

CORRECTIONS

HOUSE BILL 22-1368

BY REPRESENTATIVE(S) Herod, Bacon, Bennett, Boesenecker, Duran, Esgar, Exum, Gonzales-Gutierrez, Hooton, Jodeh, Kipp, Lindsay, McCluskie, Michaelson Jenet, Ricks, Titone, Weissman;
also SENATOR(S) Rodriguez, Lee.

AN ACT**CONCERNING OPPORTUNITIES FOR PERSONS TO ACCESS COMMUNITY CORRECTIONS PROGRAMS.**

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

SECTION 1. In Colorado Revised Statutes, **add** 16-11.3-103.3 as follows:

16-11.3-103.3. Study of access to community corrections programs for persons convicted of misdemeanors - task force - repeal. (1) **ON OR BEFORE JULY 1, 2022**, THE COMMISSION SHALL ESTABLISH A TASK FORCE TO EXAMINE AND MAKE FINDINGS AND RECOMMENDATIONS TO THE COMMISSION CONCERNING WHETHER IT IS APPROPRIATE TO IMPROVE ACCESS TO COMMUNITY CORRECTIONS PROGRAMS FOR PERSONS CONVICTED OF MISDEMEANORS, INCLUDING:

(a) AN ANALYSIS OF THE POPULATION CONVICTED OF MISDEMEANORS, INCLUDING CRIMES OF CONVICTION AND ASSESSED RISK BY GENDER, AGE, RACE, AND ETHNICITY;

(b) THE SERVICES PROVIDED BY COMMUNITY CORRECTIONS PROGRAMS THAT MAY BE BENEFICIAL TO PERSONS CONVICTED OF MISDEMEANORS;

(c) WHICH PERSONS CONVICTED OF MISDEMEANORS, BASED ON THEIR ASSESSED RISK, WOULD BENEFIT FROM SERVICES PROVIDED BY COMMUNITY CORRECTIONS PROGRAMS;

(d) THE ABILITY TO PROVIDE SERVICES TO PERSONS CONVICTED OF MISDEMEANORS THAT ALIGN WITH THEIR ASSESSED RISK USING EXISTING COMMUNITY CORRECTIONS PROGRAM RESOURCES;

(e) PARAMETERS FOR PERSONS CONVICTED OF MISDEMEANORS TO ACCESS

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.

SERVICES AT RESIDENTIAL AND NONRESIDENTIAL COMMUNITY CORRECTIONS PROGRAMS;

(f) WHAT COSTS PERSONS CONVICTED OF MISDEMEANORS ARE RESPONSIBLE FOR AT COMMUNITY CORRECTIONS PROGRAMS;

(g) WHAT FUNDING IS NECESSARY FOR COMMUNITY CORRECTIONS PROGRAMS TO SERVE PERSONS CONVICTED OF MISDEMEANORS; AND

(h) WHAT CHANGES, INCLUDING LEGISLATION, ARE NECESSARY FOR COMMUNITY CORRECTIONS PROGRAMS TO BETTER SERVE PERSONS CONVICTED OF MISDEMEANORS.

(2) THE TASK FORCE SHALL CONVENE ON OR BEFORE JULY 29, 2022. THE COMMISSION CHAIRPERSON SHALL SELECT TASK FORCE MEMBERS, WHO MAY INCLUDE COMMISSION MEMBERS OR NONCOMMISSION MEMBERS WHO ARE INTERESTED MEMBERS OF THE COMMUNITY. TO THE BEST OF THE COMMISSION CHAIRPERSON'S ABILITY, THE CHAIRPERSON MUST ENSURE THAT THE COMPOSITION OF THE TASK FORCE IS RACIALLY, ETHNICALLY, AND GEOGRAPHICALLY DIVERSE AND IS REPRESENTATIVE OF THE COMMUNITIES THAT ARE MOST IMPACTED BY THE CRIMINAL AND JUVENILE JUSTICE SYSTEM. THE COMMISSION CHAIRPERSON SHALL SELECT THE TASK FORCE'S CHAIRPERSON AND VICE-CHAIRPERSON. THE TASK FORCE CONSISTS OF THE FOLLOWING VOTING MEMBERS, UNLESS STATED OTHERWISE:

(a) THREE REPRESENTATIVES FROM COMMUNITY CORRECTIONS PROGRAMS, AT LEAST ONE OF WHOM REPRESENTS A RURAL COMMUNITY CORRECTIONS PROGRAM. OF THE THREE REPRESENTATIVES, ONLY ONE IS A VOTING MEMBER.

(b) ONE REPRESENTATIVE WHO IS A BOARD MEMBER OF A COMMUNITY CORRECTIONS BOARD;

(c) ONE REPRESENTATIVE WHO WAS PLACED AND PARTICIPATED IN A RESIDENTIAL COMMUNITY CORRECTIONS PROGRAM;

(d) ONE REPRESENTATIVE FROM THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY;

(e) ONE SHERIFF, OR THE SHERIFF'S DESIGNEE;

(f) ONE CHIEF PROBATION OFFICER OF THE PROBATION DEPARTMENT IN THE JUDICIAL DEPARTMENT, OR THE CHIEF PROBATION OFFICER'S DESIGNEE;

(g) ONE ELECTED DISTRICT ATTORNEY, OR THE ELECTED DISTRICT ATTORNEY'S DESIGNEE;

(h) THE STATE PUBLIC DEFENDER, OR THE STATE PUBLIC DEFENDER'S DESIGNEE;

(i) ONE REPRESENTATIVE FROM THE DIVISION OF PROBATION SERVICES IN THE JUDICIAL DEPARTMENT;

(j) ONE REPRESENTATIVE FROM AN ORGANIZATION ADVOCATING FOR THE RIGHTS

OF PERSONS WHO TRANSITION FROM CUSTODY TO THE COMMUNITY; AND

(k) ONE REPRESENTATIVE FROM AN ORGANIZATION ADVOCATING FOR VICTIMS RIGHTS.

(3) THE MEMBERS OF THE TASK FORCE SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

(4) ON OR BEFORE JULY 1, 2023, THE TASK FORCE SHALL CREATE A REPORT OF ITS FINDINGS AND RECOMMENDATIONS AND SUBMIT IT TO THE COMMISSION.

(5) DURING THE 2024 LEGISLATIVE SESSION, THE COMMISSION SHALL INCLUDE AS PART OF ITS "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT" HEARING REQUIRED BY SECTION 2-7-203 THE FINDINGS AND RECOMMENDATIONS GATHERED BY THE TASK FORCE PURSUANT TO THIS SECTION.

(6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 8, 2022