

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 23-0775.01 Jane Ritter x4342

HOUSE BILL 23-1214

HOUSE SPONSORSHIP

Epps, Weissman, Bacon, Garcia, Gonzales-Gutierrez, Mabrey, Woodrow

SENATE SPONSORSHIP

Coleman and Gonzales,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ESTABLISHING PROCEDURES RELATED TO APPLYING FOR**
102 **COMMUTATION OF A CRIMINAL SENTENCE.**

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 formalizes and establishes details concerning the process for an incarcerated individual (applicant) to apply for a commutation of sentence. The process includes requiring the executive clemency representative to gather information from the district attorney who prosecuted the applicant's case and creating a list of factors that the governor and executive clemency board may consider when evaluating

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

HOUSE
Amended 2nd Reading
April 25, 2023

the application and deciding whether the applicant's sentence should be commuted. The governor retains the ultimate decision-making authority whether to commute a sentence.

The bill permits the governor to grant pardons to a class of defendants who were convicted of the possession of up to 2 ounces of marijuana without complying with the commutation process.

The bill requires the governor's office to keep statistics on applications for commutation of sentence and post a report of the statistics annually on its website.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** article 17 of
3 title 16 as follows:

4 **16-17-101. Governor may commute sentence.** The governor is
5 ~~hereby~~ fully authorized, when ~~he~~ THE GOVERNOR deems it proper and
6 advisable and consistent with the public interests and the rights and
7 interests of the condemned, to commute the sentence in any case by
8 reducing the penalty ~~in a capital case to~~ IN A CASE WITH A SENTENCE OF
9 LIFE WITHOUT THE POSSIBILITY OF PAROLE OR A CASE OF imprisonment for
10 life ~~or for~~ WITH THE POSSIBILITY OF PAROLE TO a term of not less than
11 twenty years ~~at hard labor~~ IN THE DEPARTMENT OF CORRECTIONS.

12 **16-17-101.5. Definitions.** AS USED IN THIS ARTICLE 17, UNLESS
13 THE CONTEXT OTHERWISE REQUIRES:

14 (1) "APPLICANT" MEANS AN INCARCERATED PERSON OR AN
15 INCARCERATED PERSON'S LEGAL COUNSEL WHO SUBMITS A REQUEST OR AN
16 APPLICATION FOR COMMUTATION OF THE INCARCERATED PERSON'S
17 SENTENCE. THE APPLICANT MAY ALSO SUBMIT A REQUEST OR APPLICATION
18 FOR A PARDON.

19 (2) "BOARD" MEANS THE EXECUTIVE CLEMENCY BOARD
20 ESTABLISHED THROUGH EXECUTIVE ORDER, OR THE GOVERNOR'S OFFICE

1 IF AN EXECUTIVE CLEMENCY BOARD DOES NOT EXIST.

2 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF CORRECTIONS.

3 (4) "DEPARTMENT STAFF" INCLUDES, BUT IS NOT LIMITED TO, A
4 PERSON WHO IS EMPLOYED BY THE DEPARTMENT, VOLUNTEER, GROUP
5 FACILITATOR, CONTRACT WORKER, OR EDUCATOR PROVIDING SERVICES
6 WITHIN A DEPARTMENT FACILITY.

7 (5) "EXECUTIVE CLEMENCY REPRESENTATIVE" MEANS AN
8 INDIVIDUAL APPOINTED BY THE GOVERNOR WHO IS RESPONSIBLE FOR THE
9 ADMINISTRATIVE PROCESSES SET FORTH IN THIS ARTICLE 17.

10 (6) "SUPPORT LETTER" MEANS A LETTER INCLUDED IN AN
11 APPLICATION FOR COMMUTATION OF SENTENCE WRITTEN BY FAMILY,
12 FRIENDS, EMPLOYERS, DEPARTMENT STAFF, OR OTHERS THAT SHOWS THE
13 APPLICANT'S ABILITY TO CONTRIBUTE TO SOCIETY; WORK ETHIC, PERSONAL
14 GROWTH, AND LEADERSHIP SKILLS; CONDUCT WITHIN THE DEPARTMENT;
15 ACTS OF HEROISM; OR OTHER SKILLS OR ATTRIBUTES OBSERVED BY THE
16 LETTER'S AUTHOR, WHICH MAY, BUT NEED NOT INCLUDE, A
17 RECOMMENDATION THAT THE APPLICANT BE GRANTED A COMMUTATION
18 OF SENTENCE.

19 **16-17-102. Procedure for application for commutation of**
20 **sentence by the governor - application materials - certificate of**
21 **conduct from department - timeline for application - responsibilities**
22 **of the executive clemency representative.** ~~(1) After a conviction, all~~
23 ~~applications for commutation of sentence or pardon for crimes committed~~
24 ~~must be accompanied by a certificate of the respective superintendent of~~
25 ~~the correctional facility, showing the conduct of an applicant during the~~
26 ~~applicant's confinement in the correctional facility, together with such~~
27 ~~evidences of former good character as the applicant is able to produce.~~

1 Before the governor approves such application, it must be first submitted
2 to the present district attorney of the district in which the applicant was
3 convicted and to the judge who sentenced and the attorney who
4 prosecuted at the trial of the applicant, if available, for such comment as
5 they may deem proper concerning the merits of the application, so as to
6 provide the governor with information upon which to base the governor's
7 action. The governor shall make reasonable efforts to locate the judge
8 who sentenced and the attorney who prosecuted at the trial of the
9 applicant and shall afford them a reasonable time, not less than fourteen
10 days, to comment on such applications. The requirements of this section
11 are deemed to have been met if the persons to whom the application is
12 submitted for comment do not comment within fourteen days after their
13 receipt of the application or within such other reasonable time in excess
14 of fourteen days as specified by the governor, or if the sentencing judge
15 or prosecuting attorney cannot be located, are incapacitated, or are
16 otherwise unavailable for comment despite the good-faith efforts of the
17 governor to obtain their comments. Good character previous to
18 conviction, good conduct during confinement in the correctional facility,
19 the statements of the sentencing judge and the district attorneys, if any,
20 and any other material concerning the merits of the application must be
21 given such weight as seems just and proper to the governor, in view of the
22 circumstances of each particular case, with due regard for the reformation
23 of the accused. The governor has sole discretion in evaluating said
24 comments and in soliciting other comments the governor deems
25 appropriate.

26 (2) The governor may grant pardons to a class of defendants who
27 were convicted of the possession of up to two ounces of marijuana. The

1 requirements of subsection (1) of this section do not apply to defendants
2 who were convicted of the possession of up to two ounces of marijuana,
3 but the governor may make any inquiry as deemed appropriate to seek any
4 relevant information necessary from any person or agency to reach an
5 informed decision.

6 (1) THE EXECUTIVE CLEMENCY REPRESENTATIVE IS RESPONSIBLE
7 FOR PROCESSING AN APPLICATION THROUGH THE ENTIRE PROCESS. THE
8 EXECUTIVE CLEMENCY REPRESENTATIVE SHALL PRODUCE THE
9 APPLICATION, INCLUDING DESIGNING AND MAILING THE APPLICATION
10 CONSISTENT WITH LANGUAGE IN THE CURRENT EXECUTIVE ORDER
11 CREATING THE BOARD.

12 (2) FOR CONSIDERATION OF COMMUTATION OF AN APPLICANT'S
13 SENTENCE, THE APPLICANT SHALL REQUEST AN APPLICATION FROM THE
14 EXECUTIVE CLEMENCY REPRESENTATIVE OR LOCATE THE APPLICATION ON
15 THE GOVERNOR'S WEBSITE. IF THE APPLICATION IS REQUESTED BY MAIL,
16 THE EXECUTIVE CLEMENCY REPRESENTATIVE SHALL MAIL THE
17 APPLICATION FOR COMMUTATION TO THE APPLICANT WITHIN TEN BUSINESS
18 DAYS AFTER RECEIPT OF THE REQUEST.

19 (3) AFTER AN APPLICANT RECEIVES THE APPLICATION, THE
20 APPLICANT SHALL COMPLETE THE APPLICATION AND MAIL IT TO THE
21 EXECUTIVE CLEMENCY REPRESENTATIVE. THE APPLICATION MUST
22 CONTAIN SUPPORTING MATERIALS, INCLUDING, BUT NOT LIMITED TO:

23 (a) A PERSONAL LETTER FROM THE APPLICANT EXPLAINING WHY
24 A COMMUTATION OF SENTENCE IS WARRANTED;

25 (b) PLANS FOR REENTERING THE COMMUNITY;

26 (c) CERTIFICATIONS OF PROGRAMS COMPLETED AND A LISTING OF
27 ACCOMPLISHMENTS AND EDUCATIONAL MILESTONES ACHIEVED WHILE

1 INCARCERATED;

2 (d) SUPPORT LETTERS FROM THE COMMUNITY, INCLUDING, BUT
3 NOT LIMITED TO, FAMILY, FRIENDS, COMMUNITY MEMBERS, GOVERNMENT
4 OFFICIALS, RELIGIOUS GROUPS, PREVIOUS OR FUTURE EMPLOYERS, AND
5 DEPARTMENT STAFF; AND

6 (e) IF APPROPRIATE, A SUPPORT LETTER FROM THE VICTIM OR
7 VICTIM'S FAMILY MAY BE INCLUDED.

8 (4) THE APPLICANT MAY INCLUDE MULTIMEDIA COMPONENTS IN
9 THE APPLICATION.

10 (5) DEPARTMENT STAFF SHALL SUBMIT ANY SUPPORT LETTERS
11 DIRECTLY TO THE APPLICANT FOR INCLUSION IN THE FINAL APPLICATION.
12 ANY DEPARTMENT STAFF MAY SUBMIT A SUPPORT LETTER ON BEHALF OF
13 AN APPLICANT. IF THE DEPARTMENT STAFF MEMBER CHOOSES TO DO SO,
14 THE DEPARTMENT SHALL NOT PREVENT OR DISCOURAGE THE DEPARTMENT
15 STAFF MEMBER FROM SUBMITTING A SUPPORT LETTER.

16 (6) WHEN AN APPLICATION IS RECEIVED BY THE EXECUTIVE
17 CLEMENCY REPRESENTATIVE, THE EXECUTIVE CLEMENCY
18 REPRESENTATIVE SHALL NOTIFY THE APPLICANT THAT THE APPLICATION
19 HAS BEEN RECEIVED AND IS COMPLETE. IF THE APPLICATION IS
20 INCOMPLETE, THE EXECUTIVE CLEMENCY REPRESENTATIVE SHALL INFORM
21 THE APPLICANT OF ANY MISSING MATERIALS. THE APPLICANT SHALL
22 SUBMIT THE MISSING MATERIAL WITHIN THIRTY DAYS AFTER THE NOTICE
23 THAT THE APPLICATION IS MISSING MATERIALS.

24 (7) (a) AFTER AN APPLICATION FOR COMMUTATION OF SENTENCE
25 IS SUBMITTED BY THE APPLICANT, THE EXECUTIVE CLEMENCY
26 REPRESENTATIVE SHALL REQUEST A CERTIFICATE OF CONDUCT FROM THE
27 SUPERINTENDENT OF THE APPLICANT'S CURRENT CORRECTIONAL FACILITY

1 AND ANY OTHER CORRECTIONAL FACILITIES WHERE THE APPLICANT WAS
2 HOUSED. THE CERTIFICATE MUST INCLUDE A SUMMARY OF THE
3 APPLICANT'S CONDUCT DURING CONFINEMENT IN THE CORRECTIONAL
4 FACILITY. THE SUPERINTENDENT SHALL SUBMIT THE CERTIFICATE OF
5 CONDUCT TO THE EXECUTIVE CLEMENCY REPRESENTATIVE WITHIN SIXTY
6 DAYS AFTER THE EXECUTIVE CLEMENCY REPRESENTATIVE'S REQUEST. THE
7 CERTIFICATE MUST ALSO INCLUDE THE APPLICANT'S COLORADO
8 ACTUARIAL RISK ASSESSMENT SCALE (CARAS) SCORE, THE APPLICANT'S
9 COLORADO TRANSITIONAL ACCOUNTABILITY PLAN (CTAP), REPORTS OF
10 ANY DISCIPLINARY SANCTIONS AGAINST THE APPLICANT, AND
11 PRESENTENCE INVESTIGATION REPORTS, DETAINER NOTIFICATIONS, OR
12 OTHER SIMILAR LAW ENFORCEMENT COMMUNICATIONS.

13 (b) THE DEPARTMENT SHALL, UPON REQUEST FROM THE
14 APPLICANT, UPDATE ANY RISK ASSESSMENT INSTRUMENT DETAILED IN THIS
15 SUBSECTION (7) WITHIN THIRTY DAYS AFTER THE EXECUTIVE CLEMENCY
16 REPRESENTATIVE'S REQUEST FOR A CERTIFICATE OF CONDUCT PURSUANT
17 TO THIS SUBSECTION (7).

18 (8) THE DEPARTMENT SHALL SEND A COPY OF ALL DOCUMENTS
19 COLLECTED FOR THE CERTIFICATE OF CONDUCT TO THE APPLICANT AND
20 THE EXECUTIVE CLEMENCY REPRESENTATIVE.

21 (9) AFTER THE APPLICANT RECEIVES THE DOCUMENTS REQUIRED
22 PURSUANT TO SUBSECTION (8) OF THIS SECTION, THE APPLICANT HAS SIXTY
23 DAYS TO SUBMIT A RESPONSE TO ANY INFORMATION IN THE DOCUMENTS
24 TO THE EXECUTIVE CLEMENCY REPRESENTATIVE BEFORE THE FINAL
25 APPLICATION IS SENT TO THE EXECUTIVE CLEMENCY BOARD. IN THE EVENT
26 THAT AN EXECUTIVE CLEMENCY BOARD DOES NOT EXIST, THE FINAL
27 APPLICATION SHALL BE SENT TO THE GOVERNOR'S OFFICE FOR FINAL

1 REVIEW. IN ALL CASES, THE GOVERNOR RETAINS FULL DECISION-MAKING
2 AUTHORITY OVER EVERY REQUEST FOR COMMUTATION OF SENTENCE.

3 (10) THE EXECUTIVE CLEMENCY BOARD MAY REQUEST AN
4 INTERVIEW WITH THE APPLICANT. THE APPLICANT MAY ACCEPT OR DENY
5 THE INTERVIEW WITH THE EXECUTIVE CLEMENCY BOARD. IF THE
6 APPLICANT ACCEPTS THE INTERVIEW, THE APPLICANT MAY HAVE LEGAL
7 COUNSEL PRESENT THROUGHOUT THE INTERVIEW.

8 **16-17-102.5. Pardons for convictions of marijuana possession.**

9 THE GOVERNOR MAY GRANT PARDONS TO A CLASS OF DEFENDANTS WHO
10 WERE CONVICTED OF THE POSSESSION OF UP TO TWO OUNCES OF
11 MARIJUANA. THE REQUIREMENTS OF THIS ARTICLE 17 DO NOT APPLY TO
12 DEFENDANTS WHO WERE CONVICTED OF THE POSSESSION OF UP TO TWO
13 OUNCES OF MARIJUANA, BUT THE GOVERNOR MAY MAKE ANY INQUIRY AS
14 DEEMED APPROPRIATE TO SEEK ANY RELEVANT INFORMATION NECESSARY
15 FROM ANY PERSON OR AGENCY TO REACH AN INFORMED DECISION
16 REGARDING SUCH PERSONS.

17 **16-17-103. Effect of pardon and commutation of sentence -**

18 **definitions.** (1) A pardon issued by the governor ~~shall waive~~ WAIVES all
19 collateral consequences associated with each conviction for which the
20 person received a pardon unless the pardon limits the scope of the pardon
21 regarding collateral consequences.

22 (2) If the governor grants a pardon or a request for commutation
23 of sentence, the governor shall provide a copy of the pardon or
24 commutation of sentence to the Colorado bureau of investigation, and the
25 Colorado bureau of investigation shall note in the individual's record in
26 the Colorado crime information center that a pardon was issued or
27 commutation of sentence was granted.

1 (3) For purposes of this section, "collateral consequences" means
2 a penalty, prohibition, bar, disadvantage, or disqualification, however
3 denominated, imposed on an individual as a result of the individual's
4 conviction of an offense, which penalty, prohibition, bar, or disadvantage
5 applies by operation of law regardless of whether the penalty, prohibition,
6 bar, or disadvantage is included in the judgment or sentence. "Collateral
7 consequences" does not include imprisonment, probation, parole,
8 supervised release, forfeiture, restitution, fine, assessment, or costs of
9 prosecution.

10 **16-17-104. District attorney responsibility - submission of**
11 **response and materials - applicant response - notification to victim.**

12 (1) (a) BEFORE THE EXECUTIVE CLEMENCY BOARD REVIEWS AN
13 APPLICATION FOR COMMUTATION, BUT AFTER THE APPLICANT HAS HAD
14 THE OPPORTUNITY TO RESPOND TO ANY DOCUMENTS SUBMITTED BY THE
15 DEPARTMENT, THE EXECUTIVE CLEMENCY REPRESENTATIVE SHALL
16 FORWARD THE APPLICATION, TOGETHER WITH ANY SUPPORTING
17 MATERIALS, INCLUDING THE DEPARTMENT RESPONSE AND THE
18 APPLICANT'S RESPONSE TO THE DEPARTMENT'S RESPONSE, TO THE DISTRICT
19 ATTORNEY WHO PROSECUTED THE CASE, OR THE DISTRICT ATTORNEY'S
20 SUCCESSOR IN OFFICE, WITHIN TEN DAYS AFTER THE APPLICANT'S FINAL
21 RESPONSE TO THE EXECUTIVE CLEMENCY REPRESENTATIVE.

22 (b) THE DISTRICT ATTORNEY SHALL NOTIFY THE VICTIM AND THE
23 VICTIM'S FAMILY, IF THE DISTRICT ATTORNEY SUPPORTS OR DOES NOT
24 OPPOSE THE COMMUTATION REQUEST, OF THE APPLICANT'S REQUEST FOR
25 A COMMUTATION OF SENTENCE WITHIN THIRTY DAYS AFTER THE RECEIPT
26 OF THE APPLICATION FROM THE EXECUTIVE CLEMENCY REPRESENTATIVE.

27 (2) (a) WITHIN FORTY-FIVE DAYS AFTER RECEIPT OF THE

1 APPLICATION AND ALL SUPPORTING MATERIALS, THE DISTRICT ATTORNEY
2 WHO PROSECUTED THE CASE, OR THE DISTRICT ATTORNEY'S SUCCESSOR IN
3 OFFICE, MAY SUBMIT, IN WRITING, THE DISTRICT ATTORNEY'S POSITION ON
4 THE APPLICATION TO THE EXECUTIVE CLEMENCY REPRESENTATIVE.

5 (b) IF THE DISTRICT ATTORNEY SUBMITS A RESPONSE WITHIN
6 THIRTY DAYS, THE EXECUTIVE CLEMENCY REPRESENTATIVE SHALL
7 FORWARD A COPY OF THE DISTRICT ATTORNEY'S RESPONSE TO THE
8 APPLICANT. THE APPLICANT HAS THIRTY DAYS AFTER RECEIPT OF THE
9 DISTRICT ATTORNEY'S RESPONSE TO REPLY DIRECTLY TO THE EXECUTIVE
10 CLEMENCY REPRESENTATIVE REGARDING ANY OF THE INFORMATION
11 SUBMITTED BY THE DISTRICT ATTORNEY PURSUANT TO SUBSECTION (2)(a)
12 OF THIS SECTION.

13 (c) (I) IF, AFTER THE THIRTY-DAY DEADLINE FOR THE RECEIPT OF
14 A RESPONSE FROM THE DISTRICT ATTORNEY HAS PASSED AND NO INPUT
15 HAS BEEN RECEIVED FROM THE DISTRICT ATTORNEY, THE EXECUTIVE
16 CLEMENCY REPRESENTATIVE SHALL SUBMIT THE APPLICATION TO THE
17 EXECUTIVE CLEMENCY BOARD. IN THE EVENT THAT AN EXECUTIVE
18 CLEMENCY BOARD DOES NOT EXIST, THE FINAL APPLICATION SHALL BE
19 SENT TO THE GOVERNOR'S OFFICE FOR FINAL REVIEW. IN ALL CASES, THE
20 GOVERNOR RETAINS FULL DECISION-MAKING AUTHORITY OVER EVERY
21 REQUEST FOR COMMUTATION OF SENTENCE.

22 (II) IF THE DISTRICT ATTORNEY SUBMITS A RESPONSE, THE
23 EXECUTIVE CLEMENCY REPRESENTATIVE SHALL, THIRTY DAYS AFTER
24 FORWARDING THE RESPONSE TO THE APPLICANT PURSUANT TO SUBSECTION
25 (2)(b) OF THIS SECTION, SUBMIT THE APPLICATION, INCLUDING THE
26 DISTRICT ATTORNEY'S RESPONSE AND ANY APPLICANT'S RESPONSE, TO THE
27 EXECUTIVE CLEMENCY BOARD. IN THE EVENT THAT AN EXECUTIVE

1 CLEMENCY BOARD DOES NOT EXIST, THE FINAL APPLICATION SHALL BE
2 SENT TO THE GOVERNOR'S OFFICE FOR FINAL REVIEW. IN ALL CASES, THE
3 GOVERNOR RETAINS FULL DECISION-MAKING AUTHORITY OVER EVERY
4 REQUEST FOR COMMUTATION OF SENTENCE.

5 **16-17-105. Factors for consideration by executive clemency**
6 **board and governor in evaluating an application for commutation of**
7 **sentence.** (1) IN EVALUATING AND DETERMINING THE OUTCOME OF AN
8 APPLICATION FOR COMMUTATION OF SENTENCE, THE BOARD AND THE
9 GOVERNOR MAY, BUT ARE NOT REQUIRED TO, CONSIDER THE FOLLOWING
10 FACTORS RELATED TO THE APPLICANT:

- 11 (a) GOOD CHARACTER PREVIOUS TO CONVICTION;
- 12 (b) GOOD CONDUCT DURING CONFINEMENT;
- 13 (c) STATEMENTS AND SUPPORTING MATERIALS FROM THE DISTRICT
14 ATTORNEY, IF ANY;
- 15 (d) NATURE AND CIRCUMSTANCE OF THE CASE RESULTING IN THE
16 CONTROLLING SENTENCE;
- 17 (e) ANY AND ALL VICTIM IMPACT STATEMENTS AND POSITIONS;
18 AND
- 19 (f) ANY OTHER MATERIAL CONCERNING THE MERITS OF THE
20 APPLICATION.

21 (2) THE GOVERNOR AND THE BOARD SHALL GIVE THE FACTORS
22 DESCRIBED IN SUBSECTION (1) OF THIS SECTION SUCH WEIGHT AS IS JUST
23 AND PROPER, IN VIEW OF THE CIRCUMSTANCES OF EACH PARTICULAR CASE,
24 WITH DUE REGARD FOR THE REHABILITATION OF THE APPLICANT.

25 (3) AN APPLICANT WHO CLAIMS INNOCENCE IS NOT REQUIRED TO
26 ADMIT GUILT OR SHOW REMORSE FOR OFFENSES CONVICTED OF IN ORDER
27 TO BE CONSIDERED FOR A COMMUTATION OF SENTENCE.

1 (4) THE GOVERNOR AND THE BOARD MAY MAKE SPECIAL
2 CONSIDERATION FOR APPLICANTS WHO:

- 3 (a) ARE VETERANS OF THE UNITED STATES ARMED FORCES;
- 4 (b) WERE CONVICTED OF CRIMES FOR WHICH PENALTIES HAVE
5 BEEN DECREASED SINCE THE APPLICANT'S CONVICTION; OR
- 6 (c) WERE PROSECUTED FOR CRIMES THAT OCCURRED WHEN THE
7 APPLICANT WAS A JUVENILE.

8 (5) THE GOVERNOR HAS SOLE DISCRETION IN EVALUATING
9 COMMENTS CONTAINED IN THE APPLICATION AND IN SOLICITING OTHER
10 COMMENTS AS THE GOVERNOR DEEMS APPROPRIATE.

11 (6) IN ALL CASES, THE GOVERNOR RETAINS FULL DECISION-MAKING
12 AUTHORITY OVER EVERY REQUEST FOR COMMUTATION OF SENTENCE.

13 **16-17-106. Reporting.** (1) THE GOVERNOR'S OFFICE SHALL
14 PROVIDE AN ANNUAL REPORT TO THE GENERAL ASSEMBLY THAT INCLUDES
15 THE FOLLOWING DATA RELATED TO COMMUTATIONS:

- 16 (a) THE NUMBER OF NEW SENTENCE COMMUTATION APPLICATIONS
17 SUBMITTED TO THE GOVERNOR'S OFFICE IN THE PRIOR CALENDAR YEAR;
- 18 (b) THE NUMBER OF COMMUTATION APPLICATIONS THAT WERE
19 DENIED IN THE PRIOR CALENDAR YEAR;
- 20 (c) OUT OF THE COMMUTATION APPLICATIONS THAT ARE STILL
21 PENDING, THE NUMBER OF APPLICATIONS THAT HAVE BEEN PENDING LESS
22 THAN ONE YEAR, BETWEEN ONE AND TWO YEARS, BETWEEN TWO AND
23 THREE YEARS, AND MORE THAN THREE YEARS; AND
- 24 (d) FOR COMMUTATION APPLICATIONS THAT HAVE BEEN GRANTED
25 OR DENIED IN THE PRIOR CALENDAR YEAR, AS WELL AS FOR COMMUTATION
26 APPLICATIONS THAT ARE STILL PENDING:

27 (I) THE NUMBER OF APPLICANTS WHOSE AGE AT THE DATE OF THE

1 OFFENSE WAS LESS THAN EIGHTEEN YEARS OF AGE, BETWEEN EIGHTEEN
2 AND TWENTY-FIVE YEARS OF AGE, AND OLDER THAN TWENTY-FIVE YEARS
3 OF AGE;

4 (II) DATA REGARDING RACE, ETHNICITY, AND GENDER IDENTITY OF
5 THE APPLICANTS;

6 (III) WHETHER ANY APPLICANTS WERE PERSONS WITH A
7 DISABILITY;

8 (IV) THE NUMBER OF APPLICANTS WHO, AT THE TIME THE
9 COMMUTATION APPLICATION WAS SUBMITTED, HAD BEEN INCARCERATED
10 LESS THAN TEN YEARS; HAD BEEN INCARCERATED BETWEEN TEN AND
11 TWENTY YEARS; AND HAD BEEN INCARCERATED FOR MORE THAN TWENTY
12 YEARS;

13 (V) THE NUMBER OF APPLICANTS IN EACH CATEGORY SET FORTH
14 IN THIS SUBSECTION (1) WHO WERE REPRESENTED BY AN ATTORNEY; AND

15 (VI) THE NUMBER OF COMMUTATION APPLICATIONS IN EACH
16 CATEGORY SET FORTH IN THIS SUBSECTION (1) THAT THE BOARD
17 UNANIMOUSLY RECOMMENDED FOR A GRANT OF COMMUTATION, THE
18 NUMBER OF APPLICATIONS THAT THE BOARD NON-UNANIMOUSLY
19 RECOMMENDED FOR A GRANT OF COMMUTATION, AND THE NUMBER OF
20 APPLICATIONS THAT THE BOARD RECOMMENDED BE DENIED.

21 (2) THE GOVERNOR'S OFFICE SHALL MAKE THE REPORT REQUIRED
22 BY SUBSECTION (1) OF THIS SECTION PUBLICLY AVAILABLE ON ITS
23 WEBSITE.

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