

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

REENGROSSED

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

LLS NO. 23-0323.01 Jacob Baus x2173

SENATE BILL 23-158

SENATE SPONSORSHIP

Gardner, Lundeen, Pelton B., Pelton R., Rich

HOUSE SPONSORSHIP

Gonzales-Gutierrez and Weissman,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE COLORADO COMMISSION ON**
102 **CRIMINAL AND JUVENILE JUSTICE.**

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>.)

Senate Judiciary Committee. The bill continues the Colorado commission on criminal and juvenile justice until September 1, 2028.

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

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.

SENATE
3rd Reading Unamended
May 5, 2023

SENATE
Amended 2nd Reading
May 4, 2023

1 **SECTION 1.** In Colorado Revised Statutes, 2-3-1203, **repeal**
2 (14)(a)(VII); and **add** (15)(a)(X) as follows:

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

7 ~~(VII) The Colorado commission on criminal and juvenile justice~~
8 ~~created in section 16-11.3-102;~~

9 (15) (a) The following statutory authorizations for the designated
10 advisory committees are scheduled for repeal on September 1, 2024:

11 (X) THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE
12 JUSTICE CREATED IN SECTION 16-11.3-102.

13 **SECTION 2.** In Colorado Revised Statutes, 16-11.3-101, **amend**
14 **(1)(d), (1)(f), (1)(i), and (2)** as follows:

15 **16-11.3-101. Legislative declaration.** (1) The general assembly
16 finds and declares that:

17 (d) The number of offenders projected to be sentenced in the
18 future will MAY require that an even greater percentage of the state budget
19 be dedicated to incarceration UNLESS NON-CARCERAL AND EFFECTIVE
20 INTERVENTIONS ARE DEVELOPED THAT DECREASE PRISON POPULATIONS
21 WHILE DECREASING RECIDIVISM AND CREATING HEALTHIER, SAFER, AND
22 CRIME-FREE COMMUNITIES;

23 (f) It is in the interest of the people of the state of Colorado to
24 maintain public safety through the most cost-effective AND
25 RESEARCH-BASED use of limited criminal justice resources;

26 (i) It is in the best interest of the public to engage in a
27 comprehensive, evidence-based analysis of the circumstances and

1 characteristics of the offenders being sentenced to AND RESIDING IN the
2 department of corrections, the alternatives to incarceration, THE
3 AVAILABILITY OF TRANSITIONAL AND HOUSING RESOURCES FOR
4 OFFENDERS TO SUPPORT SUCCESSFUL REENTRY, the effectiveness of
5 prevention programs, and the effectiveness of the criminal code and
6 sentencing laws in securing public safety.

7 (2) Therefore, the general assembly declares that a commission
8 comprised of ~~experts~~ PERSONS WITH KNOWLEDGE AND EXPERIENCE in
9 criminal justice, corrections, mental and behavioral health, drug abuse,
10 VIOLENCE PREVENTION, victims' rights, ~~higher~~ education, juvenile justice,
11 local government, and other pertinent disciplines shall be formed to
12 engage in an evidence-based analysis of the criminal justice system in
13 Colorado and annually report to the governor, the speaker of the house of
14 representatives, the president of the senate, and the chief justice of the
15 Colorado supreme court.

16 **SECTION 3.** In Colorado Revised Statutes, 16-11.3-102, **amend**
17 **(2)(a) introductory portion, (2)(a)(III), (2)(a)(IV), (2)(a)(XI) introductory**
18 **portion, (2)(a)(XI)(F), (2)(a)(XI)(H), (2)(a)(XI)(M), and (6); repeal**
19 **(2)(a)(XI)(C); and add (2)(a)(XI)(H.5) as follows:**

20 **16-11.3-102. Colorado commission on criminal and juvenile**
21 **justice - creation - membership - operation. (2) (a) The commission**
22 **consists of ~~twenty-nine~~ THE FOLLOWING voting members: as follows**

23 **(III) ~~The executive director of the department of human services,~~**
24 **~~or his or her designee~~ THE COMMISSIONER OF THE BEHAVIORAL HEALTH**
25 **ADMINISTRATION, OR THE COMMISSIONER'S DESIGNEE;**

26 **(IV) ~~The executive director of the department of higher education,~~**
27 **~~or his or her designee~~ A REPRESENTATIVE OF HIGHER EDUCATION WITH**

1 EXPERTISE IN THE TOPIC OF CRIMINAL JUSTICE;

2 (XI) ~~Thirteen members~~ MEMBERS appointed by the governor as
3 follows:

4 (C) ~~An expert in juvenile justice issues;~~

5 (F) ~~A TWO~~ criminal defense attorney ATTORNEYS, AT LEAST ONE
6 OF WHOM MUST BE AN ATTORNEY IN A RURAL JUDICIAL DISTRICT;

7 (H) One member who is a representative of a community
8 corrections provider, a community corrections board member, or a
9 behavioral, mental health, or substance use disorder treatment provider;

10 (H.5) ONE MEMBER WHO IS A REPRESENTATIVE OF A COMMUNITY
11 CORRECTIONS PROVIDER OR A COMMUNITY CORRECTIONS BOARD;

12 (M) ~~Two members who shall be appointed at-large~~ ONE MEMBER
13 WHO WORKS WITH A COMMUNITY-BASED REENTRY PROGRAM.

14 (6) The commission shall meet at least once per month or on a
15 schedule determined by the chairperson to review information necessary
16 for making recommendations. THE CHAIRPERSON SHALL MAKE EVERY
17 EFFORT TO SCHEDULE MEETINGS AT A TIME AND LOCATION, AND IN A
18 MANNER, THAT MAXIMIZES PARTICIPATION BY ALL INTERESTED PARTIES.

19 **SECTION 4.** In Colorado Revised Statutes, 16-11.3-103, **amend**
20 (1), (2)(a), (2)(b), and (2)(f); **repeal** (2.5)(a); and **add** (2)(b.5) as follows:

21 **16-11.3-103. Duties of the commission - mission - staffing -**
22 **report - definition.** (1) The mission of the commission is to enhance
23 public safety, to ~~ensure justice~~ PROMOTE A JUST AND FAIR CRIMINAL
24 JUSTICE SYSTEM FOR ALL PERSONS, and to ensure protection of the
25 CONSTITUTIONAL AND STATUTORY rights of victims through the
26 cost-effective use of public resources. The work of the commission will
27 focus on evidence-based ~~recidivism reduction~~ initiatives and the

1 cost-effective expenditure of limited criminal justice funds.

2 (2) The commission has the following duties:

3 (a) To conduct ~~an empirical analysis~~ ANALYSES of and collect
4 evidence-based data on sentencing policies and practices, including but
5 not limited to the effectiveness of the sentences imposed in meeting the
6 purposes of sentencing and the need to prevent recidivism and
7 revictimization;

8 (b) To investigate effective alternatives to incarceration FOR ALL
9 OFFENDERS WHO CAN BE SAFELY PLACED IN ALTERNATIVE PROGRAMS, the
10 factors contributing to recidivism AND HOW TO ADDRESS THOSE FACTORS,
11 evidence-based ~~recidivism reduction~~ PREVENTION initiatives, and
12 cost-effective ~~crime prevention~~ programs TO ADDRESS INCREASING PRISON
13 POPULATIONS AND THE NEED TO PROMOTE PUBLIC SAFETY;

14 (b.5) TO INVESTIGATE EFFECTIVE INTERVENTION FOR PERSONS
15 INVOLVED IN THE CRIMINAL JUSTICE SYSTEM WHO ARE SUFFERING FROM
16 BEHAVIORAL HEALTH DISORDERS AND HOW THE CRIMINAL JUSTICE SYSTEM
17 CAN MORE EFFECTIVELY INTERVENE WITH THAT POPULATION THROUGH
18 EVIDENCE-BASED PRACTICES;

19 (f) To work with other state-established boards, task forces, or
20 commissions that study or address criminal justice issues, AND
21 COMMUNITY GROUPS THAT WORK WITH VIOLENCE PREVENTION, OFFENDER
22 RE-ENTRY, RESTORATIVE JUSTICE, AND VICTIM AND SURVIVOR SUPPORT;

23 (2.5) (a) ~~Using empirical analysis and evidence-based data, the~~
24 commission shall study sentences in Colorado.

25 **SECTION 5.** In Colorado Revised Statutes, 16-11.3-103, **amend**
26 (3), (4), and (5)(a); and **add** (6.5) as follows:

27 **16-11.3-103. Duties of the commission - mission - staffing -**

1 report - definition. (3) The commission shall establish advisory
2 committees, WHICH MUST INCLUDE TASK FORCES AND WORKING GROUPS,
3 that focus on specific subject matters and make recommendations to the
4 full commission. The chairperson of the commission shall select the
5 chairpersons for the advisory committees as well as the commission
6 members to serve on the advisory committees. The chairperson of an
7 advisory committee may SHALL select noncommission members from
8 interested members of the community to serve on the advisory committee,
9 TASK FORCE, OR WORKING GROUP WHO REPRESENT A DIVERSE GROUP OF
10 SUBJECT MATTER EXPERTS. Each advisory committee shall make findings
11 and recommendations for consideration by the commission.
12 Noncommission members of an advisory committee shall serve without
13 compensation and without reimbursement for expenses.

14 (4) The commission at its discretion, may SHALL respond to
15 inquiries referred by members of the general assembly AND the governor,
16 and the chief justice of the Colorado supreme court as resources allow.

17 (5) (a) The division of criminal justice in the department of public
18 safety, in consultation with the department of corrections, shall provide
19 resources for data collection, research, analysis, and publication of the
20 commission's findings and reports. THE DIVISION SHALL ASSIST IN THE
21 PREPARATION OF MATERIALS NECESSARY FOR THE IMPLEMENTATION OF
22 POLICY RECOMMENDATIONS AND LEGISLATIVE RECOMMENDATIONS
23 SUPPORTED BY THE COMMISSION.

24 (6.5) THE COMMISSION SHALL CONDUCT REGULAR MEETINGS TO
25 INFORM MEMBERS BY RECOGNIZED EXPERTS ON NATIONAL RESEARCH
26 THAT IS RELEVANT INFORMATION RELATED TO ITS DECISION MAKING ON
27 MATTERS CURRENTLY UNDER STUDY BY THE COMMISSION ON RESEARCH

1 AND EVIDENCE-BASED PRACTICES IN THE CRIMINAL JUSTICE AND
2 CORRECTIONAL SYSTEMS THAT IMPROVE OUTCOMES FOR OFFENDERS,
3 RECOVERY FOR VICTIMS, AND ENHANCE PUBLIC SAFETY.

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

6 **16-11.3-103. Duties of the commission - mission - staffing -**
7 **report - definition.** (5) (c) (I) THE DIVISION OF CRIMINAL JUSTICE SHALL
8 PROVIDE A TRANSLATOR OR INTERPRETER QUALIFIED IN THE SPANISH
9 LANGUAGE TO PROVIDE ORAL TRANSLATION IN SPANISH FOR EVERY PUBLIC
10 COMMISSION AND ADVISORY COMMITTEE MEETING AND WRITTEN
11 TRANSLATION INTO SPANISH OF EVERY PUBLICLY AVAILABLE DOCUMENT
12 CONSIDERED OR PRODUCED BY THE COMMISSION OR AN ADVISORY
13 COMMITTEE.

14 (II) UPON REQUEST, THE DIVISION OF CRIMINAL JUSTICE SHALL
15 PROVIDE A QUALIFIED TRANSLATOR OR INTERPRETER IN A REQUESTED
16 LANGUAGE TO PROVIDE ORAL TRANSLATION OF A PUBLIC COMMISSION OR
17 ADVISORY COMMITTEE MEETING AND WRITTEN TRANSLATION OF ANY
18 PUBLICLY AVAILABLE DOCUMENT CONSIDERED OR PRODUCED BY THE
19 COMMISSION OR AN ADVISORY COMMITTEE.

20 (III) AS USED IN THIS SUBSECTION (5)(c), UNLESS THE CONTEXT
21 OTHERWISE REQUIRES, "QUALIFIED TRANSLATOR OR INTERPRETER" MEANS
22 A TRANSLATOR OR INTERPRETER WHO IS DETERMINED BY THE EXECUTIVE
23 DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY TO:

24 (A) BE SCREENED AND TESTED IN PROFICIENCY IN BOTH ENGLISH
25 AND THE APPLICABLE NON-ENGLISH LANGUAGE WITH AFFILIATION OR
26 ACCREDITATION BY A NATIONALLY RECOGNIZED ASSOCIATION OF
27 TRANSLATORS OR HAVE OTHER CREDENTIALS OR CERTIFICATIONS THAT

1 COMPARE TO OR EXCEED THE STANDARDS USED BY A NATIONALLY
2 RECOGNIZED ASSOCIATION OF TRANSLATORS; AND

3 (B) PRODUCE TRANSLATIONS THAT ARE LINGUISTICALLY
4 ACCURATE, CULTURALLY APPROPRIATE, AND TECHNICALLY CONSISTENT
5 WITH THE ORIGINAL STATEMENT OR DOCUMENT.

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

8 **16-11.3-103. Duties of the commission - mission - staffing -**
9 **report - definition.** ~~(7) On or before May~~ **JULY 1** of each even-numbered
10 year, the commission shall request a letter from the governor suggesting
11 topics for the commission to study. In preparing the letter, the governor
12 is encouraged to consult with the chief justice of the Colorado supreme
13 court and the majority and minority leaders of the house of
14 representatives and the senate. THE COMMISSION SHALL PROVIDE THE
15 OPPORTUNITY TO ALL COMMISSION MEMBERS, ADVISORY COMMITTEE
16 MEMBERS, AND OTHER INTERESTED COMMUNITY GROUPS TO PROVIDE
17 TOPICS FOR STUDY TO BE SUBMITTED TO THE GOVERNOR IN CONJUNCTION
18 WITH THE COMMISSION'S REQUEST FOR A LETTER FROM THE GOVERNOR.
19 WHEN CONSIDERING TOPICS FOR THE COMMISSION TO STUDY, THE
20 GOVERNOR IS ENCOURAGED TO CONSIDER THE INPUT PROVIDED AND IS
21 ENCOURAGED TO CONSULT WITH THE MAJORITY AND MINORITY LEADERS
22 OF THE SENATE AND HOUSE OF REPRESENTATIVES AND THE CHAIRS OF THE
23 JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES,
24 OR ANY SUCCESSOR COMMITTEES.

25 **SECTION 8.** In Colorado Revised Statutes, **amend 16-11.3-105**
26 as follows:

27 **16-11.3-105. Repeal of article - sunset review.** This article 11.3

1 is repealed, effective ~~July 1, 2023~~ SEPTEMBER 1, 2024. Prior to such
2 repeal, the department of regulatory agencies shall review the commission
3 as described in section 2-3-1203.

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

6 **24-1-128.6. Department of public safety - creation - repeal.**

7 (8) (b) This subsection (8) is repealed, effective ~~July 1, 2023~~ SEPTEMBER
8 1, 2024.

9 **SECTION 10. Effective date.** This act takes effect July 1, 2023.

10 **SECTION 11. 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, or safety.