



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 23-0775
Prime Sponsors: Rep. Epps

Date: March 2, 2023
Bill Status: House Judiciary
Fiscal Analyst: Aaron Carpenter | 303-866-4918
aaron.carpenter@coleg.gov

Bill Topic: **PROCEDURE TO APPLY FOR COMMUTATION OF SENTENCE**

Summary of Fiscal Impact:

- | | |
|---|--|
| <input type="checkbox"/> State Revenue | <input type="checkbox"/> TABOR Refund |
| <input checked="" type="checkbox"/> State Expenditure | <input type="checkbox"/> Local Government |
| <input type="checkbox"/> State Transfer | <input type="checkbox"/> Statutory Public Entity |

The bill details the application process for individuals seeking a commutation of a sentence from the Governor. Starting in FY 2023-24, the bill will increase state workload.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

The bill details the application process for individuals seeking a commutation of a sentence from the Governor. First, the bill charges the executive clemency representative to oversee the application process. Next, the bill details what needs to be included in the application. Once the clemency representative receives an application, the representative must notify the applicant of receipt and if there are any missing materials; request a certificate of conduct from the Department of Corrections (DOC); notify and forward the application to the district attorney in the relevant jurisdiction; receive responses from the district attorney and the applicant; and send all materials to the Executive Clemency Board, or the Governor's Office if the board does not exist.

Once the board receives an application, the board may choose to interview the applicant in person. When evaluating the applications, the board and the Governor must give weight to the following factors: good character previous to conviction, good conduct during confinement, statements and supporting materials from the district attorney, and any other material concerning the merits of the application. The Governor has the sole discretion in evaluating and submitting comments.

Finally, the bill requires the Governor's Office to annually report on its website data on commutations of sentences.

Background

The Colorado Constitution gives the Governor the power to grant clemency, which includes commutation, or modifying a sentence, and a pardon, or a public forgiveness for a crime after completion of a sentence. Currently, to request commutation of a sentence, applicants work with their case manager to complete the application. Once the application is complete, the packet is reviewed by the applicant's DOC facility to determine if the criteria for clemency has been met. The application is then sent to the Director of Executive Clemency who may convene the Executive Clemency Advisory Board. The board then reviews the packet and either makes recommendations that are forwarded to the Governor or the application is tabled for consideration at a later date. Finally, the Governor takes the application and recommendations under advisement. More information about the clemency process, along with the criteria used by the board can be found here: <https://cdoc.colorado.gov/resources/clemency>.

State Expenditures

Starting in FY 2023-24, workload will increase in the DOC to update operations to align with the bill, which largely codifies existing practice. The fiscal note assumes that the current Director of Executive Clemency can incorporate any workload changes and that any computer modifications to capture data required by the report can be incorporated within existing appropriations.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Corrections

Information Technology

District Attorneys

Judicial

Governor