

CHAPTER 13

GOVERNMENT - STATE

SENATE BILL 24-030

BY SENATOR(S) Rodriguez and Gonzales, Buckner, Coleman, Cutter, Danielson, Exum, Fields, Hansen, Hinrichsen, Jaquez Lewis, Kolker, Marchman, Michaelson Jenet, Priola, Sullivan;
also REPRESENTATIVE(S) Amabile and Martinez, Boesenecker, Brown, Clifford, Epps, Froelich, Garcia, Hamrick, Hernandez, Herod, Jodeh, Joseph, Kipp, Lieder, Lindsay, Mabrey, Marshall, Marvin, Mauro, Parenti, Rutinel, Sirota, Story, Titone, Vigil, Weissman, Willford, Young, McCluskie.

AN ACT**CONCERNING CREATING A WORKING GROUP TO DEVELOP A DEFINITION OF RECIDIVISM.**

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

SECTION 1. In Colorado Revised Statutes, **add** 24-33.5-536 as follows:

24-33.5-536. Definition of recidivism working group - created - membership.

(1) (a) THE DIVISION SHALL CONVENE A WORKING GROUP TO DEVELOP A DEFINITION OF RECIDIVISM TO BE USED BY EACH STATE ENTITY, INCLUDING EACH DEPARTMENT, DIVISION, AGENCY, OFFICE, OR COMMISSION THAT COLLECTS DATA OR REPORTS ON RECIDIVISM, IN ANY REPORT ISSUED BY THE ENTITY.

(b) THE DIVISION SHALL IDENTIFY EACH STATE ENTITY, INCLUDING EACH DEPARTMENT, DIVISION, AGENCY, OFFICE, OR COMMISSION THAT COLLECTS DATA OR REPORTS ON RECIDIVISM IN ANY REPORT ISSUED BY THE ENTITY.

(c) EXCEPT AS OTHERWISE REQUIRED BY STATE OR FEDERAL LAW, BEGINNING JULY 1, 2025, EACH STATE ENTITY DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION SHALL USE THE DEFINITION OF RECIDIVISM DEVELOPED BY THE WORKING GROUP PURSUANT TO THIS SECTION IN THE ENTITY'S RECIDIVISM DATA COLLECTION. ANY DOCUMENT OR REPORT THAT INCLUDES RECIDIVISM DATA COLLECTED BY A STATE ENTITY ON OR AFTER JULY 1, 2025, MUST REPORT THE DATA CONSISTENT WITH THE DEFINITION OF RECIDIVISM DEVELOPED BY THE WORKING GROUP. THIS SECTION DOES NOT PROHIBIT A STATE ENTITY FROM REPORTING, IN ADDITION TO DATA ABOUT RECIDIVISM AS DEFINED BY THE WORKING GROUP, ANY OTHER METRICS THE STATE

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.

ENTITY DEEMS NECESSARY OR RELEVANT TO ITS MISSION, OR TO MEET THE NEEDS OF THE ENTITY.

(2) (a) THE WORKING GROUP CONSISTS OF THE FOLLOWING MEMBERS:

(I) A REPRESENTATIVE OF THE JUDICIAL DEPARTMENT, APPOINTED BY THE STATE COURT ADMINISTRATOR;

(II) A REPRESENTATIVE OF THE DEPARTMENT OF CORRECTIONS, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS;

(III) A REPRESENTATIVE OF THE DIVISION OF YOUTH SERVICES IN THE DEPARTMENT OF HUMAN SERVICES, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES;

(IV) A REPRESENTATIVE OF THE STATE BOARD OF PAROLE, APPOINTED BY THE CHAIR OF THE PAROLE BOARD;

(V) A REPRESENTATIVE OF THE DEPARTMENT OF PUBLIC SAFETY WITH EXPERTISE IN COMMUNITY CORRECTIONS, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY;

(VI) A MEMBER FROM AN INSTITUTION OF HIGHER EDUCATION WITH EXPERTISE IN THE CRIMINAL LEGAL SYSTEM WHO HAS CONDUCTED RELEVANT RESEARCH REGARDING RECIDIVISM, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY; AND

(VII) A REPRESENTATIVE OF A COMMUNITY-BASED ORGANIZATION THAT WORKS FOR CRIMINAL LEGAL REFORM AND SUPPORTS CONSISTENT DATA COLLECTION, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY.

(b) NO LATER THAN SEPTEMBER 15, 2024, THE APPOINTING AUTHORITIES SHALL MAKE THEIR APPOINTMENTS TO THE WORKING GROUP.

(c) MEMBERS OF THE WORKING GROUP DO NOT RECEIVE COMPENSATION OR REIMBURSEMENT FOR EXPENSES.

(d) THE DIVISION SHALL FACILITATE THE WORK OF THE WORKING GROUP. THE WORKING GROUP SHALL ALLOW FOR REMOTE PARTICIPATION AT EACH MEETING OF THE WORKING GROUP.

(3) (a) THE WORKING GROUP SHALL DEVELOP A DEFINITION OF RECIDIVISM NO LATER THAN JANUARY 15, 2025.

(b) NO LATER THAN JANUARY 31, 2025, THE WORKING GROUP SHALL PROVIDE ITS DEFINITION OF RECIDIVISM TO EACH STATE ENTITY IDENTIFIED BY THE DIVISION IN SUBSECTION (1)(b) OF THIS SECTION.

(4) THE DEFINITION OF RECIDIVISM DEVELOPED BY THE WORKING GROUP PURSUANT TO THIS SECTION MUST INCLUDE, AT A MINIMUM:

(a) A CLEARLY DEFINED MEASUREMENT POINT TO BEGIN TRACKING THE RECIDIVISM EVENT DESCRIBED IN SUBSECTION (4)(c) OF THIS SECTION;

(b) A CLEAR DESCRIPTION OF THE COHORT TO BE TRACKED;

(c) THAT A RECIDIVISM EVENT IS A NEW DEFERRED AGREEMENT OR AN ADJUDICATION OR CONVICTION FOR A FELONY OFFENSE OR MISDEMEANOR OFFENSE, INCLUDING ALL "VICTIM RIGHTS ACT" CRIMES AS DEFINED IN SECTION 24-4.1-302 (1); AND

(d) A CLEARLY DEFINED TIME PERIOD DURING WHICH AN EVENT IS CONSIDERED A RECIDIVISM EVENT THAT IS CONSISTENT WITH BEST PRACTICES FOR MEASURING RECIDIVISM.

(5) SUBJECT TO AVAILABLE RESOURCES, AND IF THE WORKING GROUP DETERMINES IT CAN DO SO PRIOR TO JANUARY 15, 2025, TO PROMOTE THE USE OF CONSISTENT DEFINITIONS BY VARIOUS STATE ENTITIES, THE WORKING GROUP MAY DEVELOP DEFINITIONS OF OTHER METRICS OR DATA POINTS RELATED TO RECIDIVISM OR THE DESISTANCE FROM CRIME THAT STATE ENTITIES MAY USE AS APPLICABLE.

(6) THE WORKING GROUP SHALL NOT MEET AFTER JANUARY 31, 2025.

SECTION 2. In Colorado Revised Statutes, 19-2.5-1501, **amend** (4) as follows:

19-2.5-1501. Division of youth services - created - interagency agreements - duties of administrators of facilities in connection with voter registration and casting of ballots - reports - definitions. (4) On or before July 1, 2018, and on or before each July 1 thereafter, the department of human services shall collect recidivism data and calculate the recidivism rates and the educational outcomes for juveniles committed to the custody of the department of human services. ~~who complete their parole sentences and discharge from department supervision. In collecting the recidivism data, the department of human services shall include any juvenile adjudication or adult conviction of a criminal offense within three years after parole discharge.~~ Notwithstanding section 24-1-136 (11)(a)(I), the department of human services shall report the recidivism data, recidivism rates, and educational outcomes to the general assembly annually. The report must denote the demographic characteristics of the population considered in the report. In reporting on recidivism rates, the report must denote the types of criminal offenses committed, delineating between felonies and misdemeanors. ~~and between crimes that are included as a "crime" pursuant to section 24-4.1-302 (1) and other crimes.~~

SECTION 3. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: March 6, 2024