



## Colorado Commission on Criminal and Juvenile Justice

### Legislative Recommendation Status

**FY 2008 - FY 2022**

The following is a status summary of the CCJJ recommendations that includes suggestions for statutory revision (as of 1/21/2022). The summary includes the number of legislative recommendations that were successfully passed into statute (“In Statute”) and the number that have never been introduced or did not pass in the General Assembly (“Incomplete”).

**Subsequent pages provide descriptions of the Incomplete recommendations.**

Fiscal Year	Recommendations OVERALL (Legislative & Policy)	CCJJ <u>Legislative</u> Recommendations Only			
		Total	Completed / In Statute Number (percent)	Incomplete (with Brief Descriptions) Number Page no.	
<b>2022</b> ①	<b>3 (&amp; 4 pending)</b>	<b>2 (+4)</b>	<b>0 (0%)</b>	<b>2</b>	<b>p. 2</b>
<b>2021</b>	2	2	1 (50%)	1	p. 3
<b>2020</b>	9	5 ②	1 (20%)	4	p. 3-4
<b>2019</b>	12 (6 corrected)	3 ③	1 (33%)	2	p. 5
<b>2018</b>	2	2	2 (100%)	0	-
<b>2017</b>	16	11	8 (73%)	3	p. 5-6
<b>2016</b>	5	2	2 (100%)	0	-
<b>2015</b>	16	7	2 (29%)	5	p. 6-7
<b>2014</b>	7	7	7 (100%)	0	-
<b>2013</b>	22	13	10 (77%)	3	p. 7
<b>2012</b>	22	7	7 (100%)	0	-
<b>2011</b>	43	32	30 (94%)	2	p. 8
<b>2009-10</b>	65	37	34 (92%)	3	p. 8
<b>2008</b>	68 (65 corrected)	11 ④	9 (82%)	2	p. 9
<b>Total</b>	<b>292 (283 corrected) ⑤</b>	<b>141</b>	<b>114 (81%)</b>	<b>25</b>	<b>-</b>

① *As of 1/21/2022, recommendation development is ongoing for the 2022 Legislative session.*

② Two of the five recommendations were part of “PI-ed” bill, S.B. 2020-161. The CCJJ has postponed these pretrial-related recommendations for re-examination when budget conditions are less prohibitive.

③ In FY 2020, the CCJJ & Pretrial Release Task Force withdrew and replaced six FY 19 pretrial-related recommendations. These six were removed from these Legislative recommendations subtotals.

④ In FY 2013, the CCJJ & Bail Subcommittee withdrew and replaced three FY08 bail-related recommendations. These three were removed from these Legislative recommendations subtotals.

⑤ Accounting for withdrawn recommendations, CCJJ has approved 141 (51%) *non-legislative* recommendations directed to agencies and criminal justice entities regarding policies and practices.

# CCJJ Legislative Recommendation Status: 2008-2022

## **FY 2022**

<b>FY 2022: Incomplete recommendations</b>		
<b>FY22-SR #01</b>	<b>Rec:</b>	<p><b>DEFINE THE PURPOSES OF PROBATION.</b> Amend Part 2 of §16-11, C.R.S. to include the following to define the purposes of probation:</p> <ul style="list-style-type: none"> <li>- To serve as a sentencing option and a response to crime in order to moderate and deter future criminal behavior and victimization.</li> <li>- To support persons in behavior change through the coordination and provision of effective and individualized services which may include, but are not limited to, educational, therapeutic, restorative and skill building services</li> <li>- To hold persons accountable for their behavior through supervision and interventions that promote reparation of harm to community and victims which shall include, but is not limited to, restitution to victims.</li> <li>- To serve as a cost-effective option for persons appropriate for community supervision.</li> <li>- To honor the statutory and constitutional rights of victims of crime.</li> </ul>
	<b>Reason:</b>	<b><i>This recommendation was approved December 2021, prior to the FY 2022 legislative session.</i></b>
<b>FY22-SR #05</b>	<b>Rec:</b>	<p><b>IMPLEMENT INDIVIDUALIZED BEHAVIORAL RESPONSES TO PROBATION VIOLATIONS.</b> Amend §16-11-205, §16-11-209, §16-11-2?? (new section), §16-11.5-101, §16-11.5-102(1)(c), §16-11.5-105, §18-1.3-102, and any other required conforming revisions to statute to reflect contemporary best practice guidelines that serve people on probation and deferred sentences, especially those diagnosed and/or dealing with substance use disorders. Such practices provide corresponding systems that include a range of individualized and structured behavioral responses to substance use and other behaviors that violate typical conditions of probation (<i>aligning with FY22-SR #01 above</i>), rather than the finite and limited responses in current statute that reflect retributive, punitive, and deterrent-based justice methods.</p>
	<b>Reason:</b>	<b><i>This recommendation was approved January 2022, early in the FY 2022 legislative session.</i></b>
<b>PENDING CCJJ APPROVAL</b>		
<b>FY22-SR #06</b>	<b>Rec:</b>	<b><i>Revise Penalties for Unauthorized Practice of Certain Professions or Occupations.</i></b> Amend §12-20, C.R.S., to include a new statutory section with additional professions, the practice of which without a license, should be a felony due to a public safety risk.
<b>FY22-SR #07</b>	<b>Rec:</b>	<b><i>Revise Value Basis for Theft of Public Benefits.</i></b> Amend C.R.S. related to theft of public benefits to clarify that the amount of theft is based on the amount of benefits paid for which the person is not legally entitled.
<b>FY22-SR #08</b>	<b>Rec:</b>	<b><i>Add Prison as an Intermediate Sanction Confinement Facility.</i></b> Amend §17-2-103, C.R.S., to grant statutory authority to the executive director of the department of corrections to confine parolees in a prison facility, in addition to utilizing jails, for the purpose of confinement as an intermediate (Swift & Sure) sanction for up to 14 days without filing a complaint seeking parole revocation.
<b>FY22-SR #09</b>	<b>Rec:</b>	<b><i>Revise Felony Offenses Eligible for the Crime of POWPO.</i></b> Amend §18-12-108, C.R.S., Possession of Weapons by Previous Offenders to include 61 additional non-VRA felony offenses based on public safety considerations.

# CCJJ Legislative Recommendation Status: 2008-2022

## FY 2021

<b>FY 2021: Incomplete recommendations</b>		
<b>FY21-SR #02</b>	<b>Rec:</b>	<b>UPDATE THE STANDARD CONDITIONS OF PAROLE AND REVISE THE ADDITIONAL CONDITIONS OF PAROLE [STATUTORY, POLICY].</b> Amend §17-2-201, C.R.S., to update and clarify the Standard Conditions of supervision for individuals on parole. The Standard Conditions of Parole apply to all individuals released under parole supervision. The existing Additional Conditions of Parole also have been revised for the Colorado State Board of Parole ["the Board"]. Both sets of conditions have been updated to clarify expectations, simplify language, increase comprehension, and remove duplication. Because Additional Conditions are not specified in statute, no statutory language regarding Additional Conditions is required in the recommendation.
	<b>Reason:</b>	<b><i>This recommendation was approved March 2021, late in the delayed FY 2021 legislative session.</i></b>

## FY 2020

<b>FY 2020: Incomplete recommendations</b>		
<b>FY20- OP #01</b>	<b>Rec:</b>	<b>ESTABLISH A STATEWIDE ENTITY TO COORDINATE STRATEGY REGARDING DANGEROUS DRUGS [STATUTORY, BUDGETARY].</b> Establish a narcotics enforcement entity, the Dangerous Drugs Coordination Council ("the Council"), that facilitates and coordinates the sharing of information among law enforcement agencies across the state. The Council, to be housed in the Colorado Department of Public Safety, will provide a structure for collaboration, information sharing, and efforts to support local law enforcement agencies. The Council: a) will coordinate strategic responses to any emerging illicit drug trends, b) will orchestrate the implementation of an emergency medical service tracking and reporting system, the Overdose Detection Mapping Application Program (ODMAP), c) requires one full time employee (FTE) in CIAC/CDPS to coordinate the meetings and meet the analytical needs of the entity, and d) shall include specific stakeholders and agency representatives.
	<b>Reason:</b>	<b><i>Developed pursuant to SB19-008, this recommendation (approved July 2020) was included in a September 23, 2020 report to the General Assembly.</i></b>
<b>FY20-OP #03</b>	<b>Rec:</b>	<b>IMPLEMENT UNIFIED DRUG OVERDOSE REPORTING AND TRACKING [STATUTORY].</b> Implement and require participation by public safety and public health personnel in the Overdose Detection Mapping Application Program (ODMAP) in Colorado. ODMAP is an emergency medical service tracking and reporting system. To facilitate expeditious public health and law enforcement responses to save lives in Colorado, the following entities should be required to implement and participate in this program: a) The Dangerous Drugs Coordination Council (created in Recommendation FY20-OP #01) will be responsible for directing the implementation of ODMAP, including outreach to rural agencies, and facilitating statewide participation; and b) Emergency Medical Services (EMS), Coroners, Law Enforcement & Emergency Departments (ERs)
	<b>Reason:</b>	<b><i>Developed pursuant to SB19-008, this recommendation (approved July 2020) was included in a September 23, 2020 report to the General Assembly.</i></b>

## CCJJ Legislative Recommendation Status: 2008-2022

<b>FY 2020: Incomplete recommendations (continued)</b>		
<b>FY20-PR #02</b>  <b>CCJJ ACTION POSTPONED</b>	<b>Rec:</b>	<b>CREATE A STATEWIDE PRETRIAL SERVICES DATA ADVISORY GROUP [STATUTORY].</b> Create a statewide pretrial services data advisory group staffed by the Division of Criminal Justice with a sunset of five years from legislation enactment. The data advisory group must include representation of pretrial stakeholders, including the State Court Administrators Office. The Division of Criminal Justice is the central repository for all pretrial services data (see CCJJ Recommendation FY20-PR#01). One (1.0) FTE is required for staffing the statewide pretrial services data advisory group and for pretrial services data management, analysis, and annual reporting and an additional one-time appropriation will be necessary to meet the information technology requirements. Revise pretrial data reporting requirement language in §16-4-106, C.R.S. to conform to this recommendation.
	<b>Reason:</b>	<i><b>Was included in SB20-161 that was postponed indefinitely (PI'd) due to budget constraints. The Commission has postponed this recommendation for re-examination when budget conditions are less prohibitive.</b></i>
<b>FY20-PR #03</b>  <b>CCJJ ACTION POSTPONED</b>	<b>Rec:</b>	<b>IMPLEMENT BAIL BOND REFORM [STATUTORY].</b> Amends, appends, or deletes and replaces several sections of statute related to pretrial services and bail/bond. This recommendation combines 14 pretrial and bond-related elements that address: <ul style="list-style-type: none"> <li>- pretrial risk assessment (PRA) [ELEMENT 3.1]</li> <li>- PRA use and data collection [ELEMENT 3.2]</li> <li>- expansion of pretrial services statewide [ELEMENT 3.3]</li> <li>- expansion of the use of summons [ELEMENT 3.4]</li> <li>- bail bond violations [ELEMENT 3.5]</li> <li>- release conditions [ELEMENT 3.6]</li> <li>- expedited pretrial release process [ELEMENT 3.7]</li> <li>- pretrial services funding, standards, assessment and training [ELEMENT 3.8]</li> <li>- initial bond hearing process and monetary conditions of bond [ELEMENT 3.9]</li> <li>- public defender and district attorney involvement in bail hearings [ELEMENT 3.10]</li> <li>- training for pretrial stakeholders [ELEMENT 3.11]</li> <li>- expedited appeal process [ELEMENT 3.12]</li> <li>- telejustice program fund [ELEMENT 3.13]</li> <li>- pretrial community advisory boards [ELEMENT 3.14]</li> </ul> <i>Each "ELEMENT" (3.1 through 3.14) description and Draft Statutory Language can be found in the "Recommendation Text."</i>
	<b>Reason:</b>	<i><b>Was included in SB20-161 that was postponed indefinitely (PI'd) due to budget constraints. The Commission has postponed this recommendation for re-examination when budget conditions are less prohibitive.</b></i>

# CCJJ Legislative Recommendation Status: 2008-2022

## **FY 2019\***

<b>FY 2019: Incomplete recommendations</b>		
<b>FY19-AD #01</b>	<b>Rec:</b>	<b>DEVELOP A COMPREHENSIVE JUVENILE SERVICES PLAN.</b> Develop a data-driven, cross-disciplinary, comprehensive juvenile services plan addressing the full juvenile justice continuum in each judicial district by undertaking the following: A) In §19-2-211, C.R.S., expand the local Juvenile Services Planning Committee (JSPC) responsibilities to include the development of a data-driven three-year plan, with annual updates, targeting the full juvenile justice continuum in each judicial district; B) In §19-2-212, C.R.S., require the state Working Group defined therein to identify the specific components of the data-driven plan; and C) In §39-28.8-501, C.R.S., authorize the use of existing marijuana tax revenue distributed to Senate Bill 1991-094 to support data-driven plan development and implementation by judicial districts.
	<b>Reason:</b>	<b><i>This recommendation was approved March 2019, during the FY 2019 legislative session.</i></b>
<b>FY19-AYIC 01</b>	<b>Rec:</b>	<b>CLARIFY MANDATORY REPORTING OF INSTITUTIONAL ABUSE.</b> Amend §19-3-304, C.R.S., to address mandatory reporting in accord with the new definition of institutional abuse (§19-1-103 (66), C.R.S.). The statute (§19-3-304, C.R.S.) that obligates certain professionals to report child abuse/neglect to child protective services or law enforcement applies only to youth up to the age of 18. Given the age range for institutional abuse (“younger than 21”), the new section will address this important gap in the protection of youth in facilities who are not covered by the current mandatory reporting statute.
	<b>Reason:</b>	<b><i>Developed pursuant to HB18-1346, this recommendation was approved June 2019 following the FY 2019 legislative session.</i></b>

\* Excludes six recommendations that were later withdrawn and replaced.

## **FY 2017**

<b>FY 2017: Incomplete recommendations</b>		
<b>FY17-RE #02</b>	<b>Rec:</b>	<b>PREVENT ADVERSE PRIVATE EMPLOYMENT ACTIONS ON THE BASIS OF NON-CONVICTION, SEALED, AND EXPUNGED RECORDS.</b> Promote community safety and economic growth by preventing adverse employment action on the basis of arrests that did not result in a conviction, or criminal justice records that have been sealed or expunged.
	<b>Reason:</b>	<b><i>Sponsor(s) were sought for the 2018 Legislative Session, but no bill was introduced. No subsequent action.</i></b>

## CCJJ Legislative Recommendation Status: 2008-2022

<b>FY 2017: Incomplete recommendations (continued)</b>		
<b>FY17-RE #04</b>	<b>Rec:</b>	<b>PROMOTE HOUSING OPPORTUNITIES FOR PEOPLE WITH NON-CONVICTION, SEALED, AND EXPUNGED RECORDS.</b> Promote community safety and economic growth by: 1) Preventing adverse housing action on the basis of arrests that did not result in conviction, or criminal justice records that have been sealed or expunged, 2) Allowing prospective tenants denied housing due to a criminal history or credit record to obtain a copy of the record, 3) Correcting a statutory omission regarding landlords' inquiry into sealed records, and 4) Enacting protections for landlords in civil cases.
	<b>Reason:</b>	<b><i>Was included in SB18-057 that was postponed indefinitely (PI'd). No subsequent action.</i></b>
<b>FY17-RE #05</b>	<b>Rec:</b>	<b>PROVIDE STATUTORY GUIDANCE ON PUBLIC HOUSING DECISIONS.</b> Promote community safety and economic growth by: 1) Preventing public housing authorities from taking adverse action against individuals on the basis of arrests that did not result in a conviction, or convictions that have been pardoned, sealed or expunged, and 2) Requiring public housing authorities to consider other convictions using the same criteria the state currently applies for licensure and employment decisions.
	<b>Reason:</b>	<b><i>Was included in SB18-057 that was postponed indefinitely (PI'd). No subsequent action.</i></b>

## **FY 2015**

<b>FY 2015: Incomplete recommendations</b>		
<b>FY15-CC #01</b>	<b>Rec:</b>	<b>DEVELOP AND IMPLEMENT COMMUNITY CORRECTIONS BOARD MEMBER TRAINING.</b> The Colorado Department of Public Safety shall work with local community corrections boards and key stakeholders to develop and implement a mandatory introductory orientation and an annual continuing education curriculum to ensure appropriate and consistent community placement decisions by board members.
	<b>Reason:</b>	<b><i>Was included in SB15-007 that was postponed indefinitely (PI'd) due to costs. No subsequent action.</i></b>
<b>FY15-CC #03</b>	<b>Rec:</b>	<b>STANDARDIZE COMMUNITY CORRECTIONS BOARD MEMBERSHIP AND COMPOSITION.</b> Colorado community corrections boards from every judicial district must have a mandatory minimum membership that includes representatives from the offices of the district attorney, public defender, law enforcement, probation, the Department of Corrections, a victim or survivor representative, and a citizen member. Board membership should strive to reflect the composition and values of the local community.
	<b>Reason:</b>	<b><i>Was included in SB15-007 that was PI'd due to costs. No subsequent action.</i></b>
<b>FY15-CC #04</b>	<b>Rec:</b>	<b>REVIEW COMMUNITY CORRECTIONS BOARD MEMBER REAPPOINTMENT PROCEDURES.</b> Each judicial district and appointing authority (see C.R.S., 17-27-103) shall review how often each community corrections board member should apply for reappointment to the board.
	<b>Reason:</b>	<b><i>Was included in SB15-007 that was PI'd due to costs. No subsequent action.</i></b>



## CCJJ Legislative Recommendation Status: 2008-2022

FY 2015: Incomplete recommendations (continued)		
FY15-CC #06	<b>Rec:</b>	<b>DEVELOP AND IMPLEMENT PROFESSIONAL JUDGEMENT AND RESEARCH-BASED DECISION MAKING PROCESS.</b> Community corrections boards shall develop and implement a structured, research-based decision making process that combines professional judgment and actuarial risk assessment tools. This structured decision making process should sort offenders by risk, need and appropriateness for community placement. The Division of Criminal Justice shall receive resources to assist local boards in developing these processes.
	<b>Reason:</b>	<i>Was included in SB15-007 that was PI'd due to costs. No subsequent action.</i>
FY15-CS #01	<b>Rec:</b>	<b>EARLY DISCHARGE FROM LIFETIME SUPERVISION PROBATION FOR SEX OFFENDERS DUE TO DISABILITY OR INCAPACITATION.</b> Amend C.R.S. 18-1.3-1008 to provide that offenders sentenced to the Lifetime Supervision Act, who suffer from a severe disability to the extent they are deemed incapacitated and do not present an unacceptable level of risk to public safety, may petition the court for early discharge from probation supervision. Also, if necessary, make conforming amendments to the Colorado Victims' Rights Act regarding a "critical stage" for victim notification.
	<b>Reason:</b>	<i>FY 2015 - No legislation. FY 2017 - Legislation attempted, but no sponsor was identified.</i>

### **FY 2013**

FY 2013: Incomplete recommendations		
FY13-DP #04	<b>Rec:</b>	<b>EXPAND IRT AVAILABILITY IN DOC:</b> Encourage the General Assembly to provide funding to the DOC to develop or expand an intensive residential treatment program for inmates who have relatively short sentences who are assessed to need that level of treatment.
	<b>Reason:</b>	<i>No legislation. No subsequent action.</i>
FY13-DP #06	<b>Rec:</b>	<b>EXPAND ACCESS TO TRAUMA-INFORMED SUBSTANCE ABUSE TREATMENT:</b> If there are projected cost-savings from legislation reforming the Colorado Controlled Substances Act, the Drug Policy Task Force recommends that the General Assembly prioritize expanding access to trauma-informed treatment services for people with a substance abuse disorder to the extent that is appropriate and available.
	<b>Reason:</b>	<i>No legislation. No subsequent action.</i>
FY13-CS #03	<b>Rec:</b>	<b>ELIMINATE COLORADO'S EXTRAORDINARY RISK STATUTE:</b> Colorado's Revised Statutes pertaining to Crimes of Violence, Extraordinary Risk Crimes, and Aggravated Ranges are complex, convoluted and often duplicative.
	<b>Reason:</b>	<i>FY 2013 - No legislation. FY 2017 - Legislation attempted, but no sponsor was identified. No subsequent action.</i>

# CCJJ Legislative Recommendation Status: 2008-2022

## **FY 2011**

<b>FY 2011: Incomplete recommendations</b>		
<b>FY11-SO #17</b>	<b>Rec:</b>	<b>ADDRESS INCONSISTENCIES IN THE UNLAWFUL SEXUAL CONTACT STATUTE:</b> Repeal the current mandatory prison sentence provisions for commission of unlawful sexual contact by force, threat, or intimidation, 18-3-404(3), CRS.
	<b>Reason:</b>	<i><b>FY 2011 - House leadership did not support going forward with this bill at the time and asked that the recommendation be reconsidered by the Comprehensive Sentencing Task Force.</b></i> <i><b>FY 2017 - Legislation attempted, but no sponsor was identified. No subsequent action.</b></i>
<b>FY11-SO #18</b>	<b>Rec:</b>	<b>AMEND THE PERIOD OF DEFERRED JUDGEMENT AND AVAILABLE TREATMENT LENGTHS FOR SEX OFFENSES:</b> Extend the amount of time available on a deferred judgment and sentence for a sex offense requiring treatment, and clarify when the period of the deferred begins.
	<b>Reason:</b>	<i><b>No legislation. No subsequent action.</b></i>

## **FY 2009 and 2010**

<b>FY 2010: Incomplete recommendations</b>		
<b>FY10-D #13</b>	<b>Rec:</b>	<b>NON-ALCOHOL RELATED TRAFFIC OFFENSES AND LICENSE REVOCATION:</b> Eliminate non-alcohol related Driving Under Revocation (DUR), Driving Under Suspension (DUS) and Driving Under Denial (DUD) as a major offense for consideration by the Division of Motor Vehicle (DMV) for a habitual traffic offense (see C.R.S. 42-2-203).
	<b>Reason:</b>	<i><b>No legislation. No subsequent action.</b></i>
<b>FY10-D #14</b>	<b>Rec:</b>	<b>NON-ALCOHOL RELATED TRAFFIC OFFENSES AND HTO:</b> Eliminate non-alcohol related Driving Under Revocation (DUR), Driving Under Suspension (DUS) and Driving Under Denial (DUD) as a major offense for consideration by the DMV as a predicate offense to classification as a Habitual Traffic Offender (HTO). Eliminate mandatory jail sentences for non-alcohol related DUR, DUS and DUD while still retaining them as discretionary (see C.R.S. 42-2-202).
	<b>Reason:</b>	<i><b>No legislation. No subsequent action.</b></i>
<b>FY10-D #23</b>	<b>Rec:</b>	<b>CONTROLLED SUBSTANCES: DISTRIBUTION AND POSSESSION WITH INTENT TO DISTRIBUTE:</b> Limit to 100 feet the current 1,000 foot zone that pertains to the sale, distribution, and manufacture of controlled substances.
	<b>Reason:</b>	<i><b>No legislation. No subsequent action.</b></i>



# CCJJ Legislative Recommendation Status: 2008-2022

## **FY 2008\***

<b>FY 2008: Incomplete recommendations</b>		
<b>FY08-L #10</b>	<b>Rec:</b>	<b>INCREASE "GATE MONEY":</b> Increase "gate money" for first-time parolees upon release.
	<b>Reason:</b>	<i>The fiscal challenges facing the state at the time inhibited the ability to move forward on this recommendation. The Department of Corrections estimated that an increase in gate money from \$100 per offender to an inflation-adjusted \$390 per offender would cost \$1,560,000 (4,000 offenders x \$390). No subsequent action.</i>
<b>FY08-L #11</b>	<b>Rec:</b>	<b>PROMOTE PARTNERSHIPS FOR CORRECTIONAL FACILITES:</b> Encourage the General Assembly to provide funding that promotes partnerships between local and state public or private entities for the construction on publically owned lands of multi-purpose correctional supervision and re-entry facilities.
	<b>Reason:</b>	<i>The fiscal challenges facing state and local governments at the time inhibited the ability to move forward on this recommendation. A 200-bed facility was estimated to cost on average \$8,000,000 with \$4,000,000 to be provided by the state and \$4,000,000 to be provided by local government. No subsequent action.</i>

\* Excludes three recommendations that were later withdrawn and replaced.