

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

DRAFT  
10/4/23

Bill 1

LLS NO. 24-0375.01 Conrad Imel x2313

INTERIM COMMITTEE BILL

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Recidivism Interim Study Committee

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**BILL TOPIC:** Recidivism Definition Working Group

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**A BILL FOR AN ACT**

101 **CONCERNING CREATING A WORKING GROUP TO DEVELOP A DEFINITION**  
102 **OF RECIDIVISM.**

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**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/>.)*

**Recidivism Interim Study Committee.** The bill requires the division of criminal justice in the department of public safety to convene a working group to develop a definition of "recidivism" to be used by each state entity that collects data or reports on recidivism, in any report issued by the entity. The working group consists of representatives of the judicial department, the department of corrections, the division of youth

*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words indicate deletions from existing law.*

services in the department of human services, the state board of parole, the department of public safety, an institution of higher education, and a community-based organization that works for criminal legal reform and supports consistent data collection.

The working group shall develop a definition of "recidivism" no later than January 15, 2025. The definition must include:

- A clearly defined measurement point to begin tracking recidivism;
- A clear description of the cohort to be tracked;
- That the recidivism event is a new deferred prosecution agreement or adjudication or conviction for a felony or misdemeanor offense, including "Victim Rights Act" crimes; and
- A clearly defined time period during which an event is considered a recidivism event, consistent with best practices for measuring recidivism.

Each state entity that collects data or reports on recidivism in any report issued by the entity shall begin using the working group's definition on July 1, 2025.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 24-33.5-535 as  
3 follows:

4           **24-33.5-535. Definition of recidivism working group - created**  
5 **- membership.** (1) (a) THE DIVISION SHALL CONVENE A WORKING GROUP  
6 TO DEVELOP A DEFINITION OF RECIDIVISM TO BE USED BY EACH STATE  
7 ENTITY, INCLUDING EACH DEPARTMENT, DIVISION, AGENCY, OFFICE, OR  
8 COMMISSION THAT COLLECTS DATA OR REPORTS ON RECIDIVISM, IN ANY  
9 REPORT ISSUED BY THE ENTITY.

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

14           (c) EXCEPT AS OTHERWISE REQUIRED BY STATE OR FEDERAL LAW,

1 BEGINNING JULY 1, 2025, EACH STATE ENTITY DESCRIBED IN SUBSECTION  
2 (1)(b) OF THIS SECTION SHALL USE THE DEFINITION OF RECIDIVISM  
3 DEVELOPED BY THE WORKING GROUP PURSUANT TO THIS SECTION IN THE  
4 ENTITY'S RECIDIVISM DATA COLLECTION. ANY DOCUMENT OR REPORT  
5 THAT INCLUDES RECIDIVISM DATA COLLECTED BY A STATE ENTITY ON OR  
6 AFTER JULY 1, 2025, MUST REPORT THE DATA CONSISTENT WITH THE  
7 DEFINITION OF RECIDIVISM DEVELOPED BY THE WORKING GROUP. THIS  
8 SECTION DOES NOT PROHIBIT A STATE ENTITY FROM REPORTING, IN  
9 ADDITION TO DATA ABOUT RECIDIVISM AS DEFINED BY THE WORKING  
10 GROUP, ANY OTHER METRICS THE STATE ENTITY DEEMS NECESSARY OR  
11 RELEVANT TO ITS MISSION, OR TO MEET THE NEEDS OF THE ENTITY.

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

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

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

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

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

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

27 (VI) A MEMBER FROM AN INSTITUTION OF HIGHER EDUCATION

1 WITH EXPERTISE IN THE CRIMINAL LEGAL SYSTEM WHO HAS CONDUCTED  
2 RELEVANT RESEARCH REGARDING RECIDIVISM, APPOINTED BY THE  
3 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY; AND

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

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

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

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

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

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

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

22 (a) A CLEARLY DEFINED MEASUREMENT POINT TO BEGIN TRACKING  
23 THE RECIDIVISM EVENT DESCRIBED IN SUBSECTION (4)(c) OF THIS SECTION  
24 FOR THOSE PERSONS WHO ARE OUT OF CUSTODY AND UNDER SUPERVISION  
25 AND THOSE PERSONS WHO ARE OUT OF CUSTODY BUT TERMINATED FROM  
26 SUPERVISION BY ANY AGENCY;

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

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

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

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

14 (6) THE WORKING GROUP SHALL NOT MEET AFTER JANUARY 31,  
15 2025.

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

18 **19-2.5-1501. Division of youth services - created - interagency**  
19 **agreements - duties of administrators of facilities in connection with**  
20 **voter registration and casting of ballots - reports - definitions.** (4) On  
21 or before July 1, 2018, and on or before each July 1 thereafter, the  
22 department of human services shall collect recidivism data and calculate  
23 the recidivism rates and the educational outcomes for juveniles committed  
24 to the custody of the department of human services who complete their  
25 parole sentences and discharge from department supervision. ~~In collecting~~  
26 ~~the recidivism data, the department of human services shall include any~~  
27 ~~juvenile adjudication or adult conviction of a criminal offense within~~

1 ~~three years after parole discharge.~~ Notwithstanding section 24-1-136  
2 (11)(a)(I), the department of human services shall report the recidivism  
3 data, recidivism rates, and educational outcomes to the general assembly  
4 annually. The report must denote the demographic characteristics of the  
5 population considered in the report. In reporting on recidivism rates, the  
6 report must denote the types of criminal offenses committed, delineating  
7 between felonies and misdemeanors and between crimes that are included  
8 as a "crime" pursuant to section 24-4.1-302 (1) and other crimes.

9           **SECTION 3. Act subject to petition - effective date.** Section  
10 2 of this act takes effect July 1, 2025, and the remainder of this act takes  
11 effect at 12:01 a.m. on the day following the expiration of the ninety-day  
12 period after final adjournment of the general assembly; except that, if a  
13 referendum petition is filed pursuant to section 1 (3) of article V of the  
14 state constitution against this act or an item, section, or part of this act  
15 within such period, then the act, item, section, or part will not take effect  
16 unless approved by the people at the general election to be held in  
17 November 2024 and, in such case, will take effect on the date of the  
18 official declaration of the vote thereon by the governor; except that  
19 section 2 of this act takes effect July 1, 2025.