

STATE OF COLORADO

Colorado General Assembly

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MEMORANDUM

TO: Michael Fields and Suzanne Taheri
FROM: Legislative Council Staff and Office of Legislative Legal Services
DATE: December 20, 2023
SUBJECT: Proposed initiative measure 2023-2024 #112, concerning eligibility for parole

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado constitution. We hereby submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

An earlier version of this proposed initiative, proposed initiative 2023-2024 #071, was the subject of a memorandum dated July 5, 2023. Proposed initiative 2023-2024 #071 was discussed at a public meeting on July 10, 2023. The substantive and technical comments and questions raised in this memorandum will not include comments and questions that were addressed at the earlier meeting, except as necessary to fully understand the issues raised by the revised proposed initiative. However, the prior

comments and questions that are not restated here continue to be relevant and are hereby incorporated by reference in this memorandum.

Purposes

The major purposes of the proposed amendment to the Colorado Revised Statutes appear to be:

1. To require a person convicted for second degree murder; first degree assault; class 2 felony kidnapping; sexual assault under part 4 of article 3 of title 18, Colorado Revised Statutes; first degree arson; first degree burglary; or aggravated robbery, committed on or after January 1, 2025, to serve eighty-five percent of the person's sentence before the person is eligible for parole; and
2. To require a person convicted and sentenced for second degree murder; first degree assault; class 2 felony kidnapping; sexual assault under part 4 of article 3 of title 18, Colorado Revised Statutes; first degree arson; first degree burglary; or aggravated robbery, committed on or after January 1, 2025, who has twice previously been convicted of a crime of violence, to serve the full sentence imposed.

Substantive Comments and Questions

The substance of the proposed initiative raises the following comments and questions:

1. Article V, section 1 (5.5) of the Colorado constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
2. In section 17-22.5-303.3 (1) of the proposed initiative, the triggering event is when a person is sentenced. In section 17-22.5-303.3 (1.5) and (2), the triggering event is a conviction. In section 17-22.5-303.3 (2.5), the triggering event is a conviction and sentence. What is the proponents' intent in having three different triggering events?

Technical Comments

The following comments address technical issues raised by the form of the proposed initiative. These comments will be read aloud at the public meeting only if the proponents so request. You will have the opportunity to ask questions about these comments at the review and comment meeting. Please consider revising the proposed initiative as suggested below.

No further comments.