



OFFICE OF THE DISTRICT ATTORNEY

TWENTIETH JUDICIAL DISTRICT

Stanley L. Garnett, District Attorney

Good afternoon, Mr. Chairman. Thank you for the opportunity to testify today regarding House Bill 16-1307.

I am a Deputy District Attorney in Colorado's 20th Judicial District, the 6th largest prosecutor's office in Colorado. Our office prosecutes nearly 2000 felonies each year as well as several thousand misdemeanors and serious traffic cases.

We recently prosecuted a case involving this very charge. The grave and significant impact of threats to an educational institution was apparent throughout the pendency of that case, though it is just one among countless cases involving this offense. At its core, this bill focuses on the issue of community safety, and the value of re-classifying the charge as a felony in order to ensure protection of the student populations and campus communities in Colorado is clear. Such a reclassification would result in additional protective measures for communities affected by the types of threats contemplated by this bill. The mere deterrence factor of committing a crime classified as a felony rather than a misdemeanor would likely prevent a number of instances of this offense, especially where the threat is not serious. Another example of these protective measures is bond conditions put in place by the courts, which work immensely to ensure continued safety of the community prior to release and through pre-trial supervision after release. Such measures are often not put in place on a standalone misdemeanor charge, simply due to the class of the offense. In fact, an argument often made to judges to reduce bond amounts or conditions of bond is a simple citation to the class of the offense, as Colorado law requires judges to consider the likely sentence when setting bond. By impacting how this offense is viewed as early as the bond-setting stage, this bill has a high likelihood of preventing true, serious threats from being carried out. Even looking to the post-judgment stage, one convicted of this offense if re-classified as a class 6 felony would not be able to legally own a firearm. As a practical matter, this would make more difficult that individual's ability to carry out serious threats.

Beyond disrupting the educational process, threats against the safety of students and faculty create significant distress and, by their very nature, impact a large number of individuals at once due to the naturally accompanying possibility that the threat will be carried out. This bill addresses the crux of that impact and actively works to protect the public by ensuring that law enforcement officers and the courts have resources to stymie execution of those threats.