

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB25-1147 be amended as follows:

1 Amend printed bill, page 2, after line 1 insert:

2 "SECTION 1. **Legislative declaration.** (1) The general
3 assembly finds and declares that:

4 (a) Fair and consistent criminal sentencing, access to counsel for
5 indigent people accused of crimes, and transparency of court proceedings
6 across Colorado are matters of statewide concern;

7 (b) Disparities in criminal sentencing reduce the fairness,
8 rationality, and equity of Colorado's criminal justice system;

9 (c) In 2020, Governor Jared Polis, in his Biennial Topics Letter,
10 directed the Colorado Commission on Criminal and Juvenile Justice to
11 propose comprehensive reform to Colorado's sentencing laws, explaining:
12 "Our sentencing scheme should be rational, just, and consistent so that the
13 punishment fits the conduct";

14 (d) In this letter, Governor Polis listed as "values" to guide
15 sentencing reform: "Ensuring fair and consistent treatment" and
16 "Eliminating unjustified disparities in sentencing";

17 (e) Following Governor Polis' directive, the Colorado
18 Commission on Criminal and Juvenile Justice recommended passage of
19 Senate Bill 21-271, which standardized and rationalized sentencing for
20 misdemeanors in state court. The bill was silent with regard to application
21 to municipal courts;

22 (f) Senate Bill 21-271 passed with bipartisan, law enforcement,
23 and criminal justice reformer support;

24 (g) Since the passage of Senate Bill 21-271, some municipal
25 courts have exercised their authority to sentence defendants to jail for up
26 to 364 days for crimes related to poverty, which are capped at a 10-day
27 jail sentence in state court under Senate Bill 21-271;

28 (h) The sentencing disparities between municipal and state courts
29 is a matter of statewide concern, requiring action to align sentences to
30 avoid irrational, unjust, and excessive punishments that are out of step
31 with Colorado values and legal standards; and

32 (i) The sentencing disparities between municipal and state courts
33 creates a 2-tiered system of justice that ensures unequal treatment under
34 the law, which is inconsistent with Colorado values and legal standards.

35 (2) Therefore, the general assembly expressly declares that there
36 is a need to end sentencing disparities between state and municipal courts
37 in order to ensure equal treatment under the law for all Coloradans."

38 Renumber succeeding sections accordingly.

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