

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

April 5, 2023  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB23-1214 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 8, line 1, after the period add "IN ALL CASES,  
2 THE GOVERNOR RETAINS FULL DECISION-MAKING AUTHORITY OVER EVERY  
3 REQUEST FOR COMMUTATION OF SENTENCE."
- 4 Page 9, line 22, strike "IF APPLICABLE," and substitute "IF THE DISTRICT  
5 ATTORNEY SUPPORTS OR DOES NOT OPPOSE THE COMMUTATION  
6 REQUEST,".
- 7 Page 9, line 23, strike "FOURTEEN" and substitute "THIRTY".
- 8 Page 9, line 25, strike "THIRTY" and substitute "FORTY-FIVE".
- 9 Page 10, line 17, after the period add "IN ALL CASES, THE GOVERNOR  
10 RETAINS FULL DECISION-MAKING AUTHORITY OVER EVERY REQUEST FOR  
11 COMMUTATION OF SENTENCE."
- 12 Page 10, line 25, after the period add "IN ALL CASES, THE GOVERNOR  
13 RETAINS FULL DECISION-MAKING AUTHORITY OVER EVERY REQUEST FOR  
14 COMMUTATION OF SENTENCE."
- 15 Page 11, line 3, strike "MAY" and substitute "MAY, BUT ARE NOT  
16 REQUIRED TO,".
- 17 Page 11, line 8, strike "ANY; AND" and substitute "ANY;  
18 (d) NATURE AND CIRCUMSTANCE OF THE CASE RESULTING IN THE  
19 CONTROLLING SENTENCE;  
20 (e) ANY AND ALL VICTIM IMPACT STATEMENTS AND POSITIONS;  
21 AND".

1 Reletter succeeding paragraph accordingly.

2 Page 11, strike lines 19 through 22 and substitute "CONSIDERATION FOR  
3 APPLICANTS WHO:

- 4 (a) ARE VETERANS OF THE UNITED STATES ARMED FORCES;
- 5 (b) WERE CONVICTED OF CRIMES FOR WHICH PENALTIES HAVE  
6 BEEN DECREASED SINCE THE APPLICANT'S CONVICTION; OR
- 7 (c) WERE PROSECUTED FOR CRIMES THAT OCCURRED WHEN THE  
8 APPLICANT WAS A JUVENILE."

9 Page 11, after line 25 insert:

10 "(6) IN ALL CASES, THE GOVERNOR RETAINS FULL  
11 DECISION-MAKING AUTHORITY OVER EVERY REQUEST FOR COMMUTATION  
12 OF SENTENCE."

13 Page 11, strike line 27, and substitute "PROVIDE AN ANNUAL REPORT TO  
14 THE GENERAL ASSEMBLY THAT INCLUDES THE FOLLOWING DATA RELATED  
15 TO COMMUTATIONS:

- 16 (a) THE NUMBER OF NEW SENTENCE COMMUTATION APPLICATIONS  
17 SUBMITTED TO THE GOVERNOR'S OFFICE IN THE PRIOR CALENDAR YEAR;
- 18 (b) THE NUMBER OF COMMUTATION APPLICATIONS THAT WERE  
19 DENIED IN THE PRIOR CALENDAR YEAR;
- 20 (c) OUT OF THE COMMUTATION APPLICATIONS THAT ARE STILL  
21 PENDING, THE NUMBER OF APPLICATIONS THAT HAVE BEEN PENDING LESS  
22 THAN ONE YEAR, BETWEEN ONE AND TWO YEARS, BETWEEN TWO AND  
23 THREE YEARS, AND MORE THAN THREE YEARS; AND
- 24 (d) FOR COMMUTATION APPLICATIONS THAT HAVE BEEN GRANTED  
25 OR DENIED IN THE PRIOR CALENDAR YEAR, AS WELL AS FOR COMMUTATION  
26 APPLICATIONS THAT ARE STILL PENDING:
  - 27 (I) THE NUMBER OF APPLICANTS WHOSE AGE AT THE DATE OF THE  
28 OFFENSE WAS LESS THAN EIGHTEEN YEARS OF AGE, BETWEEN EIGHTEEN  
29 AND TWENTY-FIVE YEARS OF AGE, AND OLDER THAN TWENTY-FIVE YEARS  
30 OF AGE;
  - 31 (II) DATA REGARDING RACE, ETHNICITY, AND GENDER IDENTITY OF  
32 THE APPLICANTS;
  - 33 (III) WHETHER ANY APPLICANTS WERE PERSONS WITH A  
34 DISABILITY;
  - 35 (IV) THE NUMBER OF APPLICANTS WHO, AT THE TIME THE  
36 COMMUTATION APPLICATION WAS SUBMITTED, HAD BEEN INCARCERATED  
37 LESS THAN TEN YEARS; HAD BEEN INCARCERATED BETWEEN TEN AND  
38 TWENTY YEARS; AND HAD BEEN INCARCERATED FOR MORE THAN TWENTY

1 YEARS;  
2 (V) THE NUMBER OF APPLICANTS IN EACH CATEGORY SET FORTH  
3 IN THIS SUBSECTION (1) WHO WERE REPRESENTED BY AN ATTORNEY; AND  
4 (VI) THE NUMBER OF COMMUTATION APPLICATIONS IN EACH  
5 CATEGORY SET FORTH IN THIS SUBSECTION (1) THAT THE BOARD  
6 UNANIMOUSLY RECOMMENDED FOR A GRANT OF COMMUTATION, THE  
7 NUMBER OF APPLICATIONS THAT THE BOARD NON-UNANIMOUSLY  
8 RECOMMENDED FOR A GRANT OF COMMUTATION, AND THE NUMBER OF  
9 APPLICATIONS THAT THE BOARD RECOMMENDED BE DENIED.  
10 (2) THE GOVERNOR'S OFFICE SHALL MAKE THE REPORT REQUIRED  
11 BY SUBSECTION (1) OF THIS SECTION PUBLICLY AVAILABLE ON ITS  
12 WEBSITE."

13 Page 12, strike lines 1 through 19.

14 Page 1, line 101, strike "TO APPLY" and substitute "RELATED TO  
15 APPLYING".

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