

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

Date

March 22, 2017

Committee on State, Veterans, & Military Affairs.

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

SB17-220 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

1 Amend printed bill, page 2, strike lines 2 through 8 and substitute:

2 "SECTION 1. In Colorado Revised Statutes, **add with amended**
3 **and relocated provisions** 13-3-116 as follows:

4 **13-3-116. [Formerly 19-2-213] Restorative justice coordinating**
5 **council - establishment - membership.** (1) (a) A council to provide
6 assistance and education related to restorative justice programs is hereby
7 established. The council shall be known as the "restorative justice
8 coordinating council" and shall be established in the state judicial
9 department within the office of the state court administrator. To the extent
10 that resources permit, the restorative justice coordinating council shall
11 support the development of restorative justice programs, serve as a central
12 repository for information, assist in the development and provision of
13 related education and training, and provide technical assistance to entities
14 engaged in or wishing to develop restorative justice programs.

15 (b) In order to assess the efficacy of restorative justice practices
16 in providing satisfaction to participants, the council shall develop a
17 uniform restorative justice satisfaction evaluation by September 1, 2013.
18 The evaluation must be based on research principles. The evaluation must
19 include a preconference questionnaire for the offender and participating
20 victims, if practicable, to establish a baseline and a postconference
21 questionnaire that is suitable to administer to restorative justice
22 participants, including community members, participating victims, and
23 offenders.

24 (c) (I) The council shall develop a database of existing restorative
25 justice programs in the state by December 31, 2013, and update it
26 annually by December 31 of each year.

- 1 (II) The database must consist of the following information:
- 2 (A) The location of the restorative justice program;
- 3 (B) The types of restorative justice practices used in the program
- 4 and the costs and fees associated with the practices; and
- 5 (C) The background, training, and restorative justice experience
- 6 of the facilitators in the restorative justice program.
- 7 (d) Repealed.
- 8 (2) The restorative justice coordinating council includes, at a
- 9 minimum, the following:
- 10 (a) A member who represents a statewide juvenile justice council
- 11 who shall be appointed by the executive director of the department of
- 12 public safety;
- 13 (b) A representative from the division of youth corrections in the
- 14 department of human services who shall be appointed by the executive
- 15 director of the department of human services;
- 16 (c) A representative from the department of public safety who
- 17 shall be appointed by the executive director of the department of public
- 18 safety;
- 19 (d) A representative from the judicial department who shall be
- 20 appointed by the state court administrator;
- 21 (e) Two representatives from a statewide organization or
- 22 organizations whose primary purpose is related to the development and
- 23 implementation of restorative justice programs and who shall be
- 24 appointed by the executive director of the department of public safety;
- 25 (f) A district attorney with juvenile justice experience who shall
- 26 be appointed by the executive director of the Colorado district attorneys
- 27 council;
- 28 (g) A victim's representative within the judicial department with
- 29 restorative justice experience who shall be appointed by the state court
- 30 administrator;
- 31 (h) A representative from the department of education who shall
- 32 be appointed by the commissioner of education;
- 33 (i) A representative from the state board of parole appointed by
- 34 the chair of the parole board;
- 35 (j) A representative from the department of corrections appointed
- 36 by the executive director of the department of corrections;
- 37 (k) A representative from a nongovernment statewide organization
- 38 representing victims appointed by the executive director of the
- 39 department of public safety;
- 40 (l) Three restorative justice practitioners appointed by the state
- 41 court administrator;
- 42 (m) A representative of the juvenile parole board appointed by the
- 43 chair of the juvenile parole board;

1 (n) The state public defender or his or her designee;
2 (o) A judge appointed by the chief justice of the Colorado
3 supreme court; and
4 (p) A representative of law enforcement appointed by the state
5 court administrator based upon a recommendation from the restorative
6 justice coordinating council.

7 (3) The restorative justice coordinating council shall select a
8 chairperson from among the members of the council who shall serve a
9 term to be determined by the council. The chairperson shall be
10 responsible for convening the council at a frequency that shall be
11 determined by the council.

12 (4) Members of the restorative justice coordinating council shall
13 serve without compensation and shall not be reimbursed for expenses
14 incurred while serving on the council.

15 (4.5) The restorative justice coordinating council may accept
16 ~~moneys~~ MONEY from trainings and conferences and gifts, grants, or
17 donations from any private or public source for the purpose of supporting
18 restorative justice practices. All private and public ~~moneys~~ MONEY
19 received by the restorative justice coordinating council from gifts, grants,
20 or donations or any other source must be transmitted to the state treasurer,
21 who shall credit the same to the restorative justice surcharge fund created
22 pursuant to section 18-25-101, ~~C.R.S.~~, in addition to any ~~moneys~~ MONEY
23 that may be appropriated to the fund directly by the general assembly.

24 (5) (a) ~~This section is repealed, effective July 1, 2017.~~
25 (b) ~~Prior to the repeal, the restorative justice coordinating council~~
26 ~~shall be reviewed as provided in section 2-3-1203, C.R.S.~~

27 **SECTION 2.** In Colorado Revised Statutes, 18-25-101, **amend**
28 (3)(a) as follows:
29 **18-25-101. Restorative justice surcharge - definitions.**
30 (3) (a) There is created in the state treasury the restorative justice
31 surcharge fund that consists of ~~moneys~~ MONEY received by the state
32 treasurer pursuant to this section and section ~~19-2-213 (4.5), C.R.S.~~
33 13-3-116 (4.5). The ~~moneys~~ MONEY in the fund ~~are~~ IS subject to annual
34 appropriation by the general assembly to the judicial department for
35 distribution to judicial districts that offer restorative justice programs and
36 to the restorative justice coordinating council for administrative expenses.

37 **SECTION 3. Repeal of relocated provisions in this act.** In
38 Colorado Revised Statutes, **repeal** 19-2-213."

39 Renumber succeeding sections accordingly.

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