

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 24-0376.01 Conrad Imel x2313

SENATE BILL 24-029

SENATE SPONSORSHIP

Gonzales and Rodriguez, Buckner, Coleman, Cutter, Danielson, Exum, Fields, Hansen, Hinrichsen, Kolker, Marchman, Michaelson Jenet, Priola

HOUSE SPONSORSHIP

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Senate Committees
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House Committees
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A BILL FOR AN ACT

101 **CONCERNING A STUDY OF HOW TO MEASURE THE EFFECTIVENESS OF**
102 **THE CRIMINAL JUSTICE SYSTEM USING METRICS OTHER THAN**
103 **RECIDIVISM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Recidivism Interim Study Committee. The bill creates the alternative metrics to measure criminal justice system performance working group (working group). The working group consists of representatives from the division of youth services in the department of human services, the department of corrections, the judicial department,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

HOUSE
2nd Reading Unamended
February 16, 2024

SENATE
3rd Reading Unamended
January 29, 2024

SENATE
Amended 2nd Reading
January 26, 2024

and the department of public safety. The working group shall consult with stakeholders either identified by the working group or who request to participate.

The bill requires the working group to study metrics and methods, other than measuring recidivism, to:

- Supplement the current measure of recidivism;
- Measure risk-reduction outcomes;
- Comprehensively measure successful outcomes that consider various aspects of life, including employment, housing, education, mental health, personal well-being, social supports, and civic and community engagement; and
- More effectively measure criminal justice system performance.

The working group is required to submit a report to the house of representatives health and insurance committee and judiciary committee and the senate health and human services committee and judiciary committee on or before July 1, 2025, that includes a summary of the group's work and any recommendations of the group.

1 *Be it enacted by the General Assembly of the State of Colorado:*

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

4 (a) Emerging research indicates that reliance on recidivism rates
5 as the only measure of desistance from criminal behavior does not capture
6 other important markers of successful reintegration into society; and

7 (b) A 2022 consensus study report of the National Academies of
8 Sciences, Engineering, and Medicine, "The Limits of Recidivism",
9 recommends that efforts to evaluate success within the criminal legal
10 system should: Shift away from exclusive reliance on measuring
11 recidivism, which it describes as an imprecise proxy at best for measuring
12 return to criminal behavior; clarify the limitations of certain measures of
13 recidivism; draw more heavily on desistance as a measure of post-release
14 outcomes in the criminal legal system; and expand the measurement of
15 success to include well-being in a broad range of life domains.

1 (2) Therefore, expanding the scope of metrics used by the criminal
2 legal system is necessary to more comprehensively assess supervision
3 outcomes, criminal desistance, system performance, and client experience
4 while under criminal justice supervision.

5 **SECTION 2.** In Colorado Revised Statutes, **add** 24-33.5-535 as
6 follows:

7 **24-33.5-535. Alternative metrics to measure criminal justice**
8 **system performance - working group - created - report - repeal.**

9 (1) THERE IS CREATED IN THE DIVISION THE ALTERNATIVE METRICS TO
10 MEASURE CRIMINAL JUSTICE SYSTEM PERFORMANCE WORKING GROUP TO
11 MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING
12 METRICS OTHER THAN RECIDIVISM TO ASSESS SUPERVISION OUTCOMES,
13 CRIMINAL DESISTANCE, CLIENT EXPERIENCE IN THE CRIMINAL JUSTICE
14 SYSTEM, AND CRIMINAL JUSTICE SYSTEM PERFORMANCE.

15 (2) (a) THE WORKING GROUP CONSISTS OF THE FOLLOWING
16 MEMBERS:

17 (I) A REPRESENTATIVE OF THE DIVISION OF YOUTH SERVICES
18 WITHIN THE DEPARTMENT OF HUMAN SERVICES, APPOINTED BY THE
19 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES;

20 (II) A REPRESENTATIVE OF THE DEPARTMENT OF CORRECTIONS,
21 APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
22 CORRECTIONS;

23 (III) A REPRESENTATIVE OF THE JUDICIAL DEPARTMENT,
24 APPOINTED BY THE STATE COURT ADMINISTRATOR;

25 (IV) A REPRESENTATIVE OF THE DEPARTMENT OF PUBLIC SAFETY,
26 APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
27 SAFETY;

1 (V) TWO MEMBERS FROM AN INSTITUTION OF HIGHER EDUCATION
2 WITH EXPERTISE IN THE CRIMINAL LEGAL SYSTEM WHO HAVE CONDUCTED
3 RELEVANT RESEARCH REGARDING THE EFFECTIVENESS OF THE CRIMINAL
4 LEGAL SYSTEM, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
5 DEPARTMENT OF PUBLIC SAFETY; AND

6 (VI) TWO MEMBERS WHO ARE EACH A REPRESENTATIVE OF A
7 COMMUNITY-BASED ORGANIZATION THAT WORKS FOR CRIMINAL LEGAL
8 REFORM, APPOINTED BY THE PRESIDENT OF THE SENATE.

9 (b) NO LATER THAN NOVEMBER 30, 2024, THE APPOINTING
10 AUTHORITIES SHALL MAKE THEIR APPOINTMENTS TO THE WORKING GROUP.

11 (c) MEMBERS OF THE WORKING GROUP DO NOT RECEIVE
12 COMPENSATION OR REIMBURSEMENT FOR EXPENSES.

13 (d) THE DIVISION SHALL FACILITATE THE WORK OF THE WORKING
14 GROUP. THE WORKING GROUP SHALL ALLOW FOR REMOTE PARTICIPATION
15 AT EACH MEETING OF THE WORKING GROUP.

16 (3) (a) THE DIVISION SHALL CONVENE THE FIRST MEETING OF THE
17 WORKING GROUP NO LATER THAN FEBRUARY 1, 2025.

18 (b) THE WORKING GROUP SHALL CONSULT WITH STAKEHOLDERS
19 EITHER IDENTIFIED BY THE WORKING GROUP OR WHO REQUEST TO
20 PARTICIPATE IN THE WORKING GROUP'S WORK. THE GENERAL ASSEMBLY
21 ENCOURAGES THE WORKING GROUP TO PROVIDE AN OPPORTUNITY FOR
22 STAKEHOLDER PARTICIPATION AT EACH WORKING GROUP MEETING.

23 (4) (a) THE WORKING GROUP SHALL STUDY METRICS AND
24 METHODS, OTHER THAN MEASURING RECIDIVISM, TO:

25 (I) SUPPLEMENT THE CURRENT MEASURE OF RECIDIVISM,
26 INCLUDING MEASURES OF DESISTANCE FROM CRIME SUCH AS REDUCTIONS
27 IN THE FREQUENCY AND SERIOUSNESS OF NEW CRIMINAL BEHAVIOR AND

1 INCREASES IN THE LENGTH OF TIME BETWEEN CRIMINAL BEHAVIORS;
2 (II) MEASURE RISK-REDUCTION OUTCOMES;
3 (III) COMPREHENSIVELY MEASURE SUCCESSFUL OUTCOMES THAT
4 CONSIDER VARIOUS ASPECTS OF LIFE, INCLUDING EMPLOYMENT, HOUSING,
5 EDUCATION, MENTAL HEALTH, PERSONAL WELL-BEING, SOCIAL SUPPORTS,
6 AND CIVIC AND COMMUNITY ENGAGEMENT; AND
7 (IV) MORE EFFECTIVELY MEASURE CRIMINAL JUSTICE SYSTEM
8 PERFORMANCE TO ENSURE ALIGNMENT WITH BEST PRACTICES BOTH IN
9 SUPERVISION PROGRAM DESIGN AND IMPLEMENTATION.

10 (b) AS PART OF ITS STUDY OF ALTERNATIVE METRICS AND
11 METHODS, THE WORKING GROUP SHALL ALSO IDENTIFY:

12 (I) METHODS TO OBTAIN INFORMATION FROM INDIVIDUALS UNDER
13 SUPERVISION, AS WELL AS THOSE RECENTLY TERMINATED FROM
14 SUPERVISION, REGARDING THE INDIVIDUALS' SUPERVISION EXPERIENCES.
15 THE INFORMATION MAY INCLUDE THE QUALITY AND PERCEIVED
16 EFFECTIVENESS OF THE RELATIONSHIP WITH AN INDIVIDUAL'S SUPERVISING
17 AGENT; ACCESS TO NEEDED SUPPORTS AND SERVICES; AND
18 SELF-ASSESSMENT OF AN INDIVIDUAL'S STABILITY AND OVERALL
19 WELL-BEING, BOTH BEFORE AND AFTER SUPERVISION.

20 (II) DATA COLLECTION GAPS OR BARRIERS, AND MAKE
21 RECOMMENDATIONS FOR HOW TO ADDRESS THOSE GAPS OR BARRIERS,
22 INCLUDING THE NEED FOR THE STATE TO INVEST IN STRENGTHENING DATA
23 COLLECTION AND DATA MATCHING CAPACITY;

24 (III) LIMITATIONS OR QUALIFIERS THAT NEED TO BE UNDERSTOOD
25 REGARDING ANY METRIC OR METHOD INCLUDED IN THE WORKING GROUP'S
26 RECOMMENDATIONS;

27 (IV) THE TIMELINE TO DEVELOP AND IMPLEMENT A NEW METRIC

1 OR METHOD, AND POTENTIAL RESOURCES NEEDED FOR DEVELOPMENT AND
2 IMPLEMENTATION; AND

3 (V) ANY CUSTOMIZATION OF A METRIC OR METHOD THAT MAY BE
4 NECESSARY TO ACCOUNT FOR THE AGE, GENDER, RACE, ETHNICITY, OR
5 RISK-LEVEL OF A SPECIFIC COHORT BEING MEASURED USING A
6 RECOMMENDED METRIC OR METHOD.

7 (5) ON OR BEFORE JULY 1, 2025, THE WORKING GROUP SHALL
8 SUBMIT ITS REPORT TO THE HOUSE OF REPRESENTATIVES PUBLIC AND
9 BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE AND THE HOUSE
10 OF REPRESENTATIVES JUDICIARY COMMITTEE AND THE SENATE HEALTH
11 AND HUMAN SERVICES COMMITTEE AND THE SENATE JUDICIARY
12 COMMITTEE, OR THEIR SUCCESSOR COMMITTEES. THE REPORT MUST
13 INCLUDE A SUMMARY OF THE WORKING GROUP'S WORK AND ANY
14 RECOMMENDATIONS OF THE WORKING GROUP ABOUT THE DEVELOPMENT
15 AND IMPLEMENTATION OF METHODS AND METRICS, OTHER THAN
16 MEASURING RECIDIVISM, TO EVALUATE THE EFFECTIVENESS OF THE
17 CRIMINAL JUSTICE SYSTEM.

18 (6) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2026.

19 **SECTION 3. Safety clause.** The general assembly finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, or safety or for appropriations for
22 the support and maintenance of the departments of the state and state
23 institutions.