

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0866.02 Jacob Baus x2173

HOUSE BILL 22-1368

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HOUSE SPONSORSHIP

Herod,

SENATE SPONSORSHIP

Rodriguez,

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House Committees  
Judiciary

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING OPPORTUNITIES FOR PERSONS TO ACCESS COMMUNITY  
102 CORRECTIONS PROGRAMS.

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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>.)*

Under current law, certain community corrections program funding is not permitted to come from the general fund. The bill permits such community corrections program funding to come from the general fund.

The bill requires the Colorado commission on criminal and juvenile justice (commission) to establish a task force to examine and

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

make findings and recommendations to the commission concerning improving access to community corrections programs for persons convicted of misdemeanors.

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

2           **SECTION 1.** In Colorado Revised Statutes, 18-1.3-301, **amend**  
3 (4)(a) as follows:

4           **18-1.3-301. Authority to place offenders in community**  
5 **corrections programs.** (4) (a) District courts, county courts, and other  
6 local criminal justice officials may enter into agreements with community  
7 corrections programs ~~which~~ THAT include the use of such programs to  
8 supervise offenders awaiting trial for felony or misdemeanor offenses,  
9 offenders convicted of misdemeanors, or offenders under deferred  
10 judgments, or to accept for residential placement persons convicted of  
11 misdemeanor offenses as an alternative sentence to a county jail sentence.  
12 Such agreements are subject to review and approval by the community  
13 corrections board of the jurisdiction in which any community corrections  
14 program making ~~such~~ THE agreement is located. Any such use of a  
15 community corrections program may be supported with funding from  
16 local governments, public or private grants, offender fees, THE STATE  
17 GENERAL FUND, and other sources. ~~other than the state general fund.~~

18           **SECTION 2.** In Colorado Revised Statutes, **add** 16-11.3-103.3  
19 as follows:

20           **16-11.3-103.3. Study of access to community corrections**  
21 **programs for persons convicted of misdemeanors - task force -**  
22 **repeal.** (1) ON OR BEFORE JULY 1, 2022, THE COMMISSION SHALL  
23 ESTABLISH A TASK FORCE TO EXAMINE AND MAKE FINDINGS AND  
24 RECOMMENDATIONS TO THE COMMISSION CONCERNING WHETHER IT IS

1 APPROPRIATE TO IMPROVE ACCESS TO COMMUNITY CORRECTIONS  
2 PROGRAMS FOR PERSONS CONVICTED OF MISDEMEANORS, INCLUDING:

3 (a) AN ANALYSIS OF THE POPULATION CONVICTED OF  
4 MISDEMEANORS, INCLUDING CRIMES OF CONVICTION AND ASSESSED RISK  
5 BY GENDER, AGE, RACE, AND ETHNICITY;

6 (b) THE SERVICES PROVIDED BY COMMUNITY CORRECTIONS  
7 PROGRAMS THAT MAY BE BENEFICIAL TO PERSONS CONVICTED OF  
8 MISDEMEANORS;

9 (c) WHICH PERSONS CONVICTED OF MISDEMEANORS, BASED ON  
10 THEIR ASSESSED RISK, WOULD BENEFIT FROM SERVICES PROVIDED BY  
11 COMMUNITY CORRECTIONS PROGRAMS;

12 (d) THE ABILITY TO PROVIDE SERVICES TO PERSONS CONVICTED OF  
13 MISDEMEANORS THAT ALIGN WITH THEIR ASSESSED RISK USING EXISTING  
14 COMMUNITY CORRECTIONS PROGRAM RESOURCES;

15 (e) PARAMETERS FOR PERSONS CONVICTED OF MISDEMEANORS TO  
16 ACCESS SERVICES AT RESIDENTIAL AND NONRESIDENTIAL COMMUNITY  
17 CORRECTIONS PROGRAMS;

18 (f) WHAT COSTS PERSONS CONVICTED OF MISDEMEANORS ARE  
19 RESPONSIBLE FOR AT COMMUNITY CORRECTIONS PROGRAMS; AND

20 (g) WHAT CHANGES, INCLUDING LEGISLATION, ARE NECESSARY  
21 FOR COMMUNITY CORRECTIONS PROGRAMS TO BETTER SERVE PERSONS  
22 CONVICTED OF MISDEMEANORS.

23 (2) THE TASK FORCE SHALL CONVENE ON OR BEFORE JULY 29,  
24 2022. THE COMMISSION CHAIRPERSON SHALL SELECT TASK FORCE  
25 MEMBERS, WHO MAY INCLUDE COMMISSION MEMBERS OR NONCOMMISSION  
26 MEMBERS WHO ARE INTERESTED MEMBERS OF THE COMMUNITY. THE  
27 COMMISSION CHAIRPERSON SHALL SELECT THE TASK FORCE'S

1 CHAIRPERSON AND VICE-CHAIRPERSON. THE TASK FORCE CONSISTS OF THE  
2 FOLLOWING VOTING MEMBERS, UNLESS STATED OTHERWISE:

3 (a) THREE REPRESENTATIVES FROM COMMUNITY CORRECTIONS  
4 PROGRAMS, AT LEAST ONE OF WHOM REPRESENTS A RURAL COMMUNITY  
5 CORRECTIONS PROGRAM. OF THE THREE REPRESENTATIVES, ONLY ONE IS  
6 A VOTING MEMBER.

7 (b) ONE REPRESENTATIVE WHO IS A BOARD MEMBER OF A  
8 COMMUNITY CORRECTIONS BOARD;

9 (c) ONE REPRESENTATIVE WHO WAS PLACED AND PARTICIPATED IN  
10 A RESIDENTIAL COMMUNITY CORRECTIONS PROGRAM;

11 (d) ONE REPRESENTATIVE FROM THE DIVISION OF CRIMINAL  
12 JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY;

13 (e) ONE SHERIFF, OR THE SHERIFF'S DESIGNEE;

14 (f) ONE CHIEF PROBATION OFFICER OF THE PROBATION  
15 DEPARTMENT IN THE JUDICIAL DEPARTMENT, OR THE CHIEF PROBATION  
16 OFFICER'S DESIGNEE;

17 (g) ONE ELECTED DISTRICT ATTORNEY, OR THE ELECTED DISTRICT  
18 ATTORNEY'S DESIGNEE;

19 (h) THE STATE PUBLIC DEFENDER, OR THE STATE PUBLIC  
20 DEFENDER'S DESIGNEE;

21 (i) ONE REPRESENTATIVE FROM THE DIVISION OF PROBATION  
22 SERVICES IN THE JUDICIAL DEPARTMENT;

23 (j) ONE REPRESENTATIVE FROM AN ORGANIZATION ADVOCATING  
24 FOR THE RIGHTS OF PERSONS WHO TRANSITION FROM CUSTODY TO THE  
25 COMMUNITY; AND

26 (k) ONE REPRESENTATIVE FROM AN ORGANIZATION ADVOCATING  
27 FOR VICTIMS RIGHTS.

1           (3) THE MEMBERS OF THE TASK FORCE SERVE WITHOUT  
2 COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

3           (4) ON OR BEFORE JULY 1, 2023, THE TASK FORCE SHALL CREATE  
4 A REPORT OF ITS FINDINGS AND RECOMMENDATIONS AND SUBMIT IT TO THE  
5 COMMISSION.

6           (5) DURING THE 2024 LEGISLATIVE SESSION, THE COMMISSION  
7 SHALL INCLUDE AS PART OF ITS "STATE MEASUREMENT FOR  
8 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)  
9 GOVERNMENT ACT" HEARING REQUIRED BY SECTION 2-7-203 THE  
10 FINDINGS AND RECOMMENDATIONS GATHERED BY THE TASK FORCE  
11 PURSUANT TO THIS SECTION.

12           (6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

13           **SECTION 3. Safety clause.** The general assembly hereby finds,  
14 determines, and declares that this act is necessary for the immediate  
15 preservation of the public peace, health, or safety.