

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

ENGROSSED

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

LLS NO. 22-0866.02 Jacob Baus x2173

HOUSE BILL 22-1368

HOUSE SPONSORSHIP

Herod,

SENATE SPONSORSHIP

Rodriguez,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

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

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.

HOUSE
Amended 2nd Reading
April 22, 2022

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

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

2
3 **SECTION 1.** In Colorado Revised Statutes, **add** 16-11.3-103.3
4 as follows:

5 **16-11.3-103.3. Study of access to community corrections**
6 **programs for persons convicted of misdemeanors - task force -**
7 **repeal.** (1) ON OR BEFORE JULY 1, 2022, THE COMMISSION SHALL
8 ESTABLISH A TASK FORCE TO EXAMINE AND MAKE FINDINGS AND
9 RECOMMENDATIONS TO THE COMMISSION CONCERNING WHETHER IT IS
10 APPROPRIATE TO IMPROVE ACCESS TO COMMUNITY CORRECTIONS
11 PROGRAMS FOR PERSONS CONVICTED OF MISDEMEANORS, INCLUDING:

12 (a) AN ANALYSIS OF THE POPULATION CONVICTED OF
13 MISDEMEANORS, INCLUDING CRIMES OF CONVICTION AND ASSESSED RISK
14 BY GENDER, AGE, RACE, AND ETHNICITY;

15 (b) THE SERVICES PROVIDED BY COMMUNITY CORRECTIONS
16 PROGRAMS THAT MAY BE BENEFICIAL TO PERSONS CONVICTED OF
17 MISDEMEANORS;

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

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

24 (e) PARAMETERS FOR PERSONS CONVICTED OF MISDEMEANORS TO

1 ACCESS SERVICES AT RESIDENTIAL AND NONRESIDENTIAL COMMUNITY
2 CORRECTIONS PROGRAMS;

3 (f) WHAT COSTS PERSONS CONVICTED OF MISDEMEANORS ARE
4 RESPONSIBLE FOR AT COMMUNITY CORRECTIONS PROGRAMS; ■

5 (g) WHAT FUNDING IS NECESSARY FOR COMMUNITY CORRECTIONS
6 PROGRAMS TO SERVE PERSONS CONVICTED OF MISDEMEANORS; AND

7 (h) WHAT CHANGES, INCLUDING LEGISLATION, ARE NECESSARY
8 FOR COMMUNITY CORRECTIONS PROGRAMS TO BETTER SERVE PERSONS
9 CONVICTED OF MISDEMEANORS.

10 (2) THE TASK FORCE SHALL CONVENE ON OR BEFORE JULY 29,
11 2022. THE COMMISSION CHAIRPERSON SHALL SELECT TASK FORCE
12 MEMBERS, WHO MAY INCLUDE COMMISSION MEMBERS OR NONCOMMISSION
13 MEMBERS WHO ARE INTERESTED MEMBERS OF THE COMMUNITY. TO THE
14 BEST OF THE COMMISSION CHAIRPERSON'S ABILITY, THE CHAIRPERSON
15 MUST ENSURE THAT THE COMPOSITION OF THE TASK FORCE IS RACIALLY,
16 ETHNICALLY, AND GEOGRAPHICALLY DIVERSE AND IS REPRESENTATIVE OF
17 THE COMMUNITIES THAT ARE MOST IMPACTED BY THE CRIMINAL AND
18 JUVENILE JUSTICE SYSTEM. THE COMMISSION CHAIRPERSON SHALL SELECT
19 THE TASK FORCE'S CHAIRPERSON AND VICE-CHAIRPERSON. THE TASK
20 FORCE CONSISTS OF THE FOLLOWING VOTING MEMBERS, UNLESS STATED
21 OTHERWISE:

22 (a) THREE REPRESENTATIVES FROM COMMUNITY CORRECTIONS
23 PROGRAMS, AT LEAST ONE OF WHOM REPRESENTS A RURAL COMMUNITY
24 CORRECTIONS PROGRAM. OF THE THREE REPRESENTATIVES, ONLY ONE IS
25 A VOTING MEMBER.

26 (b) ONE REPRESENTATIVE WHO IS A BOARD MEMBER OF A
27 COMMUNITY CORRECTIONS BOARD;

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

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

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

6 (f) ONE CHIEF PROBATION OFFICER OF THE PROBATION
7 DEPARTMENT IN THE JUDICIAL DEPARTMENT, OR THE CHIEF PROBATION
8 OFFICER'S DESIGNEE;

9 (g) ONE ELECTED DISTRICT ATTORNEY, OR THE ELECTED DISTRICT
10 ATTORNEY'S DESIGNEE;

11 (h) THE STATE PUBLIC DEFENDER, OR THE STATE PUBLIC
12 DEFENDER'S DESIGNEE;

13 (i) ONE REPRESENTATIVE FROM THE DIVISION OF PROBATION
14 SERVICES IN THE JUDICIAL DEPARTMENT;

15 (j) ONE REPRESENTATIVE FROM AN ORGANIZATION ADVOCATING
16 FOR THE RIGHTS OF PERSONS WHO TRANSITION FROM CUSTODY TO THE
17 COMMUNITY; AND

18 (k) ONE REPRESENTATIVE FROM AN ORGANIZATION ADVOCATING
19 FOR VICTIMS RIGHTS.

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

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

25 (5) DURING THE 2024 LEGISLATIVE SESSION, THE COMMISSION
26 SHALL INCLUDE AS PART OF ITS "STATE MEASUREMENT FOR
27 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)

1 GOVERNMENT ACT" HEARING REQUIRED BY SECTION 2-7-203 THE
2 FINDINGS AND RECOMMENDATIONS GATHERED BY THE TASK FORCE
3 PURSUANT TO THIS SECTION.

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

5 **SECTION 2. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, or safety.