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Memorandum

Updated June 2, 2020

TO: Interested Persons

FROM: Juliann Jenson, Research Analyst, 303-866-3264

SUBJECT: Criminal Justice Reform Bills

Summary

This memorandum provides a listing of criminal justice reform bills passed in Colorado over the past several years. More specifically, the attached table provides the bill number, title, and description of the criminal justice reform legislation, organized by category (i.e., bail, juvenile, sentencing, etc.).

Please note that this listing only highlights legislation that is typically considered to be reformative in nature, in that it aims to fix or improve upon perceived errors or current practices in the criminal justice system. Criminal justice reform encompasses every step in the criminal justice system, from what a state chooses to criminalize, to law enforcement and prosecutor engagement with communities and the accused, to how long people are kept in prison or jail, to reintegration upon return to society.

**Table 1
Criminal Justice Reform Legislation in Colorado:
2013-2019**

| Bill # | Title | Description |
|---------------------------------|-----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Bail, Bond, and Pretrial | | |
| HB13-1156 | Adult Pretrial Diversion Program | Creates a pre-filing diversion program for adults statewide and a state grant program for district attorneys to create or expand an adult pre-filing diversion program. |
| HB13-1210 | Right to Legal Counsel in Plea Negotiations | Makes Colorado law consistent with a U.S. Supreme Court decision regarding the right to legal counsel during critical stages, including plea negotiations. |
| HB13-1236 | Best Practices in Bond Setting | Repeals and reenacts provisions of the Criminal Procedure Code related to bail bonds; places a greater emphasis on evidence-based and individualized decision-making during the bond-setting process and discourages use of monetary conditions for bond. |
| HB13-1242 | Repeal Mandatory Sentence Bail Condition Violation | Repeals mandatory sentencing provisions related to violation of bail bond conditions. |
| HB16-1104 | Summons in Lieu of Warrant for Non-violent Crimes | Changes the rules and procedures for when a summons can be issued to a defendant in lieu of a warrant. |
| HB16-1309 | Right to Counsel in Municipal Court | Requires counsel to be provided at first appearance to defendants who cannot afford to bond out of jail on a minor municipal offense and who face a possible jail sentence. |
| SB17-178 | Marijuana Use as a Condition of Bond | Prohibits courts from requiring medical marijuana patients to abstain from their medicine as a condition of bond. |
| HB19-1225 | No Monetary Bail for Certain Low-Level Offenses | Prohibits judges from requiring cash bail for anyone accused of a traffic offense, petty offense, or similar municipal offense. |
| SB19-036 | State Court Administrator Reminder Program | Requires the state court system to implement a program that sends defendants reminders about court dates via text messages. |
| SB19-191 | Prompt Pretrial Liberty and Fairness | Creates timelines for bond hearings and the release of people who post bail. |
| Behavioral Health | | |
| SB17-012 | Competency Restoration Services and Education | Requires court to consider out-of-custody competency services on an outpatient basis for defendants on bond or summons and for juvenile competency services to be provided in the least restrictive environment. |
| SB17-021 | Assistance to Released Mentally Ill Offenders | Establishes a housing program that provides vouchers and other support services to people with a mental health or co-occurring behavioral health disorder who are transitioning out of Department of Corrections (DOC), Division of Youth Corrections, or a county jail. |
| SB17-207 | Strengthen Colorado Behavioral Health Crisis System | Establishes a coordinated behavioral health crisis response system. |
| HB18-1050 | Competency to Proceed Juvenile Justice System | Establishes juvenile-specific definition of competent to proceed and incompetent to proceed for juveniles involved in the juvenile justice system. |
| SB18-249 | Redirection Criminal Justice Behavioral Health | Establishes alternative programs in the criminal justice system to divert individuals with a mental health condition to community treatment. |
| SB18-250 | Jail Based Behavioral Health Services | Establishes the Jail Based Behavioral Health Services program within the Office of Behavioral Health. |
| SB18-251 | Statewide Behavioral Health Court Liaison Program | Creates a behavioral health court liaison program within the Office of the State Court Administrator. |
| SB19-008 | Substance Use Disorder Treatment in the Criminal Justice System | Requires jails to have policies in place as to how they will provide Medication Assisted Treatment (MAT) to people who are incarcerated with a history of opiate use. Also creates a harm reduction grant program. |

**Table 1 (Cont.)
Criminal Justice Reform Legislation in Colorado:
2013-2019**

| Bill # | Title | Description |
|----------------------------------|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Behavioral Health (cont.) | | |
| SB19-222 | Improving Access to Behavioral Health Services for Individuals At Risk of Institutionalization | Asks the Department of Health Care Policy and Financing as well as the Department of Human Services to improve access to behavioral health services for people at risk of being institutionalized. |
| SB19-223 | Actions Related to Competency to Proceed | Overhauls the competency-to-proceed process so that people who are not competent to stand trial due to a mental illness receive treatment sooner. |
| Collateral Consequences | | |
| HB18-1344 | Relief from Collateral Consequences | Allows an individual to request an order of collateral relief after the time of sentencing and adds juvenile courts. |
| HB18-1418 | Use of Criminal Convictions in Employment | Makes a number of changes regarding the use of criminal history information in public employment and licensure-related credentialing decisions. |
| SB18-150 | Voter Registration Individuals Criminal Justice System | Facilitates voter registration of individuals in the criminal justice system. |
| HB19-1025 | Limits on Job Applicant Criminal History Inquiries | Bans the box that asks about criminal history on employment applications. |
| HB19-1266 | Restore Voting Rights Parolees | Restores voting rights for parolees. |
| SB19-170 | Inquiry into College Applicant Criminal History | Bans the box on college applications regarding criminal history. |
| Corrections | | |
| SB14-064 | Use of Solitary Confinement Mental Illness | Prohibits placing an offender with serious mental illness in long-term isolated confinement except when exigent circumstances are present. |
| SB15-182 | DOC Transfer Offenders to Youthful Offender System | Allows DOC to transfer certain offenders in the youthful offender system to participate in age-appropriate programs. |
| HB16-1328 | Use of Restraint and Seclusion on Individuals | Strengthens the safety provisions for the use of restraint and seclusion, particularly for youths, who are being detained by a state or local agency. |
| HB17-1330 | No Escape Convictions for Habitual Criminals | Clarifies current law that states a conviction for an escape or an attempt to escape cannot be used to declare a person a habitual criminal unless it is the basis of the conviction. |
| HB18-1040 | Inmate Treatment Incentive Plans | Requires DOC to monitor the number of inmates who are not receiving required sex offender treatment and develop incentive plans to attract additional mental health providers to geographic areas where inmates are not receiving treatment and services. |
| HB18-1251 | Community Corrections Transition Placements | Modifies the procedures for community corrections transition placement referrals between the State Board of Parole, the DOC, and community corrections boards and programs. |
| HB18-1410 | Prison Population Management Measures | Requires DOC to take proactive measures when the prison bed vacancy rate drops to 2 percent or less, or exceeds 3 percent, for 30 days, as well as establishes a process by which an inmate's release date may be set up to 30 days prior to the inmate's mandatory release date. |
| HB19-1224 | Free Menstrual Hygiene Products in Custody: | Requires jail, prisons, and the Department of Human Services facilities to provide free tampons and pads to people in custody. |
| SB19-259 | Use CSP II to House Inmates in an Emergency | Allows for the temporary use of the south campus of the Centennial Correctional Facility when the state male inmate vacant bed rate falls below 1 percent for two consecutive months. |

**Table 1 (Cont.)
Criminal Justice Reform Legislation in Colorado:
2013-2019**

| Bill # | Title | Description |
|------------------------------|-------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Courts | | |
| HB13-1035 | Add One Judge to 5 th and 9 th Judicial Districts | Increases the number of judges in the 5 th and 9 th judicial districts. |
| HB14-1050 | Increase Judges in 18 th Judicial District | Increases the number of district court judges for the 18 th judicial district from 21 to 23. |
| HB15-1034 | Add Judge in 12 th Judicial District | Increases the number of district court judges in the 12 th judicial district from 3 to 4. |
| HB18-1078 | Court Programs for Veterans | Establishes programs for defendants in the United States Armed Forces or veterans of such forces. |
| SB19-043 | Increasing Number of District Court Judges | Increases 15 district court judges across 10 judicial districts. |
| Crimes and Sentencing | | |
| HB13-1166 | Repeal Crimes with Marital Status as Element | Repeals the crimes of adultery and promoting sexual immorality and a requirement that peace officer standards and training certification be denied to a person convicted of promoting sexual immorality. |
| SB13-229 | Criminal Omnibus | Addresses several areas of law governing criminal offenses and court proceedings, including juvenile offenses. |
| SB13-250 | Drug Sentencing Changes | Creates a stand-alone sentencing scheme for drug offenses; consolidates all drug possession of scheduled substances into one felony level and allows that felony to be reduced to a misdemeanor upon successful completion of probation or a community corrections sentence; requires the court to exhaust all appropriate and available sentencing options for convictions of a level 4 drug felony; allows people convicted of a misdemeanor to be supervised on intensive supervised probation if assessed at a higher risk; and expands access to treatment for people serving a sentence for a drug offense. |
| HB15-1042 | Presentence Reports by Probation Officers | Requires presentence investigations concerning a defendant's eligibility for release from incarceration. |
| HB15-1203 | Earned Time for Habitual Offenders Before 1993 | Permits certain offenders sentenced before July 1, 1993, to accrue earned time. |
| HB15-1303 | Sentencing for Certain 2 nd Degree Assaults | Removes the mandatory minimum of four years for a 2 nd degree assault on a peace officer and aligns this offense with other class 4 felonies; allows the judge to take into consideration the circumstances of the individual case. |
| SB16-051 | Judge's Discretion Regarding Consecutive Sentences | Increases judicial discretion regarding the imposition of consecutive sentences for violent crimes. |
| SB16-102 | Repeal Certain Mandatory Minimum Prison Sentences | Removes the mandatory term of incarceration that must accompany convictions of certain types of second degree assault or violations of bail bond conditions. |
| HB17-1015 | Clarify Good Time Sentence Reduction in Jails | Provides uniform earned time standards for jails. |
| HB17-1162 | Outstanding Judgments and Driver Licenses | Repeals driver license penalties for failure to pay certain traffic infractions and provides courts the option of withholding a driver's state income tax refund in order to satisfy the outstanding judgment. |
| SB17-008 | Legalize Gravity Knives and Switchblades | Legalizes the possession of a gravity or switchblade knife by removing such knives from the definition of "illegal weapon." |
| HB19-1148 | Change Maximum Penalty One Year to 364 Days | Changes the maximum jail sentence for a class 2 misdemeanor, misdemeanors without a fixed statutory penalty, and municipal ordinance violations from one year to 364 days. |
| HB19-1263 | Offense Level for Controlled Substance Possession | Changes the penalty for possessing personal-use levels of narcotics from a felony to a misdemeanor. |

**Table 1 (Cont.)
Criminal Justice Reform Legislation in Colorado:
2013-2019**

| Bill # | Title | Description |
|------------------------------------|---------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Juveniles | | |
| HB14-1023 | Social Workers for Juveniles | Allows the state public defender to hire social workers to assist in defending juveniles. |
| HB14-1032 | Defense Counsel for Juvenile Offenders | Makes changes to the procedures concerning the appointment of counsel for juveniles and requires that information about right to counsel be provided on a promise to appear or summons. |
| HB15-1022 | Juvenile Petty Offense Contracts | Creates a new type of pre-diversion program for juveniles committing minor offenses. |
| SB16-180 | DOC Program for Juvenile Offenders | Requires the DOC to create a specialized program for offenders who committed a felony as a juvenile and were sentenced as an adult. |
| SB16-181 | Sentencing Juveniles Convicted of Class 1 Felonies | Creates a procedure for resentencing offenders who were sentenced as juveniles to life without parole. |
| HB17-1207 | No Detention Facility Requirement Youth Ages 10-12 | Prohibits incarceration of youth under age 13 unless they are charged with a felony. |
| HB17-1329 | Reform Division of Youth Corrections | Changes the name from Division of Youth Corrections to Division of Youth Services, establishes a pilot program that includes trauma informed care, and provides for independent evaluations. |
| HB18-1010 | Department of Human Services Report Data and Add Members to Working Group | Adds two members (Child Protection Ombudsman and a parent) to the Youth Restraint and Seclusion Working Group that advises DYS on policies, procedures, and best practices related to restraint and seclusion. |
| HB18-1156 | Limit Penalties for Juvenile Truancy | Prohibits a court from placing a child in a juvenile detention facility for truancy. |
| SB18-154 | Juvenile Planning Committee Crossover Youth Plans | Requires local juvenile services planning committees to develop a plan for identifying youths in the juvenile justice system who also are or have been involved in the child welfare system. |
| SB19-108 | Juvenile Justice Reform | Recommends a series of changes to how youth offenders are treated, including provisions related to treatment, deferred sentences, and the number of youth in detention. |
| Legal Financial Obligations | | |
| HB14-1035 | Restitution Collection Deferred Judgment | Clarifies that restitution ordered as a part of a deferred judgment can be collected by the court after the deferred judgment is dismissed until the restitution judgment is satisfied. |
| HB14-1061 | Eliminate Prison for Inability to Pay Fines | Requires that a defendant must be given time to pay any monetary fine or fee and is required to be given proper notice and due process before taken into custody for failure to pay. |
| HB14-1266 | Value-based Crime Threshold Level Changes | Adjusts the penalties for certain value-based crimes based on the value of the goods or property stolen, making some current felonies into misdemeanors and some current misdemeanors into lower level offenses. |
| SB15-283 | Debt Collections Actions and Exemptions | Modifies exemptions and procedures in certain debt collection actions; allows alternative methods to notify debtors of a pending levy. |
| HB16-1311 | Procedures when Orders Require Monetary Payment | Prohibits a court from jailing a defendant when the defendant's only remaining obligation is money owed to the court, except when a defendant willfully failed to pay. |
| SB16-065 | Restitution in Criminal Cases | Modifies the treatment of restitution for criminal offense and lowers the rate of interest on unpaid restitution; repeals the prohibition against reinstating a person's license until all restitution has been paid; allows juvenile delinquency records to be expunged upon satisfaction of a restitution order or by being current with a restitution payment plan to the court. |

Table 1 (Cont.)
Criminal Justice Reform Legislation in Colorado:
2013-2019

| Bill # | Title | Description |
|--------------------------------------------|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Legal Financial Obligations (cont.) | | |
| HB19-1310 | Interest on Orders of Restitution | Lowers the interest rate charged on restitution and suspends interest while someone is incarcerated or for juvenile delinquency cases under the age of 21. |
| Probation, Parole, and Reentry | | |
| HB13-1129 | Evidence-based Practices for Offender Services | Creates the evidence-based practices implementation for capacity resource center in the Division of Criminal Justice in the Department of Public Safety. |
| HB14-1355 | Reentry Programs for Adult Offenders | Mandates reentry planning and programming for individuals leaving DOC and returning to the community. Funds additional reentry planning services within DOC and also creates a grant program to support community-based programs. |
| HB15-1122 | Parole Application and Revocation | Clarifies procedures regarding parole for offenders under the supervision of DOC to align statute with current DOC practice. |
| HB15-1267 | Use of Medical Marijuana During Probation | Exempts medical marijuana from probation conditions unless the person is convicted of an offense related to medical marijuana. |
| SB15-124 | Reduce Parole Revocations for Technical Violations | Reduces parole revocations for technical violations and requires that parole officers use all available intermediate sanctions and community support services prior to filing a complaint for revocation with certain exceptions. |
| HB16-1215 | Purposes of Parole | Redefines the purposes of parole to focus on successful reintegration. |
| HB16-1278 | Residential Drug Treatment for Probationers | Expands the discretion of judges to sentence offenders to residential drug treatment as a term of probation, even if the underlying charge is not a drug offense. |
| HB16-1359 | Use of Medical Marijuana While on Probation | Eliminates an exception related to an assessment to determine medical marijuana use for a person on probation. |
| HB17-1308 | Individualized Conditions of Parole | Removes mandatory requirements placed on parolees and instead leaves the decision to impose these requirements at the discretion of the State Board of Parole and parole officers. |
| HB17-1326 | Justice Reinvestment Crime Prevention Initiative | Redirects cost savings from parole reforms into crime prevention initiatives in north Aurora and southeast Colorado with a focus on community/economic development and direct services. |
| HB18-1029 | Lowering Mandatory Parole from 5 Years to 3 Years | Reduces from five years to three years the mandatory parole periods for those released from prison who served time for class 3 felony crimes committed on and after July 1, 2018, and for class 2 felony crimes that are not crimes of violence. |
| HB18-1109 | Discretionary Parole of Special Needs Offenders | Lowers the age from 60 to 55 years of age the threshold for qualifying as a special needs offender under one category, and adds a third category of special needs offenders to include those determined to be incompetent to complete any sentence and not likely to pose a risk to public safety. |
| HB18-1176 | Sunset Offender Reentry Grant Program | Reauthorizes the DOC reentry grant program for another five years. |
| SB19-064 | Retain Criminal Justice Program Funding | Retains criminal justice program funding for reentry grant programs, crime prevention, and victim services. |
| SB19-143 | Parole Changes | Changes the state's parole system and makes it harder for the Parole Board to deny release to and to bring a person back to prison for many technical violations. |
| SB19-165 | Increase Parole Board Membership | Increase the Parole Board by two members. |

**Table 1 (Cont.)
Criminal Justice Reform Legislation in Colorado:
2013-2019**

| Bill # | Title | Description |
|-------------------------------|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Policing | | |
| HB15-1285 | Law Enforcement Use of Body-worn Cameras | Establishes the body-worn camera grant program for law enforcement agencies to purchase body-worn cameras and to train law enforcement officers on their use. |
| HB15-1290 | Stop Police Interference Cop Incident Recordings | Prohibits a peace officer from interfering with a person lawfully recording a peace officer-involved incident. |
| SB15-218 | Disclose Misrepresentations by Peace Officers | Prevents peace officers from hiding unfavorable entries in their personnel files simply by joining a different police force. |
| SB15-219 | Peace Officer Shooting Transparency Measures | Requires law enforcement agencies to develop protocols for participating in a multi-agency team involving the investigation of a peace officer-involved shooting. |
| HB16-1263 | Racial Profiling Prohibition | Updates the police profiling definition to include national origin, language, religion, sexual orientation, gender identity, and disability. |
| HB16-1264 | Ban Law Enforcement Use of a Chokehold | Prohibits a peace officer from intentionally using a chokehold against another person. |
| HB16-1390 | Immunity When Overdoses Reported | Removes the threat of prosecution or arrest for individuals who report drug or alcohol overdoses. |
| SB17-254 | Long Bill | Funding for the Law Enforcement Assisted Diversion Programs in four Colorado jurisdictions. |
| HB17-1313 | Civil Forfeiture Reforms | Increases transparency of asset forfeiture through reporting of both state and federal asset forfeitures and encourages the use of the state's forfeiture laws (rather than federal), by limiting the proceeds available to state and local governments. |
| HB18-1020 | Civil Forfeiture Reforms | In addition to civil forfeiture provisions, creates the law enforcement Community Services Grant Program to improve services to the community through policing; outreach; drug intervention, prevention, treatment, and recovery; technology; training; and other community services. |
| HB19-1119 | Peace Officer Internal Investigations Open Records | Allows the public to inspect records related to a closed internal investigation of a peace officer who was the subject of an incident of alleged misconduct involving a member of the public. |
| Sealing or Expungement | | |
| HB13-1082 | Expunging Juvenile Delinquency Records | Expands eligibility for expungement of juvenile records and reduces the waiting period before one can apply for expungement. |
| SB 13-123 | Collateral Consequences | Allows petty offenses and municipal violations to be eligible for sealing through a court process and requires the court to provide written advisement about it. |
| SB14-206 | Criminal Record Sealing Clean-up | Allows a person to seal an arrest record if he or she is not charged with a crime, and the statute of limitations has not run, but the person is no longer being investigated by law enforcement. |
| HB16-1265 | Expunge Arrest Records Based on Mistaken Identity | Requires the court to expunge the arrest and criminal records of a person who was arrested as a result of mistaken identity and who did not have charges filed against him or her. |
| SB16-132 | Blood Alcohol Content Test Results Not Public Information | Requires the Colorado Department of Public Health and Environment (CDPHE) to keep all personal identifying information related to blood alcohol content test results confidential. |
| HB17-1204 | Juvenile Delinquency Record Expungement | Requires a written notice to the juvenile regarding the right and process of expungement. |

**Table 1 (Cont.)
Criminal Justice Reform Legislation in Colorado:
2013-2019**

| Bill # | Title | Description |
|---------------------------------------|---------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sealing or Expungement (cont.) | | |
| HB17-1208 | Record Sealing Clarifications | Clarifies the criminal record sealing process related to the expedited process that is available for people who have been acquitted, completed a diversion agreement or deferred judgment and sentence, and whose case has been dismissed. |
| HB17-1266 | Seal Misdemeanor Marijuana Conviction Records | Allows persons who were convicted of misdemeanors for the use or possession of marijuana to petition for the sealing of criminal records relating to such convictions if their behavior would not have been a crime after legalization. |
| HB17-1360 | Allow Criminal Record Sealing Subsequent Offense | Allows a person to seal records if he or she had a single non-felony conviction that did not involve domestic violence, unlawful sexual behavior, or child abuse during a three-year period and no other convictions in ten or more years from the final disposition of all criminal proceedings. |
| HB19-1275 | Increased Eligibility for Criminal Record Sealing | Creates a streamlined process to seal certain criminal records without filing for action in civil court. |
| HB19-1335 | Juvenile Record Expungement Clean-Up | Clarifies changes to the expungement process and clarifies that juvenile record expungement applies to municipal courts. |
| Unclassified/Miscellaneous | | |
| HB15-1094 | Restorative Justice Council and Pilot Changes | Makes several changes to restorative justice programs in the Judicial Department. |
| SB18-026 | Make Sex Offender Registration More Effective | Clarifies that the court is required to grant a petition to discontinue being on the sex offender registry if certain conditions are met. |
| HB19-1297 | Jail Capacity Data Collection | Requires jails to collect and report data on certain metrics, such as average daily population, average length of stay, etc. |

Source: Legislative Council Staff.