

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0285.01 Michael Dohr x4347

SENATE BILL 15-007

SENATE SPONSORSHIP

Guzman,

HOUSE SPONSORSHIP

Willett,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING STANDARDS RELATED TO COMMUNITY CORRECTIONS.

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://www.leg.state.co.us/billsummaries>.)

The bill requires that a community corrections board include the following minimum membership: A district attorney representative; a public defender representative; a law enforcement representative; a probation representative; a department of corrections representative; a victim representative; and a citizen member. The governing entities that created a community corrections board shall determine the length of terms for the appointed members. Each community corrections board is required to develop and implement a structured, research-based decision-making

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

process that combines professional judgment and actuarial risk assessment tools for community corrections placement decisions. A community corrections board may request technical assistance from the division of criminal justice in formulating its decision-making process.

The bill requires the division of criminal justice, in collaboration with community corrections boards and other stakeholders, to develop and implement an introductory orientation and an annual continuing education curriculum to educate board members on appropriate and consistent community placement decisions. A new community corrections board member is required to complete the orientation within 90 days of his or her appointment. All community corrections board members are required to complete the annual continuing education curriculum.

The division of criminal justice is also required to develop a program evaluation tool that assesses each community corrections program's adherence to evidence-based principles and practices and identifies each program's capacity for providing appropriate programming for very high risk offenders. The division must use expert consultation to develop the program evaluation tool.

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

2 **SECTION 1.** In Colorado Revised Statutes, 17-27-103, **amend**
3 (1); and **add** (4.5) as follows:

4 **17-27-103. Community corrections boards - establishment -**
5 **duties.** (1) (a) A community corrections board may be established by
6 resolution or ordinance of a governing body, or a combination of
7 governing bodies. Any community corrections board which is established
8 may be advisory to the governing body or bodies which created such
9 board or it may be functionally independent from the governing body or
10 bodies. Pursuant to subsection (8) of this section, the governing body or
11 bodies may delegate to the community corrections board the authority
12 which such governing body or bodies have to approve or disapprove the
13 establishment and operation of community corrections programs within
14 the jurisdiction of such governing body or bodies. In addition, the
15 governing body or bodies may delegate such other powers which the

1 governing body or bodies possess to the community corrections board to
2 accomplish the purposes of this article.

3 (b) A COMMUNITY CORRECTIONS BOARD MUST HAVE A MINIMUM
4 DIVERSITY THAT INCLUDES: A DISTRICT ATTORNEY REPRESENTATIVE; A
5 PUBLIC DEFENDER REPRESENTATIVE; A LAW ENFORCEMENT
6 REPRESENTATIVE; A PROBATION REPRESENTATIVE; A DEPARTMENT OF
7 CORRECTIONS REPRESENTATIVE; A CRIME VICTIM OR SURVIVOR
8 REPRESENTATIVE; AND A CITIZEN MEMBER. THE BOARD MEMBERSHIP
9 SHOULD STRIVE TO REFLECT THE COMPOSITION AND VALUES OF THE LOCAL
10 COMMUNITY.

11 (c) THE GOVERNING BODY OR GOVERNING BODIES THAT CREATED
12 THE COMMUNITY CORRECTIONS BOARD SHALL DETERMINE THE LENGTH OF
13 TERMS FOR APPOINTED MEMBERS AND DETERMINE REAPPOINTMENT
14 PROCEDURES.

15 (d) (I) EACH NEWLY APPOINTED COMMUNITY CORRECTIONS BOARD
16 MEMBER SHALL COMPLETE THE INTRODUCTORY ORIENTATION DEVELOPED
17 PURSUANT TO SECTION 17-27-108 (1.5) WITHIN NINETY DAYS OF HIS OR
18 HER APPOINTMENT.

19 (II) ALL COMMUNITY CORRECTIONS BOARD MEMBERS SHALL
20 COMPLETE THE ANNUAL CONTINUING EDUCATION CURRICULUM
21 DEVELOPED PURSUANT TO SECTION 17-27-108 (1.5).

22 (4.5) EACH COMMUNITY CORRECTIONS BOARD SHALL DEVELOP
23 AND IMPLEMENT A STRUCTURED, RESEARCH-BASED DECISION-MAKING
24 PROCESS THAT COMBINES PROFESSIONAL JUDGMENT AND ACTUARIAL RISK
25 ASSESSMENT TOOLS. THE DECISION-MAKING PROCESS MUST SORT
26 OFFENDERS BY RISK, NEED, AND APPROPRIATENESS FOR COMMUNITY
27 PLACEMENT. THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF

1 PUBLIC SAFETY SHALL PROVIDE TECHNICAL ASSISTANCE TO COMMUNITY
2 CORRECTIONS BOARDS IN DEVELOPING AND SUSTAINING THE
3 DECISION-MAKING PROCESS.

4 **SECTION 2.** In Colorado Revised Statutes, 17-27-108, **amend**
5 (1), (2) (a), and (2) (b) (II); and **add** (1.5) and (2.5) as follows:

6 **17-27-108. Division of criminal justice in the department of**
7 **public safety - duties - community corrections contracts.** (1) The
8 division of criminal justice ~~of~~ IN the department of public safety is
9 authorized to administer and execute all contracts with units of local
10 government, community corrections boards, or nongovernmental agencies
11 for the provision of community corrections programs and services.

12 (1.5) THE DIVISION OF CRIMINAL JUSTICE, IN COLLABORATION WITH
13 COMMUNITY CORRECTIONS BOARDS AND OTHER STAKEHOLDERS, SHALL
14 DEVELOP AND IMPLEMENT AN INTRODUCTORY ORIENTATION AND AN
15 ANNUAL CONTINUING EDUCATION CURRICULUM TO EDUCATE BOARD
16 MEMBERS ON APPROPRIATE AND CONSISTENT COMMUNITY PLACEMENT
17 DECISIONS.

18 (2) (a) The division of criminal justice is authorized to establish
19 standards for community corrections programs operated by units of local
20 government or nongovernmental agencies. Such standards shall prescribe
21 minimum levels of offender supervision and services, health and safety
22 conditions of facilities, ADHERENCE TO EVIDENCE-BASED PRINCIPLES AND
23 PRACTICES, and other measures to ensure quality services. The standards
24 shall be promulgated or revised after consultation with representatives of
25 referring agencies, community corrections boards, and administrators of
26 community corrections programs.

27 (b) (II) ~~(A) Before July 1, 2003, such audits shall occur at least~~

1 once in each three-year period, unless waived by the executive director of
2 the department of public safety.

3 ~~(B) On and after July 1, 2003, the division of criminal justice shall~~
4 ~~implement a schedule for auditing community corrections programs that~~
5 ~~is based on risk factors such that community corrections programs with~~
6 ~~low risk factors shall be audited less frequently than community~~
7 ~~corrections programs with higher risk factors. In no event shall such~~
8 ~~audits occur less frequently than at least once in each five-year period.~~
9 ~~Prior to July 1, 2003, the division of criminal justice shall create~~
10 ~~classifications of community corrections programs that are based on risk~~
11 ~~factors as those factors are established by standards of the division of~~
12 ~~criminal justice.~~

13 (2.5) THE DIVISION OF CRIMINAL JUSTICE SHALL DEVELOP A
14 PROGRAM EVALUATION TOOL THAT ASSESSES EACH COMMUNITY
15 CORRECTIONS PROGRAM'S ADHERENCE TO EVIDENCE-BASED PRINCIPLES
16 AND PRACTICES AND IDENTIFIES EACH PROGRAM'S CAPACITY FOR
17 PROVIDING APPROPRIATE PROGRAMMING FOR VERY HIGH RISK OFFENDERS.
18 THE DIVISION SHALL DEVELOP THE PROGRAM EVALUATION TOOL WITH THE
19 ASSISTANCE OF EXPERT CONSULTATION.

20 **SECTION 3. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2016 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.