

Colorado Public Safety Stakeholders

April 29, 2020

House and Senate Leadership

Rep. KC Becker, Speaker of the House
Rep. Alec Garnett, Majority Leader
Rep. Patrick Neville, Minority Leader
Sen. Leroy Garcia, Senate President
Sen. Stephen Fenberg, Majority Leader
Sen. Chris Holbert, Minority Leader

Joint Budget Committee

Rep. Daneya Esgar, Chair
Sen. Dominick Moreno, Vice Chair
Rep. Julie McCluskie, Member
Sen. Bob Rankin, Ranking Member
Rep. Kim Ransom, Member
Sen. Rachel Zenzinger, Member

Dear Legislators,

RE: Criminal Justice Bill Package – Policy Priorities and Fiscal Impact

Your task ahead in the coming weeks is daunting and we applaud you for the tough decisions you are about to make. COVID-19 continues to impact all of us in unimaginable ways – affecting all sectors of society – including those of us deeply immersed in, and most knowledgeable about, Colorado’s criminal and juvenile justice system.

We thank those of you with whom we have already been able to speak, but jointly write as the representatives of the major stakeholders on criminal justice policy to express our unified concern regarding the priorities and fiscal impact related to pending and/or forthcoming legislation, and further, to provide insight and comment on the criminal justice bills presently before the General Assembly.

To be clear, some bills *should* move forward, a select few *can come or go*, and most importantly, a significant number *must* be postponed to a future session.

As promised, the attached table is an unofficial compilation that reflects discussions that we - as public safety organizations, local government representatives, and victim coalition advocates – prioritized for your recommended consideration into a three-tiered structure:

- Tier 1: “must have” (should move forward);
- Tier 2: “would be nice” (can come or go); and
- Tier 3: “not this year” (must be postponed).

The Tiers do not represent the official position of any single organization or entity, but are meant to serve as a tool for you in the process for determining which bills may move forward this session as legislative calendars days and resources allow.

This communication is endorsed by the Association of Colorado State Patrol Professionals, Colorado Association of Chiefs of Police, Colorado Counties, Inc., Colorado District Attorneys’ Council, Colorado Fraternal Order of Police, Colorado Municipal League, Colorado Organization for Victim Assistance, Colorado Police Protective Association, County Sheriffs of Colorado and Denver Police Protective Association.



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Firstly, **Tier 1 bills do not implicate any new fiscal impact.** Tier 1 contains only those bills that rose as our top priority, and were selected taking into consideration the need to focus on legislation that – as the Speaker clearly noted to us in conversation – is “fast, friendly, and free.”

Secondly, and of next importance, is that **Tier 3 bills reflect a strong and concerted position that a number of our organizations believe should not move forward** for a variety of reasons, most commonly that significant stakeholder work is still needed in order to deal with major policy and funding concerns. These bills would compound issues that the law enforcement, local government, and victim communities are already struggling with in the context of the COVID-19 pandemic. Tier 3 bills fiscally impact the state on the order of approximately \$21.3 million, and many would also create significant fiscal burdens on local agencies and governments. This figure does not include the state fiscal impact of rumored but unintroduced bills in this category.

Finally, **Tier 2 bills have support from some of our organizations,** but are in this category given our recognition of the need for you to pare down bills that may or may not need to move forward. The collective state fiscal impact for this discretionary Tier 2 is approximately \$25 million.

We want to make absolutely clear that each of our organizations have our own individual priorities and bill positions. At the same time, we write to provide this document as a thoughtful and informative tool regarding our position on broad public safety impacts and priorities that you may consider as you make very challenging decisions over the next several weeks.

We appreciate the hard work you are doing – but you need not do it alone. Please free to reach out to any of our organizations with questions in the coming weeks. We feel strongly that criminal justice system priorities in the time of COVID-19 require our collective and collaborative input.

Sincerely,

Colorado Public Safety Stakeholders

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TIER 1 - MUST HAVE

Bill #	Short Title	Status	Fiscal Impact	Comments
SB20-026	Workers' Compensation For Audible Psychological Trauma	Awaiting House 2nd reading.	No state fiscal impact.	Just needs final votes on House floor. Non-controversial, provides important protections to members of public safety. Passed House Business Affairs & Labor unanimously, and has no organization opposition. Passed Senate floor 30-2 (3 excused).
SB20-085	Sex Offender Community Corrections Requirements	Awaiting House 2nd reading.	No state fiscal impact.	Just needs final votes on House floor. Non-controversial, protects public safety by making sure the most dangerous sex offenders receive appropriate treatment before release into community settings, and is already most of the way through the process.
SB20-088	Evidentiary Rules When Interference With Witness	Awaiting House 2nd reading.	No state fiscal impact.	Just needs final votes on House floor. Important legislation to protect victims from intimidation. No fiscal note. Unanimous support in Senate.
HB20-XXXX	Sex Offender Management Board Sunset	Not yet introduced.	Not yet known. The 2016 sunset had a \$429k fiscal note, mostly for FTE.	Needs to Renew. Extension for only one year in current form is acceptable. Also ok if included in a sunset omnibus bill, but absolutely vital that this does not sunset and any renewal should not have any substantive changes as there is no opportunity for stakeholder input.
N/A	Continuation of funding for Peace Officer Mental Health Grant Program	Proposed as potential "deeper cuts" option in DOLA budget.	\$2 million annual GF to DOLA for HB17-1215. \$ goes to local agencies and organizations providing these health services.	Our first responders have been on the front lines of this pandemic. There was a high demand and need for this funding prior to the COVID-19 pandemic, with the hope to increase it. The pandemic has only heightened the need to take care of the first responders who have put their health and safety at risk to provide essential services during this time, often at great physical and mental cost. A reduction in funding for this program would have a direct negative impact on the health and safety of our communities. We must maintain the wellness of those who are tirelessly protecting our communities.

TIER 2 - WOULD BE NICE

Bill #	Short Title	Status	Fiscal Impact	Comments
HB20-1014	Misuse of Human Reproductive Material	Awaiting Senate Appropriations hearing.	No state fiscal impact.	Strong public support, good policy.
HB20-1079	Juveniles on Colorado Sex Offender Registry	Awaiting House Appropriations hearing.	The original fiscal note had a rather high cost, but after negotiating further amendments we anticipate a revised fiscal note shortly with little to no fiscal impact.	Strong criminal justice reform policy; a bill that has been a multi-year effort that has no opposition and is nearing success. Stakeholders worked recently on amendments to strip any fiscal impact.
HB20-1150	Repeal House Bill 19-1263 Penalties For Drug Possession	Not yet heard in its House committee of reference (House Judiciary).	\$2.4 million reduction in appropriations to Judicial/DOLA; ~\$531k appropriation to Public Defender; total five-year appropriation of \$13.6 million to DOC. Potential capital construction of \$10.9 million.	There is serious merit to the conversations being had around this bill and particularly certain portions of it related to fentanyl and similar drugs, but given how early it is in the process and how much work this one needs we understand it will likely need to be delayed.
HB20-1228	Protect Survivors' Rights to Rape Kit Evidence	Awaiting Senate Health & Human Services hearing	~\$44k GF to CDPS in FY20-21.	Moderate reform of certain evidentiary procedures to increase victim access to notification about the testing process.
HB20-1279	Drunk Driving Enforcement Funding	Awaiting House Appropriations hearing.	\$2million GF to CDOT	This funding is critical to LEA DUI enforcement programs. Passed House committee but stuck in Approps.
HB20-1284	Secure Transportation Behavioral Health Crisis	Awaiting House Appropriations hearing.	~\$46k GF to CDPHE; ~\$39k GF to HCPF; ~\$6k from Healthcare Affordability and Sustainability Fee Cash Fund to HCPF; ~\$115k from federal funds to HCPF.	Particularly important as a way to reduce burdens on local LE during this time, but could be delayed if needed given it has not gone through its 1st chamber entirely yet.
HB20-1293	Emergency Telephone Service Charges	Awaiting House Appropriations hearing.	~\$19k GF to DOR; ~\$83k Cash Fund to DORA; ~\$24k Centrally appropriated.	Provides important support to local governments to operate their 911 dispatch services as they migrate to an updated system that is not currently funded at a sustainable level.
HB20-1307	Gay Panic or Transgender Panic Defense	Awaiting Senate Judiciary hearing.	No state fiscal impact.	Protects LGBTQ+ victims of crime from character assassination or bigoted arguments against them in court.

TIER 3 - NOT THIS YEAR

Bill #	Short Title	Status	Fiscal Impact	Comments
HB20-1017	Substance Use Disorder Treatment In Criminal Justice System	Awaiting House Appropriations hearing.	County costs range from \$360K to \$500K annually. Small/rural counties have limited resources; financial, personnel, and medical. State cost is \$650,000 in the first year and the \$1.2 M in the out year, DOC has said their piece in this legislation could increase the fiscal note by 3.5 M	Still a lot of work to be done on this bill, particularly given its fiscal, resource, and policy impacts on local governments and law enforcement agencies. There are significant concerns about the drug (both prescription and illicit) takeback and disposal portions of the bill.
HB20-1238	Safe And Healthy Learning Environments For Students	Not yet heard in its House committees of reference (Education & Appropriations).	No state fiscal impact, but will negatively impact the ability of schools (especially rural schools) to access grant funds.	The conversation around SRO training/roles is an important one, and one that LE would very much like to have. That being said, we do not have the time or bandwidth do that right now and would much prefer to do this in a thoughtful way during the interim.
HB20-1278	Protection Orders Issued Against Domestic Abusers	Heard but not yet voted on in House Judiciary.	~\$250k to multiple state agencies in FY20-21, \$3.6million to DOC over 5 years, plus ongoing local government costs. Financial burden on counties to include construction, facility expansion, staffing. In effect would require entirely new dept within Sheriffs Office.	Still needs a lot of work to deal with outstanding issues, so should wait until next year.
HB20-XXXX	Statewide Independent Monitor	Not yet introduced. Controversial.	Based upon initial stakeholder meeting, AG rep stated will result in significant fiscal impact to the Dept. of Law budget.	Highly controversial concept re: statewide independent monitor with significant fiscal impact to state and local budgets. Sponsors held one initial stakeholder meeting several months ago where many groups expressed concerns that have yet to be addressed.
HB20-XXXX	Officer-Involved Shootings/Use of Force/Fleeing Felon	Not yet introduced; no stakeholder outreach has been done. Controversial.	Concept is too undeveloped to predict fiscal impact at this time.	Rumored bill(s) on these topics that would require significant training and resources for state and local government. Important conversations, but ones that LE would like to be at the table for and as of yet have not been included in any conversations about.
HB20-XXXX	Removal of Outstanding Judgement Warrants as a tool in traffic offenses.	Not yet introduced. Controversial.	Significant loss of revenue for the state.	The bill if introduced would prohibit the cancellation of driver's licenses when an outstanding judgement warrant is levied against an individual when they fail to pay a fine or FTA. This would result is the loss of a significant tool for state, county, and municipal courts.
SB20-065	Limit Mobile Electronic Devices While Driving	Not yet heard in its House committees of reference (Transportation & Judiciary).	\$9k --> DOR, increase in GF obligations for TABOR refunds	Some problematic amendments added in the Senate that created opposition. Needs more work, so worth delaying until next year to have these conversations.
SB20-070	Traffic Offense Classification And Penalties	Awaiting Senate Appropriations hearing.	Net reduction of approximately \$29k to state agencies. As amended, significant reduction in local VALE funds.	Has not yet gone to Appropriations in its first chamber and has significant issues in its current form. Recent amendments undermine original intent and may result in loss of revenue to counties and local VALE funds. Unified position to PI and rework bill for next year.
SB20-076	Parole Eligibility For Youthful Offenders	Awaiting Senate Appropriations hearing.	Fiscal impact: Net appropriation of approx. \$800k to DOC for FY2021.	Not yet in its 2nd chamber, would require significant resources and change in current practices. Bill needs a lot of work - violates promises that were made to victims of crimes during sentencing, and takes a step backward w/ regard to accomplishing certainty in sentencing. Also adds a new presumption that offenders will be paroled after 15 years and 50% time served and eviscerates "Lynn's Law," (passed in 2004) which requires violent offenders to serve at least 75% of their sentence.
SB20-161	Pretrial Release	Awaiting Senate Appropriations hearing. Expensive/significant state funding required for success.	Fiscal impact: \$2.1M for remainder of 2020; \$4.9M for FY 2021-2022. Significant fiscal impact to each county. For example, estimates include Arapahoe at least \$1M and Jeffco \$800K.	Without full and adequate funding for counties and municipalities as recommended by the CCJJ, and given the very unclear and ongoing fiscal impact of the current crisis for counties/DAs/municipalities, this must wait another year.
SB20-172	Bail Hearing Within 48 Hours of Arrest	Awaiting Senate Appropriations hearing. Expensive/significant state funding required for success.	\$2.9M to Judicial in FY 2020-2021. Based upon reports submitted by Chief Justice in every Judicial District, impact to DAs (county budgets) approx. \$1.4M.	This would have serious fiscal/resource impacts on counties and other local agencies and given how uncertain things are, this must wait another year.
SB20-179	DA Defendant Data Collection	Not yet heard in its Senate committee of reference (Judiciary).	No state fiscal impact, but will increase local government expenditures. Costs to DA's offices to comply will increase by ~\$96k in FY20-21 and anywhere from \$2.2million/30 FTE to \$4.3million/60 FTE in FY21-22.	The resources in manpower and budget requirements are unachievable in the current fiscal climate.
SB20-181	Measures on Incompetent to Proceed	Awaiting Senate Appropriations hearing.	Approx. \$194k to Judicial in FY20-21.	We still don't know the full impacts of last year's competency bill (19-223), and there is still a lot of work to be done on this one. It should wait.
SB20-191	Changes to Felony Murder	Not yet heard in its Senate committee of reference (Judiciary). Highly controversial.	No state fiscal impact.	Still needs significant work regarding missing sex offenses; should wait so those conversations can happen.