



Lutheran Advocacy Ministry-Colorado  
Evangelical Lutheran Church in America  
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## Criminal Justice Legislation - 2011

### *Restorative Justice – House Bill 1032 (support)*

Status: Passed Senate and House; signed by Governor Hickenlooper on June 7<sup>th</sup>

The bill would make some current provisions mandatory. If the district attorney determines the juvenile is suitable, the district attorney may offer the juvenile the opportunity to participate in restorative justice rather than charging the juvenile. The bill directs the department of corrections to establish policies and procedures for facilitated victim-offender dialogues in institutions under the control of the department, which would arrange the dialogues if requested by the victim and agreed to by the offender.

### *Limiting Solitary Confinement Practices - Senate Bill 176 (support)*

Status: Passed Senate and House; signed by Governor Hickenlooper on June 3<sup>rd</sup>

The bill, as amended, makes three changes related to solitary confinement practices in Colorado:

- **Earned time:** currently, offenders cannot accrue “earned time” to reduce the length of their sentence while they are placed in solitary confinement. This bill permits accrual of earned time after 90 days provided they meet statutory criteria.
- **Gang affiliation:** currently offenders can be placed in solitary confinement for any association with a member of a security threat group. This bill requires that the offender engaged in threatening behavior or participated in actions of a security threat group, while preserving the discretion of the warden.
- **Reporting on solitary-confinement placements:** it requires the Dept. of Corrections to report to the legislature annually on: 1) reclassification efforts for offenders with mental illness or developmental disabilities, 2) duration of stay, 3) reason for placement, 4) number and percentage of inmates discharged; and 5) any internal reform efforts. Cost savings realized from implementation of the bill are redirected to programs that support viable alternatives to solitary confinement.



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***Parole presumption for certain drug offenders – House Bill 1064 (support)***

Status: Passed both the House and Senate unanimously; signed by Governor Hickenlooper on May 27<sup>th</sup>

The bill creates a pilot program to allow offenders convicted of a minor drug offense who meet other criteria for institutional and previous criminal behavior to have a parole hearing within 90 days of eligibility and to be presumed eligible for parole unless other circumstances arise. Paroles will also be enrolled in a substance abuse treatment program as a condition of parole.

***Colorado Juveniles Equal Protection – House Bill 1287 (support)***

Status: Failed in House Judiciary Committee

Several years ago, legislation was passed requiring that youth charged as adults and sentenced to a more than 40 years in prison be eligible for parole after 40 years, unless otherwise eligible earlier. That provision currently applies to offenses committed on or after July 1, 2006. This bill extends eligibility to all covered offenders, regardless of when the offense was committed. It also requires that they be considered for community placement ten years before they are eligible for parole if they have served at least twenty years.

***Community Corrections Release Options - Senate Bill 254 (support)***

Status: Passed Senate and House; signed by Governor Hickenlooper on June 2<sup>nd</sup>

This bill requires that offenders sentenced directly to a community corrections program be eligible for a deduction of up to 10 days per month from their sentences. Current law allows such deductions, but does not require eligibility. Criteria are set for when they may be considered for early termination of their sentences. They must successfully complete the residential phase of community corrections, pay the costs of the residential program in full, and be supervised at a low level.

***For Questions or more information about these bills, please contact:***

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