



Commission on Criminal and Juvenile Justice  
**Legislative Fact Sheet**

SB 13-250

Sponsors: Sen Steadman and Sen King  
 and Rep Levy

**Background**

In 2009, the Commission on Criminal and Juvenile Justice created the Drug Policy Task Force (DPTF) to review statewide drug policy and make recommendations regarding the drug laws in Colorado. Since that time, the DPTF has been continuously working to address the problems of drug abuse and addiction in the criminal justice system. A multi-step approach has been implemented to prioritize treatment over incarceration and to re-invest any savings into effective treatment for offenders on probation, on parole, in community corrections, or in county jails.

- In 2010, CCJJ recommendations were enacted into law pursuant to HB 10-1352 which revised certain drug possession offenses and substantially increased funding for treatment.
- In 2012, CCJJ recommendations were enacted into law pursuant to HB12-1310 which achieved the much needed consolidation of funding sources for offender treatment for greater efficiency and coordination among state criminal justice agencies.
- In 2012, the General Assembly directed the CCJJ pursuant to HB12-1310 (formerly SB12-163) to continue working to develop a comprehensive drug sentencing scheme and report to the legislature by December 15, 2012.

SB 13-250 encompasses the recommendations unanimously approved by the CCJJ.

**Bill Summary**

**SB 250 creates a separate drug sentencing scheme for drug offenses** that establishes offense levels, sentencing ranges, and mandatory parole periods. The serious drug dealers will still be subject to mandatory sentencing, in some cases increased mandatory sentencing and increased sentencing for a first time large quantity drug dealer. The sentencing distinction between serious drug dealers and drug users is much more defined. The new scheme emphasizes treatment over incarceration for the drug abuser and addict.

**SB 250 expands opportunities for the drug offender to avoid a felony conviction.** Current law allows certain drug offenders to be eligible for a deferred judgment, which allows an offender to avoid a criminal conviction if the offender successfully completes a probationary period. SB 250 allows a repeat drug offender who possesses a small amount of drugs to avoid a drug felony conviction and earn a misdemeanor disposition but only after the successful completion of probation or community corrections, including any drug treatment ordered. Courts are also required to consider all treatment options before

incarceration. These changes provide additional pathways for success which the research shows will increase in public safety.

**SB 250 expands funding for treatment** by requiring that savings in corrections be reallocated to expand treatment and recovery services to people involved in the criminal justice system.

**SB 250 requires comprehensive data collection** and a report to the General Assembly by December 31, 2016 on the impact of SB 13-250 in ensure that the changes are working to improve outcomes in our criminal justice system.

**SB 250 makes numerous conforming amendments** in other statutes that reference Title 18-18 offenses.

**SB 250 does not change** any sentences for offenses that are not drug offenses and makes no changes to the Colorado Organized Crime Control Act.

### **Widespread Support For a New Approach**

Law enforcement, district attorneys, defense attorneys and numerous other stakeholders agree that the current approach to drug offenders needs change to become more effective. We have often overused incarceration for the drug users and underinvested in treatment, yielding high rates of recidivism which compromise public safety. SB 250 is a comprehensive effort to implement a different drug sentencing scheme and to use our resources more efficiently, to the benefit of all Coloradoans and their families.

#### **CURRENT MEMBERS OF THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE**

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\*Former members of the CCJJ who supported the drug policy recommendation include: Michael Dougherty, Deputy Attorney General, Tom Clements, Executive Director of the Department of Corrections, Peter G. Hautzinger, DA, 21<sup>st</sup> Judicial District, and Don Quick, DA, 17<sup>th</sup> Judicial District.

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The Colorado Commission on Criminal and Juvenile Justice is a multidisciplinary 26-member entity that was established in 2007 by C.R.S. 16-11.3-101 to improve "the effective administration of justice" by undertaking a comprehensive examination of the criminal and juvenile justice systems and making recommendations for reform. For more information about the Commission and its activities, please see the Commission's website at [www.cdps.state.co.us/ccjj](http://www.cdps.state.co.us/ccjj).

To speak to a Commissioner about this bill, please call Jeanne Smith, Director, Colorado Division of Criminal Justice at 303-239-4451.