

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0495.01 Michael Dohr x4347

HOUSE BILL 15-1094

HOUSE SPONSORSHIP

Lee, Arndt, Becker K., Court, Esgar, Foote, Garnett, Ginal, Kagan, Nordberg, Rosenthal, Roupe, Vigil

SENATE SPONSORSHIP

Cooke and Newell,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING RESTORATIVE JUSTICE.**

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>.)

A restorative justice satisfaction survey is used as an evaluation tool for the restorative justice pilot project. The bill clarifies that this preconference evaluation is only given to the offender.

The bill adds the following members to the restorative justice coordinating council:

- ! The state public defender or his or her designee;
- ! A judge appointed by the chief justice of the Colorado supreme court; and

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.*

! A law enforcement representative appointed by the state court administrator.

The bill authorizes the restorative justice coordinating council to accept moneys for providing trainings, gifts, grants, and donations and transfers those moneys to the restorative justice surcharge fund.

Currently there is a restorative justice pilot project for juveniles who commit certain crimes. The bill allows the pilot project to accept juveniles who committed petty offenses or municipal offenses that could be charged as state offenses.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-25-101, **amend**
3 (3) (a) as follows:

4 **18-25-101. Restorative justice surcharge - definitions.**

5 (3) (a) There is created in the state treasury the restorative justice
6 surcharge fund that consists of moneys received by the state treasurer
7 pursuant to this section AND SECTION 19-2-213 (4.5), C.R.S. The moneys
8 in the fund are subject to annual appropriation by the general assembly to
9 the judicial department for distribution to judicial districts that offer
10 restorative justice programs and to the restorative justice coordinating
11 council for administrative expenses.

12 **SECTION 2.** In Colorado Revised Statutes, 19-2-213, **amend** (1)
13 (b) and (2) (l); and **add** (2) (n), (2) (o), (2) (p), and (4.5) as follows:

14 **19-2-213. Restorative justice coordinating council -**
15 **establishment - membership - repeal.** (1) (b) In order to assess the

16 efficacy of restorative justice practices in providing satisfaction to
17 participants, the council shall develop a uniform restorative justice
18 satisfaction evaluation by September 1, 2013. The evaluation must be
19 based on research principles. The evaluation ~~shall~~ **MUST** include a
20 preconference questionnaire FOR THE OFFENDER AND PARTICIPATING

1 **VICTIMS, IF PRACTICABLE,** to establish a baseline and a postconference
2 questionnaire that is suitable to administer to restorative justice
3 participants, including community members, participating victims, and
4 offenders.

5 (2) The restorative justice coordinating council ~~shall include~~
6 INCLUDES, at a minimum, the following:

7 (l) Three restorative justice practitioners appointed by the state
8 court administrator; ~~and~~

9 (n) THE STATE PUBLIC DEFENDER OR HIS OR HER DESIGNEE;

10 (o) A JUDGE APPOINTED BY THE CHIEF JUSTICE OF THE COLORADO
11 SUPREME COURT; AND

12 (p) A REPRESENTATIVE OF LAW ENFORCEMENT APPOINTED BY THE
13 STATE COURT ADMINISTRATOR BASED UPON A RECOMMENDATION FROM
14 THE RESTORATIVE JUSTICE COORDINATING COUNCIL.

15 (4.5) THE RESTORATIVE JUSTICE COORDINATING COUNCIL MAY
16 ACCEPT MONEYS FROM TRAININGS AND CONFERENCES AND GIFTS, GRANTS,
17 OR DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE FOR THE PURPOSE
18 OF SUPPORTING RESTORATIVE JUSTICE PRACTICES. ALL PRIVATE AND
19 PUBLIC MONEYS RECEIVED BY THE RESTORATIVE JUSTICE COORDINATING
20 COUNCIL FROM GIFTS, GRANTS, OR DONATIONS OR ANY OTHER SOURCE
21 MUST BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT
22 THE SAME TO THE RESTORATIVE JUSTICE SURCHARGE FUND CREATED
23 PURSUANT TO SECTION 18-25-101, C.R.S., IN ADDITION TO ANY MONEYS
24 THAT MAY BE APPROPRIATED TO THE FUND DIRECTLY BY THE GENERAL
25 ASSEMBLY.

26 **SECTION 3.** In Colorado Revised Statutes, 19-2-510.5, **amend**
27 **(3) (b) (II) and (3) (b) (III) (A); and add (3) (b) (II.5), (3) (b) (III) (C),**

1 and (3) (b) (III) (D) as follows:

2 **19-2-510.5. Restorative justice pilot project - legislative**
3 **declaration - definitions - repeal.** (3) (b) For purposes of this subsection

4 (3), "juvenile" means a person who:

5 (II) Has not been previously adjudicated for an offense that would
6 be a felony if committed by an adult; ~~and has not previously participated~~
7 ~~in the pilot project established by this section; and~~ EXCEPT THAT THE
8 DISTRICT ATTORNEY MAY WAIVE THIS FIRST-TIME OFFENDER
9 QUALIFICATION.

10 (II.5) HAS NOT PREVIOUSLY PARTICIPATED IN THE PILOT PROJECT
11 ESTABLISHED BY THIS SECTION; AND

12 (III) Could be charged in a petition only with the following
13 crimes:

14 (A) A misdemeanor, excluding those in title 42, C.R.S., if charged
15 against an adult; ~~or~~

16 (C) A PETTY OFFENSE IF CHARGED AGAINST AN ADULT; OR

17 (D) A MUNICIPAL OFFENSE IF CHARGED AGAINST AN ADULT,
18 INCLUDING WHEN THE CITING OR ARRESTING LAW ENFORCEMENT AGENCY
19 DIRECTLY DIVERTS THE JUVENILE TO A RESTORATIVE JUSTICE PILOT
20 PROJECT SITE.

21 **SECTION 4. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2016 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.