

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0604.03 Michael Dohr x4347

HOUSE BILL 23-1258

HOUSE SPONSORSHIP

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SENATE SPONSORSHIP

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House Committees

Judiciary
Appropriations

Senate Committees

Judiciary
Appropriations

A BILL FOR AN ACT

101 **CONCERNING CREATING A TASK FORCE TO STUDY THE COSTS**
102 **ASSOCIATED WITH DRUG CRIMES, AND, IN CONNECTION**
103 **THEREWITH, MAKING AN APPROPRIATION.**

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://leg.colorado.gov>.)

The bill creates the evaluating the costs associated with enforcement of and incarceration for drug crimes task force (task force). The task force has the following duties:

- Consider and determine state and local government costs associated with the investigation of drug crimes and the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

SENATE
3rd Reading Unamended
May 7, 2023

SENATE
Amended 2nd Reading
May 6, 2023

HOUSE
3rd Reading Unamended
April 24, 2023

HOUSE
Amended 2nd Reading
April 21, 2023

- enforcement of drug laws;
- Consider and determine the costs incurred by the judicial department in adjudicating drug crimes and supervising defendants convicted of drug crimes;
- Consider and determine state and local government costs associated with confining and incarcerating individuals accused of and convicted of drug crimes and the state costs associated with parole supervision for those convicted of drug crimes;
- Determine the total state and local government costs associated with enforcing drug laws, investigating and punishing drug crimes, and rehabilitating those convicted of drug crimes; and
- Make recommendations to the general assembly regarding how money saved by reducing drug crimes or sentencing for drug crimes could be spent to reduce substance use and dependence in Colorado.

The task force shall create a report of its findings by December 31, 2023, and shall present the report to the judiciary committees of the house of representatives and senate by January 30, 2024.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 25-1.5-120 as
 3 follows:

4 **25-1.5-120. Evaluating the costs and benefits associated with**
 5 **enforcement of drug laws and incarceration for drug crimes task**
 6 **force - definitions - duties - repeal.** (1) AS USED IN THIS SECTION,
 7 UNLESS THE CONTEXT OTHERWISE REQUIRES:

8 (a) "DRUG CRIMES" MEANS THE CRIMES DESCRIBED IN PART 4 OF
 9 ARTICLE 18 OF TITLE 18, EXCEPT THOSE CRIMES THAT ARE A LEVEL 1 OR
 10 LEVEL 2 DRUG FELONY.

11 (b) "TASK FORCE" MEANS THE EVALUATING THE COSTS AND
 12 BENEFITS ASSOCIATED WITH ENFORCEMENT OF DRUG LAWS AND
 13 INCARCERATION FOR DRUG CRIMES TASK FORCE CREATED IN SUBSECTION
 14 (2) OF THIS SECTION.

1 (2) THERE IS CREATED IN THE DEPARTMENT THE EVALUATING THE
2 COSTS AND BENEFITS ASSOCIATED WITH ENFORCEMENT OF DRUG LAWS
3 AND INCARCERATION FOR DRUG CRIMES TASK FORCE TO STUDY STATE AND
4 LOCAL GOVERNMENT COSTS AND BENEFITS ASSOCIATED WITH ENFORCING
5 DRUG LAWS, INVESTIGATING AND PUNISHING DRUG CRIMES, AND
6 REHABILITATING THOSE CONVICTED OF DRUG CRIMES.

7 (3) THE TASK FORCE MEMBERS MUST BE APPOINTED ON OR BEFORE
8 JANUARY 15, 2024. THE TASK FORCE CONSISTS OF NINE MEMBERS AS
9 FOLLOWS:

10 (a) A MEMBER OF THE HOUSE OF THE REPRESENTATIVES,
11 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND
12 WHO IS CHAIR OF THE TASK FORCE;

13 (b) A MEMBER OF THE SENATE, APPOINTED BY THE MAJORITY
14 LEADER OF THE SENATE AND WHO IS THE VICE-CHAIR OF THE TASK FORCE;

15 (c) A PUBLIC HEALTH EXPERT WHO WORKS FOR A NONPROFIT,
16 APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
17 HEALTH AND ENVIRONMENT;

18 (d) A REPRESENTATIVE OF DISTRICT ATTORNEYS, APPOINTED BY
19 THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT ATTORNEYS'
20 COUNCIL;

21 (e) A REPRESENTATIVE OF THE COLORADO DRUG INVESTIGATORS
22 ASSOCIATION;

23 (f) TWO REPRESENTATIVES OF LAW ENFORCEMENT, ONE OF WHOM
24 IS APPOINTED BY A STATEWIDE ORGANIZATION REPRESENTING CHIEFS OF
25 POLICE, AND ONE WHOM IS APPOINTED BY THE COUNTY SHERIFF'S
26 ASSOCIATION.

27 (g) AN EXPERT ON HOUSING AND THE UNHOUSED WHO WORKS FOR

1 A NONPROFIT, APPOINTED BY THE STATE DIRECTOR OF HOUSING IN THE
2 DIVISION OF HOUSING IN THE DEPARTMENT OF LOCAL AFFAIRS; AND

3 (h) A REPRESENTATIVE OF A NONPROFIT ORGANIZATION THAT
4 WORKS ON DRUG POLICY, APPOINTED BY THE SPEAKER OF THE HOUSE OF
5 REPRESENTATIVES.

6 (4) (a) ON OR BEFORE MARCH 1, 2024, THE CHAIR OF THE TASK
7 FORCE SHALL CALL THE FIRST MEETING OF THE TASK FORCE. DURING THE
8 FIRST MEETING, THE TASK FORCE SHALL ESTABLISH PROCEDURES TO
9 ALLOW MEMBERS OF THE TASK FORCE TO PARTICIPATE IN MEETINGS
10 REMOTELY, DEVELOP BEST PRACTICES FOR THE ADMINISTRATION OF TASK
11 FORCE MEETINGS, AND CREATE A PLAN FOR ENGAGEMENT OF
12 STAKEHOLDERS AND EXPERTS TO SUPPORT AND INFORM THE TASK FORCE'S
13 WORK.

14 (b) THE TASK FORCE SHALL MEET AT LEAST TWO TIMES BETWEEN
15 MARCH 1, 2024, AND MAY 1, 2024.

16 (c) EXCEPT AS OTHERWISE PROVIDED IN SECTION 2-2-326, THE
17 TASK FORCE MEMBERS SHALL SERVE WITHOUT COMPENSATION BUT MUST
18 RECEIVE REIMBURSEMENT FOR REASONABLE EXPENSES INCURRED TO
19 PARTICIPATE IN TASK FORCE MEETINGS.

20 (d) IF A VACANCY OCCURS ON THE TASK FORCE FOR ANY REASON,
21 THE ORIGINAL APPOINTING AUTHORITY SHALL APPOINT A PERSON WHO
22 MEETS THE REQUIREMENTS OF THE VACANT POSITION TO FILL THE
23 VACANCY AS SOON AS POSSIBLE AFTER THE VACANCY OCCURS.

24 (e) UPON REQUEST OF THE CHAIR OF THE TASK FORCE, THE
25 DEPARTMENT SHALL PROVIDE THE TASK FORCE WITH STAFF ASSISTANCE,
26 MEETING SPACE, OR AUDIO-VISUAL COMMUNICATION TECHNOLOGY
27 RESOURCES, AS NECESSARY, FOR THE TASK FORCE TO MEET THE DUTIES

1 DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION.

2 (5) (a) THE TASK FORCE SHALL CONSIDER THE STUDY
3 CONDUCTED PURSUANT TO SECTION 23-20-145 AND UPON APPROVAL OF
4 TWO-THIRDS OF THE TASK FORCE MAKE RECOMMENDATIONS TO THE
5 GENERAL ASSEMBLY REGARDING:

6 (I) HOW MONEY SAVED BY A REDUCTION IN DRUG CRIMES OR
7 SENTENCING FOR DRUG CRIMES COULD BE SPENT TO REDUCE SUBSTANCE
8 USE AND DEPENDENCE IN COLORADO; AND

9 (II) HOW TO IMPROVE REHABILITATION DURING SUPERVISION AND
10 INCARCERATION FOR THOSE CONVICTED OF A DRUG CRIME.

11 (b) THE TASK FORCE SHALL CONSULT WITH STAKEHOLDERS AND
12 EXPERTS AS NEEDED TO INFORM DISCUSSIONS AND TO ADDRESS QUESTIONS
13 NECESSARY TO FINALIZE ITS FINDINGS AND RECOMMENDATIONS.

14 (6) ON OR BEFORE JUNE 1, 2024, THE TASK FORCE SHALL SUBMIT
15 A FINAL REPORT, INCLUDING ITS FINDINGS AND RECOMMENDATIONS
16 REGARDING ISSUES IDENTIFIED IN SUBSECTION (5) OF THIS SECTION TO THE
17 JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
18 SENATE, OR THEIR SUCCESSOR COMMITTEES.

19 (7) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2025.

20 **SECTION 2.** In Colorado Revised Statutes, add 23-20-145 as
21 follows:

22 **23-20-145. Financial study of the costs and benefits associated**
23 **with enforcement of drug laws and incarceration for drug crimes -**
24 **repeal.** (1) BEGINNING BY SEPTEMBER 1, 2023, THE COLORADO SCHOOL
25 OF PUBLIC HEALTH AND THE DEPARTMENT OF PUBLIC SAFETY SHALL
26 CONDUCT A FINANCIAL STUDY EVALUATING THE COSTS AND BENEFITS
27 ASSOCIATED WITH ENFORCEMENT OF DRUG LAWS AND INCARCERATION IN

1 THE STATE.

2 (2) THE FINANCIAL STUDY MUST:

3 (a) CONSIDER AND DETERMINE STATE AND LOCAL GOVERNMENT
4 COSTS AND BENEFITS ASSOCIATED WITH THE INVESTIGATION AND
5 ENFORCEMENT OF DRUG CRIMES;

6 (b) CONSIDER AND DETERMINE THE COSTS AND BENEFITS
7 INCURRED BY THE JUDICIAL DEPARTMENT TO ADJUDICATE DRUG CRIMES
8 AND TO SUPERVISE DEFENDANTS CONVICTED OF DRUG CRIMES;

9 (c) CONSIDER AND DETERMINE STATE AND LOCAL GOVERNMENT
10 COSTS AND BENEFITS ASSOCIATED WITH CONFINEMENT AND
11 INCARCERATION OF INDIVIDUALS ACCUSED OF AND CONVICTED OF DRUG
12 CRIMES AND THE STATE COSTS AND BENEFITS ASSOCIATED WITH PAROLE
13 SUPERVISION FOR THOSE CONVICTED OF DRUG CRIMES;

14 (d) DETERMINE THE TOTAL STATE AND LOCAL GOVERNMENT COSTS
15 AND BENEFITS ASSOCIATED WITH ENFORCEMENT OF DRUG LAWS;
16 INVESTIGATION OF AND PUNISHMENT FOR DRUG CRIMES, INCLUDING COSTS
17 AND BENEFITS FOR TREATMENT RECOVERY SERVICES, IF NEEDED, RELATED
18 TO DRUG USE; AND REHABILITATION OF THOSE CONVICTED OF DRUG
19 CRIMES.

20 (e) DETERMINE THE TOTAL STATE AND LOCAL GOVERNMENT COSTS
21 ASSOCIATED WITH DRUG OVERDOSE DEATHS.

22 (f) DETERMINE THE TOTAL STATE AND LOCAL GOVERNMENT COSTS
23 ASSOCIATED WITH THE ENFORCEMENT OF DRUG LAWS, INCLUDING THEFT
24 CRIMES RELATED TO DRUG CRIMES.

25 (3) THE COLORADO SCHOOL OF PUBLIC HEALTH AND THE
26 DEPARTMENT OF PUBLIC SAFETY SHALL PROVIDE THE FINANCIAL STUDY TO
27 THE EVALUATING THE COSTS AND BENEFITS ASSOCIATED WITH

1 ENFORCEMENT OF DRUG LAWS AND INCARCERATION FOR DRUG CRIMES
2 TASK FORCE CREATED IN SECTION 25-1.5-120 BY FEBRUARY 15, 2024.

3 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.

4 **SECTION 2.** In Colorado Revised Statutes, 23-3.3-103, **add** (12)
5 as follows:

6 **23-3.3-103. Annual appropriations - repeal.** (12) (a) THE
7 PROVISIONS OF SUBSECTION (1) OF THIS SECTION CONCERNING
8 APPROPRIATIONS FOR STUDENT FINANCIAL ASSISTANCE UNDER THIS
9 ARTICLE 3.3 DO NOT APPLY TO APPROPRIATIONS MADE PURSUANT TO
10 SECTION 23-20-145 FOR THE FINANCIAL STUDY OF THE COSTS AND
11 BENEFITS ASSOCIATED WITH ENFORCEMENT OF DRUG LAWS AND
12 INCARCERATION FOR DRUG CRIMES.

13 (b) THIS SUBSECTION (12) IS REPEALED, EFFECTIVE JULY 1, 2025.

14 **SECTION 3. Appropriation.** (1) For the 2023-24 state fiscal
15 year, \$79,914 is appropriated to the department of higher education for
16 use by the regents of the university of Colorado. This appropriation is
17 from the general fund. To implement this act, the department may use this
18 appropriation for the enforcement of drug laws and incarceration actuarial
19 cost study.

20 (2) For the 2023-24 state fiscal year, \$16,138 is appropriated to
21 the department of public health and environment for use by the division
22 of administration and support. This appropriation is from the general
23 fund. To implement this act, the division may use this appropriation for
24 operating expenses related to administration.

25 (3) For the 2023-24 state fiscal year, \$1,324 is appropriated to the
26 legislative department for use by the general assembly. This appropriation
27 is from the general fund. To implement this act, the general assembly may

1 use this appropriation for per diem and expense reimbursement.

2 **SECTION 4. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly; except
5 that, if a referendum petition is filed pursuant to section 1 (3) of article V
6 of the state constitution against this act or an item, section, or part of this
7 act within such period, then the act, item, section, or part will not take
8 effect unless approved by the people at the general election to be held in
9 November 2024 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.