

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 17-0314.01 Michael Dohr x4347

SENATE BILL 17-220

SENATE SPONSORSHIP

Court, Fenberg, Cooke, Kerr, Merrifield

HOUSE SPONSORSHIP

Arndt,

Senate Committees
State, Veterans, & Military Affairs

House Committees
Judiciary
Appropriations

A BILL FOR AN ACT
101 **CONCERNING THE CONTINUATION OF THE RESTORATIVE JUSTICE**
102 **COORDINATING COUNCIL.**

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/>.)

Sunset Process - Senate State, Veterans, and Military Affairs Committee. The restorative justice coordinating council (council) is scheduled for repeal on July 1, 2017, with a corresponding sunset review. The bill extends the council based on the recommendation of the sunset review.

HOUSE
2nd Reading Unamended
April 13, 2017

SENATE
3rd Reading Unamended
March 28, 2017

SENATE
Amended 2nd Reading
March 27, 2017

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.

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

2 **SECTION 1. In Colorado Revised Statutes, add with amended**
3 **and relocated provisions 13-3-116 as follows:**

4 **13-3-116. [Formerly 19-2-213] Restorative justice coordinating**
5 **council - establishment - membership.** (1) (a) A council to provide
6 assistance and education related to restorative justice programs is hereby
7 established. The council shall be known as the "restorative justice
8 coordinating council" and shall be established in the state judicial
9 department within the office of the state court administrator. To the extent
10 that resources permit, the restorative justice coordinating council shall
11 support the development of restorative justice programs, serve as a central
12 repository for information, assist in the development and provision of
13 related education and training, and provide technical assistance to entities
14 engaged in or wishing to develop restorative justice programs.

15 (b) In order to assess the efficacy of restorative justice practices
16 in providing satisfaction to participants, the council shall develop a
17 uniform restorative justice satisfaction evaluation by September 1, 2013.
18 The evaluation must be based on research principles. The evaluation must
19 include a preconference questionnaire for the offender and participating
20 victims, if practicable, to establish a baseline and a postconference
21 questionnaire that is suitable to administer to restorative justice
22 participants, including community members, participating victims, and
23 offenders.

24 (c) (I) The council shall develop a database of existing restorative
25 justice programs in the state by December 31, 2013, and update it
26 annually by December 31 of each year.

- 1 (II) The database must consist of the following information:
- 2 (A) The location of the restorative justice program;
- 3 (B) The types of restorative justice practices used in the program
- 4 and the costs and fees associated with the practices; and
- 5 (C) The background, training, and restorative justice experience
- 6 of the facilitators in the restorative justice program.
- 7 (d) Repealed.
- 8 (2) The restorative justice coordinating council includes, at a
- 9 minimum, the following:
- 10 (a) A member who represents a statewide juvenile justice council
- 11 who shall be appointed by the executive director of the department of
- 12 public safety;
- 13 (b) A representative from the division of youth corrections in the
- 14 department of human services who shall be appointed by the executive
- 15 director of the department of human services;
- 16 (c) A representative from the department of public safety who
- 17 shall be appointed by the executive director of the department of public
- 18 safety;
- 19 (d) A representative from the judicial department who shall be
- 20 appointed by the state court administrator;
- 21 (e) Two representatives from a statewide organization or
- 22 organizations whose primary purpose is related to the development and
- 23 implementation of restorative justice programs and who shall be
- 24 appointed by the executive director of the department of public safety;
- 25 (f) A district attorney with juvenile justice experience who shall
- 26 be appointed by the executive director of the Colorado district attorneys
- 27 council;

1 (g) A victim's representative within the judicial department with
2 restorative justice experience who shall be appointed by the state court
3 administrator;

4 (h) A representative from the department of education who shall
5 be appointed by the commissioner of education;

6 (i) A representative from the state board of parole appointed by
7 the chair of the parole board;

8 (j) A representative from the department of corrections appointed
9 by the executive director of the department of corrections;

10 (k) A representative from a nongovernment statewide organization
11 representing victims appointed by the executive director of the
12 department of public safety;

13 (l) Three restorative justice practitioners appointed by the state
14 court administrator;

15 (m) A representative of the juvenile parole board appointed by the
16 chair of the juvenile parole board;

17 (n) The state public defender or his or her designee;

18 (o) A judge appointed by the chief justice of the Colorado
19 supreme court; and

20 (p) A representative of law enforcement appointed by the state
21 court administrator based upon a recommendation from the restorative
22 justice coordinating council.

23 (3) The restorative justice coordinating council shall select a
24 chairperson from among the members of the council who shall serve a
25 term to be determined by the council. The chairperson shall be
26 responsible for convening the council at a frequency that shall be
27 determined by the council.

1 (4) Members of the restorative justice coordinating council shall
2 serve without compensation and shall not be reimbursed for expenses
3 incurred while serving on the council.

4 (4.5) The restorative justice coordinating council may accept
5 moneys MONEY from trainings and conferences and gifts, grants, or
6 donations from any private or public source for the purpose of supporting
7 restorative justice practices. All private and public moneys MONEY
8 received by the restorative justice coordinating council from gifts, grants,
9 or donations or any other source must be transmitted to the state treasurer,
10 who shall credit the same to the restorative justice surcharge fund created
11 pursuant to section 18-25-101, C.R.S., in addition to any moneys MONEY
12 that may be appropriated to the fund directly by the general assembly.

13 (5) (a) This section is repealed, effective July 1, 2017.

14 (b) Prior to the repeal, the restorative justice coordinating council
15 shall be reviewed as provided in section 2-3-1203, C.R.S.

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

18 **18-25-101. Restorative justice surcharge - definitions.**
19 (3) (a) There is created in the state treasury the restorative justice
20 surcharge fund that consists of moneys MONEY received by the state
21 treasurer pursuant to this section and section 19-2-213 (4.5), C.R.S.
22 13-3-116 (4.5). The moneys MONEY in the fund are IS subject to annual
23 appropriation by the general assembly to the judicial department for
24 distribution to judicial districts that offer restorative justice programs and
25 to the restorative justice coordinating council for administrative expenses.

26 **SECTION 3. Repeal of relocated provisions in this act. In**
27 Colorado Revised Statutes, repeal 19-2-213.

1 **SECTION 4.** In Colorado Revised Statutes, 2-3-1203, **repeal**
2 (4)(a)(II) as follows:

3 **2-3-1203. Sunset review of advisory committees - legislative**
4 **declaration - definition - repeal.** (4) (a) The following statutory
5 authorizations for the designated advisory committees will repeal on July
6 1, 2017:

7 (II) ~~The restorative justice coordinating council created in section~~
8 ~~19-2-213, C.R.S.,~~

9 **SECTION 5. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, and safety.