

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

ENGROSSED

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

LLS NO. 23-0604.03 Michael Dohr x4347

HOUSE BILL 23-1258

HOUSE SPONSORSHIP

Sharbini and Garcia,

SENATE SPONSORSHIP

Cutter,

House Committees

Judiciary
Appropriations

Senate Committees

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.*

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

8 (a) "DRUG CRIMES" MEANS THE CRIMES DESCRIBED IN PART 4 OF
9 ARTICLE 18 OF TITLE 18.

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

14 (2) THERE IS CREATED IN THE DEPARTMENT THE EVALUATING THE

1 COSTS ASSOCIATED WITH ENFORCEMENT OF DRUG LAWS AND
2 INCARCERATION FOR DRUG CRIMES TASK FORCE TO STUDY STATE AND
3 LOCAL GOVERNMENT COSTS ASSOCIATED WITH ENFORCING DRUG LAWS,
4 INVESTIGATING AND PUNISHING DRUG CRIMES, AND REHABILITATING
5 THOSE CONVICTED OF DRUG CRIMES.

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

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

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

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

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

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

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

26 (g) AN EXPERT ON HOUSING AND THE UNHOUSED WHO WORKS FOR
27 A NONPROFIT, APPOINTED BY THE STATE DIRECTOR OF HOUSING IN THE

1 DIVISION OF HOUSING IN THE DEPARTMENT OF LOCAL AFFAIRS; AND

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

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

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

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

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

23 (e) UPON REQUEST OF THE CHAIR OF THE TASK FORCE, THE
24 DEPARTMENT SHALL PROVIDE THE TASK FORCE WITH STAFF ASSISTANCE,
25 MEETING SPACE, OR AUDIO-VISUAL COMMUNICATION TECHNOLOGY
26 RESOURCES, AS NECESSARY, FOR THE TASK FORCE TO MEET THE DUTIES
27 DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION.

1 (5) (a) THE TASK FORCE SHALL CONSIDER THE STUDY
2 CONDUCTED PURSUANT TO SECTION 23-20-145 AND MAKE
3 RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING HOW MONEY
4 SAVED BY A REDUCTION IN DRUG CRIMES OR SENTENCING FOR DRUG
5 CRIMES COULD BE SPENT TO REDUCE SUBSTANCE USE AND DEPENDENCE IN
6 COLORADO.

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

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

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

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

18 **23-20-145. Actuarial cost study of the costs associated with**
19 **enforcement of drug laws and incarceration for drug crimes - repeal.**

20 (1) BEGINNING BY SEPTEMBER 1, 2023, THE COLORADO SCHOOL OF
21 PUBLIC HEALTH SHALL CONDUCT AN ACTUARIAL COST STUDY EVALUATING
22 THE COSTS ASSOCIATED WITH ENFORCEMENT OF DRUG LAWS AND
23 INCARCERATION IN THE STATE.

24 (2) THE ACTUARIAL COST STUDY MUST:

25 (a) CONSIDER AND DETERMINE STATE AND LOCAL GOVERNMENT
26 COSTS ASSOCIATED WITH THE INVESTIGATION AND ENFORCEMENT OF DRUG
27 CRIMES;

1 (b) CONSIDER AND DETERMINE THE COSTS INCURRED BY THE
2 JUDICIAL DEPARTMENT TO ADJUDICATE DRUG CRIMES AND TO SUPERVISE
3 DEFENDANTS CONVICTED OF DRUG CRIMES;

4 (c) CONSIDER AND DETERMINE STATE AND LOCAL GOVERNMENT
5 COSTS ASSOCIATED WITH CONFINEMENT AND INCARCERATION OF
6 INDIVIDUALS ACCUSED OF AND CONVICTED OF DRUG CRIMES AND THE
7 STATE COSTS ASSOCIATED WITH PAROLE SUPERVISION FOR THOSE
8 CONVICTED OF DRUG CRIMES;

9 (d) DETERMINE THE TOTAL STATE AND LOCAL GOVERNMENT COSTS
10 ASSOCIATED WITH ENFORCEMENT OF DRUG LAWS; INVESTIGATION OF AND
11 PUNISHMENT FOR DRUG CRIMES, INCLUDING COSTS FOR TREATMENT
12 RECOVERY SERVICES, IF NEEDED, RELATED TO DRUG USE; AND
13 REHABILITATION OF THOSE CONVICTED OF DRUG CRIMES.

14 (3) THE COLORADO SCHOOL OF PUBLIC HEALTH SHALL PROVIDE
15 THE ACTUARIAL COST STUDY TO THE EVALUATING THE COSTS ASSOCIATED
16 WITH ENFORCEMENT OF DRUG LAWS AND INCARCERATION FOR DRUG
17 CRIMES TASK FORCE CREATED IN SECTION 25-1.5-120 BY FEBRUARY 15,
18 2024.

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

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

22 **23-3.3-103. Annual appropriations - repeal.** (12) (a) THE
23 PROVISIONS OF SUBSECTION (1) OF THIS SECTION CONCERNING
24 APPROPRIATIONS FOR STUDENT FINANCIAL ASSISTANCE UNDER THIS
25 ARTICLE 3.3 DO NOT APPLY TO APPROPRIATIONS MADE PURSUANT TO
26 SECTION 23-20-145 FOR THE ACTUARIAL COST STUDY OF THE COSTS
27 ASSOCIATED WITH ENFORCEMENT OF DRUG LAWS AND INCARCERATION

1 FOR DRUG CRIMES.

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

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

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

14 (3) For the 2023-24 state fiscal year, \$1,324 is appropriated to the
15 legislative department for use by the general assembly. This appropriation
16 is from the general fund. To implement this act, the general assembly may
17 use this appropriation for per diem and expense reimbursement.

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