

Final
STAFF SUMMARY OF MEETING
COMMITTEE ON JOINT JUDICIARY

Date: 12/17/2015

Time: **09:11 AM to 03:45 PM**

Place: RM 271

This Meeting was called to order by
Representative Kagan

This Report was prepared by
Bo Pogue

ATTENDANCE

Aguilar	X
Carver	X
Cooke	X
Court	X
Dore	*
Foote	E
Lawrence	X
Lee	*
Lundberg	*
Lundeen	X
Merrifield	*
Pettersen	E
Salazar	X
Van Winkle	X
Willett	E
Roberts	X
Kagan	X

X = Present, E = Excused, A = Absent, * = Present after roll call

Bills Addressed:	Action Taken:
Department of Law SMART Act and JR 25 Hearing	Witness Testimony and/or Committee Discussion Only
Alternate Defense Counsel SMART Act and JR 25 Presentation	Witness Testimony and/or Committee Discussion Only
OCR SMART Act and JR 25 Presentation	Witness Testimony and/or Committee Discussion Only
Department of Public Safety SMART Act and JR 25 Presentation	Witness Testimony and/or Committee Discussion Only
CCJJ SMART Act and JR 25 Presentation	Witness Testimony and/or Committee Discussion Only

09:14 AM -- Department of Law SMART Act and JR 25 Hearing

The committee was called to order. A quorum was present. Ms. Cynthia Coffman, Attorney General, and Mr. David Blake, Chief Deputy, Department of Law (DOL), presented the department's performance plan, regulatory agenda, and budget pursuant to the SMART Government Act and Joint Legislative Rule 25. Committee members received a briefing packet for the department (Attachment A) and a department organizational chart (Attachment B). Attorney General Coffman introduced members of the DOL staff, and discussed the department's organization. She also explained certain departmental functions, and reviewed some "hot topics" currently before the DOL.

09:25 AM

Attorney General Coffman discussed the role of the Consumer Protection Section, and some issues facing the section. Attorney General Coffman responded to questions regarding the DOL's response to elder abuse. Mr. Blake provided input on this issue, and discussed the budget ramifications of addressing elder abuse. Attorney General Coffman discussed the Peace Officer Standards and Training (P.O.S.T.) Section within DOL, and discussed issues facing the section. Discussion ensued regarding the split in asset recovery between the state and federal government in Medicaid fraud cases. Mr. Scott Turner, Deputy Attorney General, Criminal Justice Section, provided input on this issue, and Mr. Blake followed up.

09:43 AM

Mr. Turner responded to additional questions regarding criminal activity associated with Medicaid. Attorney General Coffman returned to briefing the committee on the P.O.S.T. Section. Mr. Cory Amend, P.O.S.T. Director, responded to questions regarding the ability of P.O.S.T. to address certain peace officer misconduct through rulemaking. Attorney General Coffman explained the role of the DOL's Criminal Appeals Section, and discussed some issues facing the section.

09:54 AM

Attorney General Coffman explained the role of the DOL's Natural Resources and Environment Section, and discussed some issues facing the section. Attorney General Coffman responded to questions regarding the impact of forthcoming court decisions about hydraulic fracturing on local government home rule. Attorney General Coffman returned to briefing the committee on environmental issues facing the department. Attorney General Coffman explained the role of the DOL's State Services Section, and discussed some issues facing the section. Discussion ensued regarding certain consumer protection issues.

10:08 AM

Attorney General Coffman explained the role of the DOL's Civil Litigation and Employment Personnel Section, and discussed some issues facing the section. Attorney General Coffman then explained the role of the DOL's Revenue and Utilities Section, and discussed some issues facing the section. Attorney General Coffman explained the role of the DOL's Business and Licensing Section, and discussed some issues facing the section. Attorney General Coffman provided an update on the status of litigation surrounding the pollution of the Animas River due to a failure during the clean up of the Gold King Mine by the U.S. Environmental Protection Agency.

10:21 AM

Discussion ensued regarding the use of the death penalty in Colorado. Attorney General Coffman discussed the scope and derivation of power of the DOL, as well as its jurisdictional boundaries. Discussion ensued regarding how the DOL makes the decision to pursue a particular lawsuit.

10:35 AM

Mr. Jose Esquibel, Director for the DOL Office of Community Engagement, explained the function of this office. Mr. Esquibel responded to questions regarding the Safe2Tell program. Discussion ensued regarding a forthcoming study about violence in schools.

10:48 AM -- Office of Alternate Defense Counsel SMART Act and JR 25 Presentation

Ms. Lindy Frolich, Executive Director, Mr. Daniel Nunez, Budget Director and Controller, and Ms. Stacie Colling, Juvenile Defense Coordinator, Office of the Alternate Defense Counsel (ADC), made the office's annual presentation pursuant to the SMART Act and Joint Legislative Rule 25. Committee members received ADC's annual report to the Joint Judiciary Committee (Attachment C), and a packet of presentation slides (Attachment D), prepared by ADC Staff. Ms. Frolich explained the function of ADC, discussed its budget outlook, and provided an update on issues facing the office.

10:59 AM

Ms. Frolich responded to questions regarding ADC's caseload. Ms. Frolich discussed trends in this caseload, and responded to questions regarding the office's access to competent juvenile defense lawyers in all areas of the state. Ms. Colling responded to questions regarding the impact of House Bill 14-1032 on the rate of juvenile detentions. Ms. Frolich discussed the process by which the office evaluates its contract lawyers, and the use of social workers by ADC. Ms. Frolich distinguished between the social workers employed by ADC and those employed by the Office of the State Public Defender.

11:11 AM

Discussion ensued regarding the potential duplication of efforts in the area of social work. Ms. Frolich discussed some additional budget-related issues facing ADC, and responded to questions regarding prison outreach by the office. Ms. Frolich discussed some innovations undertaken by the office.

11:22 AM

Ms. Frolich responded to questions regarding the difference in services provided by ADC and the Office of the State Public Defender.

11:23 AM -- Office of the Child's Representative and SMART Act and JR 25 Presentation

Ms. Linda Weinerman, Executive Director, and Ms. Dorothy Macias, Staff Attorney, Office of the Child's Representative (OCR), made the office's annual presentation pursuant to the SMART Government Act and Joint Legislative Rule 25. Committee members received a packet of presentation slides, prepared by OCR Staff (Attachment E). Ms. Weinerman briefed the committee on the contents of Attachment E. Ms. Weinerman responded to questions regarding the threshold that triggers OCR's intervention in truancy cases.

11:33 AM

Discussion continued regarding OCR intervention in truancy cases. Ms. Weinerman returned to briefing the committee on the contents of Attachment E. Ms. Weinerman responded to questions regarding the ages of youths and young adults served by OCR.

11:47 AM

The committee recessed for lunch.

01:16 PM -- Department of Public Safety Presentation Pursuant to the SMART Government Act and JR 25

Representative Kagan, chair, called the committee back to order. Mr. Stan Hilkey, Executive Director of the Department of Public Safety (DPS), made the department's annual presentation pursuant to the SMART Act and Joint Legislative Rule 25. Committee members received a packet of presentation slides (Attachment F), prepared by DPS Staff. Mr. Hilkey introduced new division directors within DPS. He provided the committee with an overview of the department's budget requests, legislative agenda, and regulatory agenda.

01:26 PM

Mr. Hilkey responded to questions regarding the body-camera working group. Mr. Scott Hernandez, Chief, Colorado State Patrol (CSP) presented on CSP's efforts at reducing fatal highway accidents.

01:36 PM

Mr. Hilkey and Chief Hernandez responded to questions regarding the cause of the increase in fatal accidents, including driver impairment and distracted driving.

01:44 PM -- Mr. Michael Rankin, Director, Colorado Bureau of Investigation, introduced himself to the committee and provided information on the CBI's effort to reduce forensic turnaround times, including specific statistics regarding testing sexual assault kits. He informed the committee that a new forensic facility opened in Pueblo this year, and that a new lab in Denver is scheduled to open April 1, 2016. In response to a committee question, Mr. Rankin provided information regarding background checks for firearm transfers. Mr. Rankin presented the committee with an update on business identity theft pursuant to House Bill 14-1057.

01:58 PM -- Mr. Paul Cooke, Director, Division of Fire Prevention and Control (DFPC), gave the committee background information on the DFPC. He briefed the committee on the DFPC's goal to reduce the number of large wildfires that threaten lives or property. Mr. Cooke responded to questions regarding tax incentives for mitigation.

02:11 PM

Mr. Cooke continued to respond to questions regarding mitigation. He also described the Center for Excellence.

02:19 PM -- Mr. Kevin Klein, Director, Division of Homeland Security and Emergency Management, provided the committee with an overview of homeland security programs and information on the Colorado Information Analysis Center. He also provided an update on the digital trunked radio system and other public safety communication systems. He responded to a question regarding the equipment used by the division. Mr. Hilkey commented on communication between local law enforcement and DPS.

02:33 PM -- Ms. Jeanne Smith, Director, Division of Criminal Justice, provided information about the community corrections program and the evidence-based programs unit. She also provided information about the different units within the division.

02:44 PM

Ms. Smith responded to questions regarding the function of the Sex Offender Management Board (SOMB) and the role of parole officers in prisons.

Mr. Hilkey provided closing remarks.

02:51 PM -- Mr. Michael Dell, representing Colorado CURE, testified to the committee regarding the Parole Board's reporting requirements, the Division of Criminal Justice's statutory authority, and notification procedures used and treatment decisions made by the SOMB. Mr. Dell provided the committee with written information (Attachment G).

02:57 PM -- Ms. Carolyn Turner, representing Advocates for Change, provided testimony on the SOMB, including its methodology, therapy procedures, and polygraphs. Ms. Turner referenced the materials distributed during Mr. Dell's testimony (Attachment G). She also provided the committee with sources for finding additional information relating to the function of the SOMB. Ms. Turner responded to questions regarding evidence-based treatment procedures.

03:07 PM -- Colorado Commission on Criminal and Juvenile Justice Presentation Pursuant to the SMART Act and JR 25

Mr. Stan Hilkey, chair of the Colorado Commission on Criminal and Juvenile Justice (CCJJ), and Mr. Doug Wilson, vice-chair, made the commission's annual presentation pursuant to the SMART Act and Joint Legislative Rule 25. Committee members received a packet of presentation slides (Attachment H), prepared by the CCJJ. Mr. Hilkey provided information on the structure of the CCJJ and current CCJJ task forces.

03:16 PM

Mr. Wilson and Mr. Hilkey presented on CCJJ subcommittees, including subcommittee recommendations. Mr. Hilkey outlined some CCJJ accomplishments. Mr. Wilson and Mr. Hilkey responded to a question regarding the structured decision-making guide used by the Parole Board.

03:26 PM

The committee, Mr. Wilson, and Mr. Hilkey continued to discuss the Parole Board's decision-making.

03:35 PM

Mr. Hilkey and Mr. Wilson discussed bail reform. Mr. Hilkey continued the presentation with an explanation of recent CCJJ bills, including responding to questions from the committee, and legislative recommendations.

03:45 PM

The committee adjourned.