

OUTLINE OF HB 585

Section of Bill	What section does	Effect on current law	Task Force recommendation
Sec 6-13	expands drug court, house arrest (but eliminates as option for DOC), probation, non-adjudication and diversion program eligibility; requires drug court certification, uniformity and oversight and allows expansion of problem-solving courts such as Veterans Courts - see Section 82	expands judicial discretion to impose non-prison sentence alternatives but excludes drug court option for house burglary (see sec. 39)	2, 6, 7, 16
sec 14-35	increase property crime threshold and create tiered sentencing ranges		8
	\$1-999 = misdemeanor with presumptive probation	reduces some property crimes from felony to misdemeanor	
	\$1000 - 4999 = 5 yrs.	decrease in sentencing range	
	\$5000 - 24999 = 10 yrs.	neutral	
	\$25,000+ = 20 yrs.	increase in sentencing range	
sec 36	creates crime of organized theft 97-43-3.1	20 year sentence	
sec 37-38	creates tiered sentencing ranges for drug sales, creates new trafficking offense, reforms ranges for possession		9
	sale I or II (except MJ) .1-2g/10 units = 8 yrs.	decrease from 30 yrs.	
	sale I or II (except MJ) 2-10g/10-20 units = 3-20 yrs.	decrease from 30 yrs.	
	sale I or II (except MJ) 10-30g/20-40 units = 5-30 yrs.	neutral	
	sale MJ, 1st offender, 30 g - kg = 5 yrs.	decrease from 20 yrs.	
	sale MJ < 30 g = 3 yrs.	neutral	
	sale III or IV <2g/10 units = 8 yrs.	decrease from 20 yrs.	
	sale III or IV 2-10g/10-20 units = 8 yrs.	decrease from 20 yrs.	
	sale III or IV 10-30g/20-40 units= 15 yrs.	decrease from 20 yrs.	
	sale V <2g/10 units = 1 yr.	decrease from 10 yrs.	
	sale V 2-10g/10-20 units = 5 yr.	decrease from 10 yrs.	
	sale V 10-30g/20-40 units = 10 yrs.	neutral	
	poss. I or II (except MJ) - <.1g/2 units = misd.	takes away option to prosecute as felony	
	poss. I or II (except MJ) - .1 - 2g/2-10 units = 3yrs	decrease from 2-8 yrs.	
	poss. I or II (except MJ) 2-10g/10-20 units = 8yrs	decrease from 4-16 yrs.	

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	poss. I or II (except MJ) 10-30g/20-40 units = 3-20 yrs.	decrease from 6-24 yrs.	
	poss. MJ < 30g = fine	neutral	
	poss. MJ 30-250g = 1 yr. in jail or 3 in prison	neutral	
	poss. MJ 250-500 g = 2-8 yrs.	neutral	
	poss. MJ 500g - 1 kg = 4-16 yrs.	neutral	
	poss. MJ 1 kg - 5kg = 6-24 yrs.	neutral	
	poss. MJ > 5 kg = 10-30 yrs.	neutral	
	poss. III - V < 50 g = 1 yr.	neutral	
	poss. III - V 50-150 g = 1-4 yrs.	neutral	
	poss. III - V 150-300 g 2-8 yrs.	neutral	
	poss. III - V 300-500 g = 4-16 yrs.	neutral	
	trafficking (sale or possession of) I and II (except MJ) - 30 g - 200g = 10-40 yrs., 10 mandatory; 200g+ = 25-life mandatory	increase from 30 yrs. but "safety-valve" for downward departure from mandatory minimum	
	trafficking (possession of) III-V - 500g = 10-40 yrs., 10 mandatory	increase from 6-24 yr. range but "safety-valve" for downward departure from mandatory minimum	
	trafficking (sale of) MJ > kg = 10-40 yrs., 10 mandatory	increase from 6-30 range but "safety-valve" for downward departure from mandatory minimum	
	precursors down to 8 yrs.	decrease from 30 yrs.	
	precursors w/drug present 2g = 8 yrs., 2-10g = 10yrs; 10-30g = 3-20	added element, decrease sentence max	
sec 39	violent crimes - provides a list of per se violent crimes and a "catch all" provision allowing judge to find other crimes violent - 97-3-2	overturns <u>Brown v. State</u> making house burglary per se violent crime which renders it drug court and parole ineligible	3
sec 40	parole	expands eligibility to some drug sales and offences with enhanced punishments, creates geriatric parole and with judge approval parole for non-violent habitual	10, 12
sec 41	trusty time	allows trusty time for possession with intent	11

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Section of Bill	What section does	Effect on current law	Task Force recommendation
sec 42	creates mandatory minimum for time-served of 50% for violent and 25% non-violent	most recent data shows 43% of violent offenders and 25% non-violent were being released before these minimums; assumption is judges will lower sentences imposed based on certainty of minimum	1
sec 43-52	parole case plan/presumptive parole; training of board and officers; transitional re-entry centers (half-way houses); enhance victim notification	increase parole rate and make it more consistent	4, 5
sec 53	mandates use of risk assessment instruments		
sec 54-56	allows probation/parole officers to use graduated sanctions and rewards to encourage compliance with conditions		13, 17, 18
sec 58	probation revocations, 72 hours for prelim, revocation hearing w/in 21 days or release; establish graduated sanctions to be imposed by courts - 90 days for 1st; 120 days for 2nd; 180 or full revocation for 3rd - to be served in TVC not gen pop		14, 15, 17, 18
sec 61	establish technical violation centers		14
sec 64	requires fiscal notes on all changes to crimes and punishments		19
sec 65-67	mandates data collection and reporting		17, 18
sec 68	establishes Oversight Task Force, 13 members - multi-branch, multi-level, victim rep and defender		18
sec 69-71	training for clerks of court		17, 18
sec 78	amends habitual-life statute	codifies case law regarding concurrent sentences on predicate offences and overturns <u>Brown v. State</u> making house burglary per se violent crime	
sec 82	provides detailed guidance for Veteran's Court development		