



## Colorado's Offender-friendly Laws Have Led to Increased Crime in the State

Colorado made national headlines once again with last weekend's tragic shooting at Club Q in Colorado Springs. Since then, the finger pointing to the root cause of this senseless act of violence has gone full spectrum, with the blame being associated with everything from right-wing fundamentalism to leftist egalitarianism. But the truth here is that it will be weeks or longer, if ever, before we know the real reason the shooter chose to kill indiscriminately.

What we do know is that the Colorado Legislature will attempt to pass laws to prevent such atrocities in the future.

"We can only speculate about the impact our gun control laws have had on crime. My professional experience has been that most politically opportunistic, post-mass shooting legislation does not address what actually happened, and even those few laws that do, have not and cannot protect us from mass shootings," [wrote](#) George H. Brauchler, former district attorney for Colorado's 18th Judicial District.

After other shootings, Colorado lawmakers passed laws such as mandating universal background checks and limiting magazine capacity to 15 rounds. But those and a spattering of other laws that sound tough do nothing to prevent crime. The real issue that Coloradans need to address is that their state's lawmakers have a history of doing the opposite — by passing overall offender-friendly laws.

Colorado Governor Jared Polis spoke boldly about crime in his 2022 State of the State address:

We are going to make our communities safer by focusing on training and recruiting efforts for police, supporting community policing models, increasing access to mental health services, offering early intervention grants, increasing support for domestic violence victims, and making safety improvements in our schools and on our streets.... We owe it to the people of Colorado to improve safety and make Colorado truly one of the ten safest states in the nation over the next five years.

That was after 2021's legislative session in which Polis signed offender-friendly criminal-justice bills into law.

Even though 18- to 20-year-olds are considered adults who can join the military, win the Medal of Honor, consent to any medical procedure, waive their constitutional rights, get married, buy a house, and vote, one new law focused on parole eligibility for youthful offenders ([HB21-1209](#)) will go soft on these young adults by making them eligible for a program that would drastically reduce their criminal sentences. (Unless they commit second-degree murder, aggravated robbery, rape, or one of many other violent or repeated felonies.)



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Written by [David Kelly](#) on November 23, 2022

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In 2021, the offender-friendly Colorado Legislature and Polis joined a small minority of states in greatly diminishing the consequences for felony murder, from a sentence of life without parole to as little as 16 years in prison, with the passage of [SB21-124](#), which creates a class 2 felony offense for certain crimes resulting in death. A killer convicted of such a class 2 felony murder will be eligible for parole after a mere eight years.

Then, due to Colorado’s burgeoning prison population, which increased seven-fold between 1980 and 2016, lawmakers sought to reduce the number of offenders incarcerated by restructuring the state’s misdemeanor sentencing laws for the first time since 1985. The new legislation was put forth by the state’s [Sentencing Reform Task Force](#).

That effort resulted in these [new guidelines](#):

### **New misdemeanor sentencing grid**

- Misdemeanor 1           Up to 364 days in jail, \$1,000
- Misdemeanor 2           Up to 120 days in jail, up to \$750
- Petty Offense           Up to 10 days in jail, up to \$300 fine
- Civil Infraction           Up to \$100 fine

### **Previous misdemeanor sentencing grid**

- Misdemeanor 1           Up to 18 months in jail, \$5,000
- Misdemeanor 2           Up to 12 months in jail, \$1,000
- Misdemeanor 3           Up to 6 months in jail, \$750
- Petty Offense 1           Up to 6 months in jail
- Petty Offense 2           \$100 fine

Demonstrating how well Colorado is doing in its fight against crime, the state now leads the nation in auto theft. A recent [report](#) by the Common Sense Institute shared that “at the current rate of 4,007 thefts per month, motor vehicle thefts are on pace to exceed 48,000 for the year — an all-time high. The estimated total value of these stolen vehicles is between \$468.1M and \$848.3M, on the road to nearly \$1B.”

The report also noted that “arrests are not keeping pace with theft. The arrest rate per motor vehicle theft is 9.4%, down from 15.5% in 2019.” The cities of Denver, Aurora, Westminster, and Pueblo account for about 53 percent of the vehicles stolen statewide in the first quarter of 2022.

Like many states, Colorado is suffering from increased crime, and that will most likely ring true for years to come with the soft-on-crime laws in place.

One thing you can count on in the next several weeks is political talking heads sharing their ideas on how to help keep people safe from horrible incidents like the recent shooting at Club Q. And now that Democrats have total control of the state, Colorado’s soft-on-crime lawmakers will be emboldened to make new laws that are seemingly tough on crime, but in reality are offender-friendly and protect law breakers.



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