



ACLU

FOUNDATION

**AMERICAN CIVIL LIBERTIES UNION
of COLORADO**

2016

**LEGISLATIVE
SCORECARD**



A note from Public Policy Director Denise Maes



As we do after every legislative session, we prepared a legislative scorecard so you, our members and supporters, can see where each legislator stands on civil liberties issues.

This year, we picked six bills and they are each summarized below. The ACLU was of course involved in many other legislative initiatives, but these six represent a cross section of civil liberties issues we work on – mass incarceration, economic justice, solitary confinement and immigrant rights – and those we played a significant role in as they made their way to the Governor’s desk.

Thanks to the hard work of our dedicated bill sponsors, staff, members, and volunteers, each of these six top priority bills passed through the legislature with bipartisan support and are now law.

As in other years, the ACLU championed and defeated many bills that are not reflected on the scorecard. For example, for the second year in a row the Right to Rest Act was defeated in its first committee hearing. The bill prohibited Colorado municipalities from enacting laws that criminalize our growing homeless population. We also advocated in favor of a law that would make it easier for transgender individuals to change their gender on their birth certificate. This, too, was defeated on a party line in a Senate committee after gaining bipartisan support in the House chamber.

We were successful working in coalition to defeat the many bills attempting to limit a woman’s access to reproductive health options, to limit access to voting through photo id bills and the like, and to create enhanced penalties for already existing crimes. Finally, and with the help of Senate Republicans, we were able to again defeat an attempt to expand the State’s DNA database by collecting DNA from individuals convicted of committing certain misdemeanors.

About this scorecard

How we chose the scored bills

While there are many bills that we would have liked to include in our scorecard, best practices for legislative scorecards dictates that we score only those bills that were voted on by both House and Senate members.

After narrowing down the bills to those that made it to the floors of both Houses, we chose the bills that we felt were the best representations of the civil liberties issues facing Colorado today.

Purpose of the scorecard

The purpose of this scorecard is to inform our supporters and the general public of where their legislators stand on civil liberties issues. Legislators may promise many things before an election, but there is no substitute for an actual vote. The scorecard is in no way meant to be construed as an endorsement of legislators who score well or a statement of opposition against those who do not.

ACLU Percent

The ACLU Percent reflects the percentage of scored bills in which each legislator voted favorably with the ACLU's position. If a legislator did not vote on a particular bill (marked as "E" for "excused" on the scorecard) their percentage score does not include that bill.

Bills we scored

HB 1309 Right to Counsel in Municipal Court

Ensures counsel at first appearance to the most vulnerable defendants in Colorado's municipal courts. Requires counsel be provided at first appearance - when most municipal defendants are convinced to plead guilty - to those defendants who cannot afford to bond out of jail on a minor municipal offense and who face a possible jail sentence.

HB 1311 End Debtors' Prisons

Closes loopholes in a 2014 law banning debtors' prison practices and prohibits courts from jailing defendants when the only remaining obligation is money owed to the court.

Strengthens notice requirements, defines ability to pay, and clarifies that a court may jail a person for failure to pay only through contempt of court proceedings in which appropriate due process protections are provided to indigent debtors.

HB 1328 Protect Children from Solitary Confinement

Codifies current DYC policy limiting the use of solitary confinement and establishing procedures to be followed when a child is secluded for more than four hours.

Includes protections to ensure that seclusion is used only in an emergency and that a child is not having a mental health crisis requiring treatment rather than isolation.

Establishes transparency and oversight measures to ensure DYC never again resorts to using solitary confinement as treatment or punishment.

HB 1335 Eliminate Selling of Drivers' License Appointments

Makes it illegal for anyone to secure a government service, like an appointment to get a driver's license, and sell it to a third party. This practice has been pervasive of late because there is a high demand for drivers' licenses in the immigrant community, but few appointments are available.

HB 1391 Prevent Exploitation by "Notarios"

Regulates "notarios," individuals who present themselves to the immigrant community as attorneys qualified to advise on complex immigration matters, when in fact they are not so qualified. Many immigrants fall prey to these individuals, lose a lot of money, and get no benefit from the services provided.

SB 181 Sentencing of Juveniles Serving Life Without Parole

Provides a procedure for resentencing individuals who were sentenced to mandatory life without parole for crimes that were committed when they were juveniles. The US Supreme Court has held that imposing a mandatory life sentence without the possibility of parole on a juvenile is cruel and unusual punishment prohibited by the Eighth Amendment to the United States Constitution.

Colorado State Senate

Right to Counsel in Municipal Court

End Debtors' Prisons

Protect Children from Solitary Confinement

Eliminate Selling of Driver's License Appointments

Prevent Exploitation by "Notarios"

Sentencing of Juveniles Serving Life Without Parole



ACLU of Colorado Position:



SENATOR	Vote on HB 1309	Vote on HB 1311	Vote on HB 1328	Vote on HB 1335	Vote on HB 1391	Vote on SB 181	ACLU Percent
Aguilar, Irene (D)	✓	✓	✓	✓	✓	✓	100
Baumgardner, Randy (R)	✓	✗	✓	✗	✗	✓	50
Carroll, Morgan (D)	✓	✓	✓	✓	✓	✓	100
Cooke, John (R)	✗	✓	✓	✗	✗	✗	33.3
Crowder, Larry (R)	✓	✓	✓	✓	✓	✓	100
Donovan, Kerry (D)	✓	✓	✓	✓	✓	✓	100
Garcia, Leroy (D)	✓	✓	✓	✓	✓	✓	100
Grantham, Kevin (R)	✓	✓	✓	✗	✓	✓	83.3
Guzman, Lucia (D)	✓	✓	✓	✓	✓	✓	100
Heath, Rollie (D)	✓	✓	✓	✓	✓	✓	100
Hill, Owen (R)	✗	✓	✓	✓	✓	✓	83.3
Hodge, Mary (D)	✓	✓	✓	✓	✓	✓	100
Holbert, Chris (R)	✓	✗	✓	✗	✗	✓	50
Jahn, Cheri (D)	✓	✓	✓	✓	✓	✓	100
Johnston, Michael (D)	✓	✓	✓	✓	✓	✓	100
Jones, Matt (D)	✓	✓	✓	✓	✓	✓	100
Kefalas, John (D)	✓	✓	✓	✓	✓	✓	100

Colorado State Senate, continued...

ACLU of Colorado Position:							%
SENATOR	Vote on HB 1309	Vote on HB 1311	Vote on HB 1328	Vote on HB 1335	Vote on HB 1391	Vote on SB 181	ACLU Percent
Kerr, Andy (D)	✓	✓	✓	✓	✓	✓	100
Lambert, Kent (R)	✓	✗	✓	✗	✗	✓	50
Lundberg, Kevin (R)	✓	✓	✓	✗	✓	✓	83.3
Marble, Vicki (R)	✓	✓	✓	✗	✗	✓	66.6
Martinez Humenik, Beth (R)	✗	✓	✓	✓	✓	✓	83.3
Merrifield, Michael (D)	✓	✓	✓	✓	✓	✓	100
Neville, Tim (R)	✓	✗	✓	✗	✗	✓	50
Newell, Linda (D)	✓	✓	✓	✓	✓	✓	100
Roberts, Ellen (R)	✗	✗	✓	✓	✓	✗	50
Scheffel, Mark (R)	✓	✓	✓	✓	✓	✓	100
Scott, Ray (R)	✗	✗	✓	✓	✓	✓	66.6
Sonnenberg, Jerry (R)	✗	✗	✓	✗	✗	✓	33.3
Steadman, Pat (D)	✓	✓	✓	✓	✓	✓	100
Tate, Jack (R)	✓	✗	✓	✗	✗	✓	50
Todd, Nancy (D)	✓	✓	✓	✓	✓	✓	100
Ulibarri, Jessie (D)	✓	✓	✓	✓	✓	✓	100
Woods, Laura (R)	✓	✗	✓	✗	✓	✓	66.6
Cadman, Bill (R)	✓	✓	✓	✓	✓	✓	100

Colorado State House of Representatives

Right to Counsel in
Municipal Court

End Debtors' Prisons

Protect Children from
Solitary Confinement

Eliminate Selling
of Driver's License
Appointments

Prevent Exploitation
by "Notarios"

Sentencing of Juveniles
Serving Life Without
Parole



ACLU of Colorado Position:



REPRESENTATIVE	Vote on HB 1309	Vote on HB 1311	Vote on HB 1328	Vote on HB 1335	Vote on HB 1391	Vote on SB 181	ACLU Percent
Arndt, Jeni James (D)	✓	✓	✓	✓	✓	✓	100
Becker, Jon (R)	✗	Ⓜ	✗	✗	✗	✗	0
Becker, KC (D)	✓	✓	✓	✓	✓	✓	100
Brown, J. Paul (R)	✗	✗	✗	✗	✗	✓	16.6
Buck, Perry (R)	✓	✗	✗	✗	✗	✗	16.6
Buckner, Janet (D)	✓	✓	✓	✓	✓	✓	100
Carver, Terri (R)	✗	✗	✗	✗	✓	✗	16.6
Conti, Kathleen (R)	✗	✗	✗	✓	✗	✗	16.6
Coram, Don (R)	✗	Ⓜ	✗	✓	✗	✗	16.6
Court, Lois (D)	✓	✓	✓	✓	✓	✓	100
DelGrosso, Brian (R)	✗	✗	✗	✓	✓	✗	33.3
Dore, Timothy (R)	✗	Ⓜ	✗	✓	✗	✓	33.3
Duran, Crisanta (D)	✓	✓	✓	✓	✓	✓	100
Esgar, Daneya (D)	✓	✓	✓	✓	✓	✓	100
Everett, Justin (R)	✓	✗	✗	✗	✓	✓	50
Fields, Rhonda (D)	✓	✓	✓	✓	✓	✗	83.3
Foote, Mike (D)	✓	✓	✓	✓	✓	✓	100

Colorado State House of Representatives, continued...

ACLU of Colorado Position:							%
REPRESENTATIVE	Vote on HB 1309	Vote on HB 1311	Vote on HB 1328	Vote on HB 1335	Vote on HB 1391	Vote on SB 181	ACLU Percent
Garnett, Alec (D)	✓	✓	✓	✓	✓	✓	100
Ginal, Joann (D)	✓	✓	✓	✓	✓	✓	100
Hamner, Millie (D)	✓	✓	✓	✓	✓	✓	100
Humphrey, Stephen (R)	✗	✗	✗	✓	✗	✗	16.6
Joshi, Janak (R)	✓	Ⓔ	✗	✗	✗	✗	16.6
Kagan, Daniel (D)	✓	✓	✓	✓	✓	✓	100
Klingenschmitt, Gordon (R)	✓	✗	✗	✗	✗	✓	33.3
Kraft-Tharp, Tracy (D)	✓	✓	✓	✓	✓	✓	100
Landgraf, Lois (R)	✗	Ⓔ	✗	✓	✗	✓	16.6
Lawrence, Polly (R)	✗	Ⓔ	✗	✓	✗	✓	16.6
Lebsock, Steve (D)	✓	✓	✓	✓	✓	✓	100
Lee, Pete (D)	✓	✓	✓	✓	✓	✓	100
Leonard, Timothy (R)	✓	✗	✗	✗	✗	✓	33.3
Lontine, Susan (D)	✓	✓	✓	✓	✓	✓	100
Lundeen, Paul (R)	✗	Ⓔ	✗	✗	✗	✓	16.6
McCann, Elizabeth (D)	✓	✓	✓	✓	✓	✓	100
Melton, Jovan (D)	✓	✓	✓	✓	✓	✓	100
Mitsch Bush, Diane (D)	✓	✓	✓	✓	✓	✓	100
Moreno, Dominick (D)	✓	✓	✓	✓	✓	✓	100
Navarro, Clarice (R)	✓	Ⓔ	✗	✗	✗	✓	33.3

Colorado State House of Representatives, continued...

ACLU of Colorado Position:      							
REPRESENTATIVE	Vote on HB 1309	Vote on HB 1311	Vote on HB 1328	Vote on HB 1335	Vote on HB 1391	Vote on SB 181	ACLU Percent
Neville, Patrick (R)							33.3
Nordberg, Dan (R)							16.6
Pabon, Dan (D)							100
Pettersen, Brittany (D)							100
Primavera, Dianne (D)							100
Priola, Kevin (R)							66.6
Rankin, Bob (R)							33.3
Ransom, Kim (R)							16.6
Rosenthal, Paul (D)							83.3
Roupe, Catherine (R)							50
Ryden, Su (D)							100
Saine, Lori (R)							0
Salazar, Joseph (D)							100
Sias, Lang (R)							16.6
Singer, Jonathan (D)							100
Thurlow, Dan (R)							16.6
Tyler, Max (D)							100
Van Winkle, Kevin (R)							0
Vigil, Edward (D)							83.3
Willett, Yuelin (R)							0

Colorado State House of Representatives, continued...

ACLU of Colorado Position:       

REPRESENTATIVE	Vote on HB 1309	Vote on HB 1311	Vote on HB 1328	Vote on HB 1335	Vote on HB 1391	Vote on SB 181	ACLU Percent
Williams, Angela (D)							100
Wilson, James (R)							0
Windholz, JoAnn (R)							16.6
Winter, Faith (D)							100
Wist, Cole (R)							16.6
Young, Dave (D)							100
Hullinghorst, Dickey Lee (D)							100