



2017 LEGISLATIVE SCORECARD



A NOTE FROM PUBLIC POLICY DIRECTOR DENISE MAES



The post-mortem on this year's legislative session has been mostly positive. Lawmakers are being applauded for their willingness to place good policy-making above partisan politics. Governor Hickenlooper referred to the 2017 session as "the most productive" since he took office in 2011.

Legislators made big news for finding common ground on some of the state's most critical issues, like construction defects reform and addressing the hospital provider fee. Lawmakers also found common ground - most of the time - on legislation affecting civil rights and civil liberties.

For almost three years now, the ACLU has been working with the Division of Youth Corrections attempting to reverse the punitive culture that has been pervasive within the Division. Earlier in the year, the ACLU, along with other child advocates, released *Bound and Broken*, a report documenting the harsh and punitive nature of DYC practices. DYC has for years relied heavily on the use of solitary confinement, a full-body straitjacket called the WRAP, pain compliance techniques, knee strikes, leg irons, and handcuffs to control kids.

Representatives Pete Lee (D-Colorado Springs) and Lois Landgraff (R-Fountain) sponsored **HB 1329** - legislation that mandates DYC retain an outside consultant to evaluate all Division facilities and make recommendations to bring DYC in line with best practices. It also requires the Division to work with an independent consultant to develop a pilot program that relies on non-punitive approaches to caring for kids. The bill also changes the name from the Division of Youth Corrections to the Division of Youth Services and establishes the mission as rehabilitative rather than punitive.

The bill received unanimous support in the House. In the Senate, where it was sponsored by Senators Daniel Kagan (D-Cherry Hills) and Don Coram (R-Durango), it passed with strong bipartisan support after some procedural acrobatics.

HB 1162, another bill supported by ACLU of Colorado, decriminalizes "Driving Under Revocation" when one's license was revoked because of an unpaid traffic ticket. Currently, the Department of Motor Vehicles revokes on average 205,000 driver's license each year. Many of these revocations occur for extremely minor infractions simply because people cannot afford to pay their fines, creating a vicious cycle that punishes people for their poverty. Under **HB 1162**, jail time is no longer a penalty when a person drives with a license that was revoked simply because they failed to pay. We thank Representative Matt Gray (D-Adams County) and Senator Bob Gardner (R-Colorado Springs) for sponsoring this legislation, which passed both chambers with strong bipartisan support.

Other ACLU-supported bills which passed with bipartisan support included Campus Free Speech (**SB 062**) and Civil Asset Forfeiture Reform (**HB 1313**). Lawmakers also came together to support **HB 1186** - legislation that requires insurers to cover a 12-month supply of contraception for women. Also of great significance, the Republican-controlled Senate voted down **SB 284** - a bill that would have mandated ultrasounds and a waiting period for women seeking an abortion. The bill - ironically titled Women's Right to Accurate Health Care - was voted down 19-16.

These victories didn't prevent several legislative attempts to limit women's access to reproductive care. The House alone saw five bills that would have done just that. One such bill, predicated on "junk science," would have required doctors to inform women about an "abortion reversal" pill. Another bill would have enacted personhood, subjecting anyone performing an abortion to the criminal charge of first degree murder, the potential penalty for which is the death penalty. Personhood has been resoundingly defeated by Colorado voters multiple times.

Partisan politics also persisted in the area of LGBT rights, immigrant rights, and a key area of criminal justice reform. For the second year in a row, the Senate State Affairs committee voted down bills that would have limited the use of conversion therapy and made it easier for one to change their gender marker on their birth certificate. Both bills were defeated on a party line vote.

The Senate also refused to advance **HB 1230** - legislation sponsored by Rep. Joe Salazar (D-Thornton) that intended to protect all Colorado residents from discriminatory or unconstitutional policies from the federal government. And a Senate committee rejected a bill that would have repealed the death penalty.

Much can be and was accomplished in 120 days. ACLU's policy work, of course, continues beyond the legislative session. The policy team will continue to persist in advancing civil liberties and resist attempts to take us backward.

ABOUT THIS SCORECARD

How we chose the scored bills

While the ACLU of Colorado took a position on more than 100 pieces of legislation in 2017 alone, our practice is to only score bills that were voted on by all members of at least one legislative chamber. This precluded us from scoring several important bills, like the Right to Rest Act and repeal of the death penalty, that were defeated on committee votes. From there, 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 1162 Outstanding Judgments And Driver's Licenses

This bill decriminalizes the offense of "Driving Under Revocation" when a person's driving license was canceled because they couldn't pay a traffic ticket, so that jail time is no longer a penalty. It passed 79-21 and was signed into law on May 18, 2017.

HB 1186 Health Coverage Prescription Contraceptives Supply

This bill gives women access to a longer supply of birth control, by requiring insurers to cover a 12-month supply of prescription contraceptives. It passed 72-25 and was signed into law June 5, 2017.

HB 1313 Civil Forfeiture Reform

This bill mandates greater transparency and accountability in civil asset forfeiture, by requiring reporting of all actions that result in seizures and limiting the use of federal seizure law to property valued over \$50,000. It passed 81-19 and was signed into law June 9, 2017.

HB1329 Reform Division Of Youth Corrections

This bill refocuses the mission of the Division of Youth Corrections as rehabilitative, renaming it the Division of Youth Services. The bill also requires that the Division retain an outside consultant to evaluate all Division facilities and, together with the Division, develop a pilot program that relies on non-punitive approaches to caring for kids. It passed 86-14 and was signed into law June 6, 2017.

SB 062 Student Free Speech Public Higher Education Campuses

This bill protects free speech on college campuses, by prohibiting public institutions of higher education from limiting or restricting lawful student expression in a student forum. It passed 99-0 and was signed into law on April 4, 2017.

SB 284 A Woman's Right To Accurate Health Care Information (Senate only)

This bill would have mandated ultrasounds and a waiting period for women seeking an abortion. This bill was voted down 19-16 by the Senate.

HB 1230 Protect Colorado Residents From Federal Government Overreach (House only)

This bill intended to protect the rights of all Coloradans by ensuring that our state is not forced to participate in any federal government overreach, like religious registries, internment camps, or attempts to identify individuals by their race, religion, or nationality. It passed the House, but was defeated by a 3 to 2 vote in the Senate Judiciary Committee.

Colorado State Senate

Outstanding Judgments And Driver's Licenses
 Health Coverage Prescription Contraceptives Supply
 Student Free Speech Public Higher Education Campuses
 A Woman's Right To Accurate Health Care Information
 (Mandated ultrasounds and waiting periods)
 Reform Division Of Youth Corrections
 Civil Forfeiture Reform

ACLU OF CO POSITION	SUPPORT	SUPPORT	SUPPORT	OPPOSE	SUPPORT	SUPPORT	
SENATOR	VOTE ON HB 1162	VOTE ON HB 1186	VOTE ON SB 062	VOTE ON SB 284	VOTE ON HB 1329	VOTE ON HB 1313	ACLU PERCENT
Aguilar, Irene (D)	✓	✓	✓	✓	✓	✓	100%
Baumgardner, Randy (R)	✓	✗	✓	✗	✗	✓	50%
Cooke, John (R)	✗	✗	✓	✗	✗	✓	33.3%
Coram, Don (R)	✓	✓	✓	✓	✓	✓	100%
Court, Lois (D)	✓	✓	✓	✓	✓	✓	100%
Crowder, Larry (R)	✓	✓	✓	✗	✗	✓	66.6%
Donovan, Kerry (D)	✓	✓	✓	✓	✓	✓	100%
Fenberg, Stephen (D)	✓	✓	✓	✓	✓	✓	100%
Fields, Rhonda (D)	✓	E	✓	✓	✓	✗	80%
Garcia, Leroy (D)	✓	✓	✓	✓	✓	✓	100%
Gardner, Bob (R)	✓	✓	✓	✗	✗	✗	50%
Grantham, Kevin (R)	✓	✗	✓	✗	✗	✓	50%
Guzman, Lucia (D)	✓	✓	✓	✓	✓	✓	100%
Hill, Owen (R)	✓	✗	✓	✗	✓	✓	66.6%
Holbert, Chris (R)	✓	✗	✓	✗	✗	✓	50%
Jahn, Cheri (D)	✓	✓	✓	✓	✓	✓	100%
Jones, Matt (D)	✓	✓	✓	✓	✓	✓	100%
Kagan, Daniel (D)	✓	✓	✓	✓	✓	✓	100%
Kefalas, John (D)	✓	✓	✓	✓	✓	✓	100%

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Kerr, Andy (D)	✗	✓	✓	✓	✓	✓	83.3%
Lambert, Kent (R)	✗	✗	✓	✗	✗	✓	33.3%
Lundberg, Kevin (R)	✗	✗	✓	✗	✗	✓	33.3%
Marble, Vicki (R)	✗	✗	✓	✗	✗	✓	33.3%
Martinez Humenik, Beth (R)	✓	✓	✓	✓	✗	✗	66.6%
Merrifield, Michael (D)	✓	✓	✓	✓	✓	✓	100%
Moreno, Dominick (D)	✓	✓	✓	✓	✓	✓	100%
Neville, Tim (R)	✗	✗	✓	✗	✗	✓	33.3%
Priola, Kevin (R)	✓	✓	✓	✗	✓	✓	83.3%
Scott, Ray (R)	✓	✗	✓	✗	✗	✓	50%
Smallwood, Jim (R)	✓	✓	✓	✗	✗	✓	66.6%
Sonnenberg, Jerry (R)	✓	✓	✓	✗	✗	✓	66.6%
Tate, Jack (R)	✗	✗	✓	✗	✓	✓	50%
Todd, Nancy (D)	✓	✓	✓	✓	✓	✓	100%
Williams, Angela (D)	✓	E	✓	✓	✓	✓	100%
Zenzinger, Rachel (D)	✓	✓	✓	✓	✓	✓	100%



Colorado State House of Representatives

Outstanding Judgments And Driver's Licenses
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REPRESENTATIVE	VOTE ON HB 1162	VOTE ON HB 1186	VOTE ON HB 1230	VOTE ON SB 062	VOTE ON HB 1329	VOTE ON HB 1313	ACLU PERCENT
Arndt, Jeni James (D)	✓	✓	✓	✓	✓	✓	100%
Becker, Jon (R)	✓	✗	✗	✓	✓	✗	50%
Becker, KC (D)	✓	✓	✓	✓	✓	✓	100%
Beckman, Susan (R)	✗	✓	✗	✓	✓	✓	66.6%
Benavidez, Adrienne (D)	✓	✓	✓	✓	✓	✓	100%
Bridges, Jeff (D)	✓	✓	✓	✓	✓	✓	100%
Buck, Perry (R)	✗	✗	✗	✓	✓	✓	50%
Buckner, Janet (D)	✓	✓	✓	✓	✓	✓	100%
Carver, Terri (R)	✓	✓	✗	✓	✓	✗	66.6%
Catlin, Marc (R)	✓	✓	✗	✓	✓	✗	66.6%
Coleman, James (D)	✓	✓	✓	✓	✓	✓	100%
Covarrubias, Phil (R)	✓	✓	✗	✓	✓	✗	66.6%
Danielson, Jessie (D)	✓	✓	✓	✓	✓	✓	100%
Duran, Crisanta (D)	✓	✓	✓	✓	✓	✓	100%
Esgar, Daneya (D)	✓	✓	✓	✓	✓	✓	100%
Everett, Justin (R)	✗	✗	✗	✓	✓	✓	50%
Exum, Tony (D)	✓	✓	✓	✓	✓	✓	100%
Foote, Mike (D)	✓	✓	✓	✓	✓	✓	100%
Garnett, Alec (D)	✓	✓	✓	✓	✓	✓	100%
Ginal, Joann (D)	✓	✓	✓	✓	✓	✓	100%
Gray, Matt (D)	✓	✓	✓	✓	✓	✓	100%

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Hamner, Millie (D)	✓	✓	✓	✓	✓	✓	100%
Hansen, Chris (D)	✓	✓	✓	✓	✓	✓	100%
Herod, Leslie (D)	✓	✓	✓	✓	✓	✓	100%
Hooton, Edie (D)	✓	✓	✓	✓	✓	✓	100%
Humphrey, Stephen (R)	✗	✗	✗	✓	✓	✓	50%
Jackson, Dominique (D)	✓	✓	✓	✓	✓	✓	100%
Kennedy, Chris (D)	✓	✓	✓	✓	✓	✓	100%
Kraft-Tharp, Tracy (D)	✓	✓	✓	✓	✓	✓	100%
Landgraf, Lois (R)	✓	✓	✗	✓	✓	✗	66.6%
Lawrence, Polly (R)	✓	✓	✗	✓	✓	✗	66.6%
Lebsock, Steve (D)	✓	✓	✓	✓	✓	✓	100%
Lee, Pete (D)	✓	✓	✓	✓	✓	✓	100%
Leonard, Timothy (R)	✗	✗	✗	✓	✓	✓	50%
Lewis, Kimmi (R)	✗	✗	✗	✓	✓	✓	50%
Liston, Larry (R)	✗	✓	✗	✓	✓	✗	50%
Lontine, Susan (D)	✓	✓	✓	✓	✓	✓	100%
Lundeen, Paul (R)	✓	✗	✗	✓	✓	✗	50%
McKean, Hugh (R)	✓	✓	✗	✓	✓	✗	66.6%
McLachlan, Barbara (D)	✓	✓	✓	✓	✓	✓	100%
Melton, Jovan (D)	✓	✓	✓	✓	✓	✓	100%
Michaelson Jenet, Dafna (D)	✓	✓	✓	✓	✓	✓	100%
Mitsch Bush, Diane (D)	✓	✓	✓	✓	✓	✗	83.3



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REPRESENTATIVE	VOTE ON HB 1162	VOTE ON HB 1186	VOTE ON HB 1230	VOTE ON SB 062	VOTE ON HB 1329	VOTE ON HB 1313	ACLU PERCENT
Navarro, Clarice (R)	✗	✗	✗	✓	✓	✓	50%
Neville, Patrick (R)	✗	✗	✗	✓	✓	✓	50%
Nordberg, Dan (R)	✗	✗	✗	✓	✓	✓	50%
Pabon, Dan (D)	✓	✓	✓	✓	✓	✗	83.3%
Pettersen, Brittany (D)	✓	✓	✓	✓	✓	✓	100%
Rankin, Bob (R)	✓	✓	✗	✓	✓	✓	83.3%
Ransom, Kim (R)	✗	✗	✗	✓	✓	✓	50%
Rosenthal, Paul (D)	✓	✓	✓	✓	✓	✗	83.3%
Saine, Lori (R)	✗	✗	✗	✓	✓	✓	50%
Salazar, Joseph (D)	✓	✓	✓	✓	✓	✓	100%
Sias, Lang (R)	✓	E	✗	E	✓	✓	75%
Singer, Jonathan (D)	✓	✓	✓	✓	✓	✗	83.3%
Thurlow, Dan (R)	✓	✓	✗	✓	✓	✗	66.6%
Valdez, Donald (D)	✓	✓	✓	✓	✓	✓	100%
Van Winkle, Kevin (R)	✓	✗	✗	✓	✓	✓	66.6%
Weissman, Mike (D)	✓	✓	✓	✓	✓	✓	100%
Willett, Yuelin (R)	✓	✓	✗	✓	✓	✗	66.6%
Williams, Dave (R)	✗	✗	✗	✓	✓	✓	50%
Wilson, James (R)	✗	✓	✗	✓	✓	✗	50%
Winter, Faith (D)	✓	✓	✓	✓	✓	✓	100%
Wist, Cole (R)	✓	✓	✗	✓	✓	✓	83.3%
Young, Dave (D)	✓	✓	✓	✓	✓	✓	100%