



General Assembly

February Session, 2000

Raised Bill No. 462

LCO No. 1912

Referred to Committee on Public Safety

Introduced by:
(PS)

***An Act Establishing A Commission On Racial And Ethnic
Disparity In The Criminal Justice System.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 (NEW) (a) There is established a commission on racial and ethnic
2 disparity in the criminal justice system. The commission shall consist
3 of the Chief Court Administrator, the Commissioner of Correction, the
4 Chief State's Attorney, the Chief Public Defender, the Commissioner of
5 Public Safety, the chairperson of the African-American Affairs
6 Commission, the chairperson of the Latino and Puerto Rican Affairs
7 Commission, or their designees, and seven members appointed one
8 each by the president pro tempore of the Senate, the speaker of the
9 House of Representatives, the majority leader of the Senate, the
10 majority leader of the House of Representatives, the minority leader of
11 the Senate, the minority leader of the House of Representatives and the
12 chairperson of the Black and Puerto Rican legislative caucus. The Chief
13 Court Administrator shall serve as chairperson of the commission. The
14 commission shall meet at such times as it deems necessary.

15 (b) The commission shall:

16 (1) Develop and recommend policies for reducing the number of
17 African-Americans and Latinos comprising the pretrial and sentenced
18 population of correctional facilities;

19 (2) Examine the impact of statutory provisions and current
20 administrative policies on racial and ethnic disparity in the criminal
21 justice system and recommend legislation to the Governor and the
22 General Assembly to reduce such disparity;

23 (3) Research and gather relevant statistical data and other
24 information concerning the impact of disparate treatment of African-
25 Americans and Latinos in the criminal justice system;

26 (4) Develop and recommend a training program for personnel in
27 agencies involved in the criminal justice system concerning the impact
28 of disparate treatment of African-Americans and Latinos;

29 (5) Research and examine the issue of the use of guidelines by courts
30 when sentencing criminal defendants and recommend whether the
31 General Assembly should create a sentencing guidelines commission
32 to establish sentencing guidelines for state courts;

33 (6) Examine whether the General Assembly should require that a
34 disparate impact statement be attached to any bill affecting criminal
35 law or procedure to evaluate whether the bill would have a disparate
36 impact on racial or ethnic minorities;

37 (7) Annually prepare and distribute a comprehensive plan to reduce
38 racial and ethnic disparity in the criminal justice system without
39 affecting public safety; and

40 (8) Submit an annual report to the Governor and the General
41 Assembly concerning:

42 (A) The number of African-Americans and Latinos comprising the
43 pretrial and sentenced population of correctional facilities;

44 (B) The progress being made toward reducing the number of
45 African-Americans and Latinos comprising the pretrial and sentenced
46 population of correctional facilities;

47 (C) The adequacy of legal representation for indigent defendants;

48 (D) The adequacy of the number of residential and nonresidential
49 treatment slots available for African-Americans and Latinos;

50 (E) The adequacy of the number of court interpreters; and

51 (F) Such other information as the commission deems appropriate.

52 (c) The commission shall report to the General Assembly, not later
53 than January 1, 2001, and annually thereafter, concerning additional
54 resources that should be made available to reduce racial and ethnic
55 disparity in the criminal justice system without affecting public safety.

Statement of Purpose:

To establish a commission dedicated to eliminating racial and ethnic
disparity in the criminal justice system.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]