

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0604.01 Jacob Baus x2173

HOUSE BILL 26-1315

HOUSE SPONSORSHIP

Soper and Espenoza,

SENATE SPONSORSHIP

Weissman and Carson,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING DOCUMENTS RELIED UPON FOR PAROLE**
102 **DETERMINATIONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires the department of corrections to audit a random sample of risk assessments and documentation of a person's history, supervision requirements, and behavior under supervision, known as a "chronological", to determine whether there were errors in the risk assessments and chronologicals that resulted in an inmate receiving a low or very low risk on their risk assessments. The bill requires the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

department of corrections to report the results of this audit and any other matters related to corrective actions undertaken to mitigate error rates in risk assessments.

The bill clarifies that risk assessments and chronologicals are criminal justice records for purposes of public inspection; except that any information concerning the person's health must be redacted.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add 17-1-169** as
3 follows:

4 **17-1-169. Review of risk assessments - legislative declaration**
5 **- definition - repeal.**

6 (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

7 (a) IN 2025, A COLORADO NEWS OUTLET REPORTED ON
8 HIGH-PROFILE CRIMES AND RAISED QUESTIONS REGARDING THE ACCURACY
9 AND CONSISTENCY OF PAROLE RISK ASSESSMENTS, INCLUDING WHETHER
10 CERTAIN PAROLEES MAY HAVE RECEIVED RISK ASSESSMENT
11 CLASSIFICATIONS THAT DID NOT FULLY ALIGN WITH THEIR DOCUMENTED
12 CRIMINAL HISTORY OR RISK FACTORS;

13 (b) REPORTERS AND LEGISLATORS USED PART 3 OF ARTICLE 72 OF
14 TITLE 24, COMMONLY REFERRED TO AS THE COLORADO CRIMINAL JUSTICE
15 RECORDS ACT, TO OBTAIN RECORDS RELATED TO THE CORRECTIONAL
16 SUPERVISION TOOL, WHICH IS AN ACTUARIAL RISK ASSESSMENT TOOL USED
17 BY THE DIVISION OF ADULT PAROLE TO INFORM SUPERVISION PLANNING
18 AND RESOURCE ALLOCATION;

19 (c) EVIDENCE-BASED RISK ASSESSMENT TOOLS ARE DESIGNED TO
20 SUPPORT CONSISTENT AND OBJECTIVE SUPERVISION DECISIONS BY
21 APPLYING STRUCTURED CRITERIA TO ASSESS RISK AND IDENTIFY
22 CRIMINOGENIC NEEDS CONSISTENT WITH NATIONALLY RECOGNIZED

1 PRACTICES;

2 (d) IT IS ESSENTIAL TO ENSURE ACCURATE AND CONSISTENT
3 INFORMATION IN RISK ASSESSMENTS TO INFORM PAROLE SUPERVISION
4 PLANNING, IDENTIFY AND APPLY APPROPRIATE PAROLE SUPERVISION
5 STRATEGIES AND RESOURCES, PROMOTE PUBLIC SAFETY, AND SUPPORT
6 SUCCESSFUL REENTRY OUTCOMES;

7 (e) THE DEPARTMENT OF CORRECTIONS CONFIRMED TO THE JOINT
8 BUDGET COMMITTEE AND THE JOINT JUDICIARY COMMITTEE THAT A
9 RANDOM SAMPLE AUDIT REVEALED HIGH ERROR RATES FOR RISK
10 ASSESSMENTS, UP TO NINETY-EIGHT PERCENT IN SOME CASES. IN 2026, THE
11 DEPARTMENT OF CORRECTIONS REPORTED THAT THEY ARE REEXAMINING
12 OVER ONE THOUSAND SEVEN HUNDRED RISK ASSESSMENTS AND
13 IMPLEMENTING MANDATORY SUPERVISORY REVIEW FOR ALL
14 CORRECTIONAL SUPERVISION TOOL REASSESSMENTS.

15 (f) ESTABLISHING A SYSTEM AND CADENCE OF QUALITY CONTROLS
16 AND QUALITY ASSURANCE PRACTICES, PAIRED WITH ONGOING TRAINING,
17 REVIEW, AND SUPPORT, ARE NECESSARY TO ENSURE ACCURATE AND
18 CONSISTENT APPLICATION OF RISK ASSESSMENT TOOLS ACROSS THE
19 DIVISION OF ADULT PAROLE;

20 (g) IN JANUARY OF 2026, THE DEPARTMENT OF CORRECTIONS
21 STATED THAT IT WILL NO LONGER SUPPLY REQUESTED RISK ASSESSMENTS
22 OR RISK ASSESSMENT SCORES, CITING AN INABILITY TO DISCLOSE THESE
23 RECORDS DUE TO CONTRACT LANGUAGE. HOWEVER, THROUGHOUT 2025,
24 THE DEPARTMENT OF CORRECTIONS SUPPLIED RISK ASSESSMENTS AND RISK
25 ASSESSMENT SCORES TO JOURNALISTS AND LEGISLATORS IN RESPONSE TO
26 OPEN RECORDS REQUESTS, AND IT WAS THROUGH THESE OPEN RECORDS
27 REQUESTS THAT THE PATTERN OF INACCURACIES AND INCONSISTENCIES

1 WERE DISCOVERED. IT IS THE GENERAL ASSEMBLY'S INTENT TO KEEP THESE
2 RECORDS OPEN TO THE PUBLIC TO HOLD GOVERNMENTAL ACTORS
3 ACCOUNTABLE.

4 (h) FOR THE PURPOSES OF TRANSPARENCY AND ACCOUNTABILITY,
5 IT IS NECESSARY FOR THE GENERAL ASSEMBLY TO CREATE REPORTING
6 EXPECTATIONS TO ENSURE THAT REVIEWS OF RISK ASSESSMENT PRACTICES
7 ARE ESTABLISHED AND ONGOING.

8 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
9 REQUIRES, "RISK ASSESSMENT" MEANS A VALIDATED INSTRUMENT THAT
10 ASSESSES A PAROLEE'S CRIMINOGENIC NEEDS AND RISK OF RECIDIVISM,
11 AND IS USED TO GUIDE PAROLE SUPERVISION PLANNING, IDENTIFY
12 APPROPRIATE INTERVENTIONS, AND ESTABLISH PAROLE SUPERVISION
13 LEVELS OR CATEGORIES.

14 (3) (a) THE DEPARTMENT SHALL ESTABLISH A RISK ASSESSMENT
15 QUALITY REVIEW TEAM TO DEVELOP POLICIES AND IMPLEMENT PRACTICES
16 THAT DETERMINE WHETHER RISK ASSESSMENTS ARE COMPLETED
17 ACCURATELY AND CONSISTENTLY, AND TO ENSURE A SUSTAINED PROCESS
18 OF REVIEW AND TRAINING.

19 (b) (I) ON OR BEFORE AUGUST 31, 2026, THE RISK ASSESSMENT
20 QUALITY REVIEW TEAM SHALL ESTABLISH POLICIES AND PRACTICES FOR A
21 CADENCED SYSTEM OF REVIEW THAT ENSURES, AT A MINIMUM, THE
22 FOLLOWING:

23 (A) SYSTEMATIC REVIEWS OF COMPLETED RISK ASSESSMENTS,
24 INCLUDING REVIEWS FOR COMPLETED RISK ASSESSMENTS AT EACH RISK
25 ASSESSMENT LEVEL OR CATEGORY;

26 (B) DEFINED, PERIODIC FIDELITY REVIEWS OF AN ASSESSOR'S
27 WORK; AND

1 (C) APPROPRIATE TRAINING FOR SUSTAINED AND ACCURATE
2 COMPLETION OF RISK ASSESSMENTS.

3 (II) ON OR BEFORE AUGUST 31, 2026, THE RISK ASSESSMENT
4 QUALITY REVIEW POLICIES AND PRACTICES ESTABLISHED PURSUANT TO
5 SUBSECTION (3)(b)(I) OF THIS SECTION MUST BE IMPLEMENTED.

6 (4) (a) IN JANUARY OF 2027, AND IN EACH JANUARY THEREAFTER,
7 THE DEPARTMENT SHALL INCLUDE, AS PART OF ITS PRESENTATION DURING
8 ITS "SMART ACT" HEARING REQUIRED PURSUANT TO SECTION 2-7-203,
9 INFORMATION CONCERNING:

10 (I) THE TOTAL NUMBER OF RISK ASSESSMENTS REVIEWED
11 PURSUANT TO SUBSECTION (3) OF THIS SECTION;

12 (II) OF THE TOTAL NUMBER OF RISK ASSESSMENTS REVIEWED
13 PURSUANT TO SUBSECTION (3) OF THIS SECTION, THE TOTAL NUMBER OF
14 RISK ASSESSMENTS THAT CONTAINED INACCURATE OR INCONSISTENT
15 INFORMATION THAT RESULTED IN AN INACCURATE SUPERVISION LEVEL;
16 AND

17 (III) A COMPREHENSIVE DESCRIPTION OF THE FINDINGS OF THE
18 REVIEWS AND ANY MEASURES IMPLEMENTED TO ENSURE PROCESS
19 IMPROVEMENT TO MITIGATE THE FINDINGS OF THE 2025 RANDOMIZED
20 SURVEY AUDIT THAT FOUND A NINETY-EIGHT PERCENT ERROR RATE IN
21 RISK ASSESSMENTS.

22 (b) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136
23 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS
24 SUBSECTION (4) CONTINUES INDEFINITELY.

25 **SECTION 2.** In Colorado Revised Statutes, 24-72-302, **amend**
26 **(4); and add (12) as follows:**

27 **24-72-302. Definitions.**

1 As used in this part 3, unless the context otherwise requires:

2 (4) "Criminal justice records" means all books, papers, cards,
3 photographs, tapes, recordings, or other documentary materials,
4 regardless of form or characteristics, that are made, maintained, or kept
5 by any criminal justice agency in the state for use in the exercise of
6 functions required or authorized by law or administrative rule, including,
7 but not limited to, the results of chemical biological substance testing to
8 determine genetic markers conducted pursuant to sections 16-11-102.4
9 and 16-23-104, ~~C.R.S.~~ OR A RISK ASSESSMENT.

10 (12) "RISK ASSESSMENT" MEANS A VALIDATED INSTRUMENT THAT
11 ASSESSES A PAROLEE'S CRIMINOGENIC NEEDS AND RISK OF RECIDIVISM,
12 AND IS USED TO GUIDE PAROLE SUPERVISION PLANNING, IDENTIFY
13 APPROPRIATE INTERVENTIONS, AND ESTABLISH PAROLE SUPERVISION
14 LEVELS.

15 **SECTION 3.** In Colorado Revised Statutes, 24-72-304, **add** (6)
16 as follows:

17 **24-72-304. Inspection of criminal justice records.**

18 (6) NOTWITHSTANDING ANY PROVISION OF THIS PART 3 TO THE
19 CONTRARY, AN AGREEMENT TO PROHIBIT THE DISCLOSURE OF
20 INFORMATION IN A RISK ASSESSMENT THAT IS SUBJECT TO DISCLOSURE
21 PURSUANT TO THIS SECTION IS VOID AND UNENFORCEABLE.

22 **SECTION 4. Act subject to petition - effective date -**
23 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
24 the expiration of the ninety-day period after final adjournment of the
25 general assembly (August 12, 2026, if adjournment sine die is on May 13,
26 2026); except that, if a referendum petition is filed pursuant to section 1
27 (3) of article V of the state constitution against this act or an item, section,

1 or part of this act within such period, then the act, item, section, or part
2 will not take effect unless approved by the people at the general election
3 to be held in November 2026 and, in such case, will take effect on the
4 date of the official declaration of the vote thereon by the governor.

5 (2) Section 3 of this act applies to criminal justice record requests
6 made on or after the applicable effective date of this act.