

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 1, 2026
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB26-1315 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

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

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

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

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

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

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

25 (d) IT IS ESSENTIAL TO ENSURE ACCURATE AND CONSISTENT
26 INFORMATION IN RISK ASSESSMENTS TO INFORM PAROLE SUPERVISION
27 PLANNING, IDENTIFY AND APPLY APPROPRIATE PAROLE SUPERVISION

1 STRATEGIES AND RESOURCES, PROMOTE PUBLIC SAFETY, AND SUPPORT
2 SUCCESSFUL REENTRY OUTCOMES;

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

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

16 (g) IN JANUARY OF 2026, THE DEPARTMENT OF CORRECTIONS
17 STATED THAT IT WILL NO LONGER SUPPLY REQUESTED RISK ASSESSMENTS
18 OR RISK ASSESSMENT SCORES, CITING AN INABILITY TO DISCLOSE THESE
19 RECORDS DUE TO CONTRACT LANGUAGE. HOWEVER, THROUGHOUT 2025,
20 THE DEPARTMENT OF CORRECTIONS SUPPLIED RISK ASSESSMENTS AND RISK
21 ASSESSMENT SCORES TO JOURNALISTS AND LEGISLATORS IN RESPONSE TO
22 OPEN RECORDS REQUESTS, AND IT WAS THROUGH THESE OPEN RECORDS
23 REQUESTS THAT THE PATTERN OF INACCURACIES AND INCONSISTENCIES
24 WERE DISCOVERED. IT IS THE GENERAL ASSEMBLY'S INTENT TO KEEP THESE
25 RECORDS OPEN TO THE PUBLIC TO HOLD GOVERNMENTAL ACTORS
26 ACCOUNTABLE.

27 (h) FOR THE PURPOSES OF TRANSPARENCY AND ACCOUNTABILITY,
28 IT IS NECESSARY FOR THE GENERAL ASSEMBLY TO CREATE REPORTING
29 EXPECTATIONS TO ENSURE THAT REVIEWS OF RISK ASSESSMENT PRACTICES
30 ARE ESTABLISHED AND ONGOING.

31 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
32 REQUIRES, "RISK ASSESSMENT" MEANS A VALIDATED INSTRUMENT THAT
33 ASSESSES A PAROLEE'S CRIMINOGENIC NEEDS AND RISK OF RECIDIVISM,
34 AND IS USED TO GUIDE PAROLE SUPERVISION PLANNING, IDENTIFY
35 APPROPRIATE INTERVENTIONS, AND ESTABLISH PAROLE SUPERVISION
36 LEVELS OR CATEGORIES.

37 (3) (a) THE DEPARTMENT SHALL ESTABLISH A RISK ASSESSMENT
38 QUALITY REVIEW TEAM TO DEVELOP POLICIES AND IMPLEMENT PRACTICES
39 THAT DETERMINE WHETHER RISK ASSESSMENTS ARE COMPLETED
40 ACCURATELY AND CONSISTENTLY, AND TO ENSURE A SUSTAINED PROCESS
41 OF REVIEW AND TRAINING.

42 (b) (I) ON OR BEFORE AUGUST 31, 2026, THE RISK ASSESSMENT
43 QUALITY REVIEW TEAM SHALL ESTABLISH POLICIES AND PRACTICES FOR A

1 CADENCED SYSTEM OF REVIEW THAT ENSURES, AT A MINIMUM, THE
2 FOLLOWING:

3 (A) SYSTEMATIC REVIEWS OF COMPLETED RISK ASSESSMENTS,
4 INCLUDING REVIEWS FOR COMPLETED RISK ASSESSMENTS AT EACH RISK
5 ASSESSMENT LEVEL OR CATEGORY;

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

8 (C) APPROPRIATE TRAINING FOR SUSTAINED AND ACCURATE
9 COMPLETION OF RISK ASSESSMENTS.

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

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

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

19 (II) OF THE TOTAL NUMBER OF RISK ASSESSMENTS REVIEWED
20 PURSUANT TO SUBSECTION (3) OF THIS SECTION, THE TOTAL NUMBER OF
21 RISK ASSESSMENTS THAT CONTAINED INACCURATE OR INCONSISTENT
22 INFORMATION THAT RESULTED IN AN INACCURATE SUPERVISION LEVEL;
23 AND

24 (III) A COMPREHENSIVE DESCRIPTION OF THE FINDINGS OF THE
25 REVIEWS AND ANY MEASURES IMPLEMENTED TO ENSURE PROCESS
26 IMPROVEMENT TO MITIGATE THE FINDINGS OF THE 2025 RANDOMIZED
27 SURVEY AUDIT THAT FOUND A NINETY-EIGHT PERCENT ERROR RATE IN
28 RISK ASSESSMENTS.

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

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

34 **24-72-302. Definitions.**

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

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

1 (12) "RISK ASSESSMENT" MEANS A VALIDATED INSTRUMENT THAT
2 ASSESSES A PAROLEE'S CRIMINOGENIC NEEDS AND RISK OF RECIDIVISM,
3 AND IS USED TO GUIDE PAROLE SUPERVISION PLANNING, IDENTIFY
4 APPROPRIATE INTERVENTIONS, AND ESTABLISH PAROLE SUPERVISION
5 LEVELS.

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

8 **24-72-304. Inspection of criminal justice records.**

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

13 **SECTION 4. Act subject to petition - effective date -**
14 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
15 the expiration of the ninety-day period after final adjournment of the
16 general assembly (August 12, 2026, if adjournment sine die is on May 13,
17 2026); except that, if a referendum petition is filed pursuant to section 1
18 (3) of article V of the state constitution against this act or an item, section,
19 or part of this act within such period, then the act, item, section, or part
20 will not take effect unless approved by the people at the general election
21 to be held in November 2026 and, in such case, will take effect on the
22 date of the official declaration of the vote thereon by the governor.

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

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