

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 26, 2025
Date

Committee on Judiciary.

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

SB25-190 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 3, line 15, after "**add**" insert "(1.1), (6.8), and".

2 Page 3, after line 17 insert:

3 (1.1) "ACTIVITIES OF DAILY LIVING" MEANS BASIC SELF-CARE
4 ACTIVITIES, INCLUDING, BUT NOT LIMITED TO, EATING, BATHING,
5 DRESSING, GROOMING, TRANSFERRING FROM BED TO CHAIR, TOILETING,
6 TAKING MEDICATIONS, CLEANING, USING PRISON COMMUNICATIONS
7 SYSTEMS, AND INDEPENDENT AMBULATION."

8 Page 3, after line 27 insert:

9 "(6.8) "LICENSED HEALTH-CARE PROVIDER" MEANS A MEDICAL OR
10 BEHAVIORAL HEALTH-CARE PROVIDER LICENSED IN THIS STATE WHO IS
11 EMPLOYED BY OR UNDER CONTRACT WITH THE DEPARTMENT OR A PRIVATE
12 LICENSED HEALTH-CARE PROVIDER WHO IS PROVIDING OR RECENTLY HAS
13 PROVIDED PATIENT CARE TO THE INMATE."

14 Page 4, line 6, strike "OR MENTAL".

15 Page 4, line 7, strike "CHRONIC" and substitute "CHRONIC, SEVERE,".

16 Page 4, line 9, strike "LIVING." and substitute "LIVING ON A DAILY AND
17 SUSTAINED BASIS."

18 Page 6, line 11, after "ILLNESS" insert "THAT IS CHRONIC, SEVERE, AND
19 LONG TERM IN NATURE".

20 Page 6, line 14, strike "LIVING." and substitute "LIVING ON A DAILY AND
21 SUSTAINED BASIS."

1 Page 6, line 15, strike "SEVERE DEMENTIA" and substitute "DEMENTIA
2 DISEASES AND RELATED DISABILITIES, AS DEFINED IN SECTION 25-1-502,".

3 Page 6, lines 20 and 21, strike "WHO IS INVOLVED IN PROVIDING PATIENT
4 CARE TO THE INMATE, OR WHO HAS PERSONALLY ASSESSED THE INMATE'S
5 CONDITION,".

6 Page 6, strike lines 25 through 27.

7 Page 7, strike lines 1 and 2 and substitute the following:

8 "(B) IS UNDER FIFTY-FIVE YEARS OF AGE; HAS NOT INCURRED A
9 CLASS I CODE OF PENAL DISCIPLINE VIOLATION WITHIN TWELVE MONTHS
10 BEFORE THE DATE OF THE APPLICATION FOR SPECIAL NEEDS PAROLE; AND
11 HAS SERVED AT LEAST TWENTY-FIVE PERCENT OF THE IMPOSED SENTENCE,
12 INCLUDING ANY EARNED TIME AWARDED, IF THE INMATE IS ELIGIBLE FOR
13 PAROLE AFTER SERVING FIFTY PERCENT OF THE IMPOSED SENTENCE
14 PURSUANT TO SECTION 17-22.5-403 (1); HAS SERVED AT LEAST
15 THIRTY-FIVE PERCENT OF THE IMPOSED SENTENCE, INCLUDING ANY
16 EARNED TIME AWARDED, IF THE INMATE IS ELIGIBLE FOR PAROLE AFTER
17 SERVING SEVENTY-FIVE PERCENT OF THE IMPOSED SENTENCE PURSUANT
18 TO SECTION 17-22.5-403 (2) AND (2.5); HAS SERVED AT LEAST FORTY
19 PERCENT OF THE IMPOSED SENTENCE IF THE INMATE IS ELIGIBLE FOR
20 PAROLE AFTER SERVING SEVENTY-FIVE PERCENT OF THE IMPOSED
21 SENTENCE PURSUANT TO SECTION 17-22.5-403 (3) AND (3.5); OR HAS BEEN
22 DIAGNOSED BY A LICENSED HEALTH-CARE PROVIDER AS HAVING A
23 TERMINAL ILLNESS THAT IS IRREVERSIBLE, UNLIKELY TO BE CURED, AND
24 LIKELY TO CAUSE DEATH.".

25 Page 7, lines 4 and 5, strike "WHO IS INVOLVED IN PROVIDING PATIENT
26 CARE TO THE INMATE, OR WHO HAS PERSONALLY ASSESSED THE INMATE'S
27 CONDITION,".

28 Page 7, strike lines 8 through 12 and substitute:

29 "(B) IS UNDER FIFTY-FIVE YEARS OF AGE; HAS NOT INCURRED A
30 CLASS I CODE OF PENAL DISCIPLINE VIOLATION WITHIN TWELVE MONTHS
31 BEFORE THE DATE OF THE APPLICATION FOR SPECIAL NEEDS PAROLE; AND
32 HAS SERVED AT LEAST TWENTY-FIVE PERCENT OF THE IMPOSED SENTENCE,
33 INCLUDING ANY EARNED TIME AWARDED, IF THE INMATE IS ELIGIBLE FOR
34 PAROLE AFTER SERVING FIFTY PERCENT OF THE IMPOSED SENTENCE
35 PURSUANT TO SECTION 17-22.5-403 (1); HAS SERVED AT LEAST
36 THIRTY-FIVE PERCENT OF THE IMPOSED SENTENCE, INCLUDING ANY
37 EARNED TIME AWARDED, IF THE INMATE IS ELIGIBLE FOR PAROLE AFTER

1 SERVING SEVENTY-FIVE PERCENT OF THE IMPOSED SENTENCE PURSUANT
2 TO SECTION 17-22.5-403 (2) AND (2.5); HAS SERVED AT LEAST FORTY
3 PERCENT OF THE IMPOSED SENTENCE IF THE INMATE IS ELIGIBLE FOR
4 PAROLE AFTER SERVING SEVENTY-FIVE PERCENT OF THE IMPOSED
5 SENTENCE PURSUANT TO SECTION 17-22.5-403 (3) AND (3.5); OR HAS BEEN
6 DIAGNOSED BY A LICENSED HEALTH-CARE PROVIDER AS HAVING A
7 TERMINAL ILLNESS THAT IS IRREVERSIBLE, UNLIKELY TO BE CURED, AND
8 LIKELY TO CAUSE DEATH."

9 Page 7, after line 12 insert:

10 "(III) WHO IS SIXTY-FOUR YEARS OF AGE OR OLDER AND HAS
11 SERVED AT LEAST TWENTY YEARS OF THE PERSON'S SENTENCE AND WAS
12 NOT CONVICTED OF A CLASS 1 OR CLASS 2 FELONY FOR A CRIME AS
13 DEFINED IN SECTION 24-4.1-302 (1); UNLAWFUL SEXUAL BEHAVIOR, AS
14 DEFINED IN SECTION 16-22-102 (9); A CRIME THAT INCLUDES DOMESTIC
15 VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1); OR STALKING AS
16 DESCRIBED IN SECTION 18-3-602."

17 Page 8, strike lines 1 and 2 and substitute "A LICENSED HEALTH-CARE
18 PROVIDER."

19 Page 8, line 6, strike "and (9)" and substitute "(9), and (10)".

20 Page 8, strike line 18 and substitute "PROVIDER".

21 Page 8, line 24, strike "MUST NOT BE" and substitute "IS NOT".

22 Page 10, lines 10 and 11, strike "IF THE PUBLIC DEFENDER LIAISON
23 PROGRAM IS ASSISTING THE INMATE,".

24

25 Page 11, after line 24 insert:

26 "(10) THIS SECTION DOES NOT REQUIRE AN INMATE TO SEEK AN
27 OUTSIDE MEDICAL OPINION OF IMPAIRMENT OR SECOND OPINION OF ANY
28 KIND."

29 Page 12, line 24, strike "RESIDENTIAL PROGRAMS ARE COMPLIANT WITH"
30 and substitute "PROGRAMS HAVE THE ABILITY TO SERVE PERSONS WITH
31 DISABILITIES AS DEFINED IN".

32 Page 12, strike line 26 and substitute "12101 ET SEQ. IN RESIDENTIAL OR
33 NONRESIDENTIAL PROGRAMS;".

34 Page 13, line 4, strike "AND".

1 Page 13, line 7, strike "OFFENDERS." insert "AGING AND SPECIAL NEEDS
2 OFFENDERS; AND".

3 Page 13, after line 7, insert:

4 "(g) EVALUATE THE FEASIBILITY OF OPENING OR RETROFITTING
5 ONE OR MORE LOCATIONS TO BE OPERATED BY THE DEPARTMENT OF
6 CORRECTIONS AS AN ELDER-CARE FACILITY FOR AGING AND ILL INMATES.".

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