

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 16-1179.01 Richard Sweetman x4333

SENATE BILL 16-180

SENATE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING A SPECIALIZED PROGRAM WITHIN THE DEPARTMENT OF**
102 **CORRECTIONS FOR CERTAIN OFFENDERS WHO WERE CONVICTED**
103 **AS ADULTS FOR OFFENSES THEY COMMITTED AS JUVENILES, AND,**
104 **IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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://www.leg.state.co.us/billsummaries>.)

The bill requires the department of corrections (department) to develop and implement a program for offenders who were sentenced to an adult prison for a felony offense committed while the offender was

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
May 3, 2016

SENATE
Amended 2nd Reading
May 2, 2016

less than 18 years of age and who are determined to be appropriate for placement in the program. An offender serving a sentence for a felony committed while the offender was a juvenile may apply for placement in the program if he or she has served 20 calendar years of his or her sentence and has not been released on parole.

Upon receiving a petition from an eligible offender, the executive director of the department or his or her designee shall review the petition. In determining whether to place an offender in the program, the executive director or his or her designee shall consider certain criteria.

An offender who successfully completes the program may apply to the governor for early parole. The governor may grant early parole to such an offender if, in the governor's opinion, extraordinary mitigating circumstances exist and the offender's release from custody is compatible with the safety and welfare of society. The state board of parole shall make a recommendation to the governor concerning whether early parole should be granted to such an offender.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The United States supreme court has held in several recent
5 decisions regarding the criminal sentencing of juveniles that children are
6 constitutionally different than adults for purposes of sentencing and
7 should be given a meaningful opportunity for release based on
8 demonstrated maturity and rehabilitation;

9 (b) Colorado recognizes that children have not yet reached
10 developmental maturity before the age of eighteen years and therefore
11 have a heightened capacity to change behavior and a greater potential for
12 rehabilitation;

13 (c) Colorado has many offenders currently serving sentences in
14 the department of corrections who committed crimes when they were less
15 than eighteen years old and who no longer present a threat to public
16 safety; and

1 (d) Colorado is committed to research-based best practices in the
2 development and implementation of correctional policies and practices.

3 (2) Now, therefore, Colorado desires to implement a system that
4 allows any offender who committed a serious crime as a juvenile, was
5 treated as an adult by the criminal justice system, and has served more
6 than twenty calendar years of a sentence to the department of corrections,
7 during which he or she has exhibited growth and rehabilitation, the
8 opportunity to further demonstrate rehabilitation and earn early release in
9 a specialized program in a less secure setting without compromising
10 public safety.

11 **SECTION 2.** In Colorado Revised Statutes, **add** article 34 to title
12 17 as follows:

13 **ARTICLE 34**

14 **Specialized Program For Juveniles**

15 **Convicted As Adults**

16 **17-34-101. Juveniles who are convicted as adults in district**
17 **court - eligibility for specialized program placement - petitions.**

18 (1) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN OFFENDER
19 SERVING A SENTENCE IN THE DEPARTMENT FOR A FELONY OFFENSE AS A
20 RESULT OF THE FILING OF CRIMINAL CHARGES BY AN INFORMATION OR
21 INDICTMENT PURSUANT TO SECTION 19-2-517, C.R.S., OR THE TRANSFER
22 OF PROCEEDINGS TO THE DISTRICT COURT PURSUANT TO SECTION
23 19-2-518, C.R.S., OR PURSUANT TO EITHER OF THESE SECTIONS AS THEY
24 EXISTED PRIOR TO THEIR REPEAL AND REENACTMENT, WITH AMENDMENTS,
25 BY HOUSE BILL 96-1005, AND WHO REMAINS IN THE CUSTODY OF THE
26 DEPARTMENT FOR THAT FELONY OFFENSE MAY PETITION FOR PLACEMENT
27 IN THE SPECIALIZED PROGRAM DESCRIBED IN SECTION 17-34-102,

1 REFERRED TO WITHIN THIS SECTION AS THE "SPECIALIZED PROGRAM", IF HE
2 OR SHE:

3 (I) HAS SERVED TWENTY CALENDAR YEARS OF HIS OR HER
4 SENTENCE;

5 (II) HAS NOT BEEN RELEASED ON PAROLE;

6 (III) HAS NOT BEEN CONVICTED OF A SEX OFFENSE, AS DEFINED IN
7 SECTION 16-11.7-102 (3), C.R.S.;

8 (IV) IS NOT IN A TREATMENT PROGRAM WITHIN THE DEPARTMENT
9 FOR A SERIOUS MENTAL ILLNESS;

10 (V) HAS OBTAINED, AT A MINIMUM, A HIGH SCHOOL DIPLOMA OR
11 HAS SUCCESSFULLY PASSED A HIGH SCHOOL EQUIVALENCY EXAMINATION,
12 AS DEFINED IN SECTION 22-33-102 (8.5), C.R.S.;

13 (VI) HAS PARTICIPATED IN PROGRAMS OFFERED TO HIM OR HER BY
14 THE DEPARTMENT AND DEMONSTRATED RESPONSIBILITY AND
15 COMMITMENT IN THOSE PROGRAMS;

16 (VII) HAS DEMONSTRATED POSITIVE GROWTH AND CHANGE
17 THROUGH INCREASING DEVELOPMENTAL MATURITY AND QUANTIFIABLE
18 GOOD BEHAVIOR DURING THE COURSE OF HIS OR HER INCARCERATION; AND

19 (VIII) HAS ACCEPTED RESPONSIBILITY FOR THE CRIMINAL
20 BEHAVIOR UNDERLYING THE OFFENSE FOR WHICH HE OR SHE WAS
21 CONVICTED.

22 (b) AN OFFENDER WHO IS DESCRIBED IN PARAGRAPH (a) OF THIS
23 SUBSECTION (1) MAY APPLY FOR PLACEMENT IN THE SPECIALIZED
24 PROGRAM NOTWITHSTANDING HIS OR HER SENTENCE OR PAROLE
25 ELIGIBILITY DATE.

26 (2) UPON RECEIVING A PETITION FROM AN OFFENDER DESCRIBED
27 IN SUBSECTION (1) OF THIS SECTION, THE EXECUTIVE DIRECTOR OR HIS OR

1 HER DESIGNEE SHALL REVIEW THE PETITION AND DETERMINE WHETHER TO
2 PLACE THE OFFENDER IN THE SPECIALIZED PROGRAM. IN MAKING THIS
3 DETERMINATION, THE EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE
4 SHALL CONSIDER THE FOLLOWING CRITERIA:

5 (a) THE NATURE OF THE OFFENSE AND THE CIRCUMSTANCES
6 SURROUNDING THE OFFENSE, INCLUDING THE EXTENT OF THE OFFENDER'S
7 PARTICIPATION IN THE CRIMINAL CONDUCT;

8 (b) THE AGE AND MATURITY OF THE OFFENDER AT THE TIME OF THE
9 OFFENSE;

10 (c) THE BEHAVIOR OF THE OFFENDER IN ANY INSTITUTION FOR THE
11 DURATION OF HIS OR HER SENTENCE, INCLUDING CONSIDERATION OF ANY
12 VIOLATIONS OF THE INMATE CODE OF CONDUCT AND DATES OF THE
13 VIOLATIONS OR, IN THE ALTERNATIVE, THE LACK OF ANY SUCH
14 VIOLATIONS;

15 (d) THE ASSESSED RISK AND NEEDS OF THE OFFENDER;

16 (e) THE IMPACT OF THE OFFENSE ON ANY VICTIM AND ANY VICTIM'S
17 IMMEDIATE FAMILY MEMBER; AND

18 (f) ANY OTHER FACTOR DETERMINED TO BE RELEVANT BY THE
19 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE IN ASSESSING AND MAKING
20 A DETERMINATION REGARDING THE OFFENDER'S DEMONSTRATED
21 REHABILITATION.

22 (3) THE DEPARTMENT MAY MAKE RESTORATIVE JUSTICE
23 PRACTICES, AS DEFINED IN SECTION 18-1-901 (3) (o.5), C.R.S., AVAILABLE
24 TO ANY VICTIM OF ANY OFFENDER WHO PETITIONS FOR PLACEMENT IN THE
25 SPECIALIZED PROGRAM, AS MAY BE APPROPRIATE, BUT ONLY IF REQUESTED
26 BY THE VICTIM AND THE VICTIM HAS REGISTERED WITH THE DEPARTMENT
27 OF CORRECTIONS REQUESTING NOTICE OF VICTIMS' RIGHTS PURSUANT TO

1 THE PROVISIONS OF PART 3 OF ARTICLE 4.1 OF TITLE 24, C.R.S.

2 (4) (a) IF AFTER REVIEW OF AN OFFENDER'S PETITION, THE
3 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE DETERMINES THAT THE
4 OFFENDER IS AN APPROPRIATE CANDIDATE FOR PLACEMENT IN THE
5 SPECIALIZED PROGRAM, THE DEPARTMENT SHALL PLACE THE OFFENDER IN
6 THE SPECIALIZED PROGRAM AS SOON AS PRACTICABLE.

7 (b) ANY VICTIM OR VICTIM'S IMMEDIATE FAMILY MEMBER, AS
8 DEFINED IN SECTION 24-4.1-302 (5) AND (6), C.R.S., HAS THE RIGHT TO BE
9 INFORMED OF THE PLACEMENT OF AN OFFENDER PURSUANT TO SECTIONS
10 24-4.1-302.5 (1) (q) AND 24-4.1-303 (14), C.R.S.

11 (5) IF THE EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE DENIES
12 AN OFFENDER'S PETITION FOR PLACEMENT IN THE SPECIALIZED PROGRAM
13 BASED ON A DETERMINATION THAT THE OFFENDER IS INAPPROPRIATE FOR
14 SUCH PLACEMENT AFTER CONSIDERATION OF THE CRITERIA SET FORTH IN
15 SUBSECTION (2) OF THIS SECTION, THE OFFENDER MAY PETITION THE
16 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE FOR PLACEMENT IN THE
17 SPECIALIZED PROGRAM NOT SOONER THAN THREE YEARS AFTER THE
18 ISSUANCE OF THE DENIAL.

19 (6) THE DEPARTMENT SHALL DEVELOP POLICIES AND PROCEDURES
20 FOR THE PREPARATION, SUBMISSION, AND REVIEW OF PETITIONS FOR
21 PLACEMENT OF OFFENDERS IN THE SPECIALIZED PROGRAM, AS DESCRIBED
22 IN THIS SECTION.

23 **17-34-102. Specialized program for juveniles convicted as**
24 **adults - report - repeal.** (1) THE DEPARTMENT SHALL DEVELOP AND
25 IMPLEMENT A SPECIALIZED PROGRAM FOR OFFENDERS WHO HAVE BEEN
26 SENTENCED TO AN ADULT PRISON FOR A FELONY OFFENSE COMMITTED
27 WHILE THE OFFENDER WAS LESS THAN EIGHTEEN YEARS OF AGE AS A

1 RESULT OF THE FILING OF CRIMINAL CHARGES BY AN INFORMATION OR
2 INDICTMENT PURSUANT TO SECTION 19-2-517, C.R.S., OR THE TRANSFER
3 OF PROCEEDINGS TO THE DISTRICT COURT PURSUANT TO SECTION
4 19-2-518, C.R.S., OR PURSUANT TO EITHER OF THESE SECTIONS AS THEY
5 EXISTED PRIOR TO THEIR REPEAL AND REENACTMENT, WITH AMENDMENTS,
6 BY HOUSE BILL 96-1005, AND WHO ARE DETERMINED TO BE APPROPRIATE
7 FOR PLACEMENT IN THE SPECIALIZED PROGRAM. THE DEPARTMENT SHALL
8 IMPLEMENT THE SPECIALIZED PROGRAM WITHIN OR IN CONJUNCTION WITH
9 A _____ FACILITY OPERATED BY, OR UNDER CONTRACT WITH, THE
10 DEPARTMENT.

11 (2) THE SPECIALIZED PROGRAM MUST INCLUDE COMPONENTS THAT
12 ALLOW AN OFFENDER TO EXPERIENCE A LESS SECURE OR LESS RESTRICTIVE
13 PLACEMENT WITH MORE INDEPENDENCE IN DAILY LIFE, WITH ADDITIONAL
14 WORK-RELATED RESPONSIBILITIES AND OTHER PROGRAM COMPONENTS
15 THAT WILL ASSIST AND SUPPORT THE OFFENDER'S SUCCESSFUL
16 REINTEGRATION INTO THE COMMUNITY OF _____ OFFENDERS WHO HAVE
17 NEVER LIVED INDEPENDENTLY OR FUNCTIONED IN THE COMMUNITY AS AN
18 ADULT. THE SPECIALIZED PROGRAM MUST ALSO INCLUDE BEST AND
19 PROMISING PRACTICES IN INDEPENDENT LIVING SKILLS DEVELOPMENT,
20 REENTRY SERVICES FOR LONG-TERM OFFENDERS, AND INTENSIVE
21 SUPERVISION AND MONITORING.

22 (3) THE DEPARTMENT SHALL NOT ALLOW ANY PARTICIPATING
23 OFFENDER TO COMPLETE THE SPECIALIZED PROGRAM IN LESS THAN THREE
24 YEARS.

25 (4) THE DEPARTMENT MAY MAKE RESTORATIVE JUSTICE
26 PRACTICES, AS DEFINED IN SECTION 18-1-901 (3) (o.5), C.R.S., AVAILABLE
27 TO ANY VICTIM OF ANY OFFENDER WHO PETITIONS FOR PLACEMENT IN THE

1 SPECIALIZED PROGRAM, AS MAY BE APPROPRIATE, BUT ONLY IF REQUESTED
2 BY THE VICTIM AND THE VICTIM HAS REGISTERED WITH THE DEPARTMENT
3 OF CORRECTIONS REQUESTING NOTICE OF VICTIMS' RIGHTS PURSUANT TO
4 THE PROVISIONS OF PART 3 OF ARTICLE 4.1 OF TITLE 24, C.R.S. ___

5 (5) (a) THE DEPARTMENT SHALL COMPLETE THE DESIGN OF THE
6 SPECIALIZED PROGRAM ON OR BEFORE AUGUST 10, 2017. THE
7 DEPARTMENT SHALL COMMENCE PLACEMENT OF ELIGIBLE OFFENDERS IN
8 THE SPECIALIZED PROGRAM ON OR BEFORE NOVEMBER 10, 2017. IF THE
9 SPECIALIZED PROGRAM IS NOT OPERATIONAL BY THIS DATE, THE
10 EXECUTIVE DIRECTOR SHALL REPORT TO THE GENERAL ASSEMBLY ON OR
11 BEFORE NOVEMBER 30, 2017, THE REASONS FOR THE DELAY AND THE
12 DATE THAT THE SPECIALIZED PROGRAM WILL BE OPERATIONAL.

13 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE DECEMBER 1,
14 2017.

15 (6) (a) THE DEPARTMENT SHALL INCLUDE IN THE SPECIALIZED
16 PROGRAM RULES OF CONDUCT FOR PROGRAM PARTICIPANTS AND A POLICY
17 WHEREBY PROGRAM PARTICIPANTS WHO FAIL TO COMPLY WITH THE RULES
18 OF CONDUCT ARE TERMINATED FROM PARTICIPATION IN THE SPECIALIZED
19 PROGRAM AND RETURNED TO AN APPROPRIATE PRISON PLACEMENT.

20 (b) AN OFFENDER WHO IS TERMINATED FROM THE SPECIALIZED
21 PROGRAM MAY NOT RE-PETITION FOR PLACEMENT IN THE SPECIALIZED
22 PROGRAM SOONER THAN THREE YEARS FROM THE DATE OF SUCH
23 TERMINATION.

24 (7) NOTWITHSTANDING ANY PROVISION OF LAW, AN OFFENDER
25 WHO SUCCESSFULLY COMPLETES THE SPECIALIZED PROGRAM IS ELIGIBLE
26 TO APPLY FOR EARLY PAROLE PURSUANT TO THE PROVISIONS OF SECTION
27 17-22.5-403 (4.5) OR 17-22.5-403.7.

1 (8) IF AN OFFENDER HAS SERVED AT LEAST TWENTY-FIVE
2 CALENDAR YEARS OF HIS OR HER SENTENCE AND SUCCESSFULLY
3 COMPLETED THE SPECIALIZED PROGRAM, IT IS PRESUMED THAT:

4 (a) THE OFFENDER HAS MET THE FACTUAL BURDEN OF PRESENTING
5 EXTRAORDINARY MITIGATING CIRCUMSTANCES; AND

6 (b) THE OFFENDER'S RELEASE TO EARLY PAROLE IS COMPATIBLE
7 WITH THE SAFETY AND WELFARE OF SOCIETY

8 ==

9 (9) ON AND AFTER JANUARY 1, 2018, DURING ITS ANNUAL
10 PRESENTATION BEFORE THE JOINT JUDICIARY COMMITTEE OF THE GENERAL
11 ASSEMBLY, OR ANY SUCCESSOR JOINT COMMITTEE, PURSUANT TO SECTION
12 2-7-203, C.R.S., THE DEPARTMENT SHALL INCLUDE A STATUS REPORT
13 REGARDING THE PROGRESS AND OUTCOMES OF THE SPECIALIZED PROGRAM
14 DEVELOPED AND IMPLEMENTED BY THE DEPARTMENT PURSUANT TO THIS
15 SECTION DURING THE PRECEDING YEAR. THE REPORT, AT A MINIMUM,
16 SHALL INCLUDE:

17 (a) A DESCRIPTION OF THE SPECIALIZED PROGRAM, INCLUDING THE
18 EVIDENCE-BASED AND PROMISING PRACTICES THAT ARE INCLUDED IN THE
19 SPECIALIZED PROGRAM;

20 (b) THE POLICIES AND PROCEDURES DEVELOPED BY THE
21 DEPARTMENT TO DETERMINE WHICH ELIGIBLE OFFENDERS MAY BE PLACED
22 IN THE SPECIALIZED PROGRAM;

23 (c) THE POLICIES AND PROCEDURES DEVELOPED BY THE
24 DEPARTMENT TO ADDRESS THE CONDUCT OF PARTICIPANTS IN THE
25 SPECIALIZED PROGRAM;

26 (d) THE LOCATION OF THE PROGRAM AND THE NUMBER OF BEDS
27 AVAILABLE FOR SPECIALIZED PROGRAM PARTICIPANTS;

1 (e) THE NUMBER OF OFFENDERS SELECTED TO PARTICIPATE IN THE
2 SPECIALIZED PROGRAM; THE NUMBER OF OFFENDERS WHO WERE DENIED
3 PLACEMENT IN THE SPECIALIZED PROGRAM, INCLUDING THE REASONS FOR
4 SUCH DENIALS; AND THE NUMBER OF OFFENDERS WHO WERE REMOVED
5 FROM THE SPECIALIZED PROGRAM AND THE REASONS FOR THEIR REMOVAL;

6 (f) A SUMMARY CONCERNING THE STAFFING OF THE SPECIALIZED
7 PROGRAM;

8 (g) INFORMATION CONCERNING THE BEHAVIOR PATTERNS OF THE
9 OFFENDERS IN THE SPECIALIZED PROGRAM;

10 (h) THE NUMBER OF OFFENDERS WHO SUCCESSFULLY COMPLETED
11 THE SPECIALIZED PROGRAM;

12 (i) THE NUMBER OF SPECIALIZED PROGRAM PARTICIPANTS WHO
13 HAVE BEEN REFERRED TO THE PAROLE BOARD FOR EARLY PAROLE; AND

14 (j) THE NUMBER OF SPECIALIZED PROGRAM PARTICIPANTS WHO
15 WERE GRANTED EARLY PAROLE BY THE GOVERNOR.

16 **SECTION 3.** In Colorado Revised Statutes, 17-22.5-403, **add**
17 (4.5) as follows:

18 **17-22.5-403. Parole eligibility.** (4.5) (a) AFTER CONSIDERING
19 THE PRESUMPTIONS SET FORTH IN SECTION 17-34-102(8), THE GOVERNOR
20 MAY GRANT EARLY PAROLE TO AN OFFENDER TO WHOM SUBSECTION (1) OR
21 (2.5) OF THIS SECTION APPLIES WHEN THE OFFENDER SUCCESSFULLY
22 COMPLETES THE SPECIALIZED PROGRAM DESCRIBED IN SECTION 17-34-102
23 IF, IN THE GOVERNOR'S OPINION, EXTRAORDINARY MITIGATING
24 CIRCUMSTANCES EXIST AND THE OFFENDER'S RELEASE FROM
25 INSTITUTIONAL CUSTODY IS COMPATIBLE WITH THE SAFETY AND WELFARE
26 OF SOCIETY.

27 (b) WHEN AN OFFENDER APPLIES FOR EARLY PAROLE PURSUANT TO

1 PARAGRAPH (a) OF THIS SUBSECTION (4.5) AFTER HAVING SUCCESSFULLY
2 COMPLETED THE SPECIALIZED PROGRAM DESCRIBED IN SECTION 17-34-102,
3 THE OFFENDER SHALL MAKE HIS OR HER APPLICATION TO THE GOVERNOR'S
4 OFFICE WITH NOTICE AND A COPY OF THE APPLICATION SENT TO THE STATE
5 BOARD OF PAROLE CREATED IN SECTION 17-2-201. THE STATE BOARD OF
6 PAROLE SHALL REVIEW THE OFFENDER'S APPLICATION AND ALL
7 SUPPORTING DOCUMENTS AND SCHEDULE A HEARING IF THE BOARD
8 CONSIDERS MAKING A RECOMMENDATION FOR EARLY PAROLE, AT WHICH
9 HEARING ANY VICTIM MUST HAVE THE OPPORTUNITY TO BE HEARD,
10 PURSUANT TO SECTION 24-4.1-302.5 (1) (j), C.R.S. NOT LATER THAN
11 NINETY DAYS AFTER RECEIPT OF A COPY OF AN OFFENDER'S APPLICATION
12 FOR EARLY PAROLE, THE STATE BOARD OF PAROLE, AFTER CONSIDERING
13 THE PRESUMPTIONS SET FORTH IN SECTION 17-34-102 (8), SHALL MAKE A
14 RECOMMENDATION TO THE GOVERNOR CONCERNING WHETHER EARLY
15 PAROLE SHOULD BE GRANTED TO THE OFFENDER.

16 (c) THE DEPARTMENT, IN CONSULTATION WITH THE STATE BOARD
17 OF PAROLE, SHALL DEVELOP ANY NECESSARY POLICIES AND PROCEDURES
18 TO IMPLEMENT THIS SUBSECTION (4.5), INCLUDING PROCEDURES FOR
19 PROVIDING NOTICE TO ANY VICTIM, AS REQUIRED BY SECTIONS
20 24-4.1-302.5 (1) (j) AND 24-4.1-303 (14), C.R.S., AND TO THE DISTRICT
21 ATTORNEY'S OFFICE THAT PROSECUTED THE CRIME FOR WHICH THE
22 OFFENDER WAS SENTENCED.

23 **SECTION 4.** In Colorado Revised Statutes, 17-22.5-403.7,
24 **amend** (2); and **add** (6) as follows:

25 **17-22.5-403.7. Parole eligibility - class 1 felony - juvenile**
26 **offender convicted as adult.** (2) AFTER CONSIDERING THE
27 PRESUMPTIONS SET FORTH IN SECTION 17-34-102 (8), the governor may

1 grant parole to an inmate prior to the inmate's parole eligibility date if, in
2 the governor's opinion, extraordinary mitigating circumstances exist and
3 the inmate's release from institutional custody is compatible with the
4 safety and welfare of society.

5 (6) (a) WHEN AN OFFENDER APPLIES FOR EARLY PAROLE PURSUANT
6 TO THIS SECTION AFTER HAVING SUCCESSFULLY COMPLETED THE
7 SPECIALIZED PROGRAM DESCRIBED IN SECTION 17-34-102, THE OFFENDER
8 SHALL MAKE HIS OR HER APPLICATION TO THE GOVERNOR'S OFFICE WITH
9 NOTICE AND A COPY OF THE APPLICATION SENT TO THE STATE BOARD OF
10 PAROLE CREATED IN SECTION 17-2-201. THE STATE BOARD OF PAROLE
11 SHALL REVIEW THE OFFENDER'S APPLICATION AND ALL SUPPORTING
12 DOCUMENTS AND SCHEDULE A HEARING IF THE BOARD CONSIDERS MAKING
13 A RECOMMENDATION FOR EARLY PAROLE, AT WHICH HEARING ANY VICTIM
14 MUST HAVE THE OPPORTUNITY TO BE HEARD, PURSUANT TO SECTION
15 24-4.1-302.5 (1) (j), C.R.S. NOT LATER THAN NINETY DAYS AFTER
16 RECEIPT OF A COPY OF AN OFFENDER'S APPLICATION FOR EARLY PAROLE,
17 THE STATE BOARD OF PAROLE, AFTER CONSIDERING THE PRESUMPTIONS
18 SET FORTH IN SECTION 17-34-102 (8), SHALL MAKE A RECOMMENDATION
19 TO THE GOVERNOR CONCERNING WHETHER EARLY PAROLE SHOULD BE
20 GRANTED TO THE OFFENDER.

21 (b) THE DEPARTMENT, IN CONSULTATION WITH THE STATE BOARD
22 OF PAROLE, SHALL DEVELOP ANY NECESSARY POLICIES AND PROCEDURES
23 TO IMPLEMENT THIS SUBSECTION (6), INCLUDING PROCEDURES FOR
24 PROVIDING NOTICE TO ANY VICTIM, AS REQUIRED BY SECTIONS
25 24-4.1-302.5 (1) (j) AND 24-4.1-303 (14), C.R.S., AND TO THE DISTRICT
26 ATTORNEY'S OFFICE THAT PROSECUTED THE CRIME FOR WHICH THE
27 OFFENDER WAS SENTENCED.

1 **SECTION 5.** In Colorado Revised Statutes, 24-4.1-302.5, amend
2 (1) (j) as follows:

3 **24-4.1-302.5. Rights afforded to victims.** (1) In order to
4 preserve and protect a victim's rights to justice and due process, each
5 victim of a crime shall have the following rights:

6 (j) The right to be informed, upon written request from the victim,
7 of any proceeding at which any postconviction release from confinement
8 in a secure state correctional facility is being considered for any person
9 convicted of a crime against the victim and the right to be heard at any
10 such proceeding or to provide written information thereto. For purposes
11 of this subsection (1), "proceeding" means reconsideration of sentence,
12 a parole hearing, or commutation of sentence, OR CONSIDERATION FOR
13 PLACEMENT IN THE SPECIALIZED PROGRAM DEVELOPED BY THE
14 DEPARTMENT OF CORRECTIONS PURSUANT TO SECTION 17-34-102, C.R.S.

15 **SECTION 6. Appropriation.** For the 2016-17 state fiscal year,
16 \$95,504 is appropriated to the department of corrections. This
17 appropriation is from the general fund and is based on an assumption that
18 the department will require an additional 0.8 FTE. To implement this act,
19 the department may use this appropriation as follows:

20	<u>Inspector General Subprogram</u>	
21	<u>Operating Expenses</u>	<u>\$25</u>
22	<u>Superintendents Subprogram</u>	
23	<u>Personal Services</u>	<u>\$44,071 (0.8 FTE)</u>
24	<u>Operating Expenses</u>	<u>\$5,450</u>
25	<u>Start-up costs</u>	<u>\$45,328</u>
26	<u>Communications Subprogram</u>	
27	<u>Operating Expenses</u>	<u>\$405</u>

1 **Training Subprogram**

2 Operating Expenses \$25

3 **Information Systems Subprogram**

4 Operating Expenses \$200

5 **SECTION 7. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly (August
8 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
9 referendum petition is filed pursuant to section 1 (3) of article V of the
10 state constitution against this act or an item, section, or part of this act
11 within such period, then the act, item, section, or part will not take effect
12 unless approved by the people at the general election to be held in
13 November 2016 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.