

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 21-0567.01 Michael Dohr x4347

SENATE BILL 21-146

SENATE SPONSORSHIP

Lee, Buckner, Fenberg, Hansen, Moreno, Priola, Story

HOUSE SPONSORSHIP

Bacon,

Senate Committees

Judiciary
Appropriations

House Committees

Judiciary
Appropriations

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO IMPROVE PRISON RELEASE OUTCOMES,**
102 **AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN**
103 **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://leg.colorado.gov>.)

Sections 1 and 2 of the bill change the eligibility criteria for inmates who are eligible for special needs parole. The bill allows an inmate to request that the department of corrections (DOC) determine whether the inmate is eligible for special needs parole. The bill requires the DOC, in consultation with the parole board, to develop policies and

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

HOUSE
Amended 2nd Reading
June 3, 2021

SENATE
Amended 3rd Reading
May 19, 2021

SENATE
Amended 2nd Reading
May 18, 2021

procedures related to special needs parole. The bill allows the inmate to include a statement in the referral packet for special needs parole and an opportunity to provide any additional relevant information in the referral packet. The bill requires the parole board to consider the age of the inmate and the DOC's ability to provide adequate medical and behavioral health treatment to the inmate in granting or denying special needs parole. The parole board cannot deny special needs parole based solely on the lack of a recommended parole plan.

Sections 3 through 6 of the bill require the DOC to:

- Develop a recommended parole plan for every inmate prior to release from prison;
- Develop policies and procedures related to prerelease planning; and
- Include in its monthly population report information related to delayed parole decisions.

The bill prohibits the parole board from denying parole based solely on the lack of a recommended parole plan.

The bill requires the office of state public defender to provide liaisons to DOC and the parole board to assist in criminal-related legal matters that would impact successful reentry. The bill requires the DOC or a member of the parole board to suspend a parole hearing if they believe the offender is incompetent to proceed or has a mental health disorder and notify the public defender parole liaison of the situation. In the case of incompetency, the liaison shall file a motion to determine competency with the trial court that imposed the sentence. In the case of a mental health disorder, the liaison shall help the inmate obtain counsel if a civil commitment hearing is warranted.

Sections 7 and 8 of the bill require the DOC to ensure that any inmate who is 65 years of age or older and is being released from prison is enrolled in medicare or health insurance prior to release or upon release, whichever will offer more immediate and comprehensive health care coverage. The DOC shall pay any insurance premiums and penalties for up to 12 months from the start of coverage. The DOC may provide financial assistance for longer than 12 months if the person is still under the jurisdiction of the DOC and would otherwise be uninsured or underinsured without that financial assistance. The bill requires the Colorado commission on the aging to study and make recommendations related to health care for inmates who are 65 years of age or older and being released from prison and provide the report prior to January 1, 2022.

Section 9 of the bill requires the DOC to award one day of earned time for each day that an inmate was incarcerated during a declared disaster emergency that impacted prison operations.

Sections 10 through 12 of the bill make conforming changes to align with the new offense of unauthorized absence. The bill requires the

parole board to schedule a parole hearing for an inmate serving a sentence for escape or attempt to escape, the elements of which would now constitute the offense of unauthorized absence.

Section 13 of the bill requires all youthful offender system (YOS) staff to be trained in the first 45 days of employment. The bill repeals the requirement that district attorneys keep records of all juveniles sentenced to the YOS.

The bill requires the DOC to conduct a study with external experts regarding the effectiveness of the YOS and the potential of expanding the system to serve offenders up to age 25 years old.

Section 14 of the bill allows the Colorado state penitentiary II to be used to house inmates to facilitate movement of prisoners during a declared disaster emergency that impacts state prison operations.

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

2 **SECTION 1.** In Colorado Revised Statutes, 17-1-102, **amend**
3 (7.5); and **add** (6.7) and (7.4) as follows:

4 **17-1-102. Definitions.** As used in this title 17, unless the context
5 otherwise requires:

6 (6.7) "INMATE LIAISON" MEANS AN INMATE'S FAMILY MEMBER OR
7 ATTORNEY, A GOVERNMENT AGENCY, OR A REPRESENTATIVE FROM AN
8 ORGANIZATION WITH EXPERIENCE IN HELPING INMATES APPLY FOR SPECIAL
9 NEEDS PAROLE, HIGH-NEEDS PRERELEASE PLANNING, OR REENTRY. THE
10 ORGANIZATION MUST BE IN GOOD STANDING WITH THE COLORADO
11 SECRETARY OF STATE FOR THE PAST TWELVE CONSECUTIVE MONTHS AND
12 THE ORGANIZATION'S INVOLVEMENT MUST BE AT THE REQUEST OF THE
13 INMATE, OR AN INMATE'S FAMILY MEMBER OR ATTORNEY SHOULD THE
14 INMATE BE UNABLE TO MAKE THE REQUEST.

15 (7.4) "SERIOUS IMPAIRMENT THAT LIMITS A PERSON'S ABILITY TO
16 FUNCTION" MEANS A MEDICALLY DIAGNOSED PHYSICAL OR MENTAL
17 CONDITION THAT IS CHRONIC AND LONG TERM IN NATURE AND SEVERELY
18 LIMITS A PERSON'S ABILITY TO INDEPENDENTLY PERFORM ESSENTIAL

1 DAY-TO-DAY ACTIVITIES WITHOUT DAILY INTERVENTION, ATTENTION, OR
2 SUPPORT FROM AN INMATE AIDE OR PROFESSIONAL CAREGIVER.

3 (7.5) (a) "Special needs offender" means a person in the custody
4 of the department:

5 (I) Who is fifty-five years of age or older and has been diagnosed
6 by a licensed health-care provider who is employed by or under contract
7 with the department OR BY A PRIVATE LICENSED HEALTH CARE PROVIDER
8 INVOLVED IN PROVIDING PATIENT CARE TO THE INMATE as suffering from
9 a chronic infirmity, illness, condition, disease, or behavioral or mental
10 health disorder ~~and the department or the state board of parole determines~~
11 ~~that the person is incapacitated to the extent that he or she is not likely to~~
12 ~~pose a risk to public safety~~ THAT CAUSES SERIOUS IMPAIRMENT THAT
13 LIMITS THE PERSON'S ABILITY TO FUNCTION;

14 (II) Who, as determined by a licensed health-care provider who
15 is employed by or under contract with the department OR BY A PRIVATE
16 LICENSED HEALTH-CARE PROVIDER INVOLVED IN PROVIDING PATIENT CARE
17 TO THE INMATE, suffers from a chronic, permanent, terminal, or
18 irreversible physical illness, condition, disease, or a behavioral or mental
19 health disorder that requires costly care or treatment and who is
20 determined by the department or the state board of parole to be
21 incapacitated to the extent that he or she is not likely to pose a risk to
22 public safety; or INCAPACITATED;

23 (III) ~~(Deleted by amendment, L. 2011, (SB 11-241), ch. 200, p.~~
24 ~~831, § 1, effective May 23, 2011.)~~ WHO IS SIXTY-FOUR YEARS OF AGE OR
25 OLDER AND HAS SERVED AT LEAST TWENTY YEARS OF THE PERSON'S
26 SENTENCE AND WAS NOT CONVICTED OF A CLASS 1 OR CLASS 2 FELONY FOR
27 A CRIME AS DEFINED IN SECTION 24-4.1-302 (1), UNLAWFUL SEXUAL

1 BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), A CRIME THAT INCLUDES
2 DOMESTIC VIOLENCE AS DEFINED IN SECTION 18-6-800.3 (1), OR STALKING
3 AS DESCRIBED IN SECTION 18-3-602; OR

4 (IV) Who, as determined by a licensed health-care provider who
5 is employed by or under contract with the department OR A COMPETENCY
6 EVALUATOR AS DEFINED IN SECTION 16-8.5-101 (3) AND APPROVED BY THE
7 DEPARTMENT OF HUMAN SERVICES, on the basis of available evidence, not
8 including evidence resulting from a refusal of the person to accept
9 treatment, IS INCOMPETENT TO PROCEED AND does not have a substantial
10 probability of being restored to competency for the completion of any
11 sentence ~~and is not likely to pose a risk to public safety~~ INCLUDING A
12 PERSON WHO HAS BEEN DIAGNOSED WITH DEMENTIA THAT RENDERS THE
13 PERSON INCOMPETENT TO PROCEED. As used in this subsection
14 (7.5)(a)(IV), "competency" has the same meaning as "competent to
15 proceed", as defined in section 16-8.5-101 (5) AND "INCOMPETENT TO
16 PROCEED" HAS THE SAME MEANING AS DEFINED IN SECTION 16-8.5-101
17 (12).

18 (b) (I) Notwithstanding ~~the provisions of paragraph (a) of this~~
19 ~~subsection (7.5)~~ SUBSECTION (7.5)(a) OF THIS SECTION, "special needs
20 offender" does not include a person who:

21 ~~(H) (A) Was convicted of a class 1 felony unless the offense was~~
22 ~~committed before July 1, 1990; AND SENTENCED TO LIFE WITH THE~~
23 ~~POSSIBILITY OF PAROLE and the offender has served at least FEWER THAN~~
24 ~~twenty CALENDAR years in a department of corrections facility for the~~
25 ~~offense; or~~

26 (B) WAS CONVICTED OF A CLASS 1 FELONY AND SENTENCED TO
27 LIFE WITHOUT PAROLE; OR

1 ~~(H)~~ (C) Was convicted of a class 2 felony crime of violence as
2 described in section 18-1.3-406 C.R.S., and the offender has served fewer
3 than ten CALENDAR years in a department of corrections facility for the
4 offense.

5 ~~(HH)~~ (II) ~~(Deleted by amendment, L. 2011, (SB 11-241), ch. 200,~~
6 ~~p. 831, § 1, effective May 23, 2011.)~~ THIS SUBSECTION (7.5)(b) DOES NOT
7 APPLY TO AN INMATE WHO HAS BEEN DIAGNOSED AS HAVING A TERMINAL
8 ILLNESS WITH AN ANTICIPATED LIFE EXPECTANCY OF TWELVE MONTHS OR
9 LESS BY A LICENSED HEALTH CARE PROVIDER WHO IS EMPLOYED BY OR
10 UNDER CONTRACT WITH THE DEPARTMENT OR BY A PRIVATE LICENSED
11 HEALTH CARE PROVIDER INVOLVED IN PROVIDING PATIENT CARE TO THE
12 INMATE.

13 **SECTION 2.** In Colorado Revised Statutes, 17-22.5-403.5,
14 **amend** (1), (3), (4)(b), (4)(d), (4)(e), (4.5), (5), and (6); and **add** (3)(b.5),
15 (4)(f), (4)(g), and (8) as follows:

16 **17-22.5-403.5. Special needs parole - repeal.**

17 (1) Notwithstanding any provision of law to the contrary, a special needs
18 offender, as defined in section 17-1-102 (7.5)(a), may be eligible for
19 parole prior to or after the offender's parole eligibility date pursuant to
20 this section if:

21 ~~(a) The state board of parole determines, based on the special~~
22 ~~needs offender's condition and a medical evaluation, that he or she does~~
23 ~~not constitute a threat to public safety and is not likely to commit an~~
24 ~~offense~~ DEPARTMENT DETERMINES THAT THE INMATE IS A SPECIAL NEEDS
25 OFFENDER; and

26 (b) The state board of parole DETERMINES THAT THE SPECIAL
27 NEEDS OFFENDER IS NOT LIKELY TO POSE A RISK TO PUBLIC SAFETY AND

1 approves a special needs parole plan that ensures appropriate supervision
2 of and continuity of medical care for the special needs offender.

3 (3) (a) The department is responsible for identifying inmates who
4 meet the eligibility criteria for special needs parole ARE SPECIAL NEEDS
5 OFFENDERS and shall submit a referral to the state board of parole for all
6 eligible inmates SPECIAL NEEDS OFFENDERS. IF NOTIFICATION TO THE
7 DISTRICT ATTORNEY IS REQUIRED PURSUANT TO SUBSECTION (3)(c)(II) OF
8 THIS SECTION, THE INMATE SHALL AUTHORIZE THE DEPARTMENT TO
9 RELEASE THE INFORMATION DESCRIBED IN SUBSECTIONS (3)(b)(I) AND
10 (3)(b)(I.5) OF THIS SECTION TO THE DISTRICT ATTORNEY. AN INMATE OR
11 INMATE LIAISON, IF THE INMATE IS UNABLE TO, MAY ALSO REQUEST THAT
12 THE DEPARTMENT MAKE A DETERMINATION OF WHETHER AN INMATE IS
13 ELIGIBLE FOR SPECIAL NEEDS PAROLE AND THE DEPARTMENT SHALL MAKE
14 A DETERMINATION WITHIN THIRTY DAYS AFTER RECEIVING THE REQUEST,
15 UNLESS A COMPETENCY EVALUATION HAS BEEN REQUESTED. THE
16 DEPARTMENT, IN CONSULTATION WITH THE STATE BOARD OF PAROLE,
17 SHALL DEVELOP ANY NECESSARY POLICIES AND PROCEDURES REGARDING
18 SPECIAL NEEDS PAROLE TO ENSURE THAT: ___

19 (I) ROLES AND RESPONSIBILITIES OF EMPLOYEES AND ANY
20 CONTRACTORS INVOLVED IN SPECIAL NEEDS PAROLE ARE CLEARLY
21 DEFINED, EMPLOYEES AND ANY CONTRACTORS ARE ADEQUATELY
22 TRAINED, AND PERFORMANCE MEASURES ARE DEVELOPED;

23 (II) ANY INMATE WHO IS A SPECIAL NEEDS OFFENDER IS IDENTIFIED
24 IN A TIMELY MANNER AT ANY POINT IN THE INMATE'S TERM OF
25 INCARCERATION;

26 (III) ADEQUATE TRACKING AND QUALITY ASSURANCE PROCESSES
27 ARE IN PLACE SO THAT REFERRALS AND ANY RE-REFERRALS, IF

1 APPLICABLE, ARE COMPLETE AND SUBMITTED TO THE PAROLE BOARD IN A
2 TIMELY MANNER;

3 (IV) FORMAL MECHANISMS ARE IN PLACE TO FACILITATE
4 EFFECTIVE COMMUNICATION BETWEEN THE DEPARTMENT AND THE PAROLE
5 BOARD, INCLUDING BUT NOT LIMITED TO TIMELY RESPONSES FROM THE
6 DEPARTMENT TO REQUESTS FROM THE PAROLE BOARD FOR ADDITIONAL
7 INFORMATION OR FOR A REVISED PAROLE PLAN PRIOR TO THE PAROLE
8 BOARD'S DECISION OR THE CONDITIONS UNDER WHICH THE PAROLE BOARD
9 WOULD CONSIDER A SECOND OR SUBSEQUENT REFERRAL FOR SPECIAL
10 NEEDS PAROLE, IF APPLICABLE; AND

11 (V) DATA COLLECTION AND DATA SHARING BETWEEN THE
12 DEPARTMENT AND THE PAROLE BOARD ARE ADEQUATE TO ACTIVELY
13 MONITOR THE STATUS OF REFERRALS AND PAROLE BOARD DECISIONS ON
14 A REGULAR BASIS.

15 ==

16 (b) ~~The~~ IF AN INMATE MEETS THE ELIGIBILITY REQUIREMENTS
17 PURSUANT TO SECTION 17-1-102, THE DEPARTMENT SHALL SUBMIT A
18 referral TO THE BOARD THAT, IN ADDITION TO THE REQUIREMENTS OF
19 SECTION 17-22.5-404 (4)(a), shall include:

20 (I) A summary of the inmate's medical, ~~or~~ physical, OR MENTAL
21 condition, ~~and the risk of reoffense that the inmate poses to society. In~~
22 ~~rendering an opinion regarding the inmate's level of risk of reoffense, the~~
23 ~~department may consider such factors as the inmate's medical or physical~~
24 ~~condition, the severity of any disability or incapacitation, risk assessment~~
25 ~~scores, the nature and severity of the offense for which the inmate is~~
26 ~~currently incarcerated, the inmate's criminal history, institutional conduct,~~
27 ~~and other relevant factors~~ INCLUDING ANY DIAGNOSIS;

1 (I.5) CRIMINAL HISTORY; RISK AND NEEDS ASSESSMENT SCORES;
2 INSTITUTIONAL DISCIPLINARY HISTORY; WORK HISTORY; AN INMATE'S
3 PARTICIPATION IN ANY PROGRAMS, TREATMENT, VOCATIONAL TRAINING,
4 OR EDUCATION; AND OTHER RELEVANT INFORMATION REGARDING RISK
5 AND RISK- REDUCTION FACTORS AND ANY ADDITIONAL RELEVANT
6 INFORMATION THAT IS REQUESTED BY THE PAROLE BOARD THAT IS IN THE
7 POSSESSION OF THE DEPARTMENT;

8 (II) The details of a special needs parole plan recommended by the
9 department;

10 (III) ~~A recommendation to the parole board that an offender be~~
11 ~~released or not be released as a special needs offender pursuant to the~~
12 ~~provisions of subsection (1) of this section. Prior to making any~~
13 ~~recommendation pursuant to this subparagraph (II), the department shall~~
14 ~~establish objective criteria on which to base a recommendation for parole~~
15 ~~pursuant to the provisions of this section;~~ A STATEMENT BY THE INMATE
16 OR INMATE LIAISON IF THE INMATE IS UNABLE TO SUBMIT A STATEMENT;
17 and

18 (IV) A victim impact statement or AND response from the district
19 attorney that prosecuted the offender, if received pursuant to ~~paragraph~~
20 ~~(c) of this subsection (3)~~ SUBSECTION (3)(c) OF THIS SECTION.

21 (b.5) THE DEPARTMENT SHALL PROVIDE A COPY OF THE REFERRAL
22 PACKET SUBMITTED TO THE PAROLE BOARD TO THE INMATE OR INMATE
23 LIAISON, EXCEPT FOR THE VICTIM IMPACT STATEMENT AND RESPONSE
24 FROM THE DISTRICT ATTORNEY. THE INMATE OR INMATE LIAISON HAS
25 THIRTY CALENDAR DAYS TO SUBMIT ADDITIONAL HEALTH RECORDS OR
26 OTHER RELEVANT INFORMATION NOT INCLUDED IN THE REFERRAL PACKET
27 TO THE DEPARTMENT FOR SUBMISSION TO THE PAROLE BOARD PRIOR TO

1 THE PAROLE BOARD'S DECISION.

2 (c) (I) IF THE DEPARTMENT DETERMINES THE INMATE IS A SPECIAL
3 NEEDS OFFENDER, the department shall provide notification to any victim,
4 as required under PURSUANT TO section 24-4.1-302.5. C.R.S. A victim
5 shall have thirty days after receiving notification to submit a victim
6 impact statement to the department. The department shall include any
7 victim impact statement in the referral to the state board of parole.

8 (II) At the same time that the department completes the
9 notification required by subparagraph (I) of this paragraph (c)
10 SUBSECTION (3)(c)(I) OF THIS SECTION, the department shall notify AND
11 PROVIDE INFORMATION REQUIRED BY SUBSECTIONS (3)(b)(I) AND
12 (3)(b)(I.5) OF THIS SECTION TO the district attorney that prosecuted the
13 offender if the offender is serving a sentence for a conviction of a crime
14 of violence as described in section 18-1.3-406, C.R.S., or a sex offense
15 as listed in section 16-22-102 (9)(j), (9)(k), (9)(l), (9)(n), (9)(o), (9)(p),
16 (9)(q), (9)(r), or (9)(s). C.R.S. A district attorney shall have thirty days
17 after receiving notification to submit a response to the department. The
18 department shall include any district attorney response in the referral to
19 the state board of parole.

20 (4) (b) The state board of parole shall make a determination of the
21 risk of reoffense that the inmate poses after considering ~~such~~ THE FACTORS
22 IN SECTION 17-22.5-404 (4)(a), AS WELL AS THE NATURE AND SEVERITY OF
23 THE inmate's medical or physical condition, ~~the severity of any disability~~
24 ~~or incapacitation~~ THE AGE OF THE INMATE, THE ABILITY OF THE
25 DEPARTMENT TO ADEQUATELY PROVIDE NECESSARY MEDICAL OR
26 BEHAVIORAL HEALTH TREATMENT, the inmate's risk AND NEEDS
27 assessment scores, the nature and severity of the offense for which the

1 inmate is currently incarcerated, the inmate's criminal history, the inmate's
2 institutional conduct, PROGRAM AND TREATMENT PARTICIPATION, and
3 other relevant RISK AND RISK-REDUCTION factors.

4

5 (=)
6 (d) The state board of parole shall make a determination of
7 whether to grant special needs parole within thirty CALENDAR days after
8 receiving the referral from the department. The PAROLE board may delay
9 the decision in order to request that the department modify the special
10 needs parole plan. ~~If, prior to or during any parole hearing, the board or
11 any member of the board has a substantial and good-faith reason to
12 believe that the offender is incompetent to proceed, as defined in section
13 16-8.5-101 (12), the board shall suspend all proceedings and notify the
14 trial court that imposed any active sentence, and the court shall determine
15 the competency or incompetency of the defendant pursuant to section
16 16-8.5-103. The court shall appoint counsel to represent the offender with
17 respect to the determination of competency of the offender, but the
18 presence of the offender is not required for any court proceedings unless
19 good cause is shown.~~ THE PAROLE BOARD SHALL NOT DENY PAROLE
20 BASED SOLELY ON THE LACK OF A RECOMMENDED PAROLE PLAN. IF THE
21 PAROLE BOARD CONSIDERS AN INMATE TO BE AN APPROPRIATE CANDIDATE
22 FOR RELEASE EXCEPT FOR THE LACK OF A RECOMMENDED PAROLE PLAN,
23 THE PAROLE BOARD SHALL DELAY THE RELEASE HEARING DECISION OR
24 RENDER A CONDITIONAL RELEASE DECISION AND REQUEST THAT THE
25 DEPARTMENT SUBMIT A REVISED PAROLE PLAN WITHIN THIRTY CALENDAR
26 DAYS. IF THE PAROLE BOARD DENIES PAROLE, IT MAY INFORM THE
27 DEPARTMENT THAT THE INMATE SHOULD NOT BE REFERRED FOR A SECOND
OR SUBSEQUENT APPLICATION FOR SPECIAL NEEDS PAROLE UNLESS THE

1 INMATE'S MEDICAL OR MENTAL HEALTH STATUS FURTHER DETERIORATES.

2 (e) ~~A denial of special needs parole by the state board of parole~~
3 ~~shall not affect an inmate's eligibility for any other form of parole or~~
4 ~~release under applicable law.~~ THE DEPARTMENT SHALL PROVIDE A
5 MONTHLY REPORT, BY FACILITY, THE NUMBER OF SPECIAL NEEDS
6 PAROLE APPLICATIONS SUBMITTED TO THE PAROLE BOARD, THE DECISION
7 BY THE PAROLE BOARD, HOW MANY APPLICATIONS ARE PENDING, THE
8 AVERAGE LENGTH OF TIME THE DECISION HAS BEEN PENDING, AND THE
9 GENERAL REASON FOR DELAYING THE DECISION IF THAT IS KNOWN TO THE
10 DEPARTMENT. THE INFORMATION MUST BE PROVIDED BOTH FOR THE
11 REPORTING MONTH AND YEAR TO DATE.

12 (f) IF, PRIOR TO OR DURING ANY PAROLE HEARING, THE
13 DEPARTMENT OR ANY MEMBER OF THE PAROLE BOARD HAS A SUBSTANTIAL
14 AND GOOD-FAITH REASON TO BELIEVE THAT THE OFFENDER IS
15 INCOMPETENT TO PROCEED, AS DEFINED IN SECTION 16-8.5-101 (12), THE
16 PAROLE BOARD SHALL SUSPEND ALL PROCEEDINGS AND NOTIFY THE
17 PUBLIC DEFENDER LIAISON DESCRIBED IN SECTION 21-1-104 (6). THE
18 OFFICE OF STATE PUBLIC DEFENDER SHALL BE APPOINTED BY THE COURT
19 TO REPRESENT THE INMATE AND SHALL FILE A WRITTEN MOTION WITH THE
20 TRIAL COURT THAT IMPOSED THE SENTENCE TO DETERMINE COMPETENCY.
21 THE MOTION MUST CONTAIN A CERTIFICATE OF COUNSEL STATING THAT
22 THE MOTION IS BASED ON A GOOD-FAITH BELIEF THAT THE INMATE IS
23 INCOMPETENT TO PROCEED. THE MOTION MUST SET FORTH THE SPECIFIC
24 FACTS THAT HAVE FORMED THE BASIS FOR THE MOTION. THE COURT SHALL
25 SEAL THE MOTION. THE COURT SHALL FOLLOW ALL THE RELEVANT
26 PROCEDURES IN ARTICLE 8.5 OF TITLE 16 REGARDING THE DETERMINATION
27 OF COMPETENCY. THE PRESENCE OF THE INMATE IS NOT REQUIRED UNLESS

1 THERE IS GOOD CAUSE SHOWN.

2 (g) A DENIAL OF SPECIAL NEEDS PAROLE BY THE STATE BOARD OF
3 PAROLE DOES NOT AFFECT AN INMATE'S ELIGIBILITY FOR ANY OTHER FORM
4 OF PAROLE OR RELEASE UNDER APPLICABLE LAW.

5 (4.5) If an offender is determined to be incompetent to proceed
6 pursuant to subsection (4) of this section, the court may order the
7 department to provide or arrange for the delivery of appropriate
8 restoration services in any setting authorized by law, by an order of the
9 court, or by any other action as provided by law, INCLUDING CIVIL
10 COMMITMENT. Nothing in this section requires the department of human
11 services to take PHYSICAL custody of an offender for restoration services.
12 The department of human services is not responsible for conducting the
13 competency evaluation. If the court determines that there is not a
14 substantial probability of the offender being restored to competency, the
15 department may refer the inmate for special needs parole with a special
16 needs parole plan pursuant to ~~the provisions of this section~~ AND NOTIFY
17 THE PUBLIC DEFENDER LIAISON DESCRIBED IN SECTION 21-1-104 (6).

18 (5) The PAROLE board may consider the application for special
19 needs parole pursuant to the proceedings set forth in section 17-2-201
20 (4)(f) or 17-2-201 (9)(a). ~~If the department recommends to the state board~~
21 ~~of parole that an offender be released to parole as a special needs offender~~
22 ~~pursuant to the provisions of subsection (1) of this section,~~ The board
23 may deny parole only by a majority vote ~~of the board and only~~ if the
24 board ~~makes a finding~~ FINDS that granting parole would create a threat to
25 public safety and that the offender is likely to commit an offense.

26 (6) The department shall not have any responsibility for the
27 payment of medical care for any offender upon ~~his or her~~ THE OFFENDER'S

1 release; EXCEPT THAT, PRIOR TO OR UPON RELEASE, ANY INMATE WHO IS
2 SIXTY-FIVE YEARS OF AGE OR OLDER AND HAS BEEN APPROVED FOR
3 SPECIAL NEEDS PAROLE MUST BE ENROLLED IN THE MOST APPROPRIATE
4 MEDICAL INSURANCE BENEFIT PLAN INCLUDING MEDICARE, MEDICARE
5 SAVINGS PLAN, VETERAN'S BENEFIT, OR OTHER SAFETY-NET HEALTH
6 INSURANCE, OR AN INDIVIDUAL HEALTH BENEFIT PLAN PRIOR TO OR UPON
7 RELEASE, WHICHEVER WILL OFFER THE MORE IMMEDIATE HEALTH CARE
8 COVERAGE. THE DEPARTMENT SHALL PAY ANY INSURANCE PREMIUMS AND
9 PENALTIES FOR UP TO SIX MONTHS FROM THE START OF COVERAGE. THE
10 DEPARTMENT MAY PROVIDE FINANCIAL ASSISTANCE FOR LONGER THAN SIX
11 MONTHS IF THE PERSON IS STILL UNDER THE JURISDICTION OF THE
12 DEPARTMENT AND WOULD OTHERWISE BE UNINSURED OR UNDERINSURED
13 WITHOUT THAT FINANCIAL ASSISTANCE.

14 (8) (a) THE DEPARTMENT SHALL UPDATE THE HOUSE OF
15 REPRESENTATIVES JUDICIARY COMMITTEE AND THE SENATE JUDICIARY
16 COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, AS A PART OF ITS
17 PRESENTATION AT A HEARING HELD PURSUANT TO SECTION 2-7-203 (2)(a)
18 OF THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND
19 TRANSPARENT (SMART) GOVERNMENT ACT" ON THE STATUS OF THE
20 IMPLEMENTATION OF THE CHANGES TO THIS SECTION AND THE RELATED
21 DEFINITIONS, SECTION 17-2-201 (21), AND SECTION 17-1-113.5 ADOPTED
22 BY SENATE BILL 21-146, AND ON ITS ANALYSIS OF THE NEED FOR AND
23 CURRENT AVAILABILITY OF SPECIALIZED CARE PLACEMENT, INCLUDING
24 BUT NOT LIMITED TO SKILLED NURSING, ASSISTED LIVING, OR OTHER
25 LONG-TERM CARE SERVICES FOR INDIVIDUALS RELEASED FROM PRISON
26 WITH HIGHER CARE NEEDS WHO ARE UNABLE TO MANAGE ACTIVITIES OF
27 DAILY LIVING WITHOUT ASSISTANCE.

1 (b) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JULY 1, 2022.

2 **SECTION 3.** In Colorado Revised Statutes, **add 17-1-166** as
3 follows:

4 **17-1-166. Department duties - parole plan - report.** (1) THE
5 DEPARTMENT SHALL DEVELOP A RECOMMENDED PAROLE PLAN FOR EVERY
6 INMATE PRIOR TO A PAROLE APPLICATION HEARING OR RELEASE FROM
7 PRISON THAT INCLUDES, AT A MINIMUM, AN APPROVED SPONSOR OR OTHER
8 HOUSING OPTION AND A CONTINUITY OF CARE PLAN IF THE INMATE HAS
9 HIGHER NEEDS FOR MEDICAL OR BEHAVIORAL HEALTH CARE. THE
10 DEPARTMENT SHALL COMPLY WITH THIS SUBSECTION (1) REGARDLESS OF
11 WHETHER THE INMATE CAN PROVIDE THE DEPARTMENT WITH THE NAME OF
12 A POTENTIAL PAROLE SPONSOR. IF THE DEPARTMENT IS UNABLE TO
13 DEVELOP A RECOMMENDED PAROLE PLAN, THE DEPARTMENT SHALL
14 INFORM THE PAROLE BOARD IN WRITING AND INCLUDE A LIST OF OPTIONS
15 THAT HAVE BEEN EXPLORED BUT HAVE BEEN REJECTED BY THE
16 DEPARTMENT.

17 (2) THE DEPARTMENT, IN CONSULTATION WITH THE STATE BOARD
18 OF PAROLE, SHALL DEVELOP NECESSARY POLICIES AND PROCEDURES
19 REGARDING PRERELEASE PLANNING TO ENSURE THAT:

20 (a) ROLES AND RESPONSIBILITIES OF EMPLOYEES AND ANY
21 CONTRACTORS INVOLVED IN PRE-RELEASE PLANNING ARE CLEARLY
22 DEFINED, EMPLOYEES AND ANY CONTRACTORS ARE ADEQUATELY
23 TRAINED, AND PERFORMANCE MEASURES ARE DEVELOPED;

24 (b) ADEQUATE TRACKING AND QUALITY ASSURANCE PROCESSES
25 ARE IN PLACE SO THAT A RECOMMENDED PAROLE PLAN, WHETHER AN
26 IN-STATE OR OUT-OF-STATE PLAN, IS COMPLETED AND SUBMITTED TO THE
27 PAROLE BOARD PRIOR TO THE INITIAL AND ANY SUBSEQUENT PAROLE

1 APPLICATION HEARING;

2 (c) EXPEDITED PROTOCOLS ARE IN PLACE SO THAT AN INMATE'S
3 APPLICATION FOR PAROLE IS SUBMITTED TO THE PAROLE BOARD AT THE
4 EARLIEST POSSIBLE OPPORTUNITY IF THE INMATE IS A NEW ARRIVAL AT
5 DENVER RECEPTION AND DIAGNOSTIC CENTER OR THE CENTRAL
6 TRANSPORT UNIT AND IS PAST OR WITHIN NINETY DAYS OF THE INMATE'S
7 PAROLE ELIGIBILITY DATE;

8 (d) FORMAL MECHANISMS ARE IN PLACE TO FACILITATE EFFECTIVE
9 COMMUNICATION BETWEEN THE DEPARTMENT AND THE PAROLE BOARD,
10 INCLUDING TIMELY RESPONSES FROM THE DEPARTMENT TO PAROLE BOARD
11 REQUESTS FOR ADDITIONAL INFORMATION OR FOR A REVISED PAROLE PLAN
12 PRIOR TO THE PAROLE BOARD'S DECISION; AND

13 (e) DATA COLLECTION AND DATA SHARING BETWEEN THE
14 DEPARTMENT AND THE PAROLE BOARD ARE ADEQUATE TO ACTIVELY
15 MONITOR THE STATUS OF PAROLE APPLICATIONS WHEN THE PAROLE BOARD
16 HAS DELAYED ITS DECISION.

17 (3) THE DEPARTMENT SHALL PROVIDE A MONTHLY REPORT, BY
18 FACILITY, THE NUMBER OF PAROLE APPLICATIONS WHEN THE PAROLE
19 BOARD HAS DELAYED A DECISION, THE AVERAGE LENGTH OF TIME THE
20 PAROLE APPLICATION HAS BEEN PENDING, AND THE GENERAL REASON FOR
21 DELAYING THE DECISION IF THAT INFORMATION IS KNOWN TO THE
22 DEPARTMENT. THE INFORMATION MUST BE PROVIDED BOTH FOR THE
23 REPORTING MONTH AND YEAR TO DATE.

24 **SECTION 4.** In Colorado Revised Statutes, 17-2-201, **add** (20)
25 as follows:

26 **17-2-201. State board of parole - duties - definitions.** (20) THE
27 PAROLE BOARD OR AN INDIVIDUAL MEMBER OF THE PAROLE BOARD SHALL

1 NOT DENY PAROLE SOLELY BECAUSE THE INMATE DOES NOT HAVE A
2 RECOMMENDED PAROLE PLAN. IF THE PAROLE BOARD CONSIDERS AN
3 INMATE APPROPRIATE FOR RELEASE EXCEPT FOR THE LACK OF A
4 RECOMMENDED PAROLE PLAN, THE PAROLE BOARD SHALL DELAY THE
5 RELEASE HEARING DECISION OR RENDER A CONDITIONAL RELEASE
6 DECISION AND REQUEST THAT THE DEPARTMENT SUBMIT A RECOMMENDED
7 PAROLE PLAN OR ANY OTHER INFORMATION REQUESTED BY THE PAROLE
8 BOARD WITHIN THIRTY CALENDAR DAYS.

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10 **SECTION 5.** In Colorado Revised Statutes, 17-33-101, **amend**
11 (7)(a) as follows:

12 **17-33-101. Reentry planning and programs for adult parole**
13 **- grant program - rules - reports - repeal.** (7) (a) Subject to
14 appropriations, on and after January 1, 2015, the department shall develop
15 and implement a grant program to provide funding to eligible
16 community-based organizations that provide PRERELEASE AND PAROLE
17 PLANNING SERVICES TO PEOPLE IN PRISON AND reentry services to people
18 on parole or inmates transitioning through community corrections. The
19 department shall administer the grant program in accordance with policies
20 developed by the executive director pursuant to subsection (7)(b) of this
21 section.

22 **SECTION 6.** In Colorado Revised Statutes, 21-1-104, **add** (6) as
23 follows:

24 **21-1-104. Duties of public defender - report.** (6) THE OFFICE OF
25 STATE PUBLIC DEFENDER SHALL PROVIDE ONE OR MORE PUBLIC DEFENDER
26 LIAISONS TO THE DEPARTMENT OF CORRECTIONS AND THE STATE BOARD
27 OF PAROLE TO ASSIST INMATES OR INMATE LIAISONS WITH LEGAL MATTERS

1 RELATED TO DETAINERS, BONDS, HOLDS, WARRANTS, COMPETENCY,
2 SPECIAL NEEDS PAROLE APPLICATIONS, AND COMMUTATION APPLICATIONS.
3 THE OFFICE OF STATE PUBLIC DEFENDER, IN CONSULTATION WITH THE
4 STATE BOARD OF PAROLE AND THE DEPARTMENT OF CORRECTIONS, SHALL
5 DEVELOP ANY NECESSARY POLICIES AND PROCEDURES FOR
6 IMPLEMENTATION OF THIS SUBSECTION (6).

7 **SECTION 7.** In Colorado Revised Statutes, 17-1-113.5, **add**
8 (1)(c), (1)(d), and (6) as follows:

9 **17-1-113.5. Inmates held in correctional facilities - medical**
10 **benefits application assistance - county of residence - rules.**

11 (1) (c) THE DEPARTMENT SHALL ENSURE THAT ANY INMATE WHO IS
12 SIXTY-FIVE YEARS OF AGE OR OLDER AND IS BEING RELEASED FROM PRISON
13 IS ENROLLED IN THE MOST APPROPRIATE MEDICAL INSURANCE BENEFIT
14 PLAN INCLUDING MEDICARE, MEDICARE SAVINGS PLAN, VETERAN'S
15 BENEFIT, OR OTHER SAFETY-NET HEALTH INSURANCE, OR AN INDIVIDUAL
16 HEALTH BENEFIT PLAN PRIOR TO RELEASE OR UPON RELEASE, WHICHEVER
17 WILL OFFER THE MORE IMMEDIATE HEALTH CARE COVERAGE. IF AN
18 INMATE WHO IS SIXTY-FIVE YEARS OF AGE OR OLDER IS NOT ENROLLED IN
19 A MEDICAL INSURANCE BENEFIT PLAN PRIOR TO RELEASE AND WOULD BE
20 UNABLE TO PAY FOR COSTS ASSOCIATED WITH ENROLLMENT IN HEALTH
21 INSURANCE OR WOULD NOT OTHERWISE BE COVERED UNDER A SPOUSE'S
22 INDIVIDUAL OR EMPLOYER OFFERED INSURANCE PLAN, THE DEPARTMENT
23 SHALL PAY ANY INSURANCE PREMIUMS, PENALTIES, OR OTHER COSTS
24 RELATED TO ENROLLMENT IN HEALTH INSURANCE FOR UP TO SIX MONTHS
25 FROM THE START OF COVERAGE. THE DEPARTMENT MAY PROVIDE
26 FINANCIAL ASSISTANCE FOR LONGER THAN SIX MONTHS IF THE PERSON IS
27 STILL UNDER THE JURISDICTION OF THE DEPARTMENT AND WHO WOULD

1 OTHERWISE BE UNINSURED OR UNDERINSURED WITHOUT THAT FINANCIAL
2 ASSISTANCE.

3 (d) THE DEPARTMENT SHALL ENSURE THAT AN INMATE WHO IS
4 ELIGIBLE FOR PREMIUM-FREE MEDICARE COVERAGE IS ENROLLED DURING
5 THE INMATE'S INITIAL OPEN ENROLLMENT PERIOD OR DURING REGULAR
6 OPEN ENROLLMENT.

7 (6) IF AN INMATE IS RELEASED FROM CONFINEMENT BUT STILL
8 UNDER CRIMINAL JUSTICE SUPERVISION AND IS ELIGIBLE FOR MEDICAL
9 BENEFITS PURSUANT TO THE "COLORADO MEDICAL ASSISTANCE ACT",
10 ARTICLES 4 TO 6 OF TITLE 25.5, THE SUPERVISING CRIMINAL JUSTICE
11 AGENCY SHALL NOT PLACE ANY RESTRICTION OR MAKE ADDITIONAL
12 REQUIREMENTS A PRECONDITION THAT IN ANY WAY INHIBITS THE INMATE
13 FROM BEING ABLE TO CHOOSE A PROVIDER OR RECEIVE MEDICAL CARE,
14 BEHAVIORAL HEALTH TREATMENT, OR ANY OTHER ASSISTANCE
15 AUTHORIZED UNDER THE MEDICAL BENEFITS.

16 **SECTION 8.** In Colorado Revised Statutes, 26-11-105, **add**
17 (1)(g) as follows:

18 **26-11-105. Duties of commission.** (1) The commission, through
19 its director, shall carry out the following purposes:

20 (g) (I) STUDY AND MAKE RECOMMENDATIONS TO ENSURE THAT
21 PEOPLE WHO ARE RELEASED FROM PRISON THAT ARE SIXTY-FIVE YEARS OF
22 AGE OR OLDER ARE ABLE TO ACCESS HEALTH INSURANCE AFTER RELEASE,
23 INCLUDING:

24 (A) HEALTH INSURANCE OPTIONS THAT MIGHT BE AVAILABLE,
25 INCLUDING MEDICARE, MEDICAID, SOCIAL SECURITY, THE OLD AGE
26 PENSION FUND, OR ANY OTHER POTENTIAL OPTIONS FOR HEALTH CARE
27 INSURANCE, AND ANY ELIGIBILITY CRITERIA THAT MAY UNIQUELY IMPACT

1 A FORMERLY INCARCERATED POPULATION;

2 (B) ENROLLMENT PROCESSES FOR EACH HEALTH INSURANCE
3 OPTION AND THE COST FOR EACH OPTION;

4 (C) PROCESSES THE DEPARTMENT OF CORRECTIONS WOULD NEED
5 TO HAVE IN PLACE, BOTH PRIOR TO RELEASE AND AFTER RELEASE, TO
6 ENSURE PEOPLE SIXTY-FIVE YEARS OF AGE OR OLDER ARE ABLE TO ENROLL
7 IN AFFORDABLE HEALTH INSURANCE UPON RELEASE;

8 (D) POTENTIAL CHALLENGES, GAPS, OR RESOURCES NEEDED TO
9 ENSURE THAT INMATES SIXTY-FIVE YEARS OF AGE OR OLDER HAVE HEALTH
10 INSURANCE UPON RELEASE; AND

11 (E) ANY OTHER RECOMMENDATIONS RELEVANT TO IMPROVING
12 HEALTH CARE ACCESS FOR PEOPLE SIXTY-FIVE YEARS OF AGE OR OLDER
13 AFTER RELEASE FROM PRISON.

14 (II) ON OR BEFORE JANUARY 1, 2022, THE COMMISSION SHALL
15 PROVIDE A REPORT WITH ITS FINDINGS AND RECOMMENDATIONS PURSUANT
16 TO THIS SUBSECTION (1)(g) TO THE JUDICIARY AND HEALTH AND
17 INSURANCE COMMITTEES IN THE HOUSE OF REPRESENTATIVES AND THE
18 JUDICIARY AND HEALTH AND HUMAN SERVICES COMMITTEES OF THE
19 SENATE, OR ANY SUCCESSOR COMMITTEES. THE DEPARTMENT OF HUMAN
20 SERVICES SHALL POST THE REPORT ON THE COLORADO COMMISSION ON
21 AGING'S WEBSITE.

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23 **SECTION 9.** In Colorado Revised Statutes, 17-27.5-104, **amend**
24 (1), (2), and (3) as follows:

25 **17-27.5-104. Escape from custody - duties of peace officer or**
26 **community parole officer - definitions.** (1) If an offender fails to
27 remain within the extended limits on ~~his or her~~ THE OFFENDER'S

1 confinement as established under the intensive supervision program; or,
2 having been ordered by the parole board, the executive director, or the
3 administrator of the program to return to the correctional institution,
4 neglects or fails to do so; or knowingly removes or tampers with an
5 electronic monitoring device that ~~he or she~~ THE OFFENDER is required to
6 wear as a condition of parole, ~~he or she shall be~~ THE OFFENDER IS deemed
7 to have ~~escaped from custody~~ COMMITTED THE OFFENSE OF
8 UNAUTHORIZED ABSENCE and shall, upon conviction thereof, be punished
9 as provided in ~~section 18-8-208~~ SECTION 18-8-208.2.

10 (2) When a peace officer or community parole officer has
11 probable cause to believe that an offender has committed ~~an escape~~
12 UNAUTHORIZED ABSENCE, as described in subsection (1) of this section
13 and ~~section 18-8-208~~ SECTION 18-8-208.2, by knowingly removing or
14 tampering with an electronic monitoring device that he or she is required
15 to wear as a condition of parole, the officer shall immediately seek a
16 warrant for the offender's arrest or effectuate an immediate arrest if the
17 offender is in the presence of the officer; ~~However,~~ EXCEPT THAT, before
18 an officer arrests an offender pursuant to this subsection (2), the officer,
19 if practicable, shall determine that the notification of removal or
20 tampering was not merely the result of an equipment malfunction.

21 (3) Subsequent to any arrest pursuant to subsection (2) of this
22 section, if a peace officer or community parole officer has probable cause
23 to believe that a person has committed the offense of ~~escape under~~
24 UNAUTHORIZED ABSENCE PURSUANT TO this section, the peace officer or
25 community parole officer shall submit charges to the office of the district
26 attorney for consideration of filing pursuant to section 16-5-205.

27 **SECTION 10.** In Colorado Revised Statutes, 18-1.3-801, **amend**

1 (5) as follows:

2 **18-1.3-801. Punishment for habitual criminals.** (5) A current
3 ~~or~~ prior conviction for escape, as described in section 18-8-208 (1), (2),
4 or (3), or attempt to escape, as described in section 18-8-208.1 ~~(1) or (2)~~
5 IN EFFECT PRIOR TO MARCH 6, 2020, WITH AN UNDERLYING FACTUAL
6 BASIS THAT SATISFIES THE ELEMENTS OF UNAUTHORIZED ABSENCE AS
7 DESCRIBED IN SECTION 18-8-208.2, OR ATTEMPT THEREOF, may not be
8 used for the purpose of adjudicating a person an habitual criminal as
9 described in subsection (1.5) or subsection (2) of this section unless the
10 conviction is based on the offender's escape or attempt to escape from a
11 correctional facility, as defined in section 17-1-102, or from physical
12 custody within a county jail; except that, for the purposes of this section,
13 "correctional facility" does not include a community corrections facility,
14 as defined in section 17-27-102 (2.5), or a halfway house, as defined in
15 section 19-1-103 (62).

16 **SECTION 11.** In Colorado Revised Statutes, 17-2-201, **add (21)**
17 as follows:

18 **17-2-201. State board of parole - duties - definitions.**
19 (21) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
20 CONTRARY, THE PAROLE BOARD SHALL CONDUCT A PAROLE HEARING OR
21 THE BOARD MAY REVIEW THE APPLICATION AND ISSUE A DECISION
22 WITHOUT A HEARING, PURSUANT TO SECTION 17-2-201 (4)(f), WITHIN
23 NINETY DAYS OF THE EFFECTIVE DATE OF THIS SUBSECTION (21) IF A
24 PERSON CURRENTLY INCARCERATED HAS A CONTROLLING SENTENCE FOR
25 A CRIME ENUMERATED IN SUBSECTION (21)(b) OF THIS SECTION.

26 (b) ELIGIBLE OFFENSES ARE ESCAPE, AS DESCRIBED IN SECTION
27 18-8-208, OR ATTEMPT TO ESCAPE, AS DESCRIBED IN SECTION 18-8-208.1,

1 IN EFFECT PRIOR TO MARCH 6, 2020, IF THE UNDERLYING FACTUAL BASIS
2 SATISFIES THE ELEMENTS OF THE CRIME OF UNAUTHORIZED ABSENCE OR
3 ATTEMPTED UNAUTHORIZED ABSENCE, AS DESCRIBED IN SECTION
4 18-8-208.2 (2)(a) OR (2)(b).

5 (c) AN INMATE IS NOT ELIGIBLE FOR EXPEDITED PAROLE
6 CONSIDERATION UNDER THIS SUBSECTION (21) IF:

7 (I) THE INMATE IS NOT CURRENTLY AT OR PAST HIS OR HER PAROLE
8 ELIGIBILITY DATE; OR

9 (II) THE INMATE IS INELIGIBLE FOR RELEASE TO PAROLE PURSUANT
10 TO SUBSECTION (3.7)(a) OF THIS SECTION.

11 (d) THE DEPARTMENT SHALL PROVIDE VICTIM NOTIFICATION AS
12 REQUIRED BY SECTION 24-4.1-303 (14)(d).

13 **SECTION 12.** In Colorado Revised Statutes, 18-1.3-407, **amend**
14 (2)(b), (3.3) introductory portion, (3.3)(c)(I), (3.5), and (11.5)(a)(I);
15 **repeal** (2)(a.5), (11), and (11.5)(c); and **add** (14) as follows:

16 **18-1.3-407. Sentences - youthful offenders - legislative**
17 **declaration - powers and duties of district court - authorization for**
18 **youthful offender system - powers and duties of department of**
19 **corrections - youthful offender system study - report - definitions.**

20 (2) (a.5) ~~During any period of incarceration under the youthful offender~~
21 ~~system, privileges including, but not limited to, televisions, radios, and~~
22 ~~entertainment systems, shall not be available for an offender unless such~~
23 ~~privileges have been earned under a merit system.~~

24 (b) Article 22.5 of title 17, ~~C.R.S.~~, concerning time credits, ~~shall~~
25 ~~not apply~~ APPLIES to any person sentenced to the youthful offender
26 system; except that an offender whose sentence to the youthful offender
27 system is revoked pursuant to subsection (5) of this section may receive

1 one day of credit against the suspended sentence imposed by the court
2 following revocation of the sentence to the youthful offender system for
3 each day the offender served in the youthful offender system, excluding
4 any period of time during which the offender was under community
5 supervision BUT INCLUDING CREDIT FOR PRESENTENCE CONFINEMENT
6 AUTHORIZED PURSUANT TO SECTION 18-1.3-405.

7 (3.3) The youthful offender system consists of the following
8 components, and the department of corrections has the authority
9 described in ~~paragraphs (a) to (d)~~ of this subsection (3.3) in connection
10 with the administration of the components:

11 (c) (I) Phase II, which may be administered during the last three
12 TO SIX months of the period of institutional confinement and during which
13 time the department of corrections is authorized to transfer an offender to
14 a twenty-four-hour custody residential program that serves youthful
15 offenders.

16 (3.5) The executive director of the department of corrections ~~shall~~
17 ~~have~~ OR THE EXECUTIVE DIRECTOR'S DESIGNEE HAS final approval on the
18 hiring and transferring of staff for the youthful offender system. In
19 staffing the youthful offender system, the executive director OR THE
20 EXECUTIVE DIRECTOR'S DESIGNEE shall select persons who are trained in
21 the treatment of youthful offenders or will be trained in the treatment of
22 youthful offenders, ~~prior to working with such population~~, are trained to
23 act as role models and mentors pursuant to ~~paragraph (c) of subsection (3)~~
24 SUBSECTION (3)(c) of this section, and are best equipped to enable the
25 youthful offender system to meet the principles specified in subsection (3)
26 of this section. ALL STAFF MEMBERS MUST BE TRAINED IN THE TREATMENT
27 OF YOUTHFUL OFFENDERS WITHIN FORTY-FIVE DAYS AFTER THEIR FIRST

1 DAY AT THE YOUTHFUL OFFENDER SYSTEM. PRIOR TO RECEIVING THIS
2 TRAINING, A STAFF MEMBER SHALL NOT WORK DIRECTLY WITH JUVENILES
3 AND MUST BE SUPERVISED BY A TRAINED STAFF MEMBER WHEN WORKING
4 WITH ANY YOUNG ADULT OFFENDERS AT THE YOUTHFUL OFFENDER
5 SYSTEM. The executive director OR THE EXECUTIVE DIRECTOR'S DESIGNEE
6 shall make a recommendation to the department of personnel regarding
7 the classification of positions with the youthful offender system, taking
8 into account the level of education and training required for such
9 positions.

10 (11) ~~Any district attorney in the state shall maintain records~~
11 ~~regarding juveniles who are sentenced to the youthful offender system~~
12 ~~and such records shall indicate which juveniles have been filed on as~~
13 ~~adults or are sentenced to the system and the offenses committed by such~~
14 ~~juveniles.~~

15 (11.5) (a) (I) An offender who is sentenced to the youthful
16 offender system shall submit to ~~and pay for~~ collection and a chemical
17 testing of a biological substance sample from the offender to determine
18 the genetic markers thereof.

19 (c) ~~Any moneys received from offenders pursuant to paragraph (a)~~
20 ~~of this subsection (11.5) shall be deposited in the offender identification~~
21 ~~fund created in section 24-33.5-415.6, C.R.S.~~

22 (14) THE DEPARTMENT OF CORRECTIONS SHALL CONSULT WITH
23 ONE OR MORE EXTERNAL EXPERTS TO CONDUCT A STUDY OF THE
24 EFFECTIVENESS OF THE CURRENT YOUTHFUL OFFENDER SYSTEM, AS
25 DESIGNED BY THE ENABLING STATUTE AND AS IMPLEMENTED BY THE
26 DEPARTMENT OF CORRECTIONS. THE DEPARTMENT SHALL CONSIDER ALL
27 RELEVANT RESEARCH ON EFFECTIVE PROGRAMMING FOR YOUNG ADULTS

1 AND ALTERNATIVE MANAGEMENT AND PROGRAM MODELS FOR THE
2 YOUTHFUL OFFENDER SYSTEM. ADDITIONALLY, THE STUDY MUST ASSESS
3 THE POTENTIAL EXPANSION OF THE YOUTHFUL OFFENDER SYSTEM TO
4 SERVE OFFENDERS UP TO THE AGE OF TWENTY-FIVE YEARS WHO COMMIT
5 FELONY OFFENSES, INCLUDING THE OFFENSES WHICH CURRENTLY MAKE A
6 YOUNGER OFFENDER ELIGIBLE FOR YOUTHFUL OFFENDER SENTENCING BY
7 THE COURT, AND HOW THAT EXPANSION COULD BE IMPLEMENTED. THE
8 DEPARTMENT SHALL SEEK ALTERNATIVE FUNDING SOURCES FOR THIS
9 STUDY THROUGH GIFTS, GRANTS, AND DONATIONS OR FUND THE STUDY
10 THROUGH CURRENT APPROPRIATIONS. A REPORT OF FINDINGS MUST BE
11 COMPLETED BY THE EXTERNAL EXPERTS, IN CONJUNCTION WITH THE
12 DEPARTMENT, BY DECEMBER 1, 2021, AND THE REPORT MUST BE MADE
13 AVAILABLE TO THE PUBLIC.

14 **SECTION 13.** In Colorado Revised Statutes, 17-1-104.3, **amend**
15 (1)(b.5) as follows:

16 **17-1-104.3. Correctional facilities - locations - security level -**
17 **report.** (1) (b.5) Not more than six hundred and fifty beds at the
18 Centennial south campus of the Centennial correctional facility may be
19 operated by the department for the purpose of housing inmates who are
20 close custody inmates. At the discretion of the executive director, the
21 department may house inmates of a lower than close custody level ~~for no~~
22 ~~longer than three months from March 6, 2020,~~ in order to facilitate the
23 movement of inmates displaced as a result of prison closure, DURING A
24 DECLARED DISASTER EMERGENCY BY THE GOVERNOR, or if the lower than
25 close custody inmate is voluntarily ASSIGNED TO WORK AT THE FACILITY,
26 OR VOLUNTARILY serving as a mentor peer-support, or in another other
27 leadership role as part of departmental programming with the purpose of

1 progressing close custody inmates to lower security levels. THE
2 UNDERLYING DECLARED DISASTER EMERGENCY MUST IMPACT STATE
3 PRISON OPERATIONS.

4 **SECTION 14.** In Colorado Revised Statutes, 17-33-101, add
5 (7)(f.5)(IV.5) as follows:

6 **17-33-101. Reentry planning and programs for adult parole**
7 **- grant program - rules - reports - repeal.** (7) (f.5) (IV.5) (A) THE
8 GENERAL ASSEMBLY SHALL APPROPRIATE \$1,167,297 TO THE FUND FOR
9 FISCAL YEAR 2021-2022 FROM THE SAVINGS FROM ENACTMENT OF SENATE
10 BILL 21-146. ANY MONEY REMAINING IN THE FUND AFTER JULY 1, 2022
11 REMAINS IN THE FUND AND MAY BE SPENT BY THE DEPARTMENT IN FISCAL
12 YEAR 2022-2023.

13 (B) THE GENERAL ASSEMBLY SHALL APPROPRIATE \$1,481,662 TO
14 THE FUND FOR FISCAL YEAR 2022-2023 FROM THE SAVINGS FROM
15 ENACTMENT OF SENATE BILL 21-146.

16 **SECTION 15. Appropriation - adjustments to 2021 long bill.**

17 (1) To implement this act, appropriations made in the annual general
18 appropriation act for the 2021-22 state fiscal year to the department of
19 corrections are adjusted as follows:

20 (a) The general fund appropriation for use by management for
21 payments to in-state private prisons related to the external capacity
22 subprogram is decreased by \$2,815,470; and

23 (b) The general fund appropriation for use by institutions for
24 external medical services related to the medical services subprogram is
25 decreased by \$314,630.

26 (2) For the 2021-22 state fiscal year, \$2,798,098 is appropriated
27 to the department of corrections. This appropriation is from the general

1 fund. To implement this act, the department may use this appropriation
2 as follows:

3 (a) \$22,923 for use by management for personal services related
4 to the executive director's office subprogram, which amount is based on
5 an assumption that the department will require an additional 0.5 FTE;

6 (b) \$6,450 for use by management for operating expenses related
7 to the executive director's office subprogram;

8 (c) \$30,307 for the purchase of legal services;

9 (d) \$150 for use by management for operating expenses related to
10 the inspector general subprogram;

11 (e) \$8,700 for use by institutions for operating expenses related to
12 the superintendents subprogram;

13 (f) \$66,641 for use by institutions for personal services related to
14 the case management subprogram, which amount is based on an
15 assumption that the department will require an additional 0.9 FTE;

16 (g) \$6,700 for use by institutions for operating expenses related
17 to the case management subprogram;

18 (h) \$51,224 for use by institutions for personal services related to
19 the mental health subprogram, which amount is based on an assumption
20 that the department will require an additional 0.5 FTE;

21 (i) \$6,450 for use by institutions for operating expenses related to
22 the mental health subprogram;

23 (j) \$1,800 for use by support services for operating expenses
24 related to the communications subprogram;

25 (k) \$150 for use by support services for operating expenses related
26 to the training subprogram;

27 (l) \$1,600 for use by support services for operating expenses

1 related to the information systems subprogram;
2 (m) \$229,220 for use by support services for payments to OIT
3 related to the information systems subprogram;
4 (n) \$48,734 for use by community services for personal services
5 related to the parole subprogram, which amount is based on an
6 assumption that the department will require an additional 0.9 FTE;
7 (o) \$191,647 for use by community services for operating
8 expenses related to the parole subprogram;
9 (p) \$389,196 for use by community services for insurance
10 payments related to the parole subprogram;
11 (q) \$359,659 for use by community services for parolee
12 supervision and support services related to the parole subprogram;
13 (r) \$158,052 for use by community services for wrap-around
14 services program related to the parole subprogram;
15 (s) \$44,498 for use by the parole board for personal services,
16 which amount is based on an assumption that the department will require
17 an additional 0.9 FTE; [REDACTED]
18 (t) \$6,700 for use by the parole board for operating expenses; and
19 (u) \$1,167,297 is appropriated to the community-based reentry
20 services cash fund created in section 17-33-101 (7)(f.5)(I), C.R.S. This
21 appropriation is from the general fund. The department of corrections is
22 responsible for the accounting related to this appropriation.
23 (3) For the 2021-22 state fiscal year, \$30,307 is appropriated to
24 the department of law. This appropriation is from reappropriated funds
25 received from the department of corrections under subsection (2)(c) of
26 this section and is based on an assumption that the department of law will
27 require an additional 0.2 FTE. To implement this act, the department of

1 law may use this appropriation to provide legal services for the
2 department of corrections.

3 (4) For the 2021-22 state fiscal year, \$229,220 is appropriated to
4 the office of the governor for use by the office of information technology.
5 This appropriation is from reappropriated funds received from the
6 department of corrections under subsection (2)(m) of this section. To
7 implement this act, the office may use this appropriation to provide
8 information technology services for the department of corrections.

9 (5) For the 2021-22 state fiscal year, \$157,760 is appropriated to
10 the judicial department for use by the office of the state public defender.
11 This appropriation is from the general fund. To implement this act, the
12 department may use this appropriation as follows:

13 (a) \$142,470 for personal services, which amount is based on an
14 assumption that the department will require an additional 1.8 FTE; and

15 (b) \$15,290 for operating expenses.

16 (6) For the 2021-22 state fiscal year, \$50,000 is appropriated to
17 the department of human services for use by adult assistance programs.
18 This appropriation is from the general fund. To implement this act, the
19 department may use this appropriation for the Colorado commission on
20 aging.

21 **SECTION 16. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety.