

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

**PREAMENDED**

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

LLS NO. 21-0567.01 Michael Dohr x4347

**SENATE BILL 21-146**

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**SENATE SPONSORSHIP**

**Lee,**

**HOUSE SPONSORSHIP**

**Bacon,**

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**Senate Committees**

Judiciary  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING MEASURES TO IMPROVE PRISON RELEASE OUTCOMES.**

**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 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

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.

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.

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

1 (7.5) (a) "Special needs offender" means a person in the custody  
2 of the department:

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

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

21 (III) ~~(Deleted by amendment, L. 2011, (SB 11-241), ch. 200, p.~~  
22 ~~831, § 1, effective May 23, 2011.)~~ WHO IS SIXTY-FOUR YEARS OF AGE OR  
23 OLDER AND HAS SERVED AT LEAST TWENTY YEARS OF THE PERSON'S  
24 SENTENCE AND WAS NOT CONVICTED OF A CLASS 1 OR CLASS 2 FELONY FOR  
25 A CRIME AS DEFINED IN SECTION 24-4.1-302 (1), UNLAWFUL SEXUAL  
26 BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), A CRIME THAT INCLUDES  
27 DOMESTIC VIOLENCE AS DEFINED IN SECTION 18-6-800.3 (1), OR STALKING

1 AS DESCRIBED IN SECTION 18-3-602; OR

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

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

19 ~~(H)~~ (A) Was convicted of a class 1 felony ~~unless the offense was~~  
20 ~~committed before July 1, 1990~~; AND SENTENCED TO LIFE WITH THE  
21 POSSIBILITY OF PAROLE and the offender has served ~~at least~~ FEWER THAN  
22 twenty CALENDAR years in a department of corrections facility for the  
23 offense AND MEETS THE CRITERIA IN SUBSECTION (7.5)(a)(I), (7.5)(a)(II),  
24 OR (7.5)(a)(IV) OF THIS SECTION; or

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

27 ~~(H)~~ (C) Was convicted of a class 2 felony crime of violence as

1 described in section 18-1.3-406 C.R.S., and the offender has served fewer  
2 than ten CALENDAR years in a department of corrections facility for the  
3 offense AND MEETS THE CRITERIA IN SUBSECTION (7.5)(a)(I), (7.5)(a)(II),  
4 OR (7.5)(a)(IV) OF THIS SECTION.

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 PURUSANT 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 TWELVE MONTHS FROM THE START OF COVERAGE.  
10 THE DEPARTMENT MAY PROVIDE FINANCIAL ASSISTANCE FOR LONGER  
11 THAN TWELVE MONTHS IF THE PERSON IS STILL UNDER THE JURISDICTION  
12 OF THE DEPARTMENT AND WOULD OTHERWISE BE UNINSURED OR  
13 UNDERINSURED 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 (20), 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** (20)  
17 as follows:

18 **17-2-201. State board of parole - duties - definitions.**

19 (20) (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 (20) IF A  
24 PERSON CURRENTLY INCARCERATED HAS A CONTROLLING SENTENCE FOR  
25 A CRIME ENUMERATED IN SUBSECTION (20)(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 (20) 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 serving as a mentor peer-support, or  
26 in another other leadership role as part of departmental programming with  
27 the purpose of progressing close custody inmates to lower security levels.

1 THE UNDERLYING DECLARED DISASTER EMERGENCY MUST IMPACT STATE  
2 PRISON OPERATIONS.

3 **SECTION 14. Safety clause.** The general assembly hereby finds,  
4 determines, and declares that this act is necessary for the immediate  
5 preservation of the public peace, health, or safety.